



Statutory Planning Committee

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

**Tuesday 12 June 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 of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) *Strata Titles General Regulations 1996*;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.

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

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

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

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

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

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

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

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

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

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

Disclosure of representations

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

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

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes of 22 May 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 26 June 2012**

Statutory Planning Committee

Minutes
of ordinary meeting 7459
held on Tuesday 22 May 2012

Attendance

Members

Mr Gary Prattley
Ms Sue Burrows

Mr Henty Farrar
Mr Ian Holloway
Ms Elizabeth Taylor

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

Officers

Ms Kylie Beach
Ms Natalie Cox
Mr Stephen Petersen

Department of Planning

Senior Planning Officer, Independent Planning Reviewer
Senior Planning Officer, Independent Planning Reviewer
Planning Manager, Regional Planning And Strategy

Observers

Mr Noel Bridge

BAC Village Pty Ltd

Presenters

Mr Paul Cunningham

Greg Rowe & Associates

Committee Support

Mr Luke Downes

Committee Support Officer - Department of Planning

7459.1 Declaration of Opening

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

7459.2 Apologies

Nil.

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7459.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7459.4 Disclosure of Interests

Nil.

7459.5 Declaration of Due Consideration

No declarations were made.

Moved to item 7.

7459.6 Deputations and Presentations

7459.6.1 Subdivision to Create 49 Lots for Seasonal Staff/Workers Accommodation/Residential Purpose - Coral Bay

Presenter Mr Paul Cunningham, Greg Rowe & Associates

Mr Cunningham made a presentation to members on the subdivision to create 49 lots for seasonal staff/workers accommodation/residential purpose at Coral Bay.

Moved to item 10.2

7459.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7459.8 Confirmation of Minutes

7459.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 8 May 2012

Resolved

Moved by Mr Farrar, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday 8 May 2012, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

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Moved to item 6.

7459.9 Reports

7459.9.1

Shire of Denmark: Local Planning Strategy: Final Endorsement

File DP/09/011 34/1
Report Number SPC/179
Agenda Part D
Reporting Officer Planning Manager, Great Southern

Resolved

Moved by Ms Burrows, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the attached Schedule of Submissions;*
- 2. endorse the Local Planning Strategy subject to the attached Schedule of Modifications being carried out;*
- 3. advise the Shire that future variations to State Policy in regard to rural living proposals could be applied for via an amendment to the local planning strategy. Please liaise with the Department of Planning to discuss evidence-based approach to such variation.*

The motion was put and carried.

7459.9.2

Application to Create 3 Survey Strata Lots with Common Property Access Leg at Lot 12, (No. 12) Doust Street, Cannington

File 785-11
Report Number SPC/180
Agenda Part G
Reporting Officer A/Planning Manager - Metropolitan Central

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

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That the Western Australian Planning Commission resolves to:

- 1. exercise its discretion, under Section 138 3 (a) of the Planning and Development Act 2005, and approve the survey strata application (WAPC ref. 785-11) at Lot 12 Doust Street, Cannington, contrary to of the requirements of the City of Canning Town Planning Scheme No 40, Clause 5.4.1.5 (b), which requires a minimum lot frontage of 25m, in accordance with the plans dates stamped 31 August 2011 subject to condition(s) and advice:*

CONDITION(S):

- 1 The land being graded and stabilised. (Local Government)*
- 2 The land being filled and/or drained. (Local Government)*
- 3. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted to the satisfaction of the Local Authority. (Local Government)*
- 4. The applicant complying with the terms and conditions of the City of Canning Guided Development Town Planning Scheme No. 17A inclusive of the Public Open Space Contribution in accordance with Subclause 3.3.3 of the Scheme. (Local Government)*
- 5. A 2.0m x 2.0m x 2.83m truncation is to be provided at the junction of the access way and the rear lot. (Local Government)*
- 6. A 2.0m x 2.0m x 2.83m truncation is to be provided at the junction of the accessway and the road reserve. (Local Government)*
- 7. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the*

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specification of Western Power, for the provision of an underground electricity supply service to the survey-/vacant strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)

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. *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)*
10. *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)*

ADVICE:

1. *The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.*
2. *With regard to Condition 1, for further information please contact Council's Lands Administration Officer on 9231 0759*

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3. *The applicant is advised that the Department of Environment has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust management Plans for Development Sites. Further information on the guidelines can be obtained from the Department of Environment.*
4. *With regard to Condition 7, 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.*
5. *If an existing electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*
6. *With regard to Conditions 8, 9 and 10 Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.*
7. *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*

ADVICE TO CITY OF CANNING:

1. *The Western Australian Planning Commission resolves to:*
 - a) *Grant approval to similar survey strata/subdivision applications in*

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the City of Canning where the proposal does not meet the requirements of Clause 5.4.1.5 (b), in terms of minimum lot frontage of 25m, in order to facilitate residential development at a higher density,

- b) *Advice the City of Canning that it is recommended that it should review to initiate a Scheme Amendment which enables the City to meet the targets set in Directions 2031, as Clause 5.4.1.5 of the Scheme restricts the ability of landowners to deliver medium density outcomes.*

The motion was put and carried.

7459.9.3

Request for Endorsement of Deposited Plan 73088, Butler, City of Wanneroo

File 142158
Report Number SPC/181
Agenda Part G
Reporting Officer Senior Planning Officer - Metropolitan North West

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

- 1. support the creation of the thirteen (13) lots fronting Doncaster Grange and Glenkeen Street, Butler, below the minimum 160m² requirement of the R60 code;*
- 2. advise the applicant that the creation of undersized lots has been supported in this instance, on the basis of cost implications associated with relocating servicing infrastructure which may impact on the ability to deliver affordable land and housing options in the Butler area. However, future deposited plans and construction of lots are to be undertaken*

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*in accordance with the WAPC approved
plan of subdivision.*

The motion was put and carried.

The votes were recorded as follows:-

For: Mr Prattley, Ms Burrows, Mr Holloway, Ms Taylor

Against: Mr Farrar

7459.9.4

Development Application for the Extension of the Homelink Clinic - QEII Medical Centre

File 08-597-26
Report Number SPC/182
Agenda Part G
Reporting Officer A/Manager Planning, Metropolitan
Central

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

*That the Western Australian Planning
Commission resolves to approve the
development application in accordance with the
plans date stamped 6 December 2011 subject to
the following condition(s) and advice:*

Condition(s):

- 1. The proponent to prepare and implement a construction management plan in liaison with the City of Nedlands and to the satisfaction of the Western Australian Planning Commission.*
- 2. All stormwater from building and paving areas being contained on-site to the specification of the City of Nedlands and the satisfaction of the Western Australian Planning Commission.*

Advice:

- 1. The proposed development is to comply with all relevant Acts and Regulations.*
- 2. With regard to Condition 1, the Construction Management Plan is to detail how proposed site works will be*

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managed to minimise environmental impacts. It should address/include but not be limited to:

- (i) staging plans for the entire works;*
- (ii) applicable timeframes and assigned responsibilities for tasks;*
- (iii) on-site storage of materials and equipment;*
- (iv) parking for contractors;*
- (v) waste management;*
- (vi) management of noise in accordance with the control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition sites, as described in the Environmental Protection (Noise) Regulations 1997;*
- (vii) preparation of a Traffic Management Plan to the specification of the City of Nedlands;*
- (viii) management of vibrations; and*
- (ix) complaints and incidents.*

With regard to part (vii) above, the Traffic Management Plan is to outline the route of construction vehicles access to, within and from the site, the location of the stacking of heavy vehicles, the hours of work and risk management, and temporary signage, where required. Please liaise direct with the City of Nedlands in the above regard.

3. *With regard to Condition 2, stormwater is to be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm*

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event. The capacity of the soak wells shall be a minimum of 1 cubic metre for every 80 square metres of paved or roofed surface on the property.

4. *The City of Nedlands advises the applicant that noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.*
5. *Any additional development which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval.*
6. *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 the development is commenced. Where an Acid Sulfate Soils Management Plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.*

The "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

The motion was put and carried.

7459.9.5

Lot 800 Morrissey Road, Bullsbrook. Subdivision to Create Two Lots for Rural Purposes

File 144562
Report Number SPC/183
Agenda Part G
Reporting Officer Planning Manager - Metropolitan Planning North East

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the request for reconsideration for the subdivision of Lot 800 Morrissey Road, Bullsbrook as shown on the plan date stamped 8 November 2011. This decision is valid for three years subject to the following conditions and advice:

- 1. The plan of subdivision dated stamped by the Department of Planning on 13 July 2011 being modified to depict two lots of 34 hectares and 34.55 hectares with frontage to Morrissey Road in accordance with the attached plan dated stamped 8 November 2011. (Local Government).*
- 2. Arrangements being made with the local government for the upgrading and/or construction of Morrissey Road. (Local Government).*
- 3. Prior to commencement of site works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government. (Local Government).*
- 4. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and*

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Emergency Services Authority. (Local Government).

5. *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 lot(s) 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 state as follows:*

"No development or clearing of any vegetation on the land is to take place outside the defined building envelopes except where in accordance with an approved Fire Management Plan, Fire Break Notice or otherwise approved by the Local Government." (Local Government).

6. *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:*

"This lot is affected by a Fire Management Plan. This Plan requires all buildings to be within the specified building areas of the lot in accordance with the Fire Management Plan. This plan is available from the City of Swan." (Local Government).

7. *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. *The approval to subdivide issued by the WAPC should not be construed as an*

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approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.

2. *With regard to Condition 3, the City of Swan advises that the Building Envelopes Plan is to be in prepared in accordance with the City of Swan's Building Envelopes Policy (POL-C- 080).*
3. *With regard to Condition 4, the City of Swan advises the applicant that all fire management clearing of fire breaks, driveways and hazard separation zones are required to be included in the developer's responsibilities, with maintenance of this infrastructure and implementation/maintenance of building protection zones to be outlined as the property owner's responsibility.*
4. *With regard to Condition 7, 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.*
5. *If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*

The motion was put and carried.

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7459.10 Confidential Items

7459.10.1 City of Stirling - Local Planning Scheme No.3 Amendment No.12 - for Final Approval

File TPS/0812
Report Number SPC/184
Agenda Part B
Reporting Officer A/Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

Moved to item 10.3.

7459.10.2 Subdivision to Create 49 Lots for Seasonal Staff/Workers Accommodation/Residential Purpose - Coral Bay

File 144810
Report Number SPC/185
Agenda Part C
Reporting Officer Senior Planning Officer, Central
Regions

THIS ITEM IS CONFIDENTIAL

Moved to item 9.1.

7459.10.3 Subdivision of Lot 176 Warren Road, Bullsbrook to Create Two Lots

File 145229
Report Number SPC/186
Agenda Part C
Reporting Officer Planning Manager,
Metropolitan Planning North East, Perth
and Peel Planning

THIS ITEM IS CONFIDENTIAL

7459.10.4 City of Kalgoorlie-Boulder Local Planning Scheme 2 - Resolution to Prepare a Scheme

File TPS/0852/1
Report Number SPC/187
Agenda Part E
Reporting Officer Executive Director
Regional Planning and Strategy

THIS ITEM IS CONFIDENTIAL

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**7459.10.5 City of Rockingham - Local Planning Scheme No.2
Amendment No.99 - Reconsideration of Previous
Recommendation**

File TPS/0338/1
Report Number SPC/188
Agenda Part E
Reporting Officer Planning Director- Schemes and Appeals

THIS ITEM IS CONFIDENTIAL

7459.11 General Business

Nil.

7459.12 Items for Consideration at a Future Meeting

Nil.

7459.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 12 June 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.45 am.

PRESIDING MEMBER _____

DATE _____

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	C SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS
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9.2	ENDORSEMENT OF WAGGRAKINE RESIDENTIAL ESTATE LOCAL STRUCTURE PLAN
	G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.3	SUBDIVISION OF LOT 343 SECOND AVENUE, ONSLOW TO CREATE 2 SURVEY STRATA LOTS WITH COMMON PROPERTY ACCESS LEG.
9.4	APPLICATION FOR RETROSPECTIVE APPROVAL OF EXPANSION OF EXISTING POULTRY FARM (BIRD NUMBERS) AND ASSOCIATED BUILDINGS AND STRUCTURES. APPLICATION FOR APPROVAL TO CONSTRUCT VENTILATION STACKS, ABLUTION FACILITY AND OTHER ASSOCIATED IMPROVEMENTS TO POULTRY FARM: LOT 600 CHELTENHAM ROAD, WEST SWAN
9.5	DEMOLITION OF EXISTING GROUPED DWELLINGS AT LOT 14 AND 15 DOUST STREET, HILTON.
9.6	RETROSPECTIVE PLANNING APPROVAL FOR SIGNS: LOT 31 7 TEDDINGTON ROAD VICTORIA PARK 6101
9.7	PROPOSED EDUCATIONAL ESTABLISHMENT AND ANCILLARY USES - PADBURY HIGH SCHOOL SITE
	H SUBDIVISIONAL / SURVEY STRATA
9.8	LOT 256 COOLGARDIE STREET, MUNDARING. SUBDIVISION TO CREATE TWO LOTS FOR RESIDENTIAL PURPOSES.

9.9 SUBDIVISION TO CREATE THREE INDUSTRIAL LOTS AND ROAD RESERVE: LOT 11 LAKES ROAD, HAZELMERE

9.10 SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS: LOT 21 WEST TERRACE, KALAMUNDA

10 CONFIDENTIAL REPORTS

B LOCAL OR REGIONAL PLANNING SCHEMES/AMENDMENTS

10.1 CITY OF WANNEROO DISTRICT PLANNING SCHEME NO.2 AMENDMENT NO.115 FOR CONSENT TO ADVERTISE

10.2 CITY OF GOSNELLS – TOWN PLANNING SCHEME NO.6 AMENDMENT NO.125 - FOR FINAL APPROVAL

10.3 CITY OF GOSNELLS - TOWN PLANNING SCHEME NO.6 AMENDMENT NO.121 - FOR FINAL APPROVAL

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

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

10.5 SHIRE OF DANDARAGAN - LOCAL PLANNING SCHEME NO. 7 AMENDMENT NO. 6 - FOR FINAL APPROVAL

G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA

10.6 DEVELOPMENT PLAN FOR LOT 331, HAMILTON ROAD, SOUTH HEDLAND

10.7 SAT APPLICATION FOR REVIEW: DR 45 OF 2012 KURRA AT NEWMAN VS WA PLANNING COMMISSION SECTION 31 RECONSIDERATION REQUEST

ITEM NO: 9.1

SUBDIVISION TO CREATE 479 LOTS FOR RESIDENTIAL, BALANCE LOT PURPOSE: PEBBLE BEACH BOULEVARD & GREENVILLE VISTA, MEADOW SPRINGS

WAPC OR COMMITTEE: STATUTORY PLANNING COMMITTEE

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Delegated Officer,
Peel Planning, Perth and Peel Planning
AUTHORISING OFFICER: Planning Director,
Peel Planning, Perth and Peel Planning
AGENDA PART: G
FILE NO: 144489
date: 30 May 2012
ATTACHMENT(S): 144489 Att 1 - Location plan.pdf,
144489 Att 2 - Approved plan.pdf,
144489 Att 3 - ODP.pdf,
144489 Att 4 - Revised plan.pdf
REGION SCHEME ZONING: PRS: URBAN, FRONTS PRIMARY REGIONAL
ROADS, REMNANT VEGETATION (NLWA)
LOCAL GOVERNMENT: City of Mandurah
LOCAL SCHEME ZONING: Urban Development
LGA RECOMMENDATION(S): Conditional Support
REGION DESCRIPTOR: MAND
RECEIPT DATE: 30 June 2011
PROCESS DAYS: 76
APPLICATION TYPE: Subdivision
DESCRIPTION OF PROPOSAL: Subdivision To Create 479 Lots For Residential,
Balance Lot Purpose.
CADASTRAL REFERENCE: Pebble Beach Boulevard & Greenville Vista,
Meadow Springs

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the revised plan of subdivision date stamped 14 May 2012 in substitution for the plan date stamped 30 June 2011, subject to the same terms and conditions as stipulated in the WAPC's letter of approval dated 14 September 2011.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan

Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy

Compliance: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

SUMMARY:

The revised plan is presented to Committee as the application does not comply with the R-Coding specified on the approved Outline Development Plan (ODP).

A revised plan is sought to increase the number of conditionally approved residential lots from 479 to 486, realign a road reserve and adjust lot frontages.

It is recommended the application be approved subject to the same terms and conditions as the original application.

INTRODUCTION:

The subject land is located in the City of Mandurah within the Meadow Springs estate (**Attachment 1** - Location Plan).

On 14 September 2011 the WAPC granted subdivision approval of 479 residential lots ranging in size from 225m² to 681m², various road reserves, public open space and two balance lots (**Attachment 2** - Approved Plan of Subdivision), subject to minor modifications. That plan was submitted to Committee as it did not comply with the R-Codings specified on the approved Meadow Springs ODP (**Attachment 3** - ODP).

The applicant now seeks approval of a revised plan (**Attachment 4** - Revised Plan) in substitution for the approved plan of subdivision which seeks to:

1. Increase the number of lots by seven from 479 to 486 lots;
2. Realign Pebble Beach Boulevard to accommodate engineering services;
3. Remove a laneway and reorientate lots which faced Public Open Space (POS), adjacent to Camden Way, due to steep site contours which would require extensive retaining and engineering works;
4. Reorientate lots to accommodate steep topography in the northern portion of the application area;
5. Include rear laneways as required by condition 1 of approval dated 14 September 2011; and
6. Provide additional variation of lot types by:
 - a. increasing the number of 10m wide lots;
 - b. relocating a number of 15m wide lots;

- c. increasing a number of 15m wide lots to 17m; and
- d. including a number of cottage lots (highlighted yellow on Attachment 4)

A modified ODP has not been submitted to the City of Mandurah for approval. In this respect the City advises that the modifications required by the WAPC's decision in September 2011, and other approved subdivision applications, result in minor modifications to the residential densities and POS of the approved ODP. These minor modifications can be corrected as part of proposed Town Planning Scheme amendments and avoids unnecessary duplication of processes.

CONSULTATION:

The City of Mandurah supports the revised plan in part. The City notes:

- a) two lots will have a shared side boundary with POS which may result in reduced surveillance due to site topography; and
- b) a tree within the northern portion of the subject land will not be protected under the revised plan and although the tree would not have been protected under the approved plan, the preference would be for the plan to be modified to protect the tree.

No other referral agency comments were sought for the revised plan as the modifications are considered minor.

All recommended conditions have been assessed and where considered fair, reasonable and relevant, they should be imposed.

PLANNING ASSESSMENT

The lots subject to the revised plan are identified as Residential R25 and R30 on the approved ODP.

Approval of the revised plan is sought without the ODP being updated. Clause 7.11.3.11 of TPS 3 enables Council to recommend that the WAPC approve a subdivision which does not comply with any aspect of the approved ODP, if Council considers that the proposed departure will not prejudice the progressive development of the area and if the modification is not considered to be of a substantial nature.

The R-Codes requires a minimum lot size of 320m² and 270m² with an average lot size of 350m² and 300m² for lots coded R25 and R30 respectively.

Whilst the majority of lots comply with the respective R-Code requirements identified on the approved ODP, five lots do not comply, as highlighted in yellow on Attachment 4. These lots are proposed at a density of R30 within a current R25 area, resulting in an increase of three lots within the street block.

The required variation to the minimum lot size requirements and departure from the approved ODP is supported for the following reasons:

- a) the provision of smaller lots is consistent with the intent of the approved ODP;

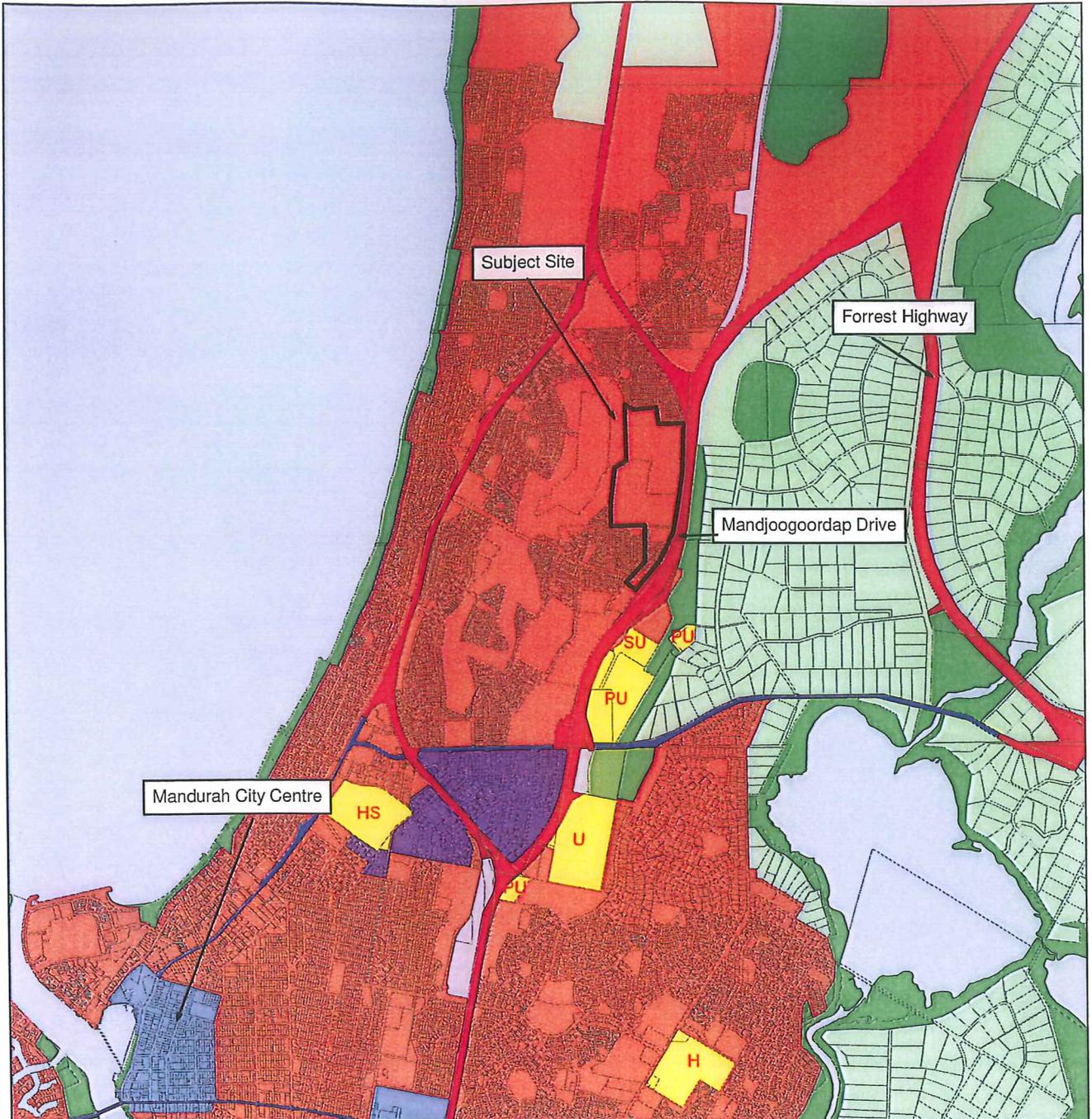
- b) the proposed smaller lots will provide for a wider variety of housing choice and potentially more affordable housing in a high amenity area;
- c) Detailed Area Plans will be prepared for the laneway lots to ensure appropriate built form;
- d) although the number of lots is proposed to be increased by seven lots by the revised plan, this represents an overall increase of only 1.44% to the number of lots in the originally approved application;
- e) the proposed realignment of Pebble Beach Boulevard is minor in nature and does not significantly alter the proposed lots;
- f) the ODP is likely to be updated prior to the lots being created; and
- g) the revised plan does not generate the need for any new conditions to be imposed.

The City's concerns notwithstanding:

- a) other lots adjacent to POS have side boundaries within the estate;
- b) the POS has surveillance opportunities from lots abutting the high side of the POS; and
- c) a condition requiring tree preservation and/or relocation have already been applied to the subject application.

CONCLUSION:

It is recommended that the revised plan be adopted, in substitution for the approved plan of subdivision, subject to the same terms and conditions outlined in the Commission's letter of approval dated 14 September 2011.



Cadastre with Lot Numbers	PRIMARY REGIONAL ROADS	PP - HIGH SCHOOL
URBAN	OTHER REGIONAL ROADS	PP - UNIVERSITY
REGIONAL CENTRE	REGIONAL OPEN SPACE	PP - SPECIAL USES
INDUSTRIAL	WATERWAYS	PP - PUBLIC UTILITIES
PRIVATE RECREATION	RAILWAYS	
RURAL	PP - HOSPITAL	

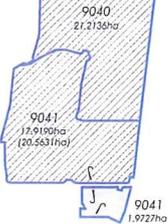
Scale 1:45,000
 0 1.25 km

Prepared by: Iharris
 Prepared for: 144489
 Date: Wednesday, August 31, 2011 09:48
 Plot identifier: P20110831_0947

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

144489 - Location Plan



Subject Area
 Lot 9040 & 9041 - 41.776ha
 Subdivision Area - 39.132ha
 Balance Lot - 2.644ha

YIELD

Residential	-	477 Lots
Density Site	-	N/A
Balance Lot	-	2 Lot
Total	-	479 Lots



DEPARTMENT OF PLANNING
 MANDURAH OFFICE
 30 JUN 2011
 144489

APPROVED PLAN OF SUBDIVISION

Lot 9040 & 9041 Pebble Beach Boulevard
Meadow Springs

SCANNED

plan no: 967-208F-02
 scale: 1:500 @ A1

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PUBLIC OPEN SPACE SCHEDULE	
GROSS SUBDIVIDABLE AREA	459.6741Ha.
DEDUCTIONS	
NEIGHBOURHOOD SHOPPING CENTRE	81.5445Ha.
SCHOOLS	4.4455Ha.
COMMERCIAL	30.8993Ha.
IMPORTANT REGIONAL ROAD	0.3259Ha.
PUBLIC UTILITY	1.6023Ha.
PUBLIC UTILITY	3.9456Ha.
TOTAL	122.7631Ha.
NETT SUBDIVIDABLE AREA	336.9109Ha.
10% PUBLIC OPEN SPACE REQUIREMENT	33.6910Ha.
PROPOSED PUBLIC OPEN SPACE (Existing +)	
AREA A	1.4860Ha.
AREA B (Includes 50% credit for water body)	1.0073Ha.
AREA C (Includes 50% credit for water body)	0.3687Ha.
AREA D	1.1312Ha.
AREA E *	1.7642Ha.
AREA F *	0.2915Ha.
AREA G **	1.6300Ha.
AREA H **	3.9209Ha.
AREA I	0.2887Ha.
AREA J	0.7275Ha.
AREA K	0.0796Ha.
AREA L	0.5090Ha.
AREA M	0.5887Ha.
AREA N	1.1996Ha.
AREA O	0.6021Ha.
AREA P	0.8632Ha.
AREA Q	4.1836Ha.
AREA R	0.7606Ha.
AREA S	0.8577Ha.
AREA T	0.5339Ha.
AREA U	13.2223Ha.
AREA V	0.0679Ha.
AREA W	0.2028Ha.
TOTAL	36.3180Ha.
P.O.S. PROVIDED = 10.8%	
P.O.S. OVERPROVISION	2.6270Ha.

LEGEND

- Outline Development Plan Boundary
- Residential
- R-Code Boundary
- Commercial
- District Recreation
- Local Recreation (POS)
- Community Purpose



Mixed Use Commercial/ R40. Future use dependent on the provision of the diamond interchange.

APPROVED / ENDORSED
 BY THE WESTERN AUSTRALIAN PLANNING COMMISSION ON 24.9.07. 2006

NOTES
 1. The road and lot layout is indicative only subject to further consideration at time of subdivision to ensure that adequate passive solar orientation is achieved and earthworks, and the need for retaining walls, is reduced to an absolute minimum.

ORIGINAL PLAN APPROVED
 DATE STAMPED: 30 JUNE 2011 -
 SUPERCEDED BY PLAN
 DATE STAMPED 17 APR 2012
 AND THE PLAN DATE STAMPED
 17 APR 2012 SUPERCEDED BY
 THIS PLAN DATE STAMPED :
 14 MAY 2012

REVISED PLAN
 supercedes whole/portion of plan date stamped:

17 APR 2012



Yield (Residential)	
This plan -	486 lots
Approved Plan -	479 lots
Difference -	+7 lots

144489
 14 MAY 2012

ITEM NO: 9.2

ENDORSEMENT OF WAGGRAKINE RESIDENTIAL ESTATE LOCAL STRUCTURE PLAN

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer
AUTHORISING OFFICER: Executive Director - Regional Planning and Strategy
AGENDA PART: C
FILE NO: SPN 0216
DATE: 11 August 2011
ATTACHMENT(S): Attachment 1 - Structure Plan
Attachment 2 - Locality Map
Attachment 3 - LPS 5 Zoning Map
Attachment 4 - Schedule of Submissions
Attachment 5 - Decision Making Options and Implications

REGION SCHEME ZONING: N/A
LOCAL GOVERNMENT: City of Greater Geraldton
LOCAL SCHEME ZONING: Residential R12.5, Residential R30, Residential R5, Development, Parks and Recreation Reserve, Public Purposes (Drainage), Public Purposes (Hall), Public Purposes (High School), Public Purposes (Primary School), Public Purposes (Primary and High School).

LGA RECOMMENDATION(S): Adopt the Structure Plan
REGION DESCRIPTOR: Mid West
RECEIPT DATE: 04 February 2011
PROCESS DAYS: N/A
APPLICATION TYPE: Final Endorsement of Local Structure Plan
CADASTRAL REFERENCE: Multiple lots bounded by Beattie Road, Collins Road, Sutcliff Road and the future Chapman Valley Road bypass, Waggrakine.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to advise the City of Greater Geraldton that it is prepared to endorse the Waggrakine Residential Estate Local Structure Plan, subject to the attached Schedule of Modifications.

SUMMARY:

The City of Greater Geraldton is seeking final endorsement of the Waggrakine Residential Estate Structure Plan following repeal of the Waggrakine Guided Development Scheme in 2011. Fully serviced residential development at R12.5 density is a planning outcome identified for this area, the achievement of which has been hindered by fragmented land ownership and the limitations this creates for the delivery of key infrastructure such as reticulated sewerage. Modifications to the Structure Plan will enable incremental subdivision to occur without varying from State Government Policy and whilst also not compromising the full development potential of the area when sewerage infrastructure becomes available. Other modifications to the proposed Structure Plan are recommended to improve consistency with current planning policy whilst recognising the long planning history of the area.

BACKGROUND:

The Waggrakine Residential Estate Structure Plan (Structure Plan) is intended to further the development concept for the Waggrakine area as originally espoused by Town Planning Scheme No. 3 Waggrakine Guided Development Scheme (WGDS), that is, fully serviced residential development.

The WGDS was gazetted in February 1981 and its repeal was gazetted on 19th July 2011. The WGDS was considered to be no longer required given the current zoning of the area under the City of Geraldton-Greenough Local Planning Scheme No. 5 (LPS 5) and the ability to address matters formerly included in the WGDS via other means, including structure plan provisions under LPS 5 and the imposition of conditions on subdivision approvals.

It should be noted that on the advice of the Department of Planning's (DoP) Legal Services, received in response to correspondence from representatives of an affected landowner, consideration of the Structure Plan by the WAPC was delayed until such time as the WGDS was repealed. The correspondence dated 16 March 2011 from Lavan Legal on behalf of the land owner raised questions regarding the validity of the local government's adoption of the Structure Plan and threatened legal action should the WAPC favourably consider it.

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:

Improve local planning service capability.

Policy

Number and / or Name:

SPP 1 State Planning Framework Policy

SPP 3 Urban Growth and Settlement

Liveable Neighbourhoods

Draft Country Sewerage Policy

DC Policy 1.1 Subdivision of Land - General Principles

DC Policy 1.4 Functional Road Classification for Planning
DC Policy 1.5 Bicycle Planning
DC Policy 2.3 POS in Residential Areas
DC Policy 2.4 School Sites

DETAILS:

The Structure Plan area comprises approximately 267ha and is located approximately 6km north-east of the Geraldton City Centre. The area's boundaries are delineated by the North West Coastal Highway to the west, Collins Road and Sutcliff Road to the north and east respectively and a future District Distributor Road to the south. Chapman Valley Road traverses the area in an east-west direction and is currently the primary route into Geraldton from the Waggrakine area and the rural residential and rural areas beyond to the east. A large portion of the structure plan area, mostly south of Chapman Valley Road has already been developed for residential purposes, predominantly at R12.5 density. **(Attachment 1 – Structure Plan)**

The Structure Plan area is on the northern development front of the central urban area of Geraldton. Suburbs to the north and east are comprised primarily of rural residential development. A total yield of 2500 lots is expected for the Structure Plan area. **(Attachment 2 – Locality Map)**

The Structure Plan is proposed to update and incorporate the main functions (ie. guidance for subdivision design and infrastructure delivery) of the now repealed WGDS into the current planning framework provided by the *Planning and Development Act 2005* and LPS 5. LPS 5 includes most residential land in the Residential R12.5 zone with the exception of a small area on the eastern side of Hall Road coded at R5 and a 9.7ha area bounded by Chapman Valley Road, Hall Road and Constantine Road, zoned 'Development.' Other parts of the structure plan are zoned or reserved under LPS 5 for uses consistent with large scale residential development including school sites and public open space. **(Attachment 3 – LPS 5 Zoning Map)**. The majority of public open space is already owned by the local government, including the land identified for a community centre and local centre. School sites are already in the ownership of education authorities.

Clause 5.17.5.1 of LPS 5 enables a structure plan to be required by the local government or the WAPC for any zone or development area. Land ownership across the structure plan area is largely fragmented, enhancing the need for a structure plan to facilitate the achievement of longstanding planning outcomes identified for the area ie. fully service residential development.

The Structure Plan does not propose any provisions for the sharing of infrastructure cost amongst land owners and the City is not prepared to administer a developer contribution scheme for the area.

The Structure Plan is generally consistent with the land use classifications (ie. zone or reservation) for the area under LPS 5. In the undeveloped areas, the Structure Plan provides guidance with regards to the future road layout, the location and size of public open space (POS) and identifies a 2ha site for a community centre (reserved as Public Purpose (Hall)) and a 1.75ha local centre (included in the area zoned

Development). The remainder of the land zoned 'Development' is identified by the Structure Plan for mixed use including retail, employment and medium density housing.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The WAPC and the Minister have received correspondence from an affected landowner disputing the validity of the local government's adoption of the Structure Plan and threatening Supreme Court action if the WAPC approves the Structure Plan in its current form. Further to additional information being obtained from the City regarding matters raised by Lavan Legal, DoP's legal services advise that the WAPC should proceed with consideration of the Structure Plan notwithstanding that there remains some risk that Lavan Legal may seek a permanent or temporary injunction restraining the WAPC from endorsing it. Should this occur there will potentially be increased use of DoP's resources in statutory planning and legal services.

Depending on the final decision regarding final endorsement of the Structure Plan, there are a range of planning and policy implications to be considered. These are outlined in detail at **Attachment 5 - Decision Making Options and Implications** and discussed under the Officer Comment section of this report.

CONSULTATION:

The Structure Plan was advertised concurrently with the proposal to repeal the WGDS and circulated to all relevant government agencies and service providers. A total of 10 submissions were received including 7 submissions of objection. With the exception of the submission from the Department of Education, all submissions were in relation to the Structure Plan rather than the repeal of the WGDS.

Consultation also occurred with the Water Corporation (WC). The WC has already undertaken wastewater planning for the Waggrakine area. The WC advised that it is not responsible for extension of sewer mains to service the area as it does not generally initiate headworks construction. Sewer mains to the area would normally be privately funded.

Consultation between officers of the City of Greater Geraldton and Department of Planning has also occurred to discuss ways to allow subdivision of the area without compromising the ultimate land use intent should sewer become available. The City confirmed that it is unwilling to administer a development contributions scheme. The City would however be prepared to support future "superlot" subdivisions where each superlot is capable of the development of a minimum of 10 future residential lots to the R12.5 standard and where it is demonstrated that this could be achieved. This would involve the use of subdivision guide plans (SGP's) identifying a future lot configuration to ensure that further subdivision is possible should the required sewer infrastructure become available. The City advised that it is only supportive of this approach should existing issues not be exacerbated in the future for example, a landholder having to wait for an increased number of other landholders to subdivide, to be able to extend the local road network in accordance with the Structure Plan.

The recommended Schedule of Modifications aimed at supporting the "superlot" approach was discussed with the City and no objections have been raised.

Submissions

All submissions of objection were from members of the community (rather than government agencies) and most were about the implications of the Structure Plan for the development of individual landholders' land. Two key issues were raised in these submissions:

- issues for landholders surrounding the continued requirement by the Structure Plan for most new subdivision to be connected to reticulated sewer, and
- the proposed location and alignment of future Public Open Space and roads and implications on land value and development potential.

A Schedule of Submissions is included at **Attachment 4 – Schedule of Submissions** and includes a response to each point raised by submitters.

Ministerial Matters

Since 2007 the previous and current Minister have received correspondence from Waggrakine landholders numerous times, expressing concerns at the difficulty of subdividing land included in the WGDS (ie. the subject Structure Plan area). Similar to the concerns raised in response to public advertising of the Structure Plan, the main issue raised by landholders was the impermissibility under the WGDS to create large unsewered lots for example, 2000m² lots and larger that would otherwise potentially be allowable under the discretionary provisions of the Draft Country Sewerage Policy.

OFFICER'S COMMENTS:

The main issues raised by submitters relate to the provision of reticulated sewerage, public open space (POS) and roads.

Provision of Reticulated Sewerage

The provision of a reticulated sewerage service is considered to be the key issue pertaining to the proposed Structure Plan given the difficulty of achieving fully serviced residential and associated development in the context of fragmented land ownership. Based on 2007 estimations, approximately \$5 million is required to fund the sewer mains through to the then Waggrakine Guided Development Scheme area and a pro-rata contribution for one 2000m² lot was estimated at \$5400.

The Draft Country Sewerage Policy, as it applies to Geraldton and the Structure Plan area, requires the provision of reticulated sewerage to all subdivision or density development except for instances outlined in the discretionary provisions of the Policy. Clause 5.2 of the discretionary provisions exempts large lots, defined as being no less than 2000m² from being connected to reticulated sewer, provided that after consideration of consultation outcomes, there is no opportunity for further subdivision without reticulated sewerage. The Structure Plan, in its current form is inconsistent with the Draft Country Sewerage Policy in two ways:

1. The Structure Plan will impose increased limitations on when larger (ie. 2000m² or greater) unsewered lots will be supported. The Structure Plan

limits the creation of larger lots (>2000m²) to where an existing house constructed prior to gazettal (6 February 1981) of the now repealed WGDS would be excised, and in the instance of the lot containing the house being greater than 2000m², there is demonstrated planning merit.

2. The Structure Plan will support the creation of unsewered lots less than 2000m² where there is an existing house (regardless of when it was built).

In this context, four options regarding the request for final endorsement of the Structure Plan were considered. These options and the planning implications of each are summarised below and outlined in more detail at **Attachment 5 - Decision Making Options and Implications**.

- Option 1: Approve the Structure Plan in its current form with provisions that generally prohibit any unserviced subdivision and which also includes provisions which are inconsistent with the Draft Country Sewerage Policy as outlined above.
- Option 2: Refuse the Structure Plan on the basis of it not facilitating orderly and proper planning.
- Option 3: Approve the Structure Plan subject to removal of provisions requiring mandatory connection to a reticulated sewer system as well as removal of identified inconsistencies with the Draft Country Sewerage Policy.
- Option 4: Approve the Structure Plan subject to modifications facilitating the creation of superlots, where each superlot is capable of being further subdivided for the development of a minimum of 10 residential lots to the R12.5 standard including connection to a reticulated sewer system.

In the absence of a development contributions scheme, Option 4 is favoured given that it would provide for subdivision in the area without compromising future intensification to the R12.5 density code should a reticulated sewer service become available. Discussions with City planning officers indicated that it would support "superlot" subdivision provisions where each superlot is capable of the development of a minimum of 10 future residential lots to the R12.5 standard. The first three options are not considered to address the matter of reticulated sewerage being provided at all and in the case of Option 1 will likely serve to perpetuate the circumstances under the now repealed WGDS with the exception of enabling the creation of unserviced lots on a "house by house" basis.

Option 4 would involve the preparation of an SGP to be approved by the local government either prior to or as part of making a subdivision application. The SGP's would include identification of a future lot configuration at R12.5 density. The ceding and or construction of roads may also be required as conditions of subdivision approval.

Although not supported by the WAPC's Development Control Policy 1.1, which includes a presumption against superlot subdivision, such an approach is supported in this instance as it will facilitate subdivision, albeit in an incremental way, and may eventually lead to the area's full development potential being reached.

POS and Roads

With regards to POS, landholder's were generally concerned about their land being included in future POS areas and the likely impact of this on the development potential and value of their land. Sections 153 - 156 of the *Planning and Development Act 2005* provide for the collection of monetary contributions by landholder's towards POS in lieu of land and subsequently, the monetary recompense of landholder's contributing more than their share of POS in terms of land.

With regards to the implications of the alignment of proposed roads for landholders, the Structure Plan largely reflects the road layout previously imposed by the WGDS with the exception of reducing the number of culs-de-sac, thereby improving the permeability of the area in terms of access and thereby also improving consistency with contemporary planning principles. As is common practice, subdividers will need to cede and/or construct all roads required to service their subdivision. It should also be noted that the provisions of Division 4 of the *Planning and Development Act 2005* provide a mechanism for a subdivider to recover the cost from subsequent subdividers who are relying on that same road for access to new subdivision.

Other Policy Related Matters

State Planning Policy 3 – Urban Growth and Settlement includes “planning for liveable neighbourhoods” as a key policy measure to be implemented by the WAPC’s “Liveable Neighbourhoods” (LN) policy. WAPC Development Control Policies also apply to the proposal.

Liveable Neighbourhoods

There are four key areas of inconsistency with LN which are discussed below:

1. The Structure Plan does not currently identify a categorised movement network (eg. neighbourhood connector, access street) in accordance with Element 2 and subsequently, also does not currently identify a cycle/pedestrian movement network.

It is considered appropriate that Structure Plan be modified to address the absence of information regarding the movement network and identification of an intended pedestrian / cycle path network. Such information would inform the subdivision process and ensure an appropriate standard of road design and vehicular and pedestrian / cycle access to key locations in the Structure Plan area including the schools, parks, community centre and local centre.

A minor modification to the Structure Plan map is also recommended to reduce the block length of land in the north-eastern corner of the Structure Plan area at the corner of Collins Road and Sutcliff Road. The current block length is approximately 650m, far exceeding others in the Structure Plan area and nearly three times the maximum length (ie. 240m) recommended by LN.

2. There is no inclusion of an Integrated Urban Water Management Plan and therefore there is no identification of restricted public open space that in accordance with LN should not exceed 2% of the required 10% land contribution to POS.

Whilst not ideal, the absence of an Integrated Urban Water Management Plan is considered to be able to be addressed during the subdivision process. The inclusion of information in the Structure Plan, particularly with regards to the current approach to stormwater management would however, likely assist in ensuring that current landholder's and future developers are aware that the type of drainage system already existing in the Structure Plan area (i.e. sumps and pipes) is generally no longer acceptable.

With regards to there being no identified allocation of restricted POS, the amount of POS in the Structure Plan area, is expected to likely to be able to accommodate any required quantity of restricted POS even if more than 2% is required. There is no current POS strategy for the local government area that would assist in determining appropriate POS size and distribution. Notwithstanding this, the generous size of the POS areas (1.1ha to 8.1ha) and the proximity of the these areas to each other (ie. approx. 600m max) and the subsequent overlap of "catchment areas," suggests that there is more than adequate POS proposed to service the expected resident population allowing any surplus to be used for stormwater management purposes if required.

3. Requirements in 'Element 6 – Utilities' of LN support the implementation of the Draft Country Sewerage Policy.

This matter is discussed above under the 'Provision of Reticulated Sewerage' heading.

4. The proposed 1.75ha local centre could potentially accommodate retail Net Lettable Area (NLA) of an estimated total of 5800m² NLA which is significantly greater than that generally considered appropriate for a Neighbourhood Centre (4500m² for a "large" centre).

The proposed local centre is included in the part of the Structure Plan area that is zoned 'Development' under LPS 5. A requirement of the Structure Plan is that a Detailed Area Plan (in accordance with the provisions of LPS 5) be prepared for the 'Development' zone.

The proposed local centre is consistent with the location of a neighbourhood centre identified by the City of Geraldton-Greenough Interim Commercial Activity Centres Strategy (ICACS). Notwithstanding this, the appropriateness of the proposed centre's size is questionable given that the ICACS recommends confining retail floor space to 4500m² and LN recommends that large neighbourhood centres should not be provided unless it can be demonstrated that such centres will not adversely affect the provision and location of successful larger town centres, or constrain the distribution of neighbourhood centres in walking distance of most residents. Modifications to the Structure Plan text are recommended to ensure appropriate reference to LN rather than 'SPP 4.2 - Activity Centres for Perth and Peel' and to emphasise the need for the size of the local centre, as shown in any Detailed Area Plan, to be justified from a strategic planning perspective.

Development Control Policies

DC Policy 1.4 Functional Road Classification for Planning and DC Policy 2.6 Residential Road Planning supports the classification of the road system to identify an appropriate hierarchy to ensure appropriate road design. This matter has been discussed above in relation to the identification of a categorised movement network as per LN. Similarly to LN, DC Policy 1.5 Bicycle Planning supports consideration of cyclists needs in subdivision design and development.

Statutory Matters

The Department of Planning has sought legal advice regarding Decision Making Option 1 (approval of the Structure Plan in its current form). There are concerns regarding the validity and enforceability of Structure Plan provisions where it is known that landholders are unlikely to be able meet the mandatory requirement for new subdivision to be connected to a reticulated sewerage system. Advice from the State Solicitor's Office (SSO) puts these concerns in the context of whether planning authorities are entitled to set long term visions for a particular locality, which are not yet achievable. The SSO's advice, amongst other things, concludes that with regards to LPS 5, the Structure Plan would be a "highly relevant - but not determinative - factor to be considered in assessing any subdivision application in that locality."

To address the SSO's advice and to further the statutory weight of the Structure Plan, regardless of its final form, an Amendment to the City's LPS 5, is proposed. The amendment would include the following clause or clause of similar meaning, in the "Operation of Structure Plan" section of LPS 5:

5.17.12.3 The structure plan applies to the land as if it were part of the Scheme and it is binding and enforceable in the same way as provisions of the Scheme.

The local government has raised no objection to inclusion of such a clause in LPS 5, and it is considered that this proposal can be progressed as a separate matter to consideration of the subject Structure Plan.

It should also be noted that the SSO's advice posits that "if a subdivision application can demonstrate that an application for larger lots will not prejudice the achievement of the objectives of the Structure Plan, it may be that such an application could be supported as an interim measure." This is considered to support preferred Option 4 which facilitates a "superlot" approach.

CONCLUSION:

The Structure Plan area is not a "greenfield" site and its future subdivision design and development is partly constrained by the legacy of the WGDS in terms of existing density development and the layout of the local road network, existing reserved areas of POS and drainage, and location of school sites.

Superlot subdivision in this instance is considered to facilitate subdivision, albeit in an incremental manner, that should reticulated sewer become available, may ultimately

achieve subdivision and development to R12.5 density. Modifications to the Structure Plan are recommended to implement this approach and to improve consistency with current planning principles and policy.

FINAL APPROVAL

Adopted for Final Approval by resolution of the City of Geraldton-Greenough of the ordinary meeting of the Council held on the 21st day of December 2010 and the Common Seal of the City of Geraldton-Greenough was hereunto affixed by the authority of a resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

LEGEND

- Structure Plan Boundary
- School Sites
 - PS Primary School
 - HS High School
 - RCS Roman Catholic School
- Community Facilities
- Local Centre
- Public Open Space
- Drainage
- Hall Road Local Centre/Development Zone
Detailed Area Plan to be adopted prior to subdivision and / or development
- Roads to be Closed



LAND USES / SITES	LAND AREA (ha)
Gross Area of Structure Plan	267.23
Non-Residential Deductions	
Local Centre	1.75
Community Centre	2.00
Drainage Reserves	
» Reserve 48613	0.24
» Reserve 36663	0.40
» Reserve 45727	0.09
» Reserve 48690	<u>0.09</u>
Sub-Total Drainage	0.82
School Sites	
» Primary School	3.98
» High School	8.0
» Private School	8.09
Sub-Total School Sites	<u>20.17</u>
Sub-Total Non-Residential Deductions	24.74
Gross Residential Area	242.49
Public Open Space	
» Site 1	1.62
» Site 2	3.67
» Site 3	4.06
» Site 4 (Reserve 36662)	4.01
» Site 5 (Reserve 50206)	1.17
» Site 6	0.30
» Site 7 (Reserve 36545)	0.9
» Site 8 (Reserve 36082)	1.10
» Site 9 (Reserve 43314)	8.09
» Site 10 (Reserve 48689)	<u>0.04</u>
Sub-Total POS (10%)	24.25
Required POS (10%)	24.25
Net Residential Area	218.24

TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

date 19 August 2010 job no. 5773 scale 1:5000 @ A1

designer A Stewart prepared by D McCulloch e-ref 081002

client City of Geraldton - Greenough

291 Marine Terrace, Geraldton, Western Australia, 6530
email geraldton@greg-rowe.com web www.greg-rowe.com tel +618 9956 0633 fax +618 9965 0633

title structure plan

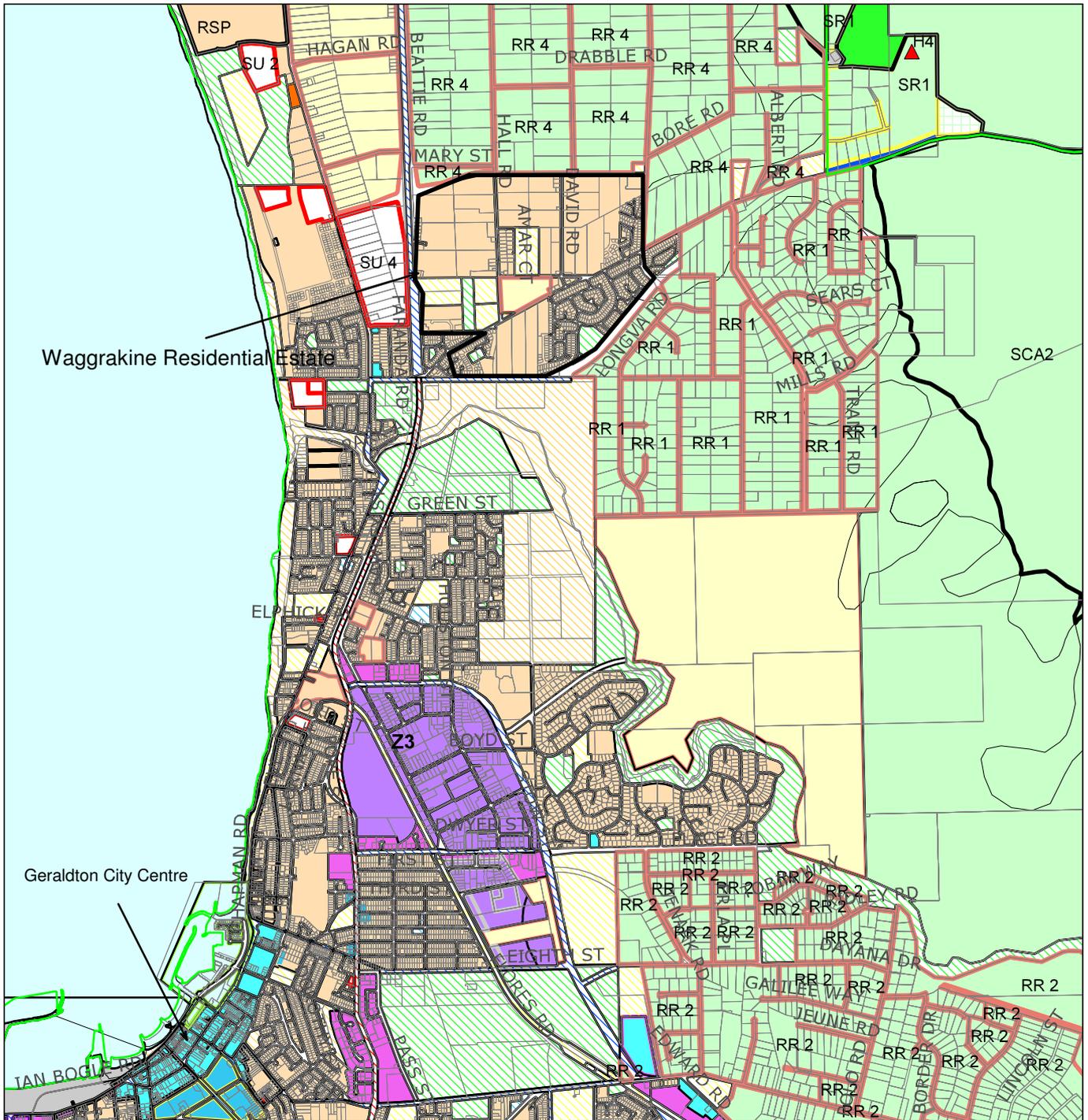
address waggrakine residential estate
waggrakine

perth tel +618 9221 1991 email gra@greg-rowe.com
peel / south west tel +618 9582 8288 email mandurah@greg-rowe.com
pilbara tel +618 9173 4333 email portheadland@greg-rowe.com

GREG ROWE & associates

FOCUSED ON ACHIEVEMENT





Country	TPS - Scheme Boundaries	IMPORTANT REGIONAL ROAD	NO ZONE	RES
Cadastre	CENTRAL GERALDTON	INDUSTRY - GENERAL	OCEAN	ROAD
Townsites	CITY CENTRE	INDUSTRY - LIGHT	PARKS AND RECREATION	RUF
TPS Special Points	CIVIC AND CULTURAL	INDUSTRY - PORT	PORT	RUF
SPECIAL DESIGN PRECINCTS	COMMERCIAL	INDUSTRY - SERVICE	PRIMARY DISTRIBUTOR ROAD	SPE
RESIDENTIAL STRUCTURE PLAN	COMMUNITY AND PUBLIC PURPOSES	LANDSCAPE AND COASTAL PROTECTION	PUBLIC PURPOSES	SPE
RURAL RESIDENTIAL AREA	DEVELOPMENT	LIGHT INDUSTRY	PUBLIC UTILITY	SPE
SPECIAL USE AREA	DISTRICT DISTRIBUTOR ROAD	LOCAL CENTRE	RAILWAY	WAT
POLICY AREA	GENERAL FARMING	MAJOR ROAD	RECREATION	
SCA2 - MORESBY RANGE LANDSCAPE	HIGHWAY COMMERCIAL	MARINA	RECREATION	
SPECIAL RURAL AREA	HIGHWAY COMMERCIAL	MIXED USE	RESIDENTIAL	

Scale 1:50,000
0 1.25 km

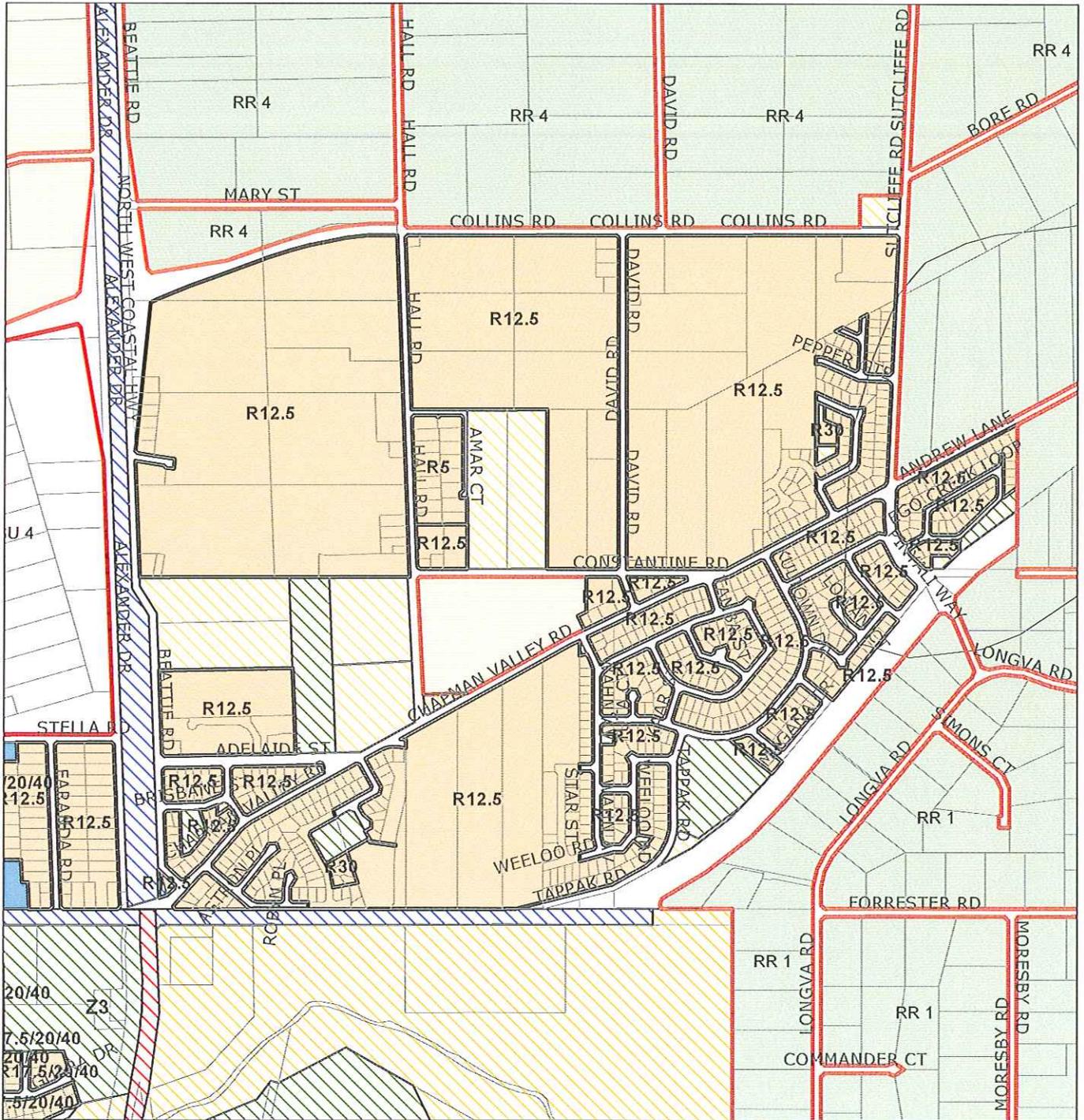
Prepared by: vwood
Prepared for: V. Wood
Date: Thursday, January 05, 2012 11:37
Plot identifier: P20120105_1137



Government of Western Australia
Department of Planning

Waggrakine Residential Estate
Attachment 2
Locality Map

DP INTERNAL USE ONLY



Country	COMMERCIAL	PUBLIC PURPOSES
Cadastre	DEVELOPMENT	RECREATION
Townsites	DISTRICT DISTRIBUTOR ROAD	RESIDENTIAL
RURAL RESIDENTIAL AREA	LANDSCAPE AND COASTAL PROTECTION	RURAL RESIDENTIAL
SPECIAL USE AREA	MAJOR ROAD	SPECIAL USE
TPS - Scheme Boundaries	PARKS AND RECREATION	
TPS - R Code Boundaries	PRIMARY DISTRIBUTOR ROAD	

Scale 1:15,000
0 500 m

Prepared by: vwood
Prepared for: V. Wood
Date: Thursday, January 05, 2012 11:25
Plot identifier: P20120105_1124



Waggrakine Residential Estate

Attachment 3

CoGG LPS 5 Zoning Map

DP INTERNAL USE ONLY

AGENDA PAGE 49

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
1 (15/09/2010)	Department of Education	The Department has received no objections to the proposal to revoke Town Planning Scheme No.3, Waggrakine Guided Development Scheme.		Note submission	The submission does not relate to the WRESP but rather the repeal of TPS 3. It should be noted that the identified school sites are already owned by the Department of Education or the catholic church. Recommendation: dismiss submission.
2 (23/09/2010)	A & P Duke Lot 172 (No.101) Hall Road, Waggrakine	Object. The area from the school down to Mary Street should be kept as 1 acre blocks instead of housing being squashed together like other suburbs. Keep it open, make it septic.	In 2007 the City requested the land north of Chapman Valley road be down-coded from R12.5 to R5 (2,000m ² lots). The Minister for Planning did not support the down-coding and removal of a mandatory sewerage contribution as it would undermine the planning for the urban development of the Waggrakine area and represents an inefficient use of existing and planned infrastructure for this area.	Dismiss submission	Note the City's comments. Also, the Greater Geraldton Structure Plan and City of Geraldton-Greenough (Greenough) Local Planning Strategy identify the WRESP area as urban rather than rural residential. Recommendation: Dismiss submission.
3 (05/10/2010)	K McAuliffe	Support.		Note submission	Note submission.
4 (07/10/2010)	P Boyle	Support.		Note submission	Note submission.
5 (15/10/2010)	G Mandosio Lot 8 (No. 203) Chapman Valley Road, Waggrakine	Object. The majority of our land will be allocated for POS. Council should consider using a portion of surrounding blocks which adjoin our property to contribute to POS giving us more of an opportunity to develop into future residential blocks.	The Structure Plan has not altered the size or location of POS over Lot 8 from the current Waggrakine Guided Development Scheme. As with any planning for an area that has such multiple owners and is fragmented, there will undoubtedly be instances where one landowner gives up more land that the 10% POS requirement. In the interests of orderly and proper planning the City must look at the structure plan area in its entirety and base designs on the overall outcome to be achieved.	Dismiss submission	Note the City's comments. Recommendation: Dismiss submission.

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		<p>If Council are requiring land for POS we should be compensated fairly and not be disadvantaged. In our opinion we should be compensated equivalent to the number of blocks that would have been set for subdivision approval.</p> <p>We are concerned that if we sell our property whether it would affect the selling price as prospective purchasers would be concerned about the pending proposal of POS. It may not be viable for the owners to develop the lot due to the reduced number of residential blocks as the majority of the land is POS, reducing value.</p>	<p>Any landowner will be financially compensated for the land area given up in excess of the 10% requirement.</p> <p>Compensation for landowners who give up more than the 10% requirement is governed by sections 153 – 156 of the Planning and Development Act 2005.</p>	Dismiss submission	
6 (19/10/2010)	EL & MT Sears Lot 171 (No. 93) Hall Road, Waggrakine	<p>Object.</p> <p>The new plan does not allow us to develop on a septic system. The present situation is holding up the sale of the property and must not be allowed to continue.</p>	<p>In 2007 the City requested the land north of Chapman Valley road be down-coded from R12.5 to R5 (2,000m² lots).</p> <p>The Minister for Planning did not support the down-coding and removal of a mandatory sewerage contribution as it would undermine the planning for the urban development of the Waggrakine area and represents an inefficient use of existing and planned infrastructure for this area.</p>	Dismiss submission	<p>Note the City's comments. Also, the minimum lot size achievable for unserviced development is 2000m² as per the Draft Country Sewerage Policy. Subdivision at this density would be inconsistent with urban designations of this area under the Greater Geraldton Structure Plan and the City of Geraldton-Greenough (Greenough) Local Planning Strategy. Recommendation: dismiss submission.</p>
7 (19/10/2010)	C Christodoulou Lot 10 (No. 116) Chapman Valley	<p>Object.</p> <p>The presence, orientation and</p>	The Structure Plan has not altered the width or location of the proposed Hall Road extension over Lot 10 from the current	Dismiss submission Advise the applicant	<p>Note the City's comments and recommendation. Recommendation: Dismiss</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
	Road, Waggrakine	<p>size of the Hall Road extension onto our lot has a road reserve width of up to 30m and will create a triangle of land which cannot be developed.</p> <p>The potential size of the road reserve for Hall Road extension is of concern. It will limit the developments of one side of Lot 10 and the proposed extension of Hall Road is a feeder road and not only an estate road. For the above reasons we believe there should be compensation via a reduced contribution to the POS requirement or a reduction in the contribution cost of constructing the Hall Road extension through Lot 10.</p> <p>We would be grateful to receive the Council's advice on what proportion of the cost of the Hall road extension through Lot 10 would be sought upon development. We wish to object to the Hall Road extension pending clarification of financing and compensation arrangements.</p>	<p>Waggrakine Guided Development Scheme.</p> <p>Lot 166 to the west of Lot 10 has been created specifically to cater for the road extension and at the width proposed.</p> <p>It has always been the intention to connect Hall Road to the Chapman Valley Road bypass to the south.</p> <p>The Structure Plan does not propose any provisions for the sharing of infrastructure costs amongst land owners.</p> <p>Each subdivider of land in the Structure Plan area will be required to construct all proposed roads (including the upgrade and / or widening of any existing roads) in accordance with the road layout proposed by the Structure Plan. The provisions of the Planning and Development Act are available for the purpose of an original subdivider seeking to recover the cost of road construction from a subsequent subdivider.</p>	<p>that any reduction in the road reserve width can be accommodated at the at the subdivision stage, justified with a full traffic assessment.</p> <p>Dismiss submission</p>	<p>submission.</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
8 (20/10/2010)	W Hughes on behalf of D Lee Lot 2 No. 10 Hobart Place, Waggrakine	<p>Object.</p> <p>Our client opposes the proposed movement of the public open space for the following reasons:</p> <ol style="list-style-type: none"> 1. The Submitted Plan was lodged with the Shire with the consent of the relevant proprietors. The proprietors consulted and negotiated amongst themselves as to the design of the proposed development including the provision of public open space. This has involved significant time and expense. The location of the public open space on the Submitted Plan has the approval of proprietors. The proposed relocation by the Shire is opposed by proprietors. 2. Under the Existing Plan the public open space was located upon and directly impacted upon two lots. The registered proprietors of Lots 47 and 171 acquired those lots (in July 2005 and February 2003 respectively) with the Existing Plan already in place. The effect of the Proposed Plan is to directly impact an additional 	<p>The plan referred to as the "Submitted Plan" was never given any formal approval by any authority nor was it submitted with any intent for approval.</p> <p>Given the comments made in submission 6 it is also questioned whether the Submitted Plan has the consent of the relevant proprietors.</p> <p>As with any planning for an area that has such multiple owners and is fragmented, there will undoubtedly be instances where one landowner gives up more land than the 10% POS requirement. In the interests of orderly and proper planning the City must look at the structure plan area in its entirety and base designs on the overall outcome to be achieved.</p> <p>Any landowner will be financially compensated for the land area given up in excess of the 10% requirement.</p> <p>Compensation for landowners who give up more than the 10% requirement is governed by sections 153 – 156 of the Planning and Development Act 2005.</p> <p>The amount of POS land in Lot 2 is only around 200m² in excess of the mandatory 10% requirement.</p>	Dismiss submission	<p>Note the City's comments. Also note that DoP has been in receipt of further correspondence from Lavan Legal (representing the owner of No. 10 Hobart Pl) challenging the validity of the City's adoption of the Structure Plan and threatening legal action in the Supreme Court "to have the structure plan quashed and for appropriate relief against the Commission" should the WAPC not resolve to reject the structure plan in its current format. The letter was referred to the City for comment and DoP's legal services has since advised that the City's response provided a satisfactory explanation of the background to enable the WAPC to proceed with consideration of the repeal of TPS 3 and subsequently consideration of the structure plan.</p> <p>Recommendation: Dismiss submission.</p> <p>Note the City's comments.</p> <p>Recommendation: dismiss submission.</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		<p>two lots (total of four lots). Where convenient to do so, it makes practical sense to limit the direct impact of public open space to a smaller number of lots/proprietors, particularly when those proprietors acquired their lots subject to the Existing Plan.</p> <p>3. Our client purchased his property in August 2006, specifically for the purpose of subdivision, on the basis of the Existing Plan and subject to Shire assurances his property did not and would not have public open space on it. If the Proposed Plan proceeds in its current form our client will suffer significant damage, not only in respect of wasted expenditure but from the loss of development potential of his property.</p> <p>4. There is a public policy consideration of certainty for investors, which would be undermined by adoption of the Proposed Plan. To encourage investment for residential subdivision, investors need to know that the Shire will not arbitrarily</p>	<p>The location of the POS is more central to the north western portion of the Structure Plan area.</p>		

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		<p>alter scheme maps to the detriment of investors while they are in the midst of the development process. Retention of the location of public open space on Lots 47 and 171 would support that public policy consideration.</p> <p>5. Retaining the public open space on Lots 47 and 171 in accordance with the Existing Plan or the Submitted Plan will not have any material adverse impact to those proprietors (given to do so would be simply maintaining the existing position). To move the public open space in accordance with the Proposed Plan would have a material adverse impact on our client, and is not supported by the relevant proprietors.</p>			
		<p>The road layout proposed by the proprietors in the Submitted Plan is similar to that in the Proposed Plan (improving the permeability for vehicles, pedestrians, and cyclists over the Existing Plan), while making provision for the appropriate placement of public open space Site 1 in a location broadly consistent with the Existing Plan.</p>	<p>There are a number of concerns with the “Submitted Plan” as follows:</p> <ol style="list-style-type: none"> 1. There are still a number of cul-de-sacs which are not supported by the principles of Liveable Neighbourhoods; 2. The depth to frontage ratio of the lots is irregular and results in ‘square’ shaped lots; and 3. There are unnecessary curved roads which results in less than desirable lot orientation. 	<p>Dismiss submission</p>	<p>Note the City's comments and recommendation.</p> <p>Recommendation: Dismiss submission.</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		<p>Our client recommends an adjustment of the Proposed Plan in accordance with the Submitted Plan; alternatively an adjustment of the Proposed Plan which retains the status quo provided by the Existing Plan. Our client is happy to engage with the Shire and its planners to achieve a mutually acceptable and reasonable result.</p> <p>Our client also opposes the requirement in paragraph 4.4.1 and 4.6.2 of the Proposed Plan for subdividers to bear the entirety of the cost of sewerage services for the Waggrakine Residential Estate.</p> <p>In the early 1990s the Shire of Geraldton received a government grant designed to cover sewerage headworks charges for sewerage to extend down Beattie Road and back to Chapman Valley Road. This was designed <i>inter alia</i> to benefit the future developers of the Waggrakine Residential Estate. Our client for example would be able to connect in from Beattie Road.</p>	<p>Given the long history of the existing Waggrakine Guided Development Scheme and the urgency to revoke it, further delays are not recommended.</p> <p>There are provisions in the Scheme which allow for modifications to Structure Plans. As part of a separate process the City would be willing to further explore any modifications with the landowners.</p> <p>Section 24 of the existing Waggrakine Guided Development Scheme Text requires that where no more than 1 new lot is being created, and sewer connection is not provided, then a contribution must be provided by the applicant equivalent to the cost of sewerage headworks and reticulation, that will then be expended when provision of sewer to the created lot becomes available.</p> <p align="center"><i>Connection to the Sewer</i></p> <p><i>24.2 Upon obtaining the written consent of Council, a person may, with the approval of the Board in accordance with the Act and subject to the provisions of the Scheme (other than Clause 23) undertake the initial subdivision of their land so as to create not more than one new lot.</i></p>	<p>Note submission</p> <p>Advise applicant that due to the urgency in revoking the Waggrakine Guided Development Scheme further delays are not supported, however should the owners wish to modify the Structure Plan then this can be investigated as a separate process.</p> <p>Dismiss submission</p>	<p>Note the City's comments. Also note that the Waggrakine Guided Development Scheme has been repealed and therefore has no current affect. In the absence of a development contributions scheme, it is current practice for subdivider's to address servicing costs independently.</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		<p>Our client notes the Proposed Plan omits any reference to the Shire’s existing obligations in this regard and recommends the Proposed Plan be modified to recognise the Shire’s obligation to fund the sewerage head connection to the area.</p>	<p>24.3 <i>Consent of the Board to the subdivision of land in accordance with subclauses (1) and (2) requires the person prior to obtaining the final approval of the Town Planning Board to the subdivision <u>paying to the Council or appropriate Government Department the cost of sewerage headworks and reticulation assessed by the Council to service the lot calculated on average charges applying to the time of subdivision.</u></i></p> <p>24.4 <i><u>The Council or appropriate Government Department shall apply the money received in subclause (3) to the provision of a sewer to service the new lot when it becomes available. Surplus moneys (if any) shall be applied in further improvements in the Scheme Area.</u></i></p>		
			<p>Council and the Scheme Manager have maintained since the gazettal of the Scheme that the cost of sewerage headwork and reticulation can only be determined by the Water Corporation as they are responsible for this service.</p>		
			<p>Section 24.3 therefore identifies the Water Corporation as the “appropriate government department” responsible for collecting contributions to sewerage at a subdivision stage.</p>		

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
			<p>It would be inappropriate and unrealistic to expect the local government to assess a subdivider's contribution, collect this amount, maintain an account and decide at which time to expend the funds for a service (ie. sewer) that it does not provide, regulate, control, maintain or collect income from.</p> <p>The Water Corporation are advised of, and given the opportunity to comment upon, all subdivisions in the Waggrakine residential area and have the opportunity to impose sewer connection, or an appropriate contribution as a condition of subdivision under the terms of the Scheme Text.</p> <p>It should also be noted that the City has on 2 occasions applied for grant funding to assist with sewer infrastructure and although both applications were unsuccessful, the City is still investigating other measures to expedite the installation of sewer infrastructure in the locality</p>		
9 (21/10/2010)	R Lee Lot 171 (No. 93) Hall Road, Waggrakine	<p>Object.</p> <p>I have a 29 lot subdivision approved and there is no sewer connection within the scheme area for this sewer catchment. The City has an obligation to provide this under TPS 3 or a satisfactory alternative (ie. a sewer contribution scheme as suggested by WAPC).</p>	<p>Section 24 of the existing Waggrakine Guided Development Scheme Text requires that where no more than 1 new lot is being created, and sewer connection is not provided, then a contribution must be provided by the applicant equivalent to the cost of sewerage headworks and reticulation, that will then be expended when provision of sewer to the created lot becomes available.</p> <p align="center"><i>Connection to the Sewer</i></p> <p align="center"><i>24.2 Upon obtaining the written</i></p>	Dismiss submission	<p>Note the City's comments. Also note that the Waggrakine Guided Development Scheme has been repealed and therefore has no current affect. In the absence of a development contributions scheme, it is current practice for subdivider's to address servicing costs independently.</p> <p>The background to the submitters reference to subdivision approval can be summarised as follows and should be noted:</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
9 continued			<p><i>consent of Council, a person may, with the approval of the Board in accordance with the Act and subject to the provisions of the Scheme (other than Clause 23) undertake the initial subdivision of their land so as to create not more than one new lot.</i></p> <p>24.3 <i>Consent of the Board to the subdivision of land in accordance with subclauses (1) and (2) requires the person prior to obtaining the final approval of the Town Planning Board to the subdivision <u>paying to the Council or appropriate Government Department the cost of sewerage headworks and reticulation assessed by the Council to service the lot calculated on average charges applying to the time of subdivision.</u></i></p> <p>24.4 <i>The Council or appropriate Government Department shall apply the money received in subclause (3) to the provision of a sewer to service the new lot when it becomes available. Surplus moneys (if any) shall be applied in further improvements in the Scheme Area.”</i></p> <p>Council and the Scheme Manager have</p>		<p>The submitter is most likely referring to subdivision application WAPC Ref: 138583. A condition requiring a sewerage service was imposed, as under TPS 3 (and also in accordance with state policy), it was a mandatory requirement. At the time there was an application for review being considered by the SAT regarding the imposition of a similar condition on a separate application (WAPC Ref:134081) over the same land. This application was subsequently withdrawn prior to a SAT decision. There was no request for reconsideration or application for review in relation to application 138583 submitted for consideration and with regards to statutory timeframes, the opportunity for that to occur has lapsed.</p> <p>Recommendation: dismiss submission.</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
			<p>maintained since the gazettal of the Scheme that the cost of sewerage headwork and reticulation can only be determined by the Water Corporation as they are responsible for this service.</p> <p>Section 24.3 therefore identifies the Water Corporation as the “appropriate government department” responsible for collecting contributions to sewerage at a subdivision stage.</p> <p>It would be inappropriate and unrealistic to expect the local government to assess a subdivider’s contribution, collect this amount, maintain an account and decide at which time to expend the funds for a service (ie. sewer) that it does not provide, regulate, control, maintain or collect income from.</p> <p>The Water Corporation are advised of, and given the opportunity to comment upon, all subdivisions in the Waggrakine residential area and have the opportunity to impose sewer connection, or an appropriate contribution as a condition of subdivision under the terms of the Scheme Text.</p>		
10 (01/11/2010)	L Gilligan Lot 10 (No. 54) Hall Road, Waggrakine	<p>Mary Court is not a cul-de-sac but operates between Hall and Beattie Roads.</p> <p>Mary Road should be opened up for southbound traffic onto NWC H'way.</p>	Mary Street is outside the Structure Plan area.	Dismiss submission	<p>Note the City's comments.</p> <p>Recommendation: dismiss submission.</p>
		An extension for Collins Road would go straight through some already developed	A full intersection with the North West Coastal Highway is proposed via an extension of Collins Road that will link	Dismiss submission	<p>Note the City's comments.</p> <p>Recommendation: dismiss</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		properties.	Waggrakine with Glenfield. The land has been reserved under the Local Planning Scheme.		submission.
		Roads which are through roads encourage speeding traffic.	Liveable Neighbourhoods	Dismiss submission	Through roads are considered to improve permeability of neighbourhoods thereby improving access and walk ability. Recommendation: Dismiss submission.
		All “dog-legs” are problems in the making. An example of this is the current problems at Flores and Place Roads.	The only “dog-leg” is proposed at the intersection of Chapman Valley and Hall Road. It is envisaged that with the construction of the ‘by-pass” road to the south their will be reduced traffic. Flores and Place Road is currently being re-aligned to remove the dog-leg.	Dismiss submission	Note the City's comments. The realignment of Chapman Valley Road and the creation of the two intersections would serve to reduce traffic speed in proximity to the primary school. Recommendation: dismiss submission.
		Do not support extension of Hall Road to the south – this would also become a future traffic hazard as the western outlet would be far too close to the current bridge.	The Structure Plan has not altered the width or location of the proposed Hall Road extension from the current Waggrakine Guided Development Scheme.	Dismiss submission	Note the City's comments. Further detailed work in the design of the future road would consider this matter and address it as appropriate. Recommendation: dismiss submission.
		Residents had discussions with the former Shire of Greenough regarding the residential zoning of the area. It was agreed that the area would become R5 (2,000m ²). This would be in keeping with the current subdivisions and sets a precedent for development. Also in keeping with the development of Strathalbyn. This area continues into the	In 2007 the City requested the land north of Chapman Valley road be down-coded from R12.5 to R5 (2,000m ² lots). The Minister for Planning did not support the down-coding and removal of a mandatory sewerage contribution as it would undermine the planning for the urban development of the Waggrakine area and represents an inefficient use of existing and planned infrastructure for this area. Council at its meeting held on 17 August	Dismiss submission Dismiss submission	Note the City's comments. Strategic planning for the area has consistently identified its development for urban purposes. Recommendation: dismiss submission. Note the City's comments.

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		<p>designated Waggrakine rural-residential structure plan as a gateway and would be in keeping with a semi-rural aspect. This area was not R5 for the purpose of septic not sewer for developers, that was an afterthought of the council for those wishing to subdivide without the cost of sewerage. Frankly, any large city relying on septic is about 40 years behind the eight-ball.</p> <p>Local Centre – Any traffic from this centre should be sent to Constantine Road or Chapman Valley Road – maybe one-way signage for the Centre – one road incoming (Poss Chapman Valley Road) and the other outgoing via Constantine Road,</p>	<p>2010 resolved to modify the Waggrakine Rural-Residential Structure Plan by (inter alia):</p> <p><i>Identify a “Development Investigation Area” where future urban rezoning would be supported, however only for substantial portions of land where it can be demonstrated that it would result in the orderly and proper planning and not be considered an ad-hoc subdivision.</i></p> <p>The rationale behind this is that the current northern urban corridor of Geraldton at present only extends around 2 kilometres from the Indian Ocean (Glenfield) to the North West Coastal Highway. With the City advocating the ability to sustain a population of 100,000, there is the opportunity to expand the corridor into the Waggrakine area east of the North West Coastal Highway.</p> <p>Whilst the current zoning of “Rural Residential” would not allow for this full urban development it is considered appropriate in the interests of the orderly and proper planning of the locality that the future urbanisation of portion of the area not be dismissed.</p> <p>The Structure Plan states:</p> <p><i>Consistent wit current urban design practice, the proposed Local Centre ought to be developed in accordance with ‘main street’ design principles, rather than a typical suburban ‘inward facing’ shopping centre. The frontage</i></p>	<p>Note submission</p>	<p>Recommendation: dismiss submission.</p> <p>Note the City's comments.</p> <p>Recommendation: Note submission.</p>

**City of Geraldton-Greenough – Local Planning Scheme (No. 5)
Waggrakine Residential Estate Structure Plan – Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	CoGG Comment	CoGG Recommendation	DoP Comment and Recommendation
		<p>David Road South to Chapman Valley Road. Any outlet onto Hall Road and the Waggrakine Primary School (which to my knowledge is the only Primary School without supervised school crossings over busy roads) is similar to K-Mart near the Geraldton Primary School. All traffic onto School areas should be avoided under Duty of Care.</p>	<p><i>to Hall Road presents an opportunity for a 'main street' design to be achieved, at least on the east side of Hall Road. Furthermore, the Local Centre should incorporate a mix of land uses, including retail, employment and medium density housing. The Local Centre site is located in the area zoned 'Development' under LPS5. The Structure Plan requires that a Detailed Area Plan be prepared for the 'Development' zone, pursuant to Clause 5.17.5 of LPS5, to ensure the area is subdivided and developed in a manner considered appropriate for a Local Centre.</i></p> <p>It is envisaged that traffic issues will need to be addressed at the Detailed Area Plan stage.</p>		

Option 1: Endorse the Structure Plan in its current form with provisions that, notwithstanding exemptions under the Draft Country Sewerage Policy, generally prohibit the creation of unserviced lots >2000m².

Implications

- Subdivision and development will continue to be constrained by the inability of individual landholders to provide the required sewerage headworks.
- The WAPC's interest in ensuring orderly and proper planning may be undermined through endorsing a Structure Plan that departs from the provisions of the Draft Country Sewerage Policy, knowing that there is no clarity regarding the delivery of required sewerage infrastructure to the area.
- In the context of the above point, should it become apparent through the statutory planning process, that implementation of the Structure Plan as intended is not supported by the State Administrative Tribunal, it may lead to the creation of larger unserviced lots in an ad hoc manner that is in conflict with the intended planning outcome for the area.
- Landowners in the area who want to subdivide land into 2000m² lots and take advantage of the exemption provisions in the Draft Country Sewerage Policy will be dissatisfied with any provisions prohibiting such subdivision and will continue their campaign at a political level;

Comments

Option 1 is considered problematic because it would serve only to perpetuate existing issues in the area, or should the Structure Plan not be supported by SAT, potentially lead to the type of subdivision (ad hoc creation of lots >2000m²) that is specifically trying to be avoided.

Option 2: Refuse the Structure Plan on the basis of it not supporting orderly and proper planning.

Implications

- Future subdivision will occur in an unco-ordinated manner without guidance of an area specific planning framework, making it more difficult to achieve fully serviced R12.5 development in the future, should sewer become available.
- As the R-Codes only apply minimum lot sizes and not maximum lot sizes it is likely that new subdivision will occur at a much lower density than R12.5 as landowners take advantage of the large lot exemption provisions of the Draft Country Sewerage Policy.
- Refusal of the Structure Plan could be considered to be contrary to the collaborative approach preferred by the Department of Planning, and the WAPC may be viewed as being obstructive by the Local Government, negatively impacting on working relationships.
- Pressure to be allowed to subdivide by some landholders may reduce however in the medium to long term landholder dissatisfaction may increase surrounding

uncertainty pertaining to the subdivision / development potential of individual landholdings.

Comments

Option 2 is not preferred as it offers no way forward in terms of achieving desired planning outcomes for the area and may lead to increased uncertainty with regards to subdivision / development potential of individual landholdings. It is also considered inappropriate given the City's willingness to work through modifications to ensure a more workable Structure Plan.

Option 3: Approve the Structure Plan subject to removal of provisions requiring mandatory connection to a reticulated sewerage system as well as removal of identified inconsistencies with the Draft Country Sewerage Policy.

Implications

- Subdivision to create 2000m² lots, with no consideration of future potential lot configuration at R12.5 density, may further fragment the land in a manner that will make it more difficult to achieve R12.5 density development should the required sewer infrastructure become available, effectively further jeopardising the intended planning outcome for the area.
- Some land in the Structure Plan area has already been subdivided and developed at R12.5 density with developers having paid their proportion of Scheme costs as required under the now repealed Waggrakine Guided Development Scheme. To effectively abandon pursuit of subdivision at R12.5 density through sole reliance on application of the Draft Country Sewerage Policy and its large lot exemption clauses may raise equity issues. Notwithstanding the R-coding of the land, lots may be considered to have less development potential with there also being no mechanism to require each owner to pay their proportion of development costs.
- Landowners who intend to subdivide into 2000m² lots or greater may be satisfied with this arrangement.

Comments

Option 3 is not preferred as it offers no way forward in terms of achieving fully serviced R12.5 residential development, reflecting the desired planning outcome for the area.

Option 4: Approve the Structure Plan subject to modifications facilitating the creation of superlots, where each superlot is capable of being further subdivided for the development of a minimum of 10 residential lots of the R12.5 standard including being connected to reticulated sewerage.

Implications

- Some subdivision will be able to occur without jeopardising the achievement of R12.5 density development in the future, should sewer infrastructure become available.

- Subdivision applications will be required to include Subdivision Guide Plans which show future lot configuration at R12.5 density.
- Some landholder's may still be agrieved where their potential to subdivide individually is limited.
- Certainty regarding expected future subdivision and development outcomes will be retained.

Comments

The Structure Plan (modified to apply a "superlot" approach) is considered to bring a much needed contemporary approach to planning for the area and whilst it will not, on its own, ensure the delivery of fully serviced residential development, it will facilitate some subdivision that will at least afford the opportunity for subdivision at R12.5 density to occur in the future. Option 4 is the preferred option.

WAGGRAKINE RESIDENTIAL ESTATE STRUCTURE PLAN - SCHEDULE OF MODIFICATIONS

Modification No.	Modification Description	Reason
1.	Revise section '4.2.2 Proposed Road Network' to clarify when developers will be required to construct / upgrade roads as shown on the Structure Plan Map i.e. as considered to be reasonable and relevant to the proposed subdivision.	The 7th paragraph under section 4.2.2 refers to the "At the time of subdivision" road construction etc. will be required. Clarification may be useful as this phrase raises questions about what is the time of subdivision ie. being the time of "superlot" subdivision or subdivision at R12.5 density should sewer become available.
2.	Revise section '4.3.2 Residential' to: i) remove the requirement for all lots to be connected to sewer; ii) clearly outline the intended approach of permitting the creation of "superlots," and the use of subdivision guide plans demonstrating that each "superlot" is capable of being further subdivided for the development of a minimum of 10 residential lots to the R12.5 standard, ii) remove reference to 'SPP Activity Centres for Perth and Peel' and where appropriate include reference to Liveable Neighbourhoods,	i) There is concern regarding the statutory weight that will be granted the Structure Plan should it be endorsed in the absence of a development contributions scheme and where it is known that landholders are unlikely to be able to meet the mandatory requirement for new subdivision to be connected to a reticulated sewerage system. ii) Whilst the "superlot approach" will not, on its own, ensure the delivery of fully serviced residential development, it will facilitate some subdivision that will at least afford the opportunity for subdivision at R12.5 density to occur in the future. iii) <u>Liveable Neighbourhoods</u> is the more relevant policy in this instance.
3.	Revise section '4.3.3 Local Centre' to: i) remove reference to 5800 square metres NLA as	i) The appropriateness of the centres proposed size is questionable given that the CoGG Interim

WAGGRAKINE RESIDENTIAL ESTATE STRUCTURE PLAN - SCHEDULE OF MODIFICATIONS

	<p>being "considered appropriate,"</p> <p>ii) remove reference to 'SPP Activity Centres for Perth and Peel' and where appropriate include reference to Liveable Neighbourhoods and the need for the required Detailed Area Plan to demonstrate merit in terms of strategic commercial planning matters, particularly with regards to the amount of NLA in any proposed local centre.</p>	<p>Commercial Activity Centres Strategy recommends confining retail floor space to 4500m² and Liveable Neighbourhoods recommends that large neighbourhood centres should not be provided unless it can be demonstrated that such centres will not adversely affect the provision and location of successful larger town centres, or constrain the distribution of neighbourhood centres in walking distance of most residents. It is not considered necessary that the NLA of the centre be determined at this stage and is likely better determined when further strategic analysis of commercial development in the area is undertaken as part of a commercial centres strategy or local planning strategy.</p> <p>ii) <i>Liveable Neighbourhoods</i> is the more relevant policy in this instance.</p>
4.	Revise section '4.3.4 Public Open Space' to clarify when developers will be required to provide public open space i.e. when subdividing into "superlots" and/or when subdividing to R12.5 density.	Clarification would provide potential subdividers with some certainty regarding expected costs.
5.	Revise section '4.4.1 Sewerage' to: <p>i) remove the requirement for all lots to be connected to sewer;</p> <p>ii) remove the provision allowing subdivision for the</p>	<p>i) There is concern regarding the statutory weight that will be granted the Structure Plan should it be endorsed in the absence of a development contributions scheme and where it is known that landholders are unlikely to be able to meet the</p>

WAGGRAKINE RESIDENTIAL ESTATE STRUCTURE PLAN - SCHEDULE OF MODIFICATIONS

	<p>purpose of creating an existing house lot, generally up to 2000m², without connection to reticulated sewer.</p> <p>iii) include a reference to State Government Policy sewer requirements and the need for all subdivision to demonstrate consistency with the Structure Plan Map and the future achievement of subdivision outcomes consistent with the R-Code assigned to the land.</p> <p>iv) acknowledge the significant investment needed to provide the sewer mains extension from the west to service the Structure Plan area.</p>	<p>mandatory requirement for new subdivision to be connected to a reticulated sewerage system.</p> <p>ii) removes inconsistency with Draft Country Sewerage Policy and avoids subdivision and creation of unserviced lots on a 'house by house' basis.</p> <p>iii) for those unfamiliar with State Planning Policy, provides a reference to the Draft Country Sewerage Policy and any future version of the policy, in addition to local planning requirements.</p> <p>iv) provides context for those not familiar with the issue.</p>
6.	<p>Categorise (ie. identify road hierarchy) the movement network shown on the Structure Plan Map and identify an intended pedestrian/cycle network in general accordance with Element 2 of Liveable Neighbourhoods.</p>	<p>Such information would inform the subdivision process and ensure an appropriate standard of road design and vehicular and pedestrian / cycle access to key locations in the Structure Plan area including the schools, parks, community centre and local centre.</p>
7.	<p>Reduce the block length of the street block located in the north-eastern corner of the Structure Plan area that has a current length of approximately 650m. This may include indicating additional road(s) in a north-south direction.</p>	<p>Improve access permeability in this area of the structure plan.</p>
8.	<p>Revise section '4.4.3 Drainage' to clarify that a contemporary approach to stormwater management is</p>	<p>Clarifies stormwater management standards.</p>

WAGGRAKINE RESIDENTIAL ESTATE STRUCTURE PLAN - SCHEDULE OF MODIFICATIONS

	required and more traditional methods such as sumps and pipes that already exist in the Structure Plan area are generally to be avoided and redeveloped if possible.	
9.	Revise section '5.0 Conclusion' to ensure consistency with modifications made in response to the above.	Legibility and consistency within document.

ITEM NO: 9.3

SUBDIVISION OF LOT 343 SECOND AVENUE, ONSLOW TO CREATE 2 SURVEY STRATA LOTS WITH COMMON PROPERTY ACCESS LEG

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager- Pilbara Planning
AUTHORISING OFFICER:	Planning Director- Northern Regions
AGENDA PART:	G
FILE NO:	83-12
DATE:	30/05/2012
ATTACHMENT(S):	Attachment 1 - Proposed Survey Strata Subdivision Attachment 2 - Location / TPS Zoning Map Attachment 3 - 2110 Estimated Inundation Extents Attachment 4 - Concept Plan
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	Shire of Ashburton
LOCAL SCHEME ZONING:	Commercial and Civic
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Regional Northern (Perth Based)
RECEIPT DATE:	1 February 2012
PROCESS DAYS:	86
APPLICATION TYPE:	Survey Strata
CADASTRAL REFERENCE:	Lot 343 Second Ave, Onslow

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the application for survey-strata of Lot 343 Second Ave, Onslow as shown on the plan date-stamped 01 February 2012, for the following reason(s):

- 1. The subdivision is premature as draft State Planning Policy 2.6- State Coastal Planning Policy requires that coastal hazard risk management and adaptation planning measures be implemented. The proposal does not propose coastal hazard risk management and adaptation planning measures.***
- 2. The proposed subdivision is contrary to the Shire of Ashburton's Town Planning Scheme 7 as it does not demonstrate that future development on the subdivided lots is able to comply with requirements under Town Planning Scheme 7 including; assessment of the impact of potential flood and storm surge events on proposed development on the site and car parking.***

3. Further fragmentation of lots does not allow for coastal hazard risk management adaptation measures to be implemented.

4. Approval to the subdivision would set an undesirable precedent for the further subdivision of surrounding lots.

SUMMARY:

The proposed subdivision application seeks to subdivide one 1012m² lot into two survey strata lots of 405m² and 506m² and common property accessway of 101 m². The proposal is within an area highlighted to be subject to coastal inundation and flooding. The proposal does not meet the requirements under SPP 2.6 as the proposal does not address the requirements for coastal hazard risk management and adaptation planning measures. In addition, the proposal does not comply with the Shire of Ashburton's Town Planning Scheme 7 as the proposal has not considered the impact of potential flood and storm surge events, provision of adequate car parking, interface with adjoining land and meeting minimum finished floor level. Refusal is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Planning and Development Act 2005
Section: Part 10

Strategic Plan
Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy
Number and / or Name: Proposal does not comply with WAPC policy SPP2.6.

INTRODUCTION:

The application proposes to subdivide one 1012m² lot to create two survey strata lots of 405m² and 506m² and common property accessway of 101 m². An existing brick building and apron on proposed Lot 1 is to be retained. **(Attachment 1- Proposed Subdivision)**

The subject land is zoned 'Commercial and Civic' under the Shire of Ashburton Town Planning Scheme No. 7 (TPS 7). **(Attachment 2 – Location/ Zoning)**

CONSULTATION:

The Shire of Ashburton does not support the application for the following reasons:

- Issues with future parking;
- Filling;
- Land use;
- Potential negative impacts on adjoining land; and

- Overall development of the land.

Horizon Power and Water Corporation requested standard servicing conditions.

The Department of Environment and Conservation raise no objection to the proposal.

The Department of Health did not respond within the statutory timeframe.

Fire and Emergency Services Authority recommends no UXO condition; however, recommends that the applicant be made aware of the possibility of UXO pollution on the subject land.

PLANNING ASSESSMENT

Shire of Ashburton Onslow Townsite Strategy (the Strategy)

The Shire of Ashburton Onslow Townsite Strategy was endorsed by the Commission on 22 March 2011. The Strategy states that;

The commercial centre is to be restructured and developed by the creation of a town centre that:

- *is a flood-free commercial and civic centre;*
- *is lively and has a character that melds the old with the new;*
- *offers opportunities for a range of commercial and civic activities;*
- *is accessible to neighbouring residential areas; and*
- *that connects with the beachfront and maximises ocean vistas.*

The town centre will continue to be the commercial and civic focus for Onslow. It will be well connected to Onslow's expanded residential areas as well as the town's beachfront and open spaces. It will provide a mix of retail and commercial facilities that provide for the needs of Onslow's residents and holiday visitors.

In addition, within the 140 hectare 'new living area', it is appropriate to provide a commercial area to service the immediate surrounds.

Whilst the Onslow Townsite Strategy cites a new 'Commercial and Civic' centre within the 'new living area', the current position is that the existing 'Commercial and Civic' centre will be the only centre in Onslow and will remain the focus of 'Commercial and Civic' activities.

It is considered that the interface between new and existing development and flood risk is pivotal to development within the existing commercial and civic area. The issue of interfacing of new development and addressing of flood risk will be considered further within this report.

Shire of Ashburton Local Planning Policy - Onslow Interim Town Centre Design Guidelines

The Shire of Onslow Town Centre Design Guidelines adopted by the Shire of Ashburton includes development provisions including:

5.3.1 Vehicular access points on streets shall be limited to avoid disruption to traffic and minimise the impact on local streets within the Onslow Town Centre.

5.3.4 Vehicles shall not be accommodated between the primary street front and the building line.

The proposal consists of a common property accessway and it is considered that the proposed subdivided lots meet the requirements of the Town Centre Design Guidelines.

Shire of Ashburton Town Planning Scheme 7 (TPS 7)

The site is zoned 'Civic and Tourism' under TPS 7. The zoning permits a number of Industry and Commerce uses including Arts and Crafts Centre, Exhibition, Display and Outdoor Sales Facilities, Market, Restaurant, Shop, Take-away Food Outlet, Consulting Rooms and Medical Centre. The zoning also allows (subject to council discretion) a number of Residential, Health/ Welfare/ Community and Entertainment/ Recreation/ Cultural uses.

There is no prescribed minimum lot size with the exception of residential development which is not to exceed a density coding of 'R30'. The Shire has raised concerns regarding the land use on site as a number of lots in the area are used for 'Residential' purpose and the 'R30' density code would preclude the site from being developed for 'grouped dwelling' purposes. It is considered that the use of the land for 'grouped dwellings' is a discretionary use under TPS 7, therefore the issue of subdivided lots not being able to be used for 'Residential' purpose should not form a consideration in this case. The proposed lot sizes are capable of being used for the permitted uses under TPS 7.

The site is located within the 'Onslow Coastal Hazard' Special Control Area. The 'Onslow Coastal Hazard' Special Control Area prescribes that development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas. Clause 6.20.4 states;

“Council may require applications for planning approval to include an assessment, preparation to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.”

The applicant has not submitted an assessment of the impact of potential flood and storm surge events on proposed development on the site. Accordingly, the application has not demonstrated the impact of potential flood and storm surge events.

Appendix 8 of TPS 7 details car parking requirements for the different types of development of a commerce nature. The requirements vary dramatically from Take Away Outlet requiring 1 car space per 2m² of public floor space and 1 car space per employee to Shop which requires 1 car space per 20² of net lettable area. Whilst the applicant has submitted a concept plan to demonstrate potential development on

site, the provision of car parking is linked to the use of the land and has not been substantiated.

Development Control Policy 1.3- Strata Titles

Clause 3.3.4 states: “Non Residential a) The proposed lot or lots will be capable of development in accordance with the provisions of the local planning scheme, including compliance with the appropriate development standards.”

Clause 3.3.5 states: “In order to satisfy itself with respect to these matters, the WAPC may require the submission of concept or sketch plans showing a form of development which complies with all relevant development standards and requirements, and also may undertake consultation with other affected bodies.”

The applicant has submitted a concept plan relating to a possible development on site. The concept plan does not demonstrate the types of land uses that could be accommodated on site and related car parking requirements. In addition, the proposal does not include an assessment of the impact of potential flood and storm surge events on the proposed development. It is considered that the fragmentation of lots poses an issue with developing lots to the minimum required finished floor level.

Flood Risk

Areas affected by flooding within the town of Onslow have recently been reviewed as part of the *Onslow Townsite Planning Coastal Setbacks & Development Levels Report* (M P Rogers & Associates 2011). The study evaluated the effects of coastal inundation for the Onslow Townsite, allowing for the potential effects of climate change and the WAPC's position statement on sea level rise being +0.9m for a 100 year (2110) planning period.

Flood mapping in the *Onslow Townsite Planning Coastal Setbacks & Development Levels Report (Attachment 3- 2110 Estimated Inundation Extents)* suggests that the subject site may be at risk from the 100 year ARI flood event, taking into account projected effects of sea level rise and climate change. To alert future landowners of the potential risks from inundation flooding in the Onslow Townsite, it is recommended that an approval to this application be subject to Notification on Title pursuant to section 165 of the *Planning and Development Act 2005*, advising that the lot is located in an area likely to be subject to inundation from flooding over the next 100 years.

The total recommended Finished Floor Level for Critical or Emergency Response Infrastructure in 2110 with climate change allowances is recommended to be 6.4m AHD based on a 100 year water level of 5.0m AHD, allowance for climate change to 2110 0.9m and factor of safety of 0.5m.

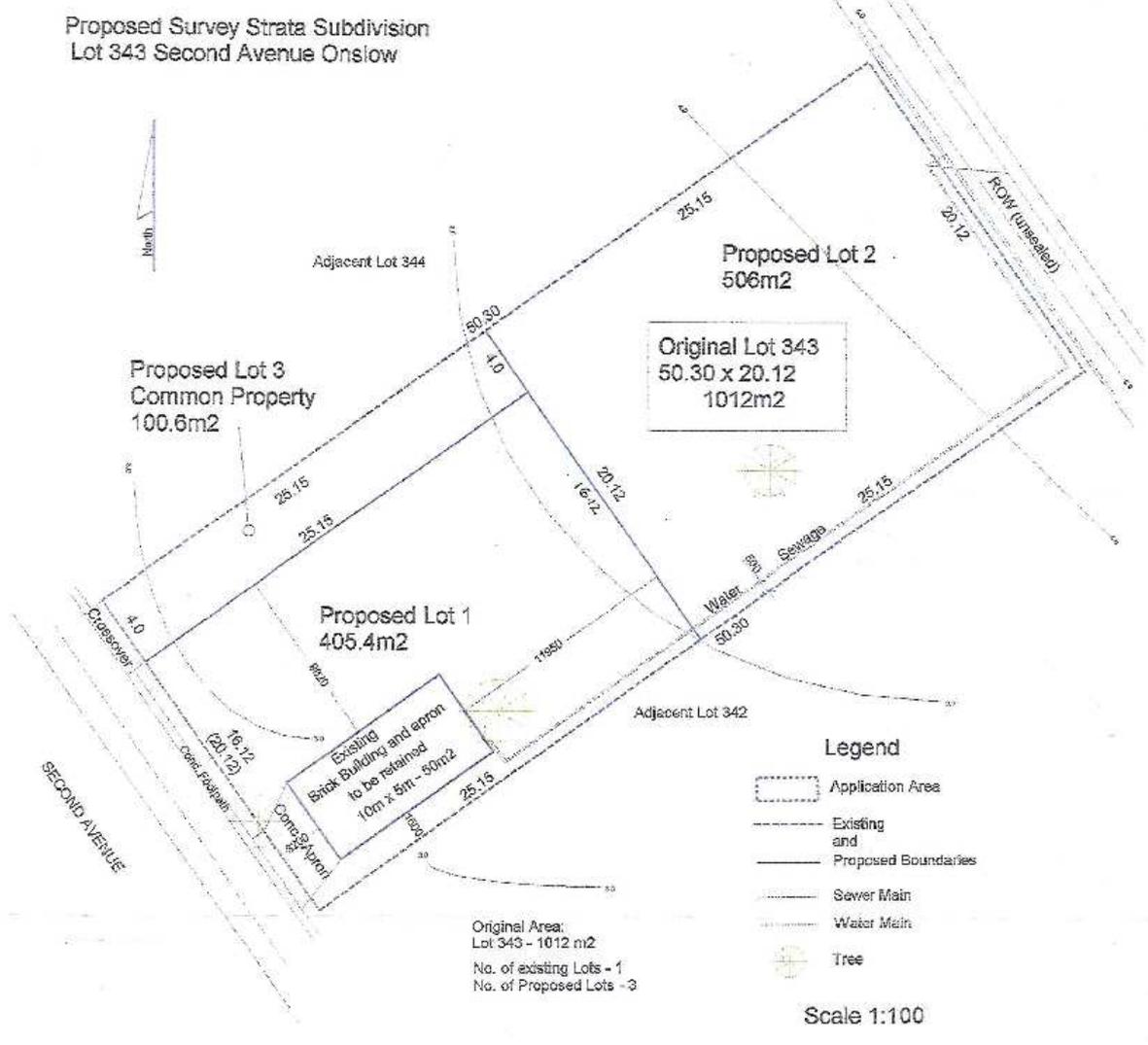
The Shire has advised that the site is approximately 3.5-4.0m AHD. Future development on the site will be required to be at 5.0m AHD in line with TPS 7; however, recommendations from the *Townsite Planning Coastal Setbacks & Development Levels Report* recommend that finished floor levels be built to 7.4m AHD. The variation between the current level and proposed future development levels of 1.0-3.4m requires the site to have substantial fill or alternative construction methods employed to raise the Finished Floor Level. It is considered that this issue

needs to be resolved and the interface with surrounding lots prior to the fragmentation of the site.

CONCLUSION:

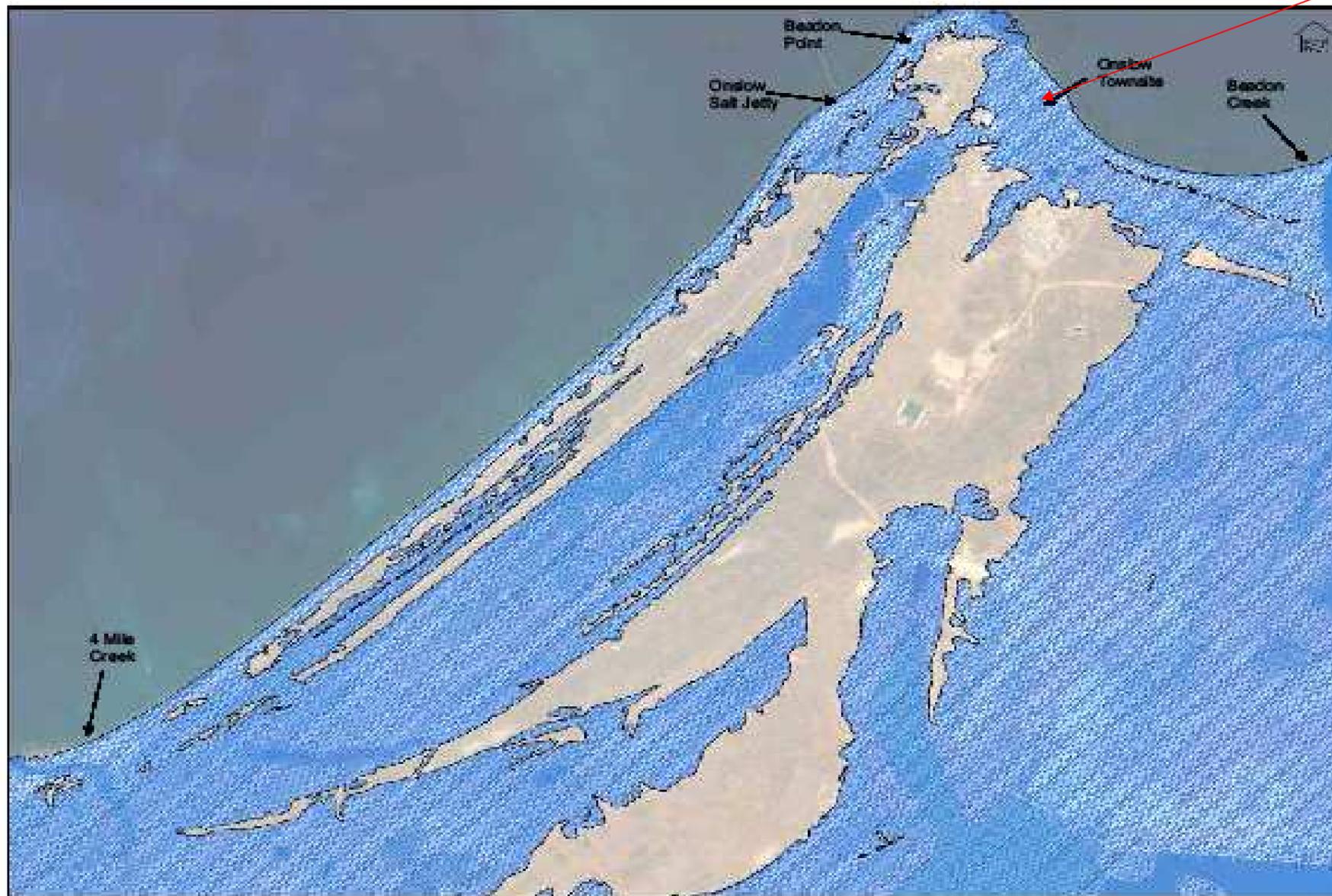
The proposed survey-strata subdivision does not demonstrate that the lots are capable of development in accordance with the requirements of SPP 2.6 and the provisions of TPS 7. The proposal has not addressed potential flood and storm surge events; ability to provide adequate car parking; and interface with adjoining land when meeting minimum finished floor level requirements. The proposed subdivision is not supported in the absence of a development application demonstrating the capability of the lot to be developed in accordance with TPS 7. It is therefore recommended that the proposed subdivision be refused.

ATTACHMENT 1- PROPOSED SUBDIVISION



DEPARTMENT OF PLANNING	
DATE	FILE
1 FEB 2012	83 - 1 2 7

ATTACHMENT 3- FLOOD MAPPING



Subject site

Figure 6.2 - 2110 Estimated Inundation Extents

m p rogers & associates pl

Onslow Townsite Planning
Job 2003/11, Report R259 Rev 0, Page 50

ITEM NO: 9.4

APPLICATION FOR RETROSPECTIVE APPROVAL OF EXPANSION OF EXISTING POULTRY FARM (BIRD NUMBERS) AND ASSOCIATED BUILDINGS AND STRUCTURES. APPLICATION FOR APPROVAL TO CONSTRUCT VENTILATION STACKS, ABLUTION FACILITY AND OTHER ASSOCIATED IMPROVEMENTS TO POULTRY FARM: LOT 600 CHELTENHAM ROAD, WEST SWAN

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER:	Director, Metropolitan Planning North East
AGENDA PART:	D
FILE NO:	21-125050-2
DATE:	28 May 2012
ATTACHMENT(S):	1 - Development Plans 2 - MRS zoning plan 3 - Excerpt from development application report 4 - Excerpts from additional supporting information dated 29 March 2012 5 - Excerpts from GRA report
REGION SCHEME ZONING:	MRS: URBAN DEFERRED
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	General Rural
LGA RECOMMENDATION(S):	Refusal to approve increase in bird numbers. Conditional approval (retrospective) to existing built development
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	21 March 2011
PROCESS DAYS:	436
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 600 Cheltenham Road, West Swan

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the development application for retrospective approval to an expansion of the

poultry farm at Lot 600 Cheltenham Street, West Swan for the following reasons (LETTER E):

- 1. The proposed development is inconsistent with the requirements of State Planning Policy No. 4.3 Poultry Farms Policy as it proposes the expansion of a poultry farm in an area identified for urban development in the short or medium term.**
- 2. The proposed development is inconsistent with the requirements of State Planning Policy No. 4.3 and the Environmental Protection Authority Guidance Statement No. 3 Separation Distances Between Industrial and Sensitive Land Uses as it proposes the expansion of a poultry farm in the vicinity of existing and proposed residential development, and has not demonstrated that current or future residents will not be adversely affected by the operations of the poultry farm.**
- 3. The subject land is zoned 'Urban Deferred' within the Metropolitan Region Scheme and identified for residential purposes within the Swan Urban Growth Corridor Sub-Regional Structure Plan. Approval of the proposed development would prejudice and restrict the urbanisation of this area inconsistent with the planning objectives of the Swan Urban Growth Corridor Sub-Regional Structure Plan, and would be inconsistent with the orderly and proper planning of the area.**
- 4. The subject land is zoned 'General Rural' within the City of Swan Local Planning Scheme No. 17. The proposal is inconsistent with the objectives of the 'General Rural' zone within the scheme as the proposal has not demonstrated that approval will not impact on the amenity and rural character of the area.**

ADVICE:

- 1. In relation to the development on site that has occurred without approval to which retrospective approval was sought, the applicant is advised to remove this development and restore the land as nearly as practicable to its condition immediately before the development started.**

Section 214 of the Planning and Development Act 2005 provides for the WAPC to give notice in writing directing the owner to alter the development and restore the land as nearly as practicable to its condition immediately before the development started. Should the unapproved development not be removed and the land restored to its previous condition, the WAPC will need to consider whether action should be taken in relation to the unapproved development in accordance with the provisions of the Planning and Development Act.

SUMMARY:

- The application seeks retrospective approval to the expansion of an existing poultry farm (egg laying) at Lot 600 Cheltenham Street, West Swan (refer **Attachment 1** - Development plans, **Attachment 3** - Excerpt from Development application report).**

- The proposal requires WAPC determination in accordance with Clause 32 of the Metropolitan Region Scheme (MRS) as the proposal involves an extension to an existing poultry farm in excess of 100m² on land in the urban deferred zone under the MRS.
- The subject land is within a broader area that is zoned urban deferred under the MRS (**Attachment 2** - MRS zoning plan). The land was rezoned from MRS rural to urban deferred by amendment 950/33 on 14 December 1994. The MRS amendment recognised that there were two major constraints to urban development within the area, being the lack of connection to essential services and the odour buffer to the poultry farm, which is the subject of this application.
- The main issues for consideration in this report are:
 1. whether, given the urban deferred zoning of the land under the MRS, the proposal is consistent with proper and orderly planning and State Planning Policy 4.3 'Poultry Farms Policy'; and
 2. whether the proposed odour mitigation measures (odour stacks) are adequate in light of the number of complaints received by the City of Swan from nearby residents, and whether these measures supported by the Department of Environment and Conservation (DEC).

These issues will be discussed further in the comments section of this report.

- Local residents have engaged town planning consultant Greg Rowe & Associates (GRA) to prepare a comprehensive submission on their behalf. The matters raised in the submission are discussed further in the consultation section of this report.
- On the information provided it is uncertain whether the proposed 'air stacks' will adequately mitigate the odour impact created by the expanded poultry farm on nearby residents. The DEC notes that the findings of the odour assessment are not definitive and cannot be used to support a reduction in the buffer. Further, given the MRS urban deferred zoning of the subject site and surrounding land, and the residential development in the locality, the proposal is contrary to SPP 4.3 and is not consistent with proper and orderly planning. It is recommended that the WAPC refuse the proposal.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Subdivision / Development Approval - Part 10 of the P&D Act 2005
Section:	Planning
Strategic Plan	
Strategic Goal:	Strategic Goal 2: Planning
Outcomes:	State-wide integrated Policy frameworks
Strategies:	Implement State and Regional Priorities

Policy

Number and / or Name: State Planning Policy 4.3. Poultry Farms Policy (SPP 4.3).

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

BACKGROUND:

On 29 February 2012 the City of Swan Council resolved to:

1. Refuse to grant retrospective approval to the increase in bird numbers from 24,000 to 80,000 for the following reasons:
 - The expansion is inconsistent with objective (c) of the General Rural zone which is to *"Ensure the use and development of land does not prejudice rural amenities, and to promote the enhancement of rural character"*. The City has received 25 complaints regarding odour from the expanded poultry farm.
 - The proposal appears to be inconsistent with the intent of SPP 4.3 where it is inferred that expansion of existing poultry farms in areas identified for urban use in the medium to short term should not be permitted.
 - The proposal is not consistent with proper and orderly planning.
2. Grant retrospective approval to associated buildings, subject to a number of conditions relating to the provision of a revised operational management plan, confirmation of the structural integrity and BCA compliance of buildings, investigation of possible site contamination, and provision of 'as constructed' drawings.

It is noted that the City's determination did not include a resolution relating to the proposed new odour stacks, the proposed sealed car parking area and the proposed ablution facility.

The applicant subsequently lodged an appeal to the State Administrative Tribunal (SAT). It is understood that the SAT appeal has not been significantly progressed as the applicant is awaiting the WAPC's decision on the application.

With regard to the unapproved increase in bird numbers, the applicant advises that prior to 2005 poultry farms had to be licenced for the numbers of birds kept on site. After 2005 the poultry industry was deregulated, and bird numbers no longer regulated. Under the Code of Practice for egg laying poultry farms, cages that met a standard introduced in 1995 could be in place for 20 years from the date of manufacture. Cages that did not comply with the 1995 standard (as was the case with the cages on the subject poultry farm) were required to be decommissioned by 1 January 2008 or modified to meet the 1995 standard. The Code of Practice introduced a new system of layered cages which meant that greater numbers of birds

could be kept without increasing the size of the sheds. Changes also included the requirement for mechanical ventilation and an increase in cage size for birds. The applicant advises that in order to remain competitive in the industry the number of birds kept on site was also increased. It is understood that the multi-layered cages were installed in 2006.

INTRODUCTION:

In summary, the application seeks retrospective approval of:

- An increase bird numbers from the currently approved 24,000 to 80,000 within sheds 1, 2, 3 and 4.
- Internal modifications to sheds 1, 2, 3 and 4 to enable accommodation of the birds (multi layered cages).
- The coolroom and packing shed, ramps and retaining walls and use of that building for grading and packing of eggs and storage of eggs.
- Incidental feed silos constructed at the western ends of sheds 1-4.
- The covered area currently used for selling manure, and approval for the bagging and selling of a compost product based upon processed manure.
- The conveyor system and associated structures that are used to collect eggs, which extends between sheds, 2, 3 and 4 and the packing shed.
- The shop/office/store, and approval of the incidental shop and office uses.
- Various minor structures and 5 sea containers used for the storage of egg cartons.
- The hen sales area, and for the Alpaca pen (between Shed 3 and Cheltenham St).

The application seeks approval of a proposed:

- 6m high odour stacks for sheds 2, 3 and 4. The birds housed in Shed 1 are free to range in an adjoining large fenced yard. The birds are moved back into the shed overnight. The proposed odour stacks for sheds 2, 3 and 4 are an integral component of the application and will ventilate odour vertically rather than horizontally, which is the current method of ventilation
- New customer and staff parking area, and a proposed new toilet facility.
- Car parking and loading area between the shop/office building, poultry sheds and Cheltenham Street.

Local and Regional Context

The subject land is within a broader area that is zoned urban deferred under the MRS, which is generally bounded to the east by the existing Perth-Darwin National Highway Primary Regional Roads reservation (PDNH), and to the south by the Reid Highway. Whiteman Park forms the boundaries of the urban deferred area to the north and west. To the south-west of the Reid Highway is Bennett Springs, an existing residential area. To the east of the PDNH reservation the land is zoned urban and is within the Swan Urban Growth Corridor as depicted under the Swan Urban Growth Corridor Sub-Regional Structure Plan (Feb 2009) (SUGCSP). This area is approximately 500 metres from the subject land at its closest point. The SUGC includes the subject land and is projected to provide housing for approximately 33,000 residents in 12,500 dwellings. Within the SUGC are the developing suburbs of Caversham, Dayton and Brabham. Structure planning has been approved in these areas and residential development has been occurring over the last few years.

The area immediately surrounding the poultry farm is characterised by low density rural residential style development and is currently zoned General Rural within LPS 17. A number of residences on semi rural properties are located between 75m and 370m from the subject land. The closest adjacent urban area (Dayton LSP 1) is approximately 500m to the east of the subject land. Residential densities in the urban areas are generally between R20 to R60.

Under SPP 4.3, where the odour source is within 300 metres of existing/proposed rural residential development and 500 metres of existing/proposed residential development, an assessment of the likely environmental impacts is required. Further, the EPA GS 3, recommends a buffer distance to a poultry farm of between 300m to 1000m, depending on the size of the farm.

In this instance there is existing rural residential and residential development within these buffer distances to the poultry farm. The proponent's odour modelling seeks to establish that a buffer distance of 500 metres is appropriate, however, a buffer distance 500 metres will prevent further intensification of the existing rural residential development and urbanisation throughout the majority of the local area zoned urban deferred, which would be inconsistent with the current zoning of the land under the MRS.

The City of Swan granted development approval for a poultry farm (egg laying) on 22 September 1993, subject to a number of conditions, including that the capacity of the poultry farm did not exceed current bird numbers, which at that time was 24,000.

The poultry farm land use is considered under the 'Animal Husbandry - Intensive' land use class under LPS 17, and is a discretionary use in the General Rural zone under LPS 17. The other uses for which approval is sought are considered ancillary to the primary use.

The application includes a comprehensive development application report (dated July 2011) which can be tabled if requested, including an:

- odour Impact Assessment & Dispersion Modelling Study dated February 2011 conducted by consultants 'The Odour Unit' (TOU);

- odour modelling projections plan; and a
- environmental management plan, which incorporates plans addressing odour, noise, dust, waste, manure and traffic management.

The applicant has also submitted additional information dated 29 March 2012 which provides further justification in support of the increased bird numbers (**Attachment 4** - Excerpt from additional supporting information dated 29 March 2012)

CONSULTATION:

The City of Swan Council resolved to not approve the increase in bird numbers from 24,000 to 80,000, but to approve a number of the associated buildings.

The application was publicly advertised by the City of Swan for 30 days via a sign on site, the City of Swan web site, and in the local newspaper. Written notification was sent to surrounding neighbours. A total of 65 submissions were received, including 62 objections and 3 letters of non-objection. One objection included a petition containing 83 landholder signatures (one being an organisation with 133 members).

The main objections raised in submissions relate to:

- Odour
- Inappropriate development in the urban deferred zone.
- Inappropriate to consider development retrospectively.
- Health
- Amenity
- Traffic

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

In addition, GRA has prepared a report on behalf of landowners and residents objecting to the proposal. This report considers the proposal against the relevant local government, environmental and WAPC policies and legislation. The GRA report includes a critique of the odour assessment and dispersion modelling undertaken by TOU. A copy of the GRA report can be provided to the SPC upon request. (**Attachment 5** - Excerpts from GRA report). The matters raised in the GRA report are discussed in the comments section of this report.

The DEC has reviewed TOU report and has raised a number of concerns regarding the assessment and the assumptions made in the modelling. In summary the DEC advise that ... *"the input data used in the model have large uncertainty and therefore so do the odour contours... In conclusion, the findings of the odour assessment are not definitive and cannot be used to support a reduction in the buffer."*

The DEC also recommend that the WAPC assess the number of complaints since the increase from 24,000 to 80,000 birds, whether the number of complaints has

risen and where the complainants are located. *"Any recent complaints or an increase in the level of complaints post expansion will indicate that there are impacts to be further considered by the WAPC."*

The DEC referral response concludes that the modelling input data have large uncertainty and therefore so do the odour contours. With all of these uncertainties taken together, DEC suggests maintaining a minimum distance of 500 metres as recommended in the previous EPA report in relation to the 1994 MRS amendment.

The additional information provided by the applicant dated 29 March 2012 was referred to the DEC, however no written response has been received. The reporting officer has spoken with an officer of the DEC air quality branch. These comments are included below.

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

OFFICER'S COMMENTS:

Swan Urban Growth Corridor Sub-Regional Structure Plan (Feb 2009) (SUGCSP)

An objective of the SUGCSP is to provide for the coordination of development within areas of the SUGC identified for urbanisation. The subject locality is identified as 'West Swan West' within the SUGCSP as suitable for residential development. The SUGCSP acknowledges that the operational poultry farm on Cheltenham Street currently poses a constraint to residential development in the area.

Metropolitan Region Scheme - Major Amendment (950/33) & State Planning Policy No. 4.3 Poultry Farms Policy (SPP 4.3)

The subject land is part of a broader area which was rezoned from MRS rural to urban deferred in December 1994. The MRS amendment included the majority of land that is known as the Swan Urban Growth Corridor (SUGC), and also recognised that the two main constraints to urbanisation of the area were the lack of connection to essential services and the odour buffer to the poultry farm/mushroom farm in the locality.

In 2011 the servicing constraints relating to reticulated water, electricity and sewerage were resolved due to the residential development of urban land to the east that is within the SUGC.

Section 5.2.1 of SPP 4.3 states: *"Applications to expand existing poultry farms located in a rural zone which is not identified for short or medium-term urban or rural-residential development may be permitted. This applies particularly to egg production farms where there is no increase in bird-stock numbers."*

Section 5.2.1 of SPP 4.3 is applicable to the subject proposal. The land to the south and east of the subject locality is zoned for residential development. Within these areas, district and local structure plans have been approved, along with related subdivision applications. Residential development in these areas is well advanced. The subject land is zoned urban deferred, with the poultry farm representing the only significant outstanding constraint to urbanisation of the area. Accordingly, it is logical to conclude that the subject locality is identified for residential development in the

short to medium term. As such, supporting the expanded poultry farm operation would not be consistent with section 5.2.1 of SPP 4.3 or proper and orderly planning.

Environmental Protection Authority – Separation Distances between Industrial and Sensitive Land Uses. Guidance Statement 3.

The EPA's Guidance Statement 3 (GS 3) adopts a range of generic separation distances between industrial and sensitive land uses. Under GS 3, the generic buffer from an intensive poultry farming operation is between 300m – 1000m, depending upon the size of the poultry farm.

Odour Impact Assessment and Dispersion Modelling Study

The applicant has commissioned TOU to undertake three odour studies in relation to the proposal. The first study, dated February 2011, is a odour impact assessment and dispersion modelling study. The second study, dated December 15, 2011, is a site specific modelling assessment of Shed 1 (free range shed). The third study, dated February 2012, compares a scenario of the currently approved 24,000 birds (with existing horizontal air exhaustion from Sheds 2, 3 and 4, and naturally ventilated Shed 1) to the current operating arrangement of 84,000 birds but with the vertical air stacks installed to Sheds 2, 3 and 4.

The February 2011 study was commissioned by the applicant to determine if a 500m odour buffer should be placed on the farm to account for the increased capacity of egg layers. The study modelled the odour impact based on Sheds 2, 3 and 4 being fitted with vertical mechanical ventilation stacks (minimum 6m high), and Shed 1 being naturally ventilated and assuming best management practice and 'housekeeping'. At the time the study was conducted Shed 1 was empty, so a comparable shed on a poultry farm in Hazelmere was used to model a naturally ventilated scenario.

The study finds that based on the odour concentrations vertically exhausted to the air, ground level malodour impacts may only arise from the naturally ventilated free-range shed (Shed 1). The report states that once the vertical stacks are installed on Sheds 2, 3 and 4, this will reduce the odour footprint to *"nominally 100 metres from the nearest odour source at the farm."* The Study concludes that: *"Once the tunnel ventilated sheds are reconfigured such that their emissions are ejected vertically at a height of no less than 6 metres above ground, and the naturally ventilated shed is operated to best practice, along with diligent housekeeping, the odour footprint is expected to be less than 450 metres from the nearest odour source at the Swan Valley Eggs farm. Based on the modelling these odour emissions would be attributed (if any) to the naturally ventilated shed."*

The submission prepared by GRA disputes the findings of the Study, and engaged Coterra Environment consultants to critique TOU study. In summary the GRA review of TOU Study, incorporating the findings of the Coterra critique concludes:

- The applicant's odour study does not model the odours from Sheds 2-4 without installation of odour stacks, i.e. their current configuration is not modelled;

- A comparable odour study of the farm with only 24,000 birds has not been undertaken;
- The odour study predicts an off-site odour impact beyond 500 metres even if the vertical stacks are installed to Sheds 2, 3 and 4;
- The Study concedes sensitive receptors within 450 metres would be subject to odour nuisance, from Shed 1 as well as from Sheds 2, 3 and 4 with vertical stacks installed;
- Coterra suggests a buffer of closer to 1,000 metres to limit odours from a poultry farm with approximately 90,000 birds; and
- Stephenson recommends a minimum buffer of 900 metres, even with odour stacks, to account for unforeseen events, abnormal operating conditions, or adverse weather conditions; and
- Stephenson suggests a maximum capacity of 14,600 birds to limit the impacts of odour on sensitive receptors.

In relation to the GRA conclusions the following comments are made:

- In respect of the first dot point, TOU Study has modelled the existing poultry farm arrangements by stating (page 21) *"The dispersion modelling of a naturally ventilated (volume source) egg layer shed and three tunnel ventilated, multi tier egg layer sheds (stack sources) projected an off site odour impact beyond 500 metres."* TOU Study notes that this impact is due to the effect of the air from the sheds being exhausted horizontally.
- With regard to dot point 3, the conclusion of TOU Study is noted above which indicates that once the mitigation measures are in place *"the odour footprint is expected to be less than 450 metres from the nearest odour source at the Swan Valley Eggs farm. Based on the modelling these odour emissions would be attributed (if any) to the naturally ventilated shed."*

Notably however, one of the conclusions of the Coterra report states: *"The odour dispersion modelling has determined that there is an impact under ideal conditions within 450 metres of the sheds with a 90,000 chicken capacity. Further under any unfavourable meteorological conditions this plume will not disperse efficiently in any direction, including vertically. Therefore the separation or buffer distance for plant upsets or non-normal operations or unfavourable meteorology may be at least double this predicted distance of 450 metres; that is, 900 metres."*

The second Study dated December 2011 was conducted to confirm the results of the first study in respect of the impact of Shed 1. The results of the second study concluded that the cumulative impacts from Shed 1 (naturally ventilated) and three tunnel sheds have a projected off site impact radius of 500 metres.

With regard to the third study, the information provided by the applicant has been referred to the DEC, however no formal response has been received. The reporting officer has spoken with an officer of the DEC air quality branch who has indicated

that the DEC position has not altered, and the DEC maintains its advice that the buffer distance should not be less than 500 metres, and that WAPC should investigate complaints relating to the poultry farm.

The applicant has undertaken extensive odour studies and dispersion modelling, and has responded to queries raised. Due to the complexities associated with modelling of odour impact there remains uncertainty in making predictions relating to odour impact and specific buffer distances, particularly when seeking to reduce buffers below those recommended in GS 3. In this instance, the applicant has not sought to determine a specific buffer distance, and their modelling concludes that the odour from the upgraded facility will impact residents within 500 metres of the farm, with Shed 1 being the principle odour source. The submission by GRA suggests a buffer closer to 900m-1000m is appropriate.

Although these studies seek to establish that a 500 metre buffer is appropriate to the expanded operation, a buffer of this distance will impact on existing dwellings in the vicinity that are closer than 500 metres from the poultry farm, and will prevent intensification of development and urbanisation of virtually the entire area zoned urban deferred under the MRS, which would not be consistent with the zoning under the MRS.

City of Swan - Local Planning Scheme 17 - General Rural zone.

The objectives of the General Rural Zone are to –

- (a) facilitate the use and development of land for a range of productive rural activities, which will contribute towards the economic base of the region;
- (b) provide for a limited range of compatible support services to meet the needs of the rural community, but which will not prejudice the development of land elsewhere which is specifically zoned for such development;
- (c) ensure the use and development of land does not prejudice rural amenities, and to promote the enhancement of rural character;
- (d) ensure that development and land management are sustainable with reference to the capability of land and the natural resource values.

Objective (c) is particularly relevant in this instance, given the number of complaints made to the City of Swan relating to odour from the poultry farm. The report to the City of Swan Council notes that between 2002 and 2006 no complaints were received regarding the poultry farm. Since 2006 the City of Swan has received:

- 2006 - 13 complaints;
- 2007 - 6 complaints;
- 2008 - 0 complaints;
- 2009 - 5 complaints;
- 2010 - 14 complaints;

- 2011 - 14 complaints.

The numbers of complaints coincide with the expansion in bird numbers from 24,000 to 80,000.

During 2007 a number of residents on Rugby Street lodged an Application for Mediation with the Registrar of the Agricultural Practices Board in an attempt to resolve issues relating to 'excessive and overpowering poultry manure odours' and 'excessive fly numbers throughout the year'. The reduction in complaints in 2008 may be due to operational improvements undertaken by the farm operator. However, in 2010 and 2011, 14 complaints were received in each year by the City of Swan.

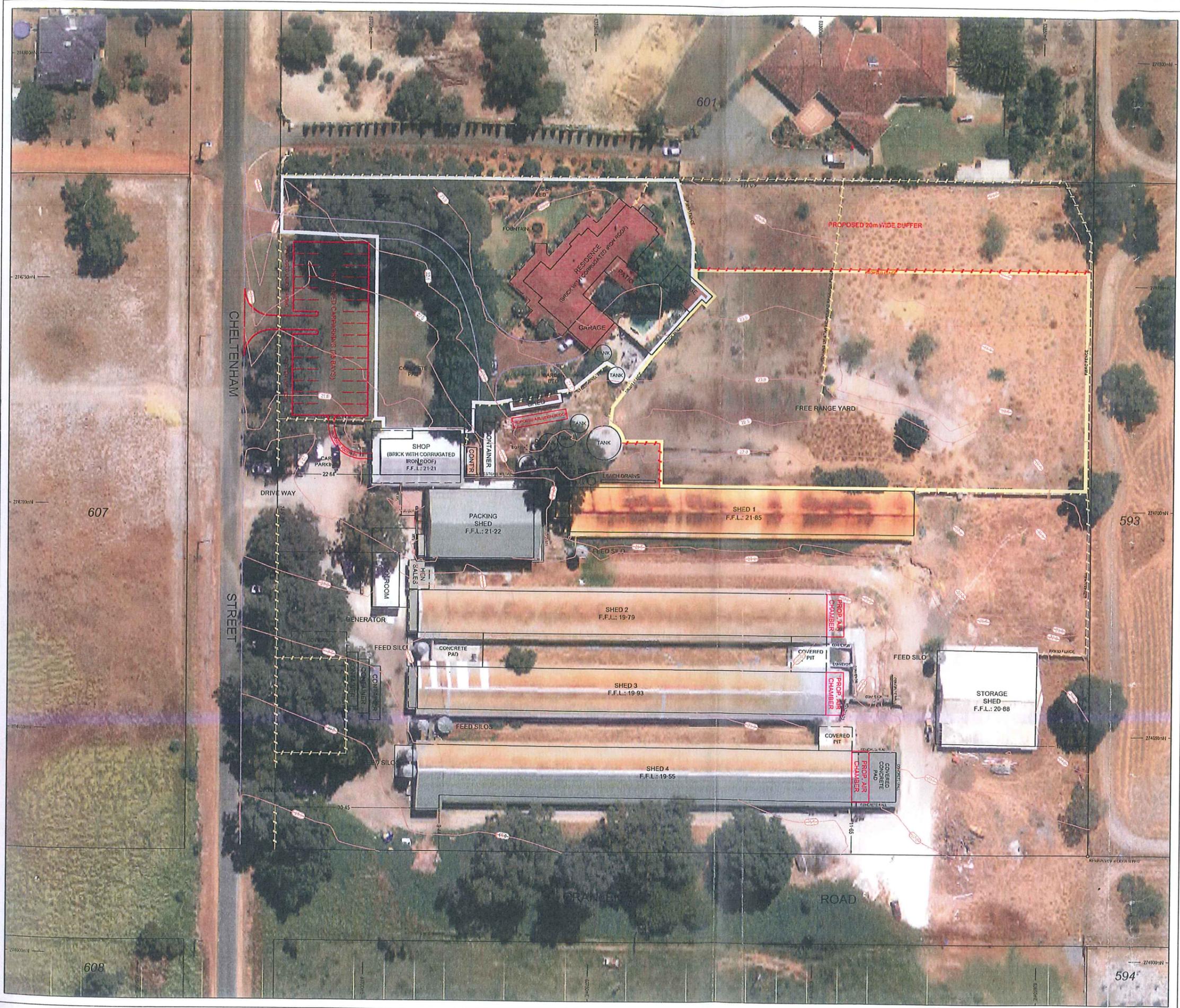
The DEC recommended that the WAPC investigate the complaints against the poultry farm, and that if there has been an increase in complaints post expansion, then there are impacts that require further consideration by the WAPC. It is notable that the proponent has not reported on the current odour impact of the poultry farm on local residents. Having regard to the above comments from the DEC regarding the difficulties associated with assessing odour buffer reductions, it is considered that the complaints received could be an effective indication of the extent of the amenity impact from the poultry farm.

Based on the above information a significant number of residents are being adversely impacted by the operation of the poultry farm. Accordingly, the existing (expanded) operation is prejudicing rural amenity and is detrimental to the rural character of the area.

CONCLUSION:

Having regard to the number of complaints received by the City of Swan, the current expanded operating arrangements are having a detrimental impact on the rural amenity and rural character of the area, inconsistent with the General Rural zoning under LPS 17. The proponent's odour modelling indicates that with the proposed vertical air stacks to be installed on Sheds 2, 3 and 4, and Shed 1 being operated to 'best practice' the resultant odour impact will not be greater than the impact from the currently approved 24,000 birds without the upgrades. The DEC states that the Study findings are not definitive and cannot be used to support a reduction in the buffer, and that a 500 metre buffer distance should remain. It is acknowledged that the proposed operational improvements may reduce the odour impact on nearby residents from current levels.

However the subject land and immediate surrounding locality is zoned urban deferred and is intended for urban development in the short to medium term, with the only remaining constraint being the poultry farm. The land has been identified for urban development since 1994, and the poultry farm has not relocated in that time. It is considered that supporting the proposal and the 500 metre buffer as recommended in the proponent's odour studies would prejudice and restrict the urbanisation of the area as identified by the SUGCSP and the MRS zoning, inconsistent with the principles of proper and orderly land use planning and SPP 4.3. Accordingly, it is recommended that the proposal be refused.



General Notes:

ATTACHMENT 1

CONTOUR INTERVAL: 0.5 metre.
 HORIZONTAL DATUM: PERTH COASTAL GRID 94
 VERTICAL DATUM: A.H.D.
 BASED ON SSM CAVERSHAM 30

AERIAL PHOTOGRAPHY SUPPLIED BY LANDGATE 6 OCT 2010
 CAPTURE START DATE: 22 FEB 2010
 CAPTURE FINISH DATE: 30 MAY 2010
 GROUND MEASUREMENT: 0.1m

THIS PLAN WAS PREPARED FOR SNOWDALE HOLDINGS PTY LTD FOR THE PURPOSE OF SHOWING EXISTING STRUCTURES CONSTRUCTED ON THE SITE AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
 VISIBLE SERVICES SHOWN HEREON HAVE BEEN PLOTTED FROM FIELD MEASUREMENTS. UNDERGROUND SERVICES HAVE NOT BEEN PLOTTED.
 PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY MUST BE CONTACTED FOR A DETAILED LOCATION OF ALL SERVICES.
 THIS NOTE FORMS AN INTEGRAL PART OF THIS PLAN.



0	07 11 10	ISSUED TO CLIENT	GA/S
1	31 12 10	F.F.L OF SHEDS ADDED	GA/S
2	12 06 11	PROPOSED CARPARKING, ABLUTION BLOCK & AIR CHAMBERS ADDED, RESIDENTIAL PRECINCT DEFINED	GA/S
REVISION	DATE	DETAILS	AU/IM

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 In the absence of "Approved By" signature this plan is invalid and MAKJaP Pty, Ltd. is not responsible for its contents.

	SIGNATURE	DATE
SURVEYED BY:	D.T.GROGAN	Nov 2010
PROCESSED BY:	D.T.GROGAN	5 Nov 2010
DRAWN BY:	D.T.GROGAN	31 Dec 2010
DESIGNED BY:		
CHECKED BY:	D.T.GROGAN	12 Jun 2011
APPROVED BY:	D.T.GROGAN	12 Jun 2011

JOB No.: SVEF	DRAWING No.: SVEF01	REV. No. 2
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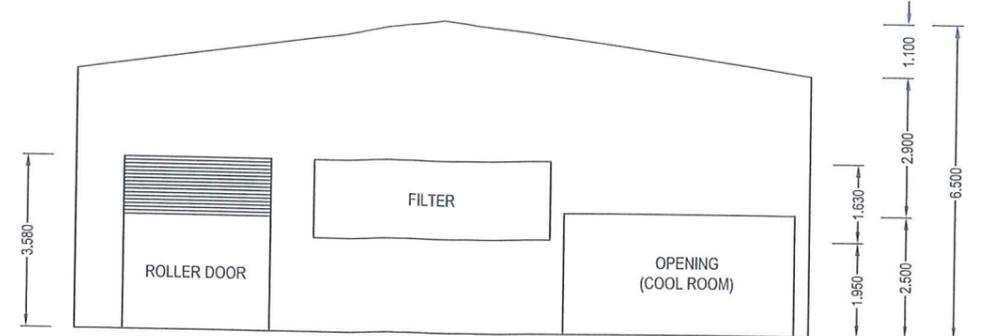
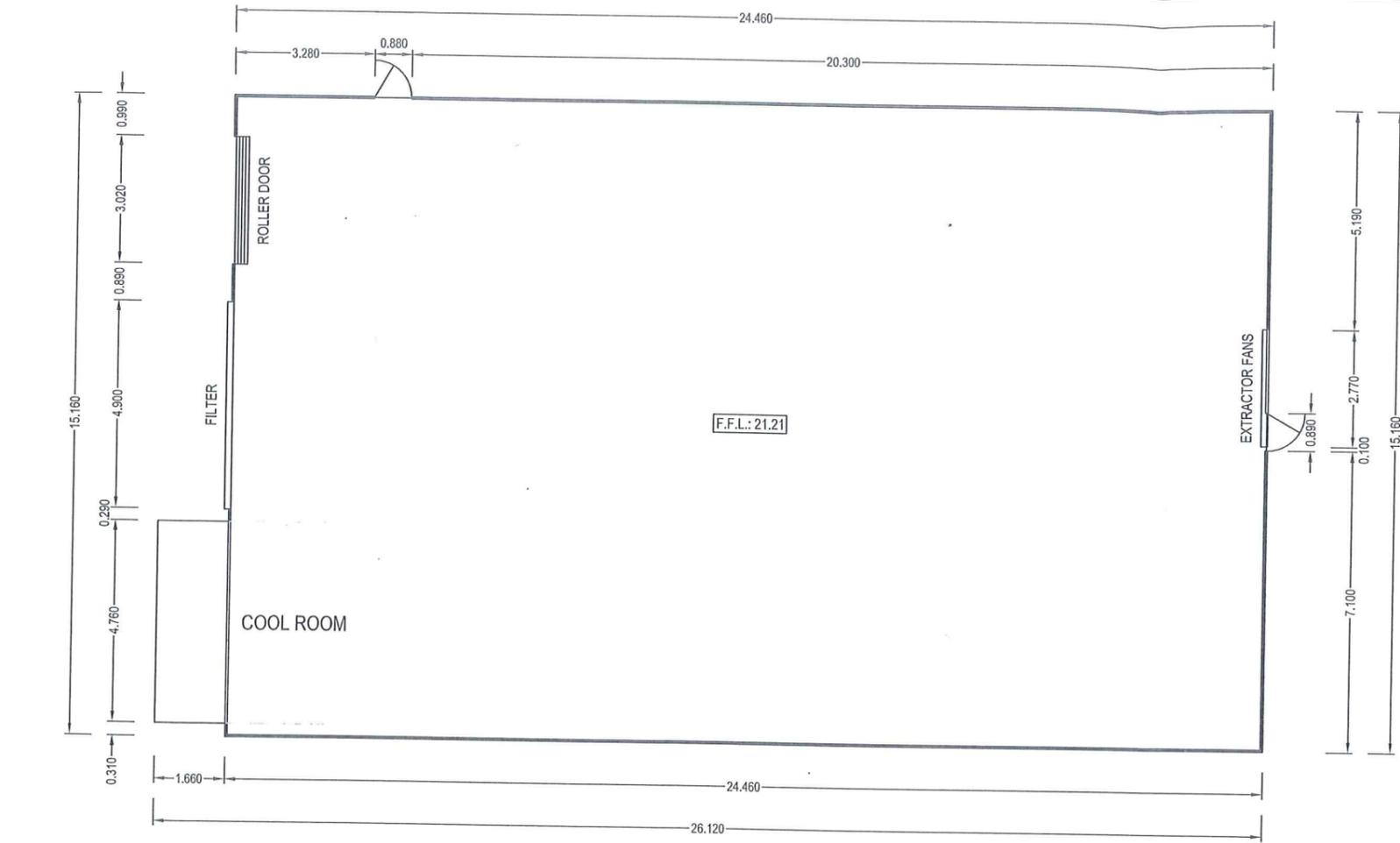
**FEATURE SURVEY OF
 LOT 600 ON PLAN 3698
 60 CHELTENHAM STREET WEST SWAN**
 CLIENT: SNOWDALE HOLDINGS PTY LTD

BENETTI GROGAN & ASSOCIATES
 CONSULTING ENGINEERS & SURVEYORS
 ABN 66 009 183 831

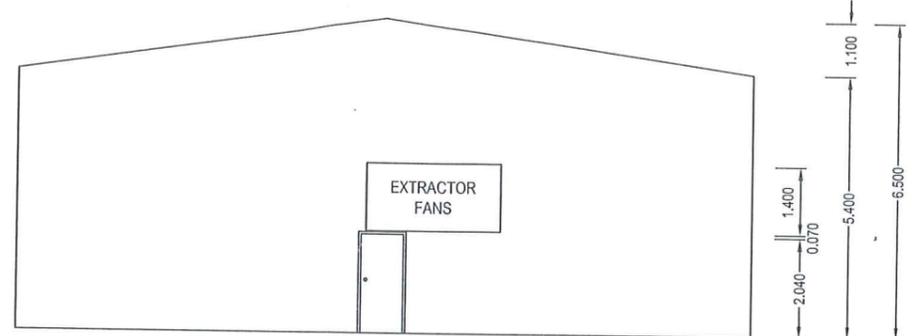
1/61 WALTERS DRIVE, OSBORNE PARK
 PO BOX 144 MOUNT HAWTHORN WA 6915
 TELEPHONE: (08) 9443 6248 FACSIMILE: (08) 9443 2987
 email: bengro@makjap.com.au

OPERATIONAL OFFICES
 Western Australia Perth - Brisbane - Derby - Karratha

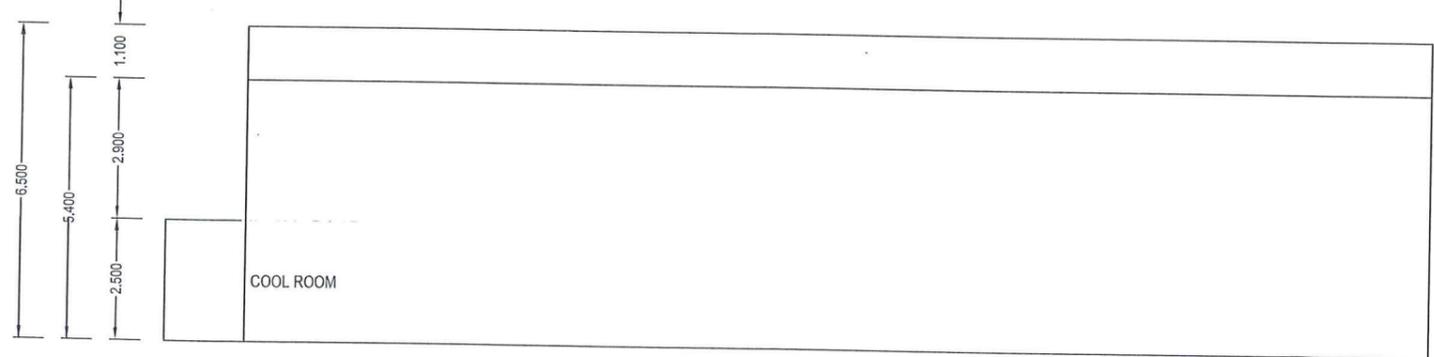
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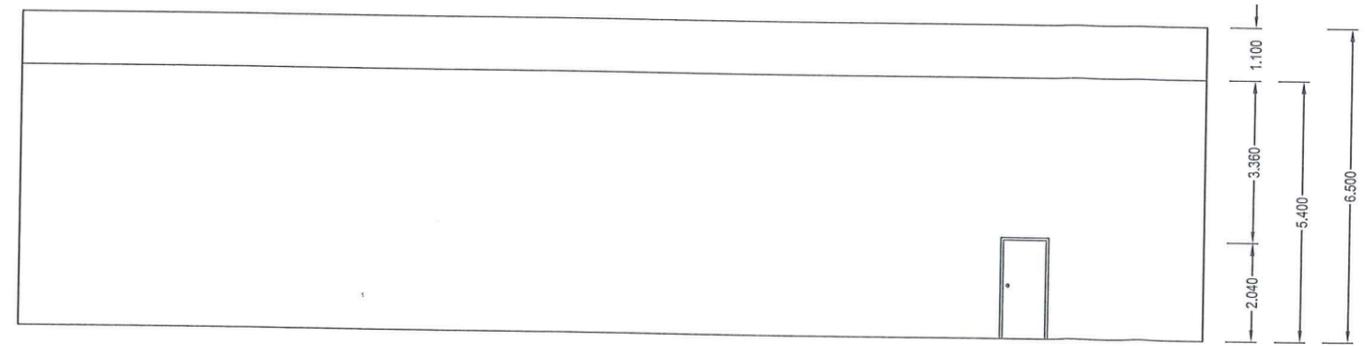
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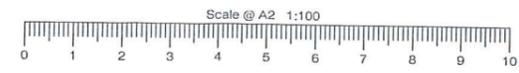
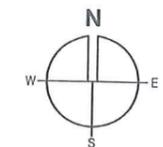
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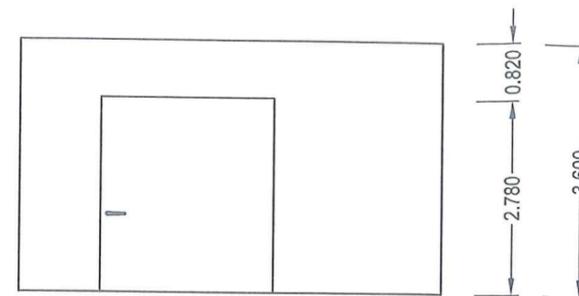
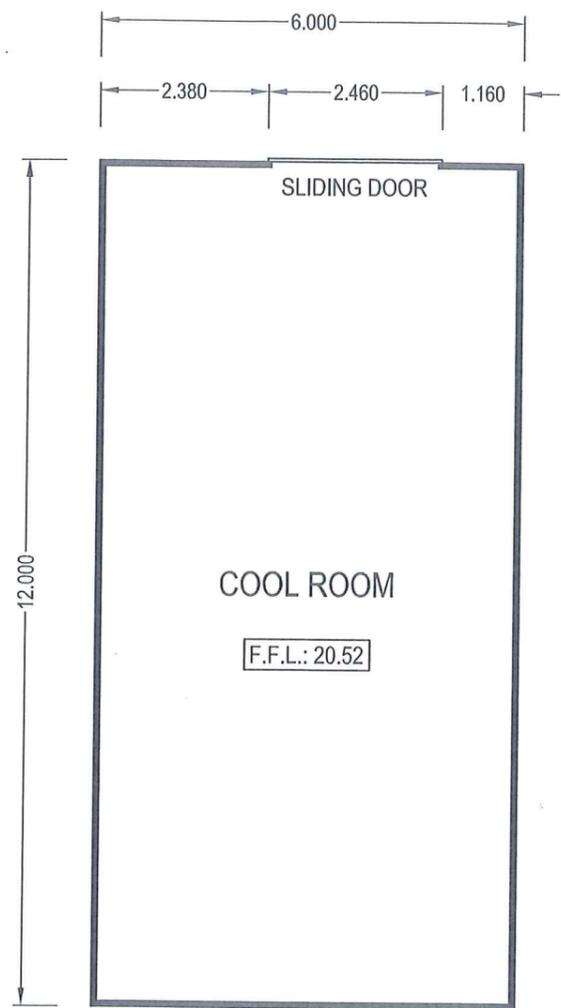
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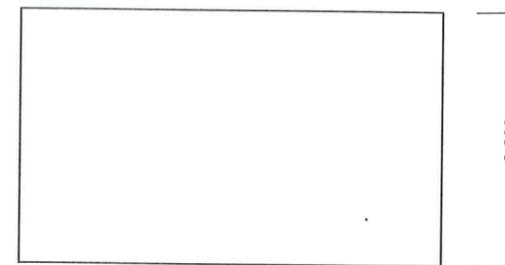
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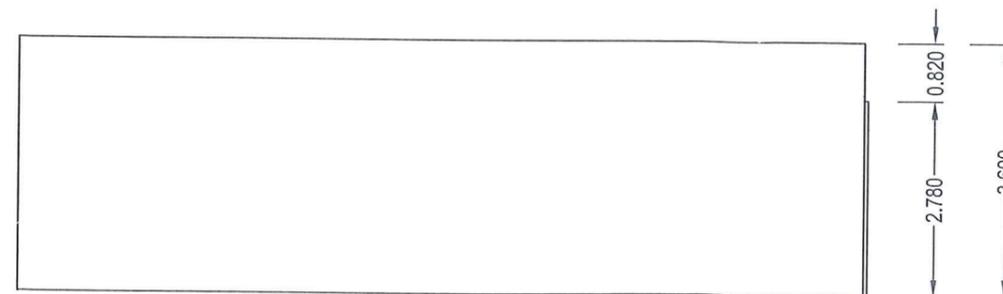
SWAN VALLEY EGG FARM
 GRADING ROOM
 FLOOR PLAN & ELEVATIONS
 Scale @ A2 1:100
AGENDA PAGE 95



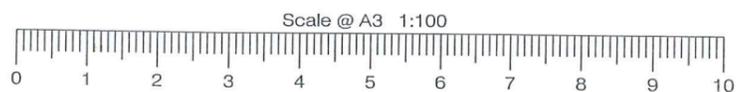
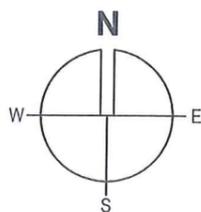
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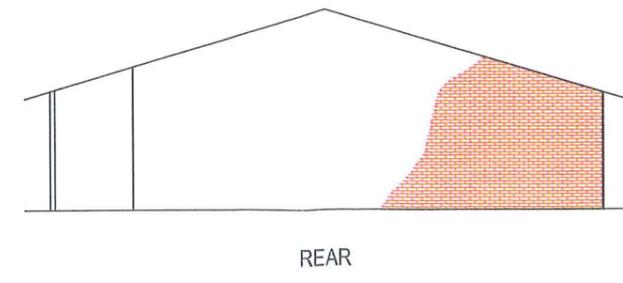
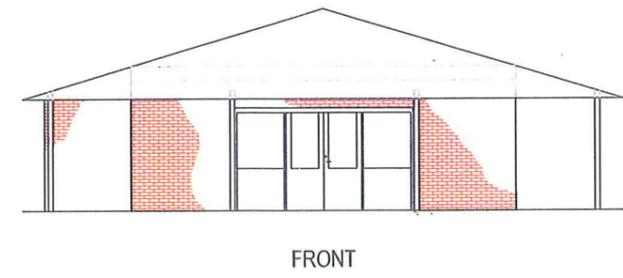
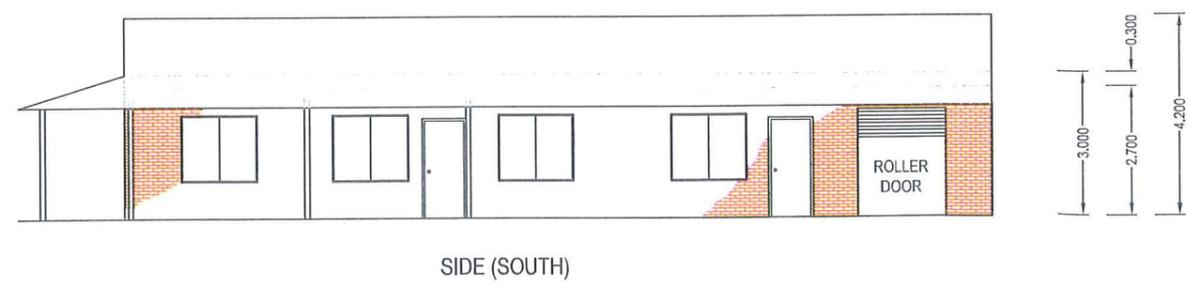
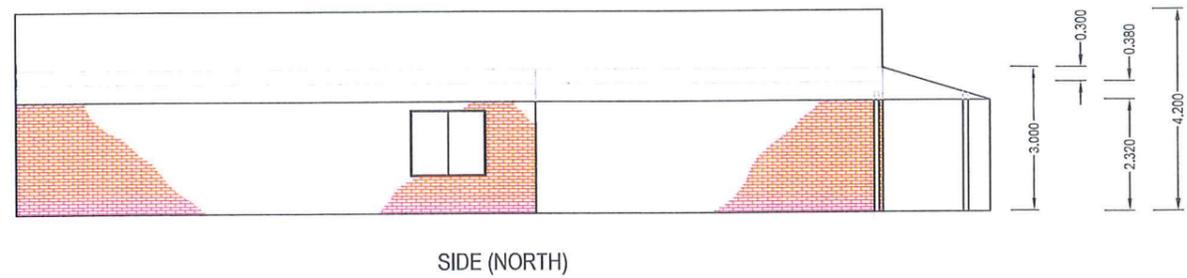
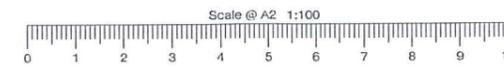
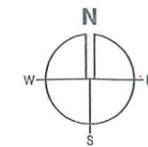
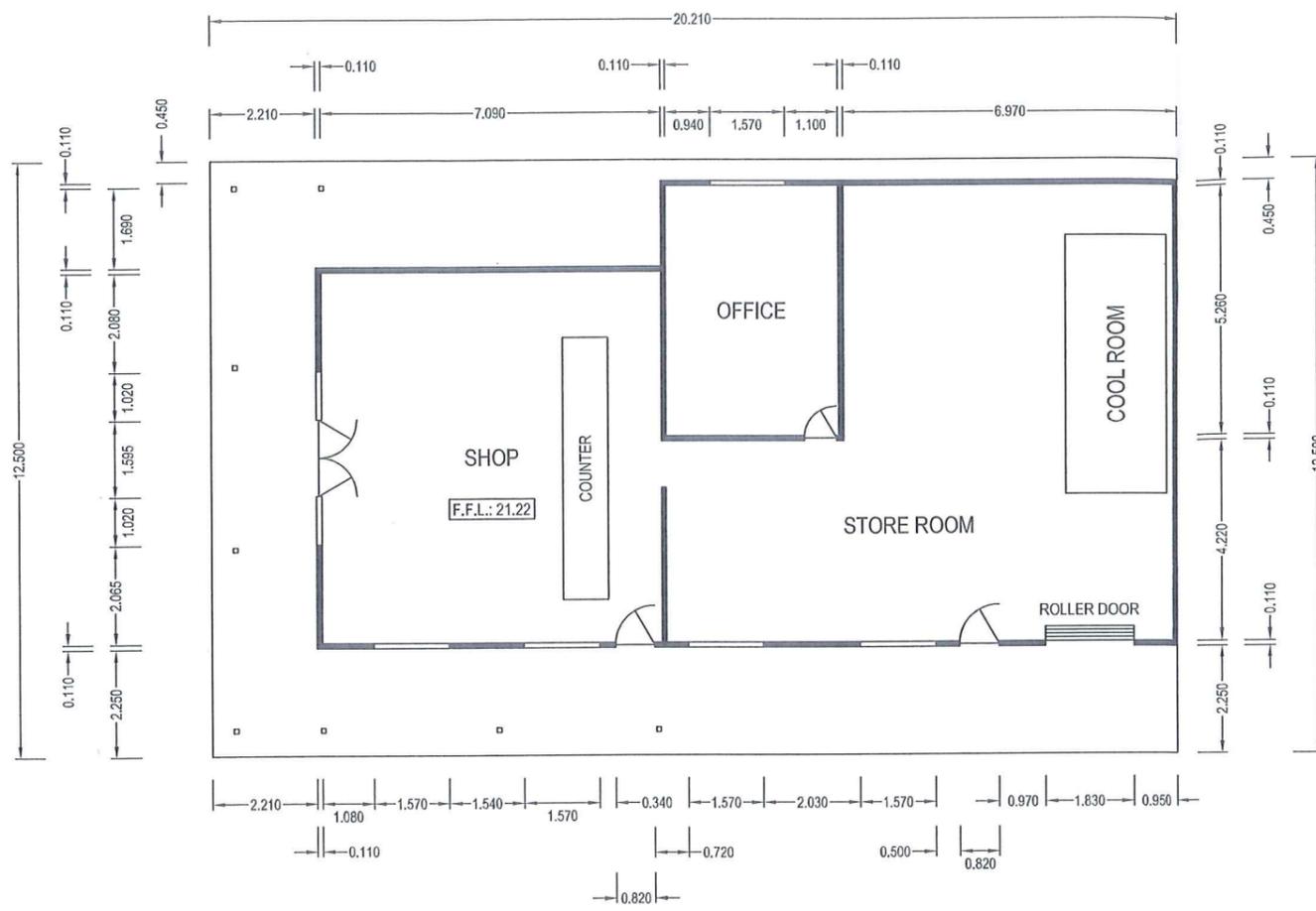
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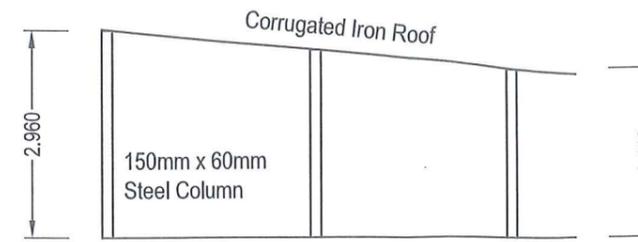
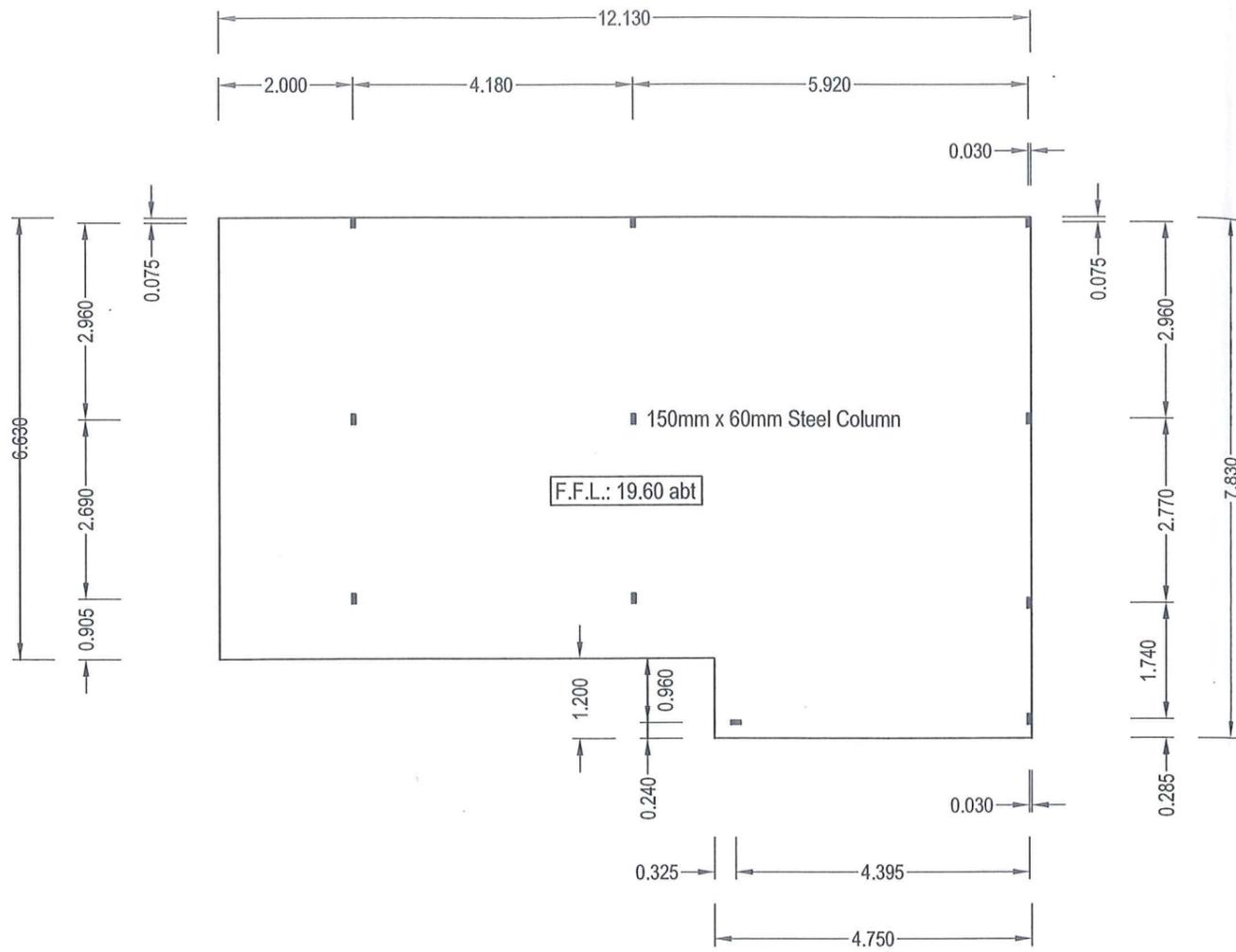
SIDE (EAST)



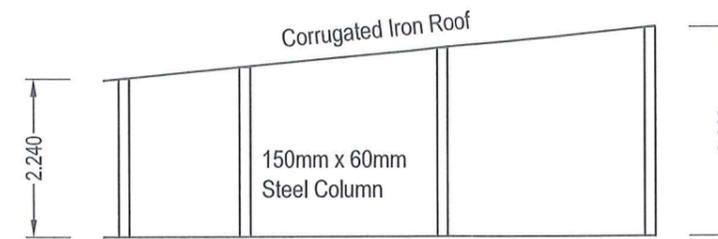
SWAN VALLEY EGG FARM
 COOL ROOM
 FLOOR PLAN & ELEVATIONS
 Scale @ A3 1:100
 AGENDA PAGE 96



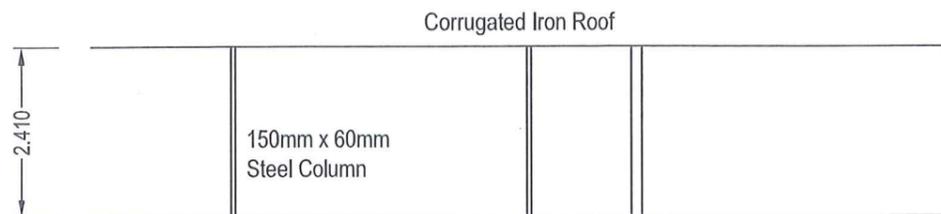
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 ADMINISTRATION & RETAIL
 FLOOR PLAN & ELEVATIONS
 Scale @ A2 1:100



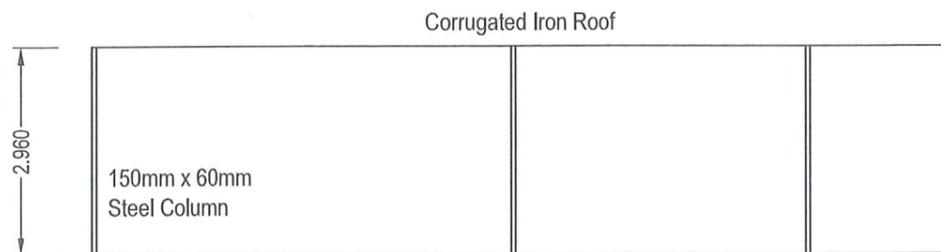
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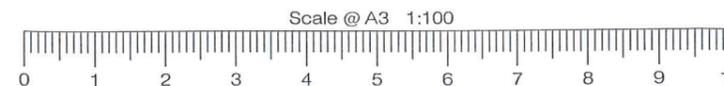
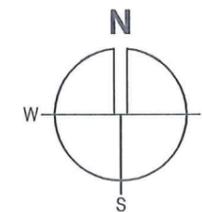
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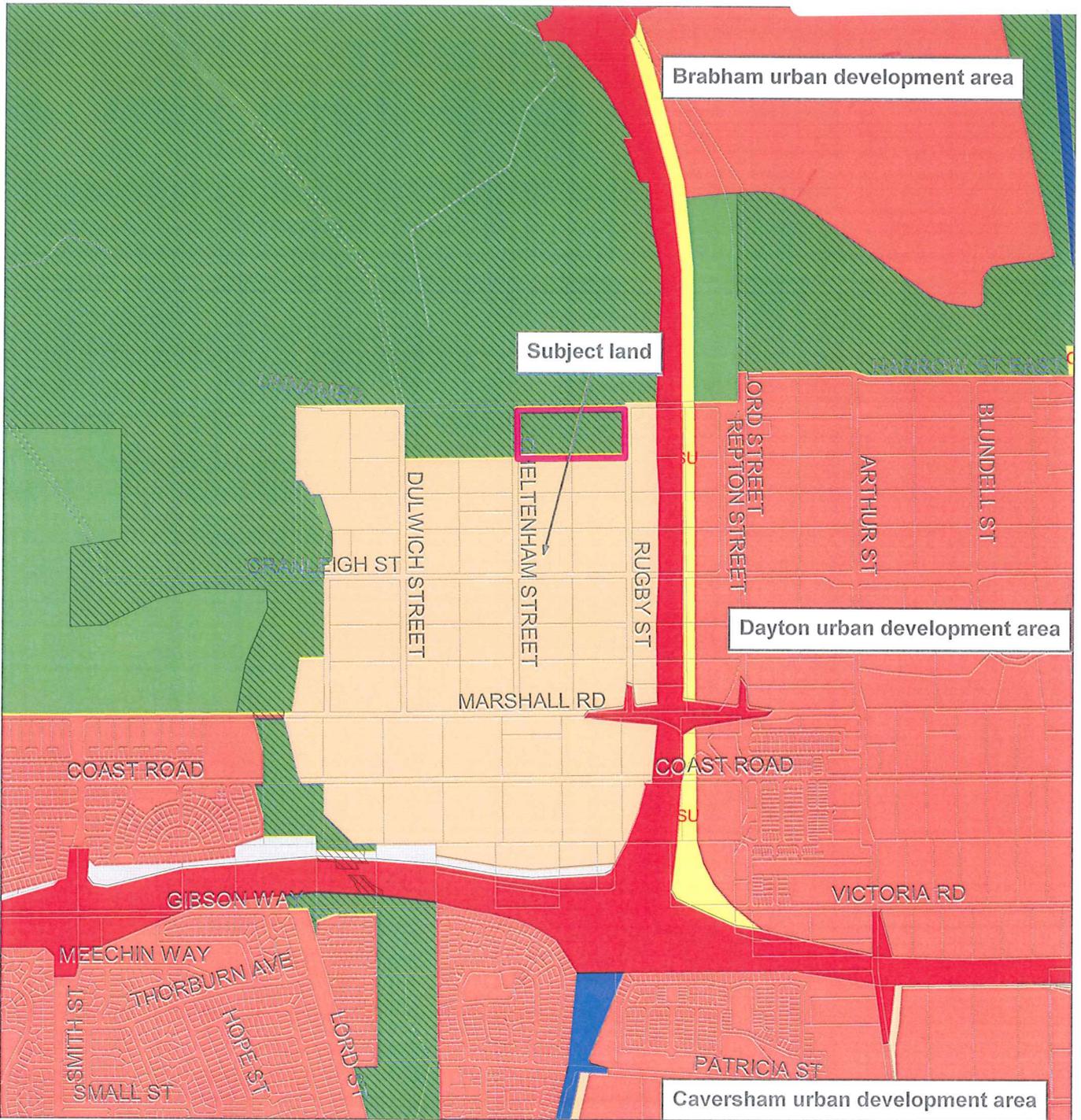
REAR



FRONT



SWAN VALLEY EGG FARM
COMPOST SALES SHED
FLOOR PLAN & ELEVATIONS
Scale @ A3 1:100



	Cadastre with Lot Numbers		OTHER REGIONAL ROADS
	Bushforever Area		PARKS & RECREATION
	URBAN		RAILWAYS
	URBAN DEFERRED		PP - COMMONWEALTH GOVERNMENT
	RURAL		PP - SPECIAL USES
	PRIMARY REGIONAL ROADS		

Scale 1:20,000
 0 500 m

Prepared by: rcull
 Prepared for:
 Date: Wednesday, May 30, 2012 13:26
 Plot identifier: P20120530_1326

DP INTERNAL USE ONLY

7.0 JUSTIFICATION FOR THE DEVELOPMENT

7.1 Consideration of the Uses Proposed

7.1.1 Poultry Farm Use

With respect to the poultry farm use, this use has not changed since the original grant of approval by the City. The Applicant therefore does not require Council's further approval to the poultry farm use.

In any event, for completeness, such a use is consistent with the General Rural zoning under the Scheme and the objectives of that zone as follows:

The first objective is to *"facilitate the use and development of land for a range of productive rural activities, which will contribute towards the economic base of the region."* The poultry farm clearly and significantly contributes towards the economic base of the region through local employment and through the generation of income for the region and through the incidental sale of eggs to the local community.

The second objective is to *"provide for a limited range of compatible support services to meet the needs of the rural community, but which will not prejudice the development of land elsewhere which is specifically zoned for such development."* In this regard the generation of manure is used as a by-product for use in other rural activities in the locality. The incidental sale of eggs on site to the general public also assists in providing a range of compatible support services to the local community.

In regard to objective c), the Application, although providing a greater number of birds does not prejudice the rural amenity. This is discussed under the relevant sections included in the development section of the Application.

The poultry farm is reasonably described as animal husbandry – intensive. Under the Zoning table of LPS17, an 'animal husbandry – intensive' land use is a discretionary use in a General Rural zone.

However, given the use has not changed since the original grant of approval by the City, this aspect, we contend, does not require the further consideration of Council.

It is however recognised that the additional number of birds, the development listed in Council's Notices and the other incidental development as listed in this report require the further approval of Council. These aspects are discussed in further detail below.

7.1.2 Shop and Office Uses

The shop and office uses are incidental to the primary poultry farm operations and could reasonably be considered under the primary use as a poultry farm.

It is worthwhile noting that a case was considered by the State Administrative Tribunal being *Joondalup Gate Pty Ltd v City of Joondalup* [2008] WASAT 47, whereby the Tribunal considered whether the different components of a land use should be separated and assessed independently or whether the use should be considered in more general terms.

In the Tribunal case, they considered “pet grooming” as part of a “showroom” use and based their decision to include this use as part of the showroom on the following grounds:

It is also necessary to have regard to the ‘big picture’ to ensure that the purposes of planning and the objectives that the planning scheme seeks to achieve are not frustrated by unduly restrictive interpretations of land use terms.

Accordingly it is considered reasonable, given the small scale of the office and shop land use and that they are part of the poultry farm operations that they can be considered under that more general land use of poultry farm or animal husbandry – intensive.

7.2 Consideration of the Developments Proposed

7.2.1 Poultry Sheds & Number of Chickens

Whilst the number of chickens that approval is sought is a substantial increase upon that approved in 1993, the management practices on site have improved significantly to adopt best management practices, such that it is considered that the odour created by the current number of chickens is potentially less than the odour from the farm in 1993.

The reason for the change in the number of birds is partly due to the Environmental Code of Practice for the Poultry Industry which required by 2008 a change in the requirements for housing chickens. The changes include the requirement of mechanical ventilation and a change in the cage size for birds as discussed earlier in this report.

Further with the introduction of the layering system for keeping chickens under the Code of Practice, the new layering caging system was introduced on the property and then in order to remain competitive in the industry the number of birds kept on the property was also increased.

The landowner was unaware that planning approval was required to increase the number of chickens housed on the property.

In order to accommodate the new cage system and increase the number of birds, minor internal alterations to the sheds were also undertaken. These modifications involved putting in a new concrete floor, new walls and other minor internal changes. These have not affected the height of the sheds above natural ground level.

Management Practices

When the approval was granted in 1993, the chickens were kept in cages on the ground level and the manure was collected and removed on an annual to 18 monthly basis. This management practice, resulted in a significant potential for odour problems to arise in the immediate locality.

In increasing the number of chickens, the management practices for the caged chicken sheds have improved significantly in order to minimise the potential for odour issues. The poultry farm now adopts best management practices and will continue to adopt best management practices.

As detailed in an earlier section of this report, the current arrangement in the sheds is that the caged birds are arranged in a layering system and the cages are connected to a conveyor belt system. The conveyor belt system arranges for immediate transfer of:

- a) The eggs on a daily basis
- b) Collection of manure on a regular basis.

Management Plans are included in Annexure 12 which demonstrate the practices and procedures adopted by the poultry farm in order to minimise the potential for offsite impact.

Manure

The conveyor system for sheds 2, 3 and 4 collects the manure at least once a week the conveyor system is run and the manure collected in the tray of an awaiting trailer and the manure transported off site via trucks.

In regard to the free range shed, the chickens are kept on a raised plastic slat floor, suspended above a concrete floor base. The manure collects and is removed when the chickens are rotated, usually once every 18 months.

The waste management plan contained in Annexure 12 further addresses this matter.

Noise

Since 1993 the caged poultry sheds have been upgraded from permeable canvas walls, to solid and insulated walls. This change has resulted in the potential for noise nuisance to be significantly reduced.

There are no night time deliveries to or from the site, thus the potential for noise nuisance is minimised.

The introduction of odour stacks will also assist to redirect noise away from the eastern boundary.

In regard to the free range shed, as discussed in the management plan, the hatches providing chickens with access to the free range yard are closed by 7pm each night and not opened until 6.00am.

The noise management plan contained in Annexure 12 further addresses this matter.

Dust

In comparison to the poultry sheds as approved in 1984 and 1993, those sheds had permeable canvas walls to the poultry farm sheds and unsealed flooring created the potential for dust nuisance on the property.

With the use of solid insulated walls, the potential for dust nuisance from the poultry sheds is minimised.

The majority of vehicle movements on site are at the front of the property and the track to the rear of the site is only used for limited internal vehicle movements and twice weekly pick up of manure. As the use of the track to the rear of the site is minimal, it is considered that a sealed accessway would not be in keeping with the rural character of the area and that the existing surface does not create a dust nuisance and is therefore satisfactory.

A dust management plan has been prepared and is included in Annexure 12 as part of the environmental management strategy.

The dust management plan contained in Annexure 12 further addresses this matter.

7.2.2 Assessment of Odour impacts associated with additional keeping of birds

An odour impact assessment and dispersion modelling study was conducted. A copy of the report is included at **Annexure 9**. The modelling was based on the Queensland Environmental Protection Agency (QEPA) 'Ecoaccess' odour performance criterion (OPC). The QEPA OPC is currently accepted by the WA Department of Environment and Conservation (DEC) as an 'interim' guidance whilst the WA DEC prepares a formal OPC.

This odour impact study has been assessed in response to SPP 4.3 by the Odour Unit.

That study has assessed odour based on the operational 3 tunnel (caged bird) sheds and one free range shed (shed 1). The odour footprint is based on orientating the odour emissions from the fans upwards via a stack. The modelling projections plan included in that assessment is shown on the following page.

The Odour Unit (WA) Pty Limited

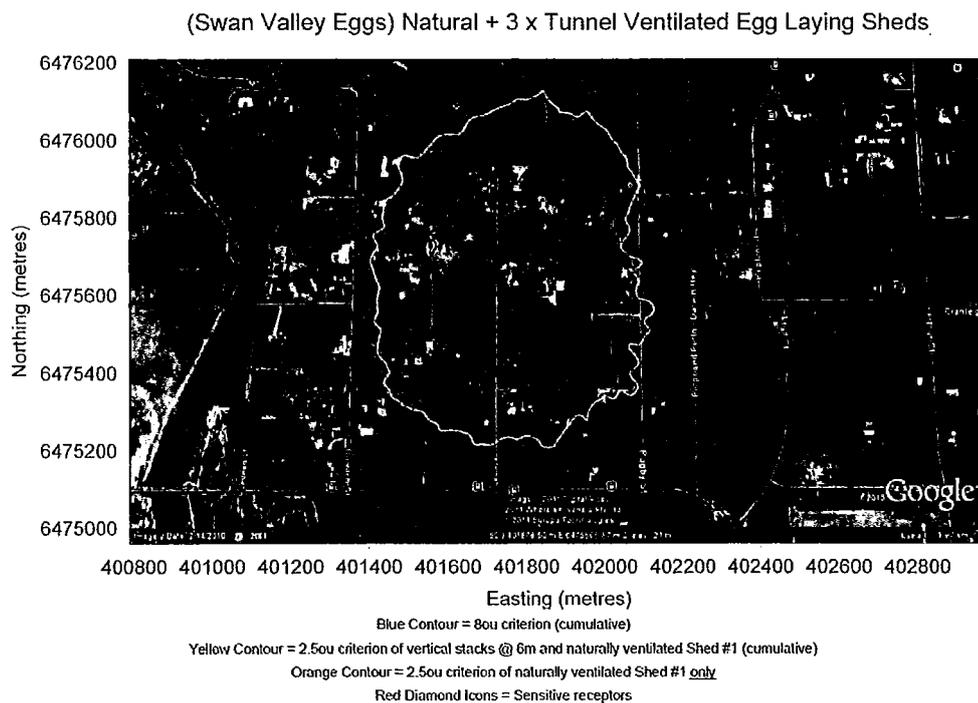


Figure 6.1: Ausplume modelling projections for case scenarios of 2.50u; 1-hour averaging times at the 99.5th percentile (worst 44 hours annually), and 80u; 1-hour averaging times at the 99.9th percentile (worst 9 hours annually).

The report and assessment is included as **Annexure 9** and in relation to odour it states that:

"The model projections have shown that the risk assessment odour footprint based on the cumulative impacts from the naturally ventilated 'free-range' shed and the orientating of the stack emissions vertically produces an odour separation distance of 450 metres north, 380 metres west, 250 metres east and 380 metres south of the nearest odour source (such as the edge or corner of a laying shed). This projection is based on the 2.5ou, 99.5th percentile and 1 hour averaging time criterion."

Further, in the conclusion it states:

"Once the tunnel ventilated sheds are reconfigured, and the naturally ventilated shed is operated to best management practice, along with diligent site housekeeping, the odour footprint is expected to be less than 450 metres from the nearest odour source at the Swan Valley Eggs farm."

As a consequence of that assessment it is apparent that the management measures adopted and proposed have resulted the odour emissions being controlled such that the increase in the number of birds has not resulted in an increase in the odour buffer.

7.2.3 Packing Shed/Grading Room

Prior to the 1990s a poultry farm was not permitted to package eggs on the property. However during the 1990s deregulation of the egg industry resulted in an ability for a poultry farmer to grade and pack eggs on their property. At this time the packing shed was constructed. The packing shed location was chosen as it meant that the majority of delivery vehicles would only need to remain at the front of the property and minimise the potential for dust nuisance and the need for any other vehicles to have to drive through the site. A floor plan of the packing shed/grading room is included in **Annexure 3**.

The packing shed/grading room is an integral part of the operations on site and is predominantly screened from view from neighbours due to the existing mature vegetation on site and on the verge.

7.2.4 Coolroom

The building referred to as the shop/office has a cool room, however, in accordance with best management practice, cracked eggs must be stored in a separate coolroom. The cracked eggs are presently stored in the coolroom in the administration and retail building. Refer **Annexure 3** for a floor plan and elevations of the cool room.

Whilst eggs are also stored in the packing shed/grading room, the egg market is subject to fluctuations and as a result of the national egg surplus a number of years ago, a coolroom was brought on site to cater for the sudden unexpected need to store eggs on site for a longer period of time if required.

The cool room now allows for greater efficiency in transport of eggs prior to delivery and maximises the freshness of eggs prior to pick up by delivery trucks for retail sales off site. Given the fragile nature of eggs and to minimise any potential impact, the cool room needs to be located in close proximity to the packing shed.

7.2.5 Office and shop (administration and retail)

A floor plan and elevations of the office and shop or administration and retail building are provided in **Annexure 3**. The office and shop building was granted planning approval as a machinery and storage shed in 1997. At the time of construction, there was a need to accommodate an office on site, so windows were introduced to then use a portion of the building as an office.

The office component is required for the administration of the poultry farm and provides a reception area for any visitors to the property. The building also provides for an incidental shop for the sale of goods produced on the property to the local community.

The shop and office component should be considered under the objectives of the General Rural zone as per clause 4.2.23 of the City of Swan Local Planning Scheme No. 17. Objective (b) reads:

Provide for a limited range of compatible support services to meet the needs of the rural community, but which will be prejudice the development of land elsewhere which is specifically zoned for such development.

In this context the shop does sell eggs produced on site which is considered to be a compatible support service and given that the goods sold predominantly relate to those goods produced on site (eggs and manure), it is considered that it will not prejudice the development of land elsewhere which is specifically zoned for such development.

7.2.6 Covered Area or Compost Sales Shed

A floor plan and elevations of the compost sales area are provided in **Annexure 3**. The covered area is located to the front of the lot as it is used to display bagged manure for public sale. The selling of raw manure will cease and it is proposed to sell compost (composted at an approved facility) that is based on the manure from the poultry sheds. By locating the area to the front it means that customer vehicles will remain at the front of the property.

The structure is low key and gives the appearance of a carport structure. The property to the west does not contain a residence and the structure is screened by existing mature vegetation and therefore does not adversely affect the visual amenity of the area.

The amount of on site sales of manure is reasonably small, the majority is carted off site. The amount of product offered for the sale of compost is considered to be minor and incidental to the primary use as a poultry farm. However the sale of compost (generated from the poultry manure) on site is beneficial to the local community.

7.2.7 Storage Shed - Lean to Structures (Compost bagging shed)

The storage shed (south eastern end of the property) has had two lean to structures added onto the shed that was granted planning approval in 1993. A floor plan and elevations of the storage shed or compost bagging shed are provided in **Annexure 3**. The shed was originally used as a poultry shed, then storage however, as the business expanded, the shed became too small so lean to structures were then added to the existing building.

Its use is presently limited to storage and bagging of manure and general storage use. However, given concerns raised by the Shire, it is proposed to cease the use of the shed for storage and bagging of manure and to only store and bag compost on site. The compost will not present an issue in term of odour, notwithstanding, the odour management plan will be updated once the compost storage and bagging commences in order to ensure that management practices are adopted in order to minimise the potential for external impacts.

In terms of visual impact the closest residence is approximately 180m from the storage shed and it is considered that the lean to structures and an outbuilding of that size and scale is reasonable in a General Rural zone.

7.2.8 Other incidental Development

The lean to structure located at the eastern end of shed 4 is used to temporarily store and dry manure prior to bagging and sale on site. A floor plan and elevations of the drying shed is provided in **Annexure 3**. However as the storage of manure on site will cease, this area will no longer be used for this purpose. Much of the manure drying area structure will be used to accommodate the odour stacks or air chamber.

The conveyor system used to transport the eggs to the packing shed runs along the western end of the sheds and the conveyor system used to transport manure extends beyond the eastern end of sheds 2 & 3.

The property also contains a number of feed silos for storage of grain for the chickens. The feed silos are located at the western ends of sheds 1, 2, 3 and 4.

7.2.9 Traffic movement/parking

Historically, many of the delivery and pick up vehicle movements were to the storage shed at the rear of the property. The access to the storage shed had been via a compacted limestone track located between poultry shed 1 and poultry shed 2.

With the deregulation of the egg industry and construction of the packing shed, office and coolroom, the deliveries and pick ups are predominantly to the front of the property. The only delivery vehicles to the rear of the property are to collect manure twice a week. The manure pick up vehicles travel to the conveyor belt system located at the eastern end of poultry shed 3.

Therefore with the exception of on site vehicles and the twice weekly manure pick up, all regular traffic movements are to the front of the property. Loose gravel has been placed on the trafficked area to the front of the property in order to reduce any potential for dust nuisance.

As detailed in the sections above, it is proposed to construct a new customer and staff carpark that is to be sealed.

In addition, the traffic management report addresses issues regarding traffic movement and parking

7.2.10 Proposed odour stack or air chamber

The Odour Impact Assessment and Dispersion Modelling Study states:

The farm currently operates to best practice with respect to the automated egg layer sheds. To further improve on this best practice the air stream exhausted from the tunnel sheds should be directed upward to provide vertical momentum. ...

[The Odour Unit] TOU modelled the odour footprint based on orientating the odour emissions from the fans upward. That is, the exhaust fans per shed were assessed as single 'fat' stacks at the combined odour emission rates measured. The height at which the air was discharged to atmosphere was set at 6m above ground. At this height the exit point of the air stream (per shed) would be approximately 1m above each sheds' roof apex. As part of this assessment scenario the naturally ventilated shed (Shed #1) was also included and the four sheds modelled as one cumulative impact.

The precise odour footprint from the current operations which includes only the tunnel ventilated sheds with horizontal exhaust fans is not readily definable since the modelling assumes the fans have zero vertical momentum. Site observations and that of historical complaints data would provide a clearer understanding of the current impacts; however, TOU did not observe any significant malodours beyond approximately 200 metres off site during the sampling program.

Nevertheless, Swan Valley Eggs have indicated their preference to optimising their operations such that best practices are undertaken and malodours are mitigated. The layer sheds themselves already operate at best practice with respect to the internal control and automation of the egg laying process. The extraction fans however would provide a level of nuisance under the right ambient conditions (under poor dispersive conditions). As such the vertical re-orientation of the ejected air stream is needed. This can be achieved by reconfiguring the fans to have banks of vertical stack outlets, or to construct an angled 'bund' at the rear of the sheds to direct the airstream upward. These and other technologies are widely used to affect vertical dispersion from horizontal exhaust streams.

It is the opinion of TOU that the installation of vertical stacks on the tunnel ventilated sheds or the erection of a wind barrier earth bund that 'launches' the air vertically will provide a level of odour mitigation that will reduce the odour footprint from the tunnel ventilated sheds to nominally 100metres from the nearest odour source at the farm. At a distance of 100m from the nearest tunnel ventilated odour source an odour impact on sensitive receptors is not expected. This assumption is based on the vertical airstream exiting the site at approximately 6metres above the ground.

As part of this application, it is proposed to construct the stacks. Plans and elevations of the proposed stacks are included in **Annexure 10**.

7.2.11 Visual Impact

The property contains substantial mature vegetation along the Cheltenham Road frontage, especially near to the location of the shop/office, packing shed, cool room and covered structure near to Cheltenham Street. This vegetation provides a visual screen to the buildings that approval is sought as part of this application.

Photos from the north and south of the site are provided to show the extent of landscaping to assist in screening the site from neighbours.



View from the south looking towards the property from Cheltenham Street.

7.3 Objectives

The following table identifies the objectives of the General Rural zone and our comment in relation to those matters which approval is sought as part of this application.

	Objective	Comment
(a)	Facilitate the use and development of land for a range of productive rural activities, which will contribute towards the economic base of the region	The poultry farm is an approved productive rural activity that contributes to the economic base of the region. The shop which sells goods produced on site contributes to the economic base.
(b)	Provide for a limited range of compatible support services to meet the needs of the rural community ...	The shop which sells goods produced on site is a compatible support service which provides ready access to goods produced on site
(c)	Ensure the use and development of land does not prejudice rural amenity is and promote the enhancement of rural character	The components of the application for which approval is sought do not prejudice the rural amenity of the locality and the existing vegetation to Cheltenham Street assists to screen the development from view.
(d)	Ensure the development and land management are sustainable	The poultry farm operations adopt best management practices.

As can be seen from the above table, the application meets the objectives of the General Rural zone.

7.4 State Planning Policy – Poultry farms

This State Planning Policy (SPP4.3) provides guidance in determining development applications for poultry farms. SPP4.3 has four objectives and objective 3 reads:

To protect the interests of existing poultry farms in the fact of encroaching development

In this case the application is not for additional sheds but rather an operation whereby management practices have been improved and approval is sought to increase the bird numbers.

This poultry farm has been in operation for a significant time frame and the planning framework and zoning reflects the generic 500m poultry farm odour buffer. Land to the west and south within 500m of the poultry farm is zoned General Rural. Land to the north, within the 500m buffer is zoned general Rural or reserved for parks and recreation (Whiteman park). Land to the east is zoned General Rural, with the exception of land, at the edge of the 500m buffer which is zoned Special Use. This Special Use zone requires preparation of a Structure Plan and for this special use zone, the scheme requires an odour impact study to be undertaken to ensure development design avoids any adverse impacts. Further, the structure plan for West Swan East, endorsed by the City of Swan identifies service commercial land uses for that portion of the structure plan area within the 500m buffer from the poultry farm.

Therefore the land within the 500m buffer is zoned General Rural and there is no Rural-Residential Zoned land within the 500m buffer of the poultry farm sheds.

This report demonstrates that the environmental impacts of the development are minimised.

A site specific odour study was undertaken as part of this application and this supports that the odour buffer is contained within the generic 500 metre buffer, even with the increased number of birds for which approval is sought. Further the site specific buffer demonstrates that the odour buffer does not extend to the land zoned urban.

7.5 Status of Urban Deferred zone

The property is zoned under the MRS as Urban Deferred and as yet the Commission has not formed the view that the land has overcome the constraints to rezone this immediate locality from Urban Deferred to Urban.

The subregional Structure Plan for the Swan Urban Growth Corridor states, in regard to Public utilities and more specifically water supply:

The Water Corporation has confirmed that a water supply can be provided to the Caversham and West Swan cells through a series of staged construction.

In order to supply with West Swan West cell with water supply, a further 3,100 metres of pre-funded water distribution main will be required from the intersection of Silver Swan Road and Bennett Springs Drive in Beechboro. This is a minimum requirement prior to the development of this cell.

The existing wastewater scheme can only accommodate for the development of 500 lots in the locality and this is likely to be within Caversham and West Swan East. Any further residential subdivision will not be able to proceed until a regional pump station is constructed to provide wastewater supply to the entire Caversham, West Swan West and West Swan East cells, This will require pre-funding as the site is remote from existing sewerage infrastructure.

8.0 CONCLUSION

In conclusion, the subject site is located within a General Rural zone and the property has Council approval to be used as a poultry farm or animal husbandry – intensive land use.

The use of the property as a poultry farm is consistent with the objectives of the General Rural zone.

Objective (a) of the General Rural zone is to

'Facilitate the use and development of land for a range of productive rural activities, which will contribute towards the economic base of the region'.

The developments for which approval is sought are important aspects of the poultry farm operations. The structures that have been built are integral parts of the poultry farm operations. Much of the development (office/shop, packing shed, cool room and covered area) are screened by the existing mature vegetation on site.

The poultry farm has significantly improved its management practices over the last 15 years such that the current operations, as compared to the operations from 15 years ago, have not resulted in a significant increase in the potential impact from the operations. Further the application proposes further improvements to the poultry farm operations in the form of odour stacks that will address Council's concerns in relation to odour, noise and dust from the egg laying sheds.

The State Planning Policy on Poultry Farms includes an objective to protect the interests of existing poultry farms in the face of encroaching development. This poultry farm has in place a buffer of General Rural zoned land under the City of Swan Scheme and Urban Deferred under the Metropolitan Region Scheme which means that the land is unlikely to be further subdivided.

The odour impact assessment and dispersion modelling study provides an ausplice modelling projection as shown in figure 2 of this report and figure 6.1 of the Odour report. The odour modelling projections have been transposed on a plan showing:

1. the aerial with concentric circles to show the extent of the odour buffer; and
2. The modelling projections on a Metropolitan Region Scheme (MRS) zoning map identifying that the odour projections do not extend into the land zoned Urban under the MRS.

These plans have been included in **Annexure 11**. These plans demonstrate that the odour buffer is contained within the Urban Deferred MRS zoning and the LPS General Rural zoning and general rural land uses.

This report demonstrates that the poultry farm operations have changed to adopt best management practices in order to minimise any impacts. Whilst the application does seek approval for an increase in the number of birds from that originally approved, the report explains the management practices put in place to ensure that the potential impacts are not increased as a result of the increase in the number of birds.

Accordingly, approval is sought for the application as lodged and as described under section 2 of this report.



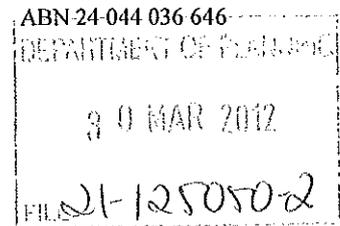
Town Planners, Advocates
& Subdivision Designers

29 March 2012

Our Ref: SNW SWN AP

The Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

ATTENTION: ROBERT CULL



Dear Robert

**RE: WAPC REF: 21-125050-2 DEVELOPMENT APPLICATION FOR POULTRY FARM:
LOT 600 CHELTENHAM ROAD, WEST SWAN/BENNETT SPRINGS**

I refer to the abovementioned application that has been referred to the Western Australian Planning Commission for determination on the basis that it is located on land zoned Urban Deferred under the Metropolitan Region Scheme.

The City of Swan has made a determination under its Local Planning Scheme No. 17 in regard to this application. The application is now to be determined under the Metropolitan Region Scheme in accordance with Clause 32 of the Metropolitan Region Scheme.

More specifically, State Planning Policy 4.3: Poultry Farm Policy outlines that all applications for extensions or additions to improvements of existing poultry farms in the Urban, Urban Deferred and Rural zones should be referred to the Commission for determination as provided in the Commissions resolution under clause 32 of the Metropolitan Region Scheme.

The application itself is for development as described in section 2 of the July 2011 report. I advise that four copies of the report dated July 2011 were provided and received by the Department of Planning in July 2011. I advise that the application was originally for the keeping of 84,000 birds, however, the figure of 80,000 birds was referred to in the odour management plan contained with the suite of management plans included in Annexure 12 of the July 2011 report. The City questioned whether the application was for 84,000 birds or 80,000 birds and we advised the City via a letter dated 19 August 2011 that we are willing to revise the application to be for a total of 80,000 birds. A copy of that letter is contained in **Attachment 1** to this letter.

I also advise that the plans included for the air chamber in the July 2011 report are superseded. **Attachment 2** to this letter contains the updated version of the plans for the air chamber/stack and photos of other air chambers/stacks are also provided to show the visual appearance of an operational air chamber. The City of Swan considered and approved the air chamber/stacks of 6m in height. By clarification, the updated air stack plans attached to this letter provide for an air stack of 6 metres in height in accordance with the odour report. The original odour stacks as illustrated in the July 2011 report were incorrectly drawn at 4.3m in height.

The City of Swan has assessed the application and issued a two part decision. The first part of the decision deals with the number of chickens only. The second part of the decision deals with all other development as proposed in the application and as detailed in the July 2011 report. I advise that we accept the recommendation of approval for all development other than the increase in bird numbers.

This letter seeks to provide justification as to why we consider that the increase in bird numbers should be approved by the Western Australian Planning Commission.

Bird Numbers – Water Licence

The poultry farm owner presently has a licence to take water from the Department of Water that is presently valid until November 2019. That licence provides for an annual water entitlement of 38,000 kL and is subject to a number of conditions. Specifically, in regard to bird numbers, condition 4 reads:

4. That the maximum number of birds kept shall not exceed 90,000.

Refer to **Attachment 3** for a copy of the current Water Licence. Therefore a water licence exists such that approval of this application would be in accordance with the licence to take water.

Bird Numbers: Justification

The planning approval issued by the City of Swan on 22 September 1993 (copy provided in Annexure 2 of the July 2011 report) included conditions 3 & 4 which read as follows:

3. *The capacity of the poultry farm not exceeding current bird numbers*
4. *Detailed records of bird numbers being registered by the owners and provided upon the request of Council.*

In response to that approval, the owner wrote to the City of Swan (refer Annexure 2 of the July 2011 report – letter dated 21 October 1993) advising that the bird numbers on site in 1993 were as follows:

3 laying sheds of 6,000 birds

1 rearing shed of 6,000 birds

TOTAL BIRDS 24,000

Therefore, the landowner has had approval to operate at 24,000 birds since 1993. This application seeks to increase bird numbers from 24,000 birds to 80,000 birds.

Prior to 2005, the egg industry used to be licenced and poultry farms had to be licenced for the number of chickens kept on a property. With the deregulation of the egg industry in 2005, licencing for the number of chickens kept on the property was no longer required.

The justification and reasoning for the increase in bird numbers is detailed in the July 2011 report. This is in extract of section 5.1 of the July 2011 report:

The Code of Practice for laying hens identified that cages that met a standard introduced in 1995 could be in place for 20 years from the date of manufacture. Cages that did not comply with the 1995 standard (as was the case with the cages on this site) were required to be decommissioned by 1 January 2008 or modified to meet the 1995 standard. This referred to multi deck cages and the requirements for minimum heights and design of the cages.

As detailed in section 7.2.1 of the July 2011 report:

The reason for the change in the number of birds is partly due to the Environmental Code of Practice for the Poultry Industry which required by 2008 a change in the requirements for housing chickens. The changes include the requirement of mechanical ventilation and a change in the cage size for birds as discussed earlier in this report.

Further with the introduction of the layering system for keeping chickens under the Code of Practice, the new layering caging system was introduced on the property and then in order to remain competitive in the industry the number of birds kept on the property was also increased.

In increasing the bird numbers, the owner proposes to construct odour stacks at the eastern ends of Sheds 2, 3 and 4. It should be noted that Shed 1 is a free range shed and operates under different conditions which are not conducive to utilise an odour stack. In the event that the bird numbers are increased to the 80,000 birds as proposed, the applicant will install the odour stacks on the 3 sheds currently used for caged chickens. The City of Swan has granted planning consent for the construction of the odour stacks as proposed. In the event that the increase in bird numbers to 80,000 is not supported, the odour stacks will simply not be constructed.

The size of the sheds do not change as a result of the increase in bird numbers. The increase in bird numbers is brought about as a result of introduction of a layered cage system in Sheds 2, 3 and 4.

Odour modelling for this poultry farm was conducted and the findings presented in an Odour Impact Assessment report dated February 2011 which was included as Annexure 9 of the March 2011 report and Annexure 9 of the July 2011 report. This Odour Impact Assessment was undertaken for 84,000 birds and not 80,000 birds. Whilst all modelling has been done at 84,000 birds, the application has been revised to be for 80,000 birds.

For the free range shed only, the Odour Impact Assessment report from February 2011 used odour sampling data based upon a different poultry farm. The reason for this was because at the time of undertaking the odour sampling, the free range shed did not contain any chickens. The odour sampling for the tunnel sheds (Sheds 2, 3 and 4) was based upon on site sampling.

Subsequently after the free range shed on the subject property had chickens kept in it for approximately a year, site specific odour sampling for the free range shed was undertaken. A copy of that is provided in **Attachment 4** to this letter (Titled: Site Specific Modelling Assessment of Shed 1). This contains a plan which shows the odour contour for the 3 tunnel sheds (Sheds 2, 3 and 4) and shed 1 (free range shed) all based upon on site odour sampling.

In response to the City's resolution that the application for the increase in bird numbers be refused, we instructed our odour consultants to undertake further odour modellings based upon those scenarios being:

1. Odour generated as a result 24 000 birds with no odour stacks on any sheds; and
2. Odour generated from 80,000 birds with odour stacks on Sheds 2, 3 and 4.

A report was subsequently prepared by The Odour Unit using odour modelling to provide odour contours for the odour generated as a result 24 000 birds with no odour stacks compared to the odour generated from 80,000 birds with odour stacks on Sheds 2, 3 and 4. **Attachment 5** to this letter contains a summary of the results of that modelling (dated 8 February 2012).

I specifically refer to Figure 3 included in Attachment 5 which shows the dispersion modelling comparison of 84,000 birds (white contour), compared to 24,000 birds (red contour) and the free range shed only (yellow contour). As detailed in page 2 of the report:

The clear result was that when reverting back to the licence condition of 24,000 birds and with horizontally tunnel ventilated sheds, the predicted odour footprint increased beyond the predicted 500 metre separation distance for 84,000 birds. (emphasis added)

...

Furthermore an increase in the stocking density overall of 84,000 birds, from the current licence conditions of 24,000 birds, operating with vertical exhaust stacks, is not predicted to adversely affect ground level odour impacts beyond 500 metres. Retaining the current licence [of 24,000 birds] with horizontal tunnel ventilated sheds will have adverse impacts on surrounding receptors beyond 500 metres.

The report concludes on page 9 stating that:

The findings of this assessment have shown that vertical discharge stacks at 6 metres above ground (or more) are recommended for Sheds 2, 3 and 4m and that the stocking density of 84,000 birds for the farm is not predicted to increase the ground level odour impacts beyond the currently placed 500 metre odour buffer. (emphases added)

City of Swan reasons for refusal

It is noted that the City of Swan identifies in its first reason for refusal for the increase in bird numbers that "odour from the expended facility has been noted as offensive to 25 residents within 500m of the immediate locality." Firstly I advise that the poultry farm has been operating at between 80,000 – 84,000 for at least the last 5 years. A review of the City's complaints received also identified that no complaints were received by the city for 25 months (more than 2 years) after 80,000 birds was reached.

Therefore approval of the 80,000 birds will not in fact increase odour beyond that which is presently experienced by those nearby residents as the farm has been operating at 80,000 birds for the last 5 years. We consider that approval of the 80,000 birds will in fact reduce odour as a result of:

1. Construction of odour stacks for sheds 2, 3 and 4
2. Improved management practices in regard to storage of manure on site.

I refer to Attachment 6 to this letter which includes a summary of all the management practices that the owner is willing to implement in the event that the application for 80,000 birds is approved. These are mostly a summary of what is contained in the management plans (Annexure 12 of the July 2011 report).

It should be noted that it is proposed to improve the current management practices in regard to the chicken manure from Sheds 2, 3 and 4. Presently the majority of the manure from Sheds 2, 3 and 4 is transported off site twice a week via the conveyor system which loads direct into a commercial vehicle with trailer. However, at present, portion of the manure from Sheds 2, 3 and 4 is stored in the "storage shed" (shed to the east of Sheds 2 & 3). This manure is then mixed on site, bagged on site and sold on site. The storing, mixing and bagging of the manure on site does generate an odour. It is proposed to change this practice such that all manure will be taken off site where it will be converted to compost. Once sealed in bags, the bagged compost will be returned to site for sale.

We have not been made aware exactly what odour the nearby residents consider to be offensive. If it is manure, then the changes to management practices in regard to manure storage will address that odour. If the odour is as a result of the poultry sheds, that odour will be lessened by the use of odour stacks on Sheds 2, 3 and 4. Presently the odour is extracted from sheds 2, 3 and 4 and vented horizontally. The odour stacks will contain a ramp that will push the ventilated air in a vertical stream (therefore resulting in the odour being dispersed above ground level).

The odour modelling for 84,000 birds with no odour stacks (present situation) has not been conducted. However, the modelling clearly demonstrates that approval of 80,000 birds with odour stacks results in a reduced odour buffer as compared to the odour buffer for 24,000 birds with no odour stacks (as approved by the City of Swan).

State Planning Policy 4.3: Poultry Farm Policy

In regard to the second reason for refusal, the relevant clause of SPP 4.3 states:

Applications to expand existing poultry farms located in a rural zone which is not identified for short or medium-term urban or rural-residential development may be permitted. This applies particularly to egg production farms where there is no increase in bird-stock numbers.

Firstly it is considered relevant that SPP4.3 was gazetted in 2003, at a time when egg production farms were regulated by licencing of bird numbers and this may be part of the reason why there was specific reference to bird numbers in egg production farms. The egg industry was deregulated in 2005 and now there is no specific licensing requirement for bird stock numbers in egg production farms.

The application does not seek to expand the existing poultry farm. The footprint of the poultry sheds will not change. The application seeks to increase bird numbers on the basis of introducing improved management practices for the existing development and that birds will be in a layered cage system (which is what has existed on site for at least 5 years). The increased bird numbers with improved management practices results in the odour buffer being less than that of the approved number of birds with existing management practices.

The clause within SPP4.3 does not expressly state that approval cannot be granted for an increase in the bird numbers for egg production farm, it merely refers to a situation where an application is sought to expand the farm. This application proposes to retain the existing sheds and does not seek to expand the poultry farm sheds beyond the existing building footprint of what has been approved by the City of Swan historically.

SPP 4.3 also has an objective "To protect the interests of existing poultry farms in the face of encroaching development." This objective also needs to be taken into consideration in determining this application.

SPP 4.3 identifies in the background section of the policy that

The approach recommended is to examine the specific impacts of poultry farming and the implications of adjacent development having regard to the type of poultry production, management of the farms and prevailing conditions. This will lead to a range of measures, which can be taken to address the particular impacts in a given location and manage development in the vicinity of existing or proposed farms

We confirm that the odour stacks will only be constructed if the increase in bird numbers to 80,000 birds is approved. We consider that this is a unique situation whereby increasing the number of birds will enable introduction of improved management practices which will in turn reduce odour and this is a better outcome for all parties.

Proper and Orderly planning

We note that many poultry farms in Western Australia do not have a specific limit on the number of chickens they can accommodate in the sheds. We are aware of other poultry farms which are only restricted in terms of the buildings they can use for rearing of poultry and not restricted by a condition on the maximum number of birds able to be accommodated in the sheds. In the interest of proper and orderly planning, if other poultry farms are able to operate without any restriction on bird numbers, we question why the bird numbers in this specific application are being restricted.

In regard to proper and orderly planning, we are of the view that the poultry farm is not being expanded as the building footprint of the poultry sheds is remaining unchanged. We consider that approval of the application is in accordance with the objectives of SPP 4.3. The option that results in a reduced odour buffer is the option with 80,000 birds and odour stacks on Sheds 2, 3 and 4.

Approval of 80,000 birds and improved management practices as provided in the management plans and attached management practices will significantly improve odour from the site and less odour than approval for 24,000 birds in which case the odour stacks will not be constructed.

Given the building footprint is not proposed to change, we consider that it would be proper and orderly to approve the application that results in the reduced odour buffer and that is the application with 80,00 birds with odour stacks on sheds 2, 3 and 4.

Site inspection

We would like to give the assessing officer the opportunity to view the poultry farm operations prior to determining the application in order to provide a greater understanding of how this use is conducted on this site. Please contact me on 9382 3000 in order to discuss a suitable time to undertake an inspection.

Summary

It is hoped that this further justification and information assists the Western Australian Planning Commission and officers of the Department of Planning (DoP) to make an informed decision.

We note that the odour report and additional information will be referred to the Department of Environment and Conservation (DEC) for comment. We would be happy to meet with the DEC and DoP officers in order to further discuss the application.

I will also be seeking to give a deputation to the Statutory Planning Committee of the Western Australian Planning Commission, when they consider the application.

I can be contacted on 9382 3000 should you have any further queries in regard to this application.

ALLERDING AND ASSOCIATES



**AMANDA BUTTERWORTH
ASSOCIATE**

Attachments

1. Letter to City of Swan dated 19 August 2011
2. Updated plan for Air Chambers or odour stacks (to replace plan from Annexure 10 of July 2011 report) and photos of a typical air chamber/stack
3. Current Licence to take water
4. Site Specific Odour Modelling Assessment of Shed 1
5. The Odour Unit Technical Memorandum dated 8 February 2012 providing a summary of odour comparison of 24,000 chickens with no odour stack and 80,000 chickens with odour stack
6. Management Practices to be implemented if approved at 80,000 birds

6.0 Conclusion

The key grounds of this submission can be summarised as follows.

History of the Poultry Farm

- » Since 1970, the poultry farm has expanded from a small operation to a substantial commercial business;
- » In 1993, approval as granted for a maximum of 24,000 chickens;
- » In 2006 to 2007, the operator installed new multi-layered cage systems in Sheds 2 to 4;
- » The City has been receiving complaints from residents since 2006, coinciding with the installation of the multi-layered cages which have intensified operations to a level significantly greater than permitted;
- » Since 2007, the City has been aware a significantly greater number of chickens are being kept at the premises (estimates range from 100,000 to 150,000): a four to six-fold increase over that permitted;
- » The City is aware the poultry farm is the cause of odour, flies and dust, and has had a severe and significant detrimental impact on the amenity of residents;
- » Since at least 2006, the poultry farm has been operating in breach of its 1993 approval, and throughout this time (perhaps longer), the City has been aware of this breach of planning approval;
- » In mid 2007, the City noted the need for an application for retrospective approval to be made, and noted there would likely be significant issues due to the zoning of the land;
- » Since the City started to receive complaints six years ago, the poultry farm has been allowed to continue to operate in breach of its 1993 approval, to the detriment of the amenity of the locality.
- » Review of the Application and Odour Study
- » Application has been made for retrospective approval to increase the capacity of the poultry farm to 80,000 – 90,000 chickens, together with various other additions and improvements;
- » The increase in capacity is opposed by surrounding residents, who are also opposed to the various additional activities proposed at the site, including all retail sales (i.e. chickens, manure etc);
- » The Applicant's odour study seeks to determine if a 500 metre buffer should be placed on the farm. The odour study predicts an off-site odour impact beyond 500 metres if vertical stacks are installed;
- » The six metre high emission stacks will not be effective, as they will only be one metre above the roof ridge and be subject to building downwash. Such an emission plume will tend to not disperse readily at ground level and its vertical dispersion will be limited, particularly under stable meteorological conditions;
- » The Applicant's odour study concedes sensitive receptors within 450 metres would be subject to odour nuisance, and states the nearest 5 sensitive receptors are within 370 metres;
- » We calculate there are actually 17 sensitive receptors within 370 metres and another 6 within 450 metres, being a total of 23 within 450 metres;
- » The generic buffer distance applicable to poultry farms under EPA Guidance Statement No.3 is between 300 and 1,000 metres depending on the size of the poultry farm;

- » A buffer closer to 1,000 metres is required to limit odours from a poultry farm with 80,000 birds, with a minimum buffer of 900 metres to account for unforeseen events / adverse weather;
- » Within 900 metres, there are 58 sensitive receptors, and within 1,000 metres, 102 sensitive receptors, including vacant lots in St Leonards Estate, but does not include future urban lots in West Swan (east);
- » We recommend a maximum capacity of 14,600 chickens to limit the impacts of odour on the 17 sensitive receptors within a distance of 370 metres.
- » Impacts on Amenity
- » The poultry farm will have a significant detrimental impact on the amenity of the locality by virtue of odour, dust, and flies;
- » Residents have previously documented their concerns, and those living closest to the poultry farm have noted on some occasions in summer they are unable to enjoy the outdoors due to the intense smell. Other nearby residents have advised that they are considering moving out due to the poultry farm;
- » There are no site specific factors that would assist in buffering odour impacts to nearby residents, such as dense vegetation or significant changes in topography;
- » Dust is a nuisance to nearby residents, and without additional management measures it will remain an issue given the proximity of private landholdings;
- » No consideration has been given to the visual impact of the proposed odour stacks, which will have an adverse impact on the character and amenity of the area.
- » Orderly and Proper Planning
- » The Application is contrary to the strategic and statutory town planning framework, including the Metropolitan Region Scheme, State Planning Policy 4.3 – Poultry Farms Policy, State Planning Policy 4.1 – State Industrial Buffer Policy, Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses, Directions 2031, and the Outer Metropolitan Perth and Peel Sub-Regional Strategy;
- » The zoning of the land under TPS17 is inconsistent with the zoning of the land under the MRS, and pursuant to the Planning and Development Act, the MRS zoning prevails over the TPS17 zoning. This means that, for all intents and purposes, the Application ought to be assessed on the basis that it is located on land zoned for urban development purposes;
- » The Urban Deferred zone in West Swan (west) has the potential to yield 1,800 dwellings and approval of the Application will severely limit the ability of the area to contribute to the expansion of Perth;
- » Approval of the Application would prevent land within a 900 metre buffer from being urbanised. The buffer area has the potential to yield 1,600 additional dwellings west of Perth-Darwin Highway;
- » Approval of the Application would be detrimental to the implementation of draft Local Structure Plans in West Swan (east), which propose approximately 450 dwellings inside the 900 metre buffer;
- » Even if the 450 metre buffer identified by the Applicant's odour study were to apply, such an area would have the potential to yield 675 residential dwellings;

- » Approval of the poultry farm would sterilise 145 hectares of Urban Deferred land from being developed;
- » There is a risk of contaminated runoff and groundwater impacting on the wetland located immediately south of the operations, which is inconsistent with the intent of the City's Environmental Planning Policy.

In conclusion, Clause 10.2 of TPS17 requires the City to have due regard to State Planning Policies, the orderly and proper planning of the locality, any relevant local and state policies and strategies, the impacts of a proposal on the amenity of the area, and submissions by the public. Having regard to all those factors, there are no valid grounds whatsoever for approval of the Application.

For a considerable time now, surrounding residents have suffered while the poultry farm has benefited commercially by operating contrary to the terms of its original approval, with little regard for the off-site impacts this has caused. A poultry farm of the scale proposed is not an appropriate land use in this locality, and even at the scale approved in 1993, it is considered the time has come for the facility to be dismantled or relocated to a remote area, to enable West Swan (west) to realise its urban potential, and more importantly, to allow residents to enjoy the amenity of their properties in a way they deserve.

The Council urged to refuse the Application.

susceptible to impacts from nutrients found in animal waste. Direct infiltration of rainfall into the groundwater may also carry nutrients and other pollutants if manure spillage, and/or bad housekeeping occur on the property. The City of Swan noted following an inspection of the facility in 2010 that accumulated poultry manure was observed on the ground adjacent to the manure loading point, the external conveyor systems and adjacent to the rear storage shed. This is of concern to the receiving environment, given the manure can be infiltrated into the shallow groundwater or be transported to the REW following rainfall.

The Code of Practice for Poultry Farms (DEC, 2004) recommends the following in respect to protecting the environment from poultry farms:

To protect aquatic environments, vegetated buffers of resilient local native species should be maintained between poultry sheds and significant wetlands, as well as waterways and floodways. Appropriately vegetated buffers decrease stormwater velocities allowing entrained material to be deposited and nutrients to be assimilated, thereby protecting the health of the wetland/waterway. Buffer width should be determined using biophysical criteria, see Foreshore Policy 1 - Identifying the foreshore area. As a guide, a buffer of no less than 50 metres (measured from each poultry shed to the outside edge of wetland/waterway fringing vegetation) is required provided there is adequate fringing nutrient filter vegetation, and suitable design and management measures are proposed. Where fringing vegetation has been cleared, revegetation with appropriate local native species is required. Larger buffers may be required where proposed management practices may be insufficient and where biophysical criteria indicate larger buffers are necessary. More information is available in the Department of Environment's Wetland Position Statement and Water Notes - Wetland Buffers and Identifying the Riparian Zone.

Apart from wetland setbacks and the application of a suitable vegetated buffer, potential pollutants can be controlled by ensuring a well maintained and clean operation.

Proposed Management and Adequacy

The Waste Management Plan (Allerding and Associates, 2011) provided with the planning application outlines management measures to control waste and ensure manure and waste is contained and treated/removed appropriately. The inspection by City of Swan Health Officers in August 2010 indicates that manure has accumulated in areas of the farm, which is in contravention to the Code of Practice.

Due to the proximity of the REW (which is less than the 50m setback recommendation outlined within the Code of Practice), and minimal vegetated buffer between the operations and the REW there remains a risk to the wetland environment from runoff and groundwater contamination.

SUMMARY AND CONCLUSIONS

Coterra Environment have reviewed all available information relevant to the retrospective planning application for the expansion of poultry operations at 60 Cheltenham Road, Bennett Springs. Based on this assessment of the planning application and associated technical reporting, it is the opinion of Coterra Environment that the current setbacks from the poultry farm operation to sensitive receptors (private dwellings) are not sufficient to warrant an expansion of the facility and an increase in the number of birds permitted under the existing planning approval. The reasons for this are outlined below:

- A site specific odour study completed in February 2011 on behalf of the Poultry Farm owner established that currently 17 and up to 23 residences within a 300m to 450m radius of the operations are impacted by odour in excess of the recommended odour levels accepted by the DEC. The area of impact is likely greater when the free-range shed is at capacity.
- 90,000 birds is considered a large-scale poultry operation, indicating that a buffer of greater than 300m and likely closer to 1,000m would be required to limit odour impacts in accordance with the EPA Guidance Statement (EPA, 2005). It should be noted that nuisance odour levels were recorded by City of Swan Health Officers during an inspection of a shed clean out at West Swan Road, located approximately 2.5km away.
- The odour dispersion modelling has determined that there is an impact under ideal conditions within 450 metres of the sheds with a 90,000 chicken capacity. Further under unfavourable meteorological conditions this plume will not disperse efficiently in any direction, including vertically. Therefore the separation or buffer distance for plant upsets or non-normal operations or unfavourable meteorology may be at least double this predicted distance of 450 metres; that is , 900 metres.
- Six metre high emission source will only be one metre above roof ridge of shed and will therefore be subject to building downwash. Such an emission plume will tend to not disperse readily at ground level and its vertical dispersion component will be limited, particularly under stable meteorological conditions.
- Using NSW EPA variable separation distances calculations, as referenced in QEPA *Odour Impact Assessment from Developments Guideline* which is currently adopted as an interim Guideline by WA DEC, the minimum separation distance between sheds and receptor would be of the order of 900 metres
- There are no site specific factors that would assist in buffering odour impacts to nearby residents, such as dense vegetation or significant changes in topography.
- Dust is a nuisance to nearby residents, and without additional management measures it will remain an issue given the proximity of private landholdings.
- There is a risk of contaminated runoff and groundwater impacting on the wetland located immediately south of the operations. At a minimum, additional buffer plantings within the property between the sheds and the wetland should be considered to reduce impacts from runoff.

CONCLUDING COMMENTS

Given the proximity of a number of sensitive receptors to the poultry farm located at Lot 60 Cheltenham Road, Bennett Springs, and the large scale of these operations, it is unlikely that nuisances such as odour and dust can be controlled to adequately prevent impacts to nearby residents to the levels required by regulatory authorities. The change in impacts from 24,000 birds, to 90,000 birds has resulted in a significant increase in odour nuisances, which is unlikely to be controlled to required standards, despite the implementation of best practice management.

We trust this information meets your current requirements. If you have any questions or need any further information please do not hesitate to contact the undersigned.

Yours Sincerely



Luke Rogers
Lead Scientist

Figures

- Figure 1: Site Location
- Figure 2: Proximity of nearest residences
- Figure 3: Generic buffers (EPA, 2005)
- Figure 4: Soil mapping, topography and wetlands

Attachments

- Attachment 1: Review and Commentary on the 'Odour Impact Assessment & Dispersion Modelling Study' (Stephenson Environmental, 2011)

ITEM NO: 9.5

DEMOLITION OF EXISTING GROUPED DWELLINGS AT LOT 14 AND 15 DOUST STREET, HILTON.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer Metropolitan Central
AUTHORISING OFFICER:	Planning Director Metropolitan Central
AGENDA PART:	G
FILE NO:	05-50175-1
DATE:	29 May 2012
ATTACHMENT(S):	Attachment 1 a, b and c - Site Photos Attachment 2 - Location Plan and LGA zoning
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Fremantle
LOCAL SCHEME ZONING:	Residential R20/25
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metropolitan Central
RECEIPT DATE:	10 February 2012
PROCESS DAYS:	109
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 14 (No. 8) and Lot 15 (No. 6) Doust Street, Hilton

RECOMMENDATION:

That the Western Australian Planning Commission resolves to unconditionally approve the application for the demolition of the grouped dwelling at Lot 14 (No. 8) and 15 (No. 6) Doust Street, Hilton as shown on the plan date-stamped 10 February 2012.

SUMMARY:

The key points relating to this report are as follows:

- Development application submitted by the Department of Housing for the demolition of a grouped dwelling;
- Application is not supported by the City of Fremantle;
- The first development application for demolition in the Hilton precinct since the Memorandum of Understanding (MOU) was signed between the Department of Housing and the City of Fremantle.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation
Section: Planning and Development Act 2005
Subdivision/Development Approval/ Reconsiderations - Part 10

Strategic Plan
Strategic Goal: Planning
Outcomes: Effective delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy
Number and / or Name: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

This application is presented to the Committee for determination as the gazetted Instrument of Delegation of powers to officers does not provide for exercise of delegated authority (recommendation is significantly at variance with the recommendation of the local government).

INTRODUCTION:

The City of Fremantle (CoF) has forwarded to the Western Australian Planning Commission (WAPC) a development application, received by the City on 18 February 2012 from the Department of Housing (DoH), for the demolition of a grouped dwelling at Lot 14 (No. 8) and Lot 15 (No. 6) Doust Street, Hilton (**Attachment 1** – Site Photographs).

The subject land is zoned *Urban* in the Metropolitan Region Scheme (MRS) and *Residential* in City of Fremantle Local Planning Scheme No. 4 (LPS 4), with a density coding of R20/25 (**Attachment 2** – Location Plan and LGA Zoning).

As a public work under the *Public Works Act 1902* and the *Planning and Development Act 2005*, the DoH is required to obtain planning approval from the WAPC for the proposal under the MRS. Clause 30 of the MRS requires the WAPC to have regard to the following when determining a development application:

- i) The purpose for which land is zoned or reserved under the Scheme;
- ii) The orderly and proper planning of the locality;
- iii) The preservation of amenities of the locality.

CONSULTATION:

The CoF has recommended that the application be refused.

The CoF is concerned that the removal of the dwelling would result in the loss of a building with cultural heritage significance. This is in keeping with the provisions of Clause 5.15 of LPS 4 as the CoF considers demolition would contribute to an:

...irreversible loss of the cultural heritage values of the Hilton Heritage Precinct, the immediate Doust Street streetscape and the general locality.

Furthermore, the City is of the view that the proposal is inconsistent with its *Urban Design and Streetscape Guidelines Policy*.

OFFICER'S COMMENTS:

The DoH has retained a substantial stock of housing in Hilton since the suburb was developed. During the past decade, the DoH has sought to upgrade and modernise this housing stock. As a consequence a number of demolition applications were sought in the mid-2000s. In accordance with its intentions to preserve the character of Hilton, the CoF generally refused to support these demolition applications.

The WAPC has previously approved DoH demolition applications in the Hilton Precinct even where the CoF has recommended refusal based on the original dwelling being considered to have heritage and/or streetscape value. These examples include:

- Lot 1248 Nicholas Crescent (WAPC ref: 05-50105-1)
- Lot 1479 Winterfold Road (WAPC ref: 05-50106-1)
- Lot 1021 Paget Street (WAPC ref: 05-50115-1)
- 24 Grigg Place; 5 Joslin Street; 18 and 20 Butson Street; 7, 9 and 11 Collick Street (WAPC ref: 05-50141-1 to 05-50147-1)
- Lot 1112 (No. 3) Joslin Street (WAPC ref: 05-50160-1)
- Lot 1070 (No. 28) Nicholas Crescent (WAPC ref: 05-50123-2)

In considering the abovementioned applications, the WAPC's view was that the demolition of the subject dwellings would not adversely impact on the preservation of the amenity of the locality. Moreover, it was considered that if the dwellings were to be retained they could become further run down, thereby detracting from the amenity of the locality.

In spite of the above, the CoF has maintained its stance on retaining original housing stock in Hilton. As a result of the ongoing conflict between the CoF and the DoH regarding this issue, a Memorandum of Understanding was entered into by the CoF and the DoH in 2011.

Memorandum of Understanding

The Memorandum specified that the DoH, rather than demolishing original housing stock, would seek to subdivide lots occupied by original dwellings and sell off the newly created lot containing the dwelling to a private buyer. A new dwelling could then be constructed on the balance lot for DoH.

Under the terms of the Memorandum, the CoF agreed to recommend approval for such applications, even if the lot size specifications of the applicable residential density code were not met. In this way, the DoH's stock of public housing could be

modernised whilst preserving the streetscape and local character. To provide for occasions where demolition was the only practical way to allow the DoH to renew its housing stock, the Memorandum specified that:

in certain instances, the Department will demolish original homes to more suitably meet its strategic housing requirements.

Thus, the Memorandum can be seen as a negotiated agreement that accommodates the intentions of both parties and avoids a potentially acrimonious relationship.

Subject application

The building subject to this application is a grouped dwelling of red brick and tile construction in a simple post-war architectural style. In a Heritage Assessment (February 2012) requested by the City of Fremantle regarding the likely impact of the proposed demolition on the heritage values of the place and its streetscape, Palassis Architects report describes the building as being of a type "*relatively uncommon*" in the Hilton Garden Suburb and a "*good representative example of a...grouped dwelling constructed c.1950s-1960s to a customised standard design to prevent the appearance of mass production and uniformity*". It is noted as having "*a high degree of integrity [and] authenticity*". The CoF has used this assessment to form the view that demolition of the dwelling would be inconsistent with LPS 4 and its Urban Design and Streetscape Guidelines Policy.

The objective of the CoF's Urban Design and Streetscape Guidelines Policy is to "conserve and enhance areas of architectural or historical character whilst encouraging harmonious development". The CoF contends that the demolition of the subject dwelling would be detrimental to the authentic character of the area and that the preservation of the dwelling is an example of urban conservation, which is defined as:

'Urban conservation' – is to provide the general public of today and the future with a three-dimensioned representation of what buildings and streets of buildings were like at given points in our history.

The subject dwelling is viewed by the CoF as having value as a surviving example of the architectural style common in the post-war period. DoH considers that the clause contained in the Memorandum condoning the demolition of buildings in certain circumstances applies to this application on the basis that:

- The building no longer meets contemporary housing standards;
- The building is in poor condition, and would be expensive to refurbish;
- The building consists of four, one-bedroom units that are unsuitable for contemporary public housing and are likely to be difficult to sell;
- Sale of the dwelling would necessitate the separation of the units onto separate titles, which would be expensive and potentially impossible in practical terms.

DoH contends that the primary intention of the Memorandum was to protect many of the fibro / timber clad dwellings in Hilton. The WAPC advises that this is inevitable

given that such dwellings are far more numerous than brick dwellings such as that subject to this application. In response, the CoF contends that the rarity of this type of dwelling increases the imperative to preserve it.

It is noted that the DoH has been acting in accordance with the Memorandum since it was adopted some twelve months ago and in that time in that time, four houses have been sold to private purchasers, seven are awaiting settlement to private purchasers and seven more are engaged in subdivision design work, all with the CoF's co-operation.

The current demolition application is the first to be lodged by the DoH in Hilton since the Memorandum was adopted. DoH's efforts to work co-operatively with the CoF and in accordance with the Memorandum is noted. It is further noted that preservation of dwellings will not always be possible.

Demolition of the dwelling can be supported in this instance for the following reasons:

- The existing grouped dwellings (attached) straddle Lots 14 and 15 which inhibits subdivision of the site;
- The dwellings are in poor condition and do not meet acceptable public housing standards;
- It would contribute towards reviving housing stock in the locality, which if left unattended to, would detract from the amenity of the locality.

CONCLUSION:

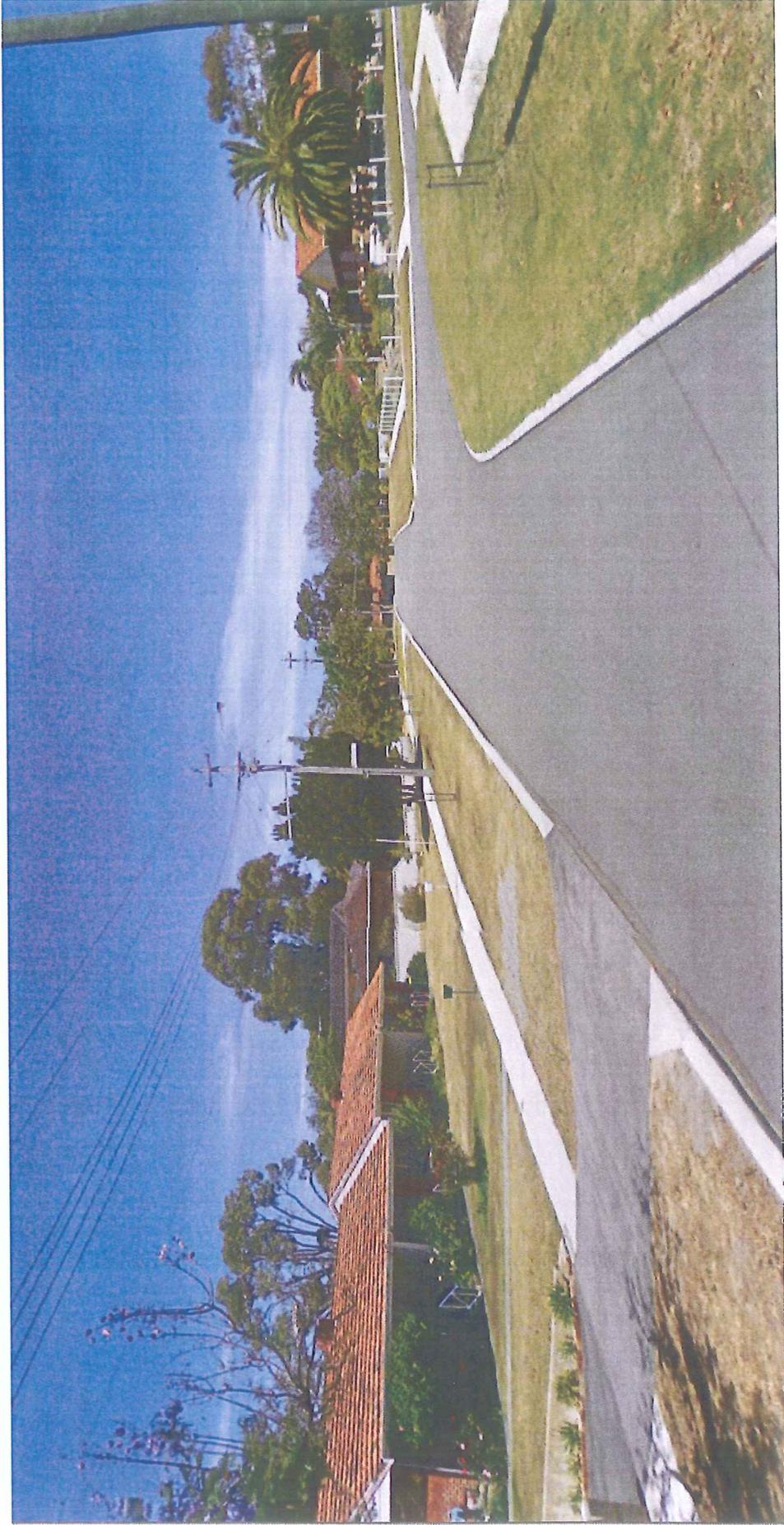
It is clear that the CoF is keen to preserve the post-war character of this neighbourhood and has adopted policies to ensure that this occurs, including Local Planning Policy 3.7 – *Hilton Garden Suburb Precinct*, the *Urban Design and Streetscape Guidelines Policy* and the provisions of Local Planning Scheme No. 4. Conversely, the DoH needs to be allowed to redevelop its housing stock that are in poor condition and no other alternative solution is available. To this extent it is considered that these two competing interests have been accommodated by the Memorandum of Understanding adopted in 2011.

In this instance, the clause in the Memorandum permitting the demolition of buildings in certain circumstances provides a reasonable compromise.



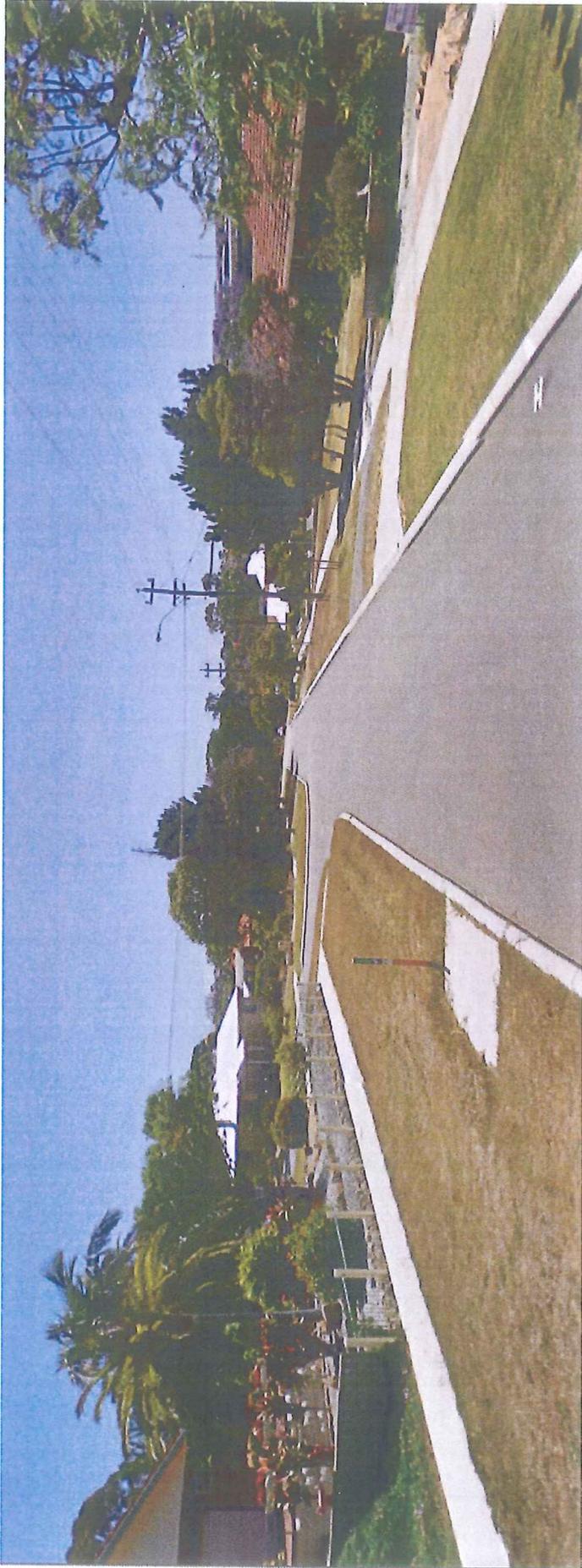
Photograph 1 – front elevation of subject dwelling.

ATTACHMENT (a)



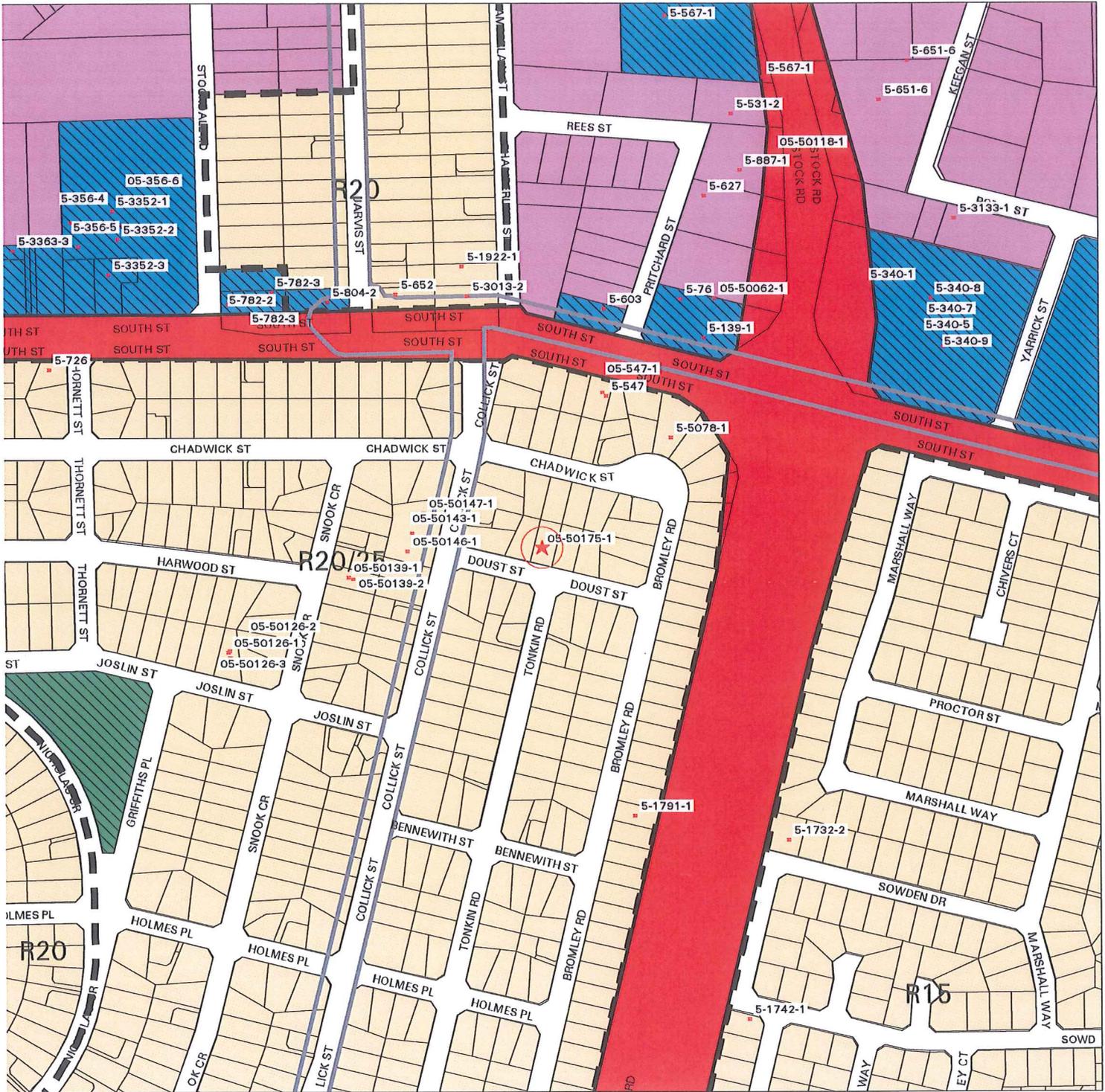
Photograph 2 – view south along Doust Street. The subject dwelling is on the left.

ATTACHMENT 16



Photograph 3 – view north along Doust Street. The subject dwelling is on the right.

ATTACHMENT (c)



Development Application 05-50175-1 (MGA ref 385921mE 6451714mN Zone 50)

This data is to be used for the processing of subdivision applications only.

- PRIMARY REGIONAL ROADS
- OPEN SPACE
- CADASTRAL BOUNDARY
- WESTNET ENERGY GAS PIPELINE
- DEVELOPMENT APPLICATION
- R CODE BOUNDARY
- INDUSTRIAL
- COMMERCIAL
- RESIDENTIAL

136442D.eps

ITEM NO: 9.6

RETROSPECTIVE PLANNING APPROVAL FOR SIGNS: LOT 31 7 TEDDINGTON ROAD VICTORIA PARK 6101

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer,

AUTHORISING OFFICER: Planning Officer,

AGENDA PART: G

FILE NO: 32-50111-1

date: 31 May 2012

ATTACHMENT(S): 1. Location Plan and Development Plans 2. MRS Plan 3. MRS Plan and Plan Showing Building Footprint 4. Photos of Subject Land and Surrounding Development 5. Excerpt from Council Policy 4.14

REGION SCHEME ZONING: MRS: URBAN, PRIMARY REGIONAL ROADS

LOCAL GOVERNMENT: Town of Victoria Park

LOCAL SCHEME ZONING: Office/Residential & Primary Regional Roads

LGA RECOMMENDATION(S): Refusal

REGION DESCRIPTOR: Perth Metro Central

RECEIPT DATE: 3 February 2011

PROCESS DAYS: 467

APPLICATION TYPE: Development

DESCRIPTION OF PROPOSAL: Retrospective Planning Approval For Signs.

CADASTRAL REFERENCE: 7 Teddington Road Victoria Park 6101

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the signage on the building at Lot 31 (No. 7) Teddington Road, Victoria Park subject to the following advice:

Advice to Applicant

- 1. This approval relates to the drawings received by the Department of Planning and date stamped 29 April 2011 on behalf of the Western Australian Planning Commission, as attached.***
- 2. All signs are to be contained within the subject lot boundaries. The applicant is advised to liaise with the Department of Regional***

Development and Lands with a view to securing the necessary approvals for the encroachment.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan

Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy

Compliance: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

SUMMARY:

This application is presented to the Committee for determination as the gazetted Instrument of Delegation of powers to officers does not provide for exercise of delegated authority (recommendation is significantly at variance with the recommendation of the local government).

The Town of Victoria Park has forwarded an application to the WAPC seeking retrospective approval, in accordance with Part IV of the MRS, for signage on an existing building. The subject site is partly zoned "Urban", and partly reserved for "Primary Regional Roads" (PRR) under the MRS.

The application has been forwarded to WAPC for determination under the gazetted Instrument of Delegation of powers to local governments because the recommendation provided by the public authority (MRWA) specified in the delegation is not acceptable to the Council.

The Council's reason for opposing the signage has been assessed, and approval is recommended.

BACKGROUND:

The application seeks retrospective approval for signage comprising letters and numbers attached to an existing building at Lot 31 (No. 7) Teddington Road, Victoria Park. The purpose of the signage is to advertise products that are sold from the premises (refer to **Attachment 1 - Location Plan/MRS Plan and Attachment 2 - Photographs of the Signs**). The subject site is currently used for retail of sheet metal products including aluminium tool boxes, canopies and trailers.

Section 164 of the *Planning and Development Act 2005* enables a responsible authority to grant its approval under a planning scheme for development already commenced or carried out.

The site is partly zoned "Urban" and partly reserved for Primary Regional Road (PRR) under the MRS. The PRR reserve provides for future widening of Shepperton

Road and is under MRWA control. The reserved land has not been acquired for road widening.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: 162 - Development Control

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

Policy
Number and / or Name: Development Control Policy 1.2 Development Control - General Principles
Development Control Policy 1.7 General Road Planning

DETAILS:

The decoloured and aluminium plate letters and numbers are between 500mm to 900mm in height and 200mm to 950mm in width, and individually attached to the roof and fascia of the building (**Attachment 2 - Photographs of the Signs**). The signage is not illuminated.

CONSULTATION:

The Council considers the signage to be

"...unacceptable based on character and appearance grounds"

and advises that the subject site is located within Area 9 - Shepperton Streetscape Overlay of Causeway Precinct - P3 under its Town Planning Scheme No. 1, and is subject to Policy 4.14 - Development Standards for Causeway Precinct which contains the following statement of intent;

"Desired future character: Shepperton Road forms one boundary of the Causeway Precinct, playing an important gateway role and linking the Precinct to the Albany Highway shopping strip. Future road widening will be accommodated and landscape treatment needs to reflect the gateway significance of this streetscape.

The built form will be designed to reflect this high exposure location and establish a strong identity for the developing business centre. As all lots abutting Shepperton Road are corner lots, buildings will be required to address both frontages, with vehicle access off secondary streets or lanes. There is potential for extension of the business centre to the southern side of Shepperton Road in the longer term."

The Council further advises that:

- the subject site *"...is a prominent corner site and it is considered the signage has an adverse impact on the character and appearance of the locality by reason of the amount of signage and the materials used"*;
- the amount of signage *"...is considered excessive and has given rise to visual clutter which dominates the host building and this section of the streetscape"*;
- the materials are of *"...a poor standard and have an unacceptable appearance"*; and
- it considers *"...the signage has resulted in an industrial character rather than the intended high quality business identity for the locality as specified under Policy 4.14"*.

Accordingly, the Council has recommended that the signage be refused.

MRWA does not object to the signage subject to:

- the signage being placed on private property and not overhang or encroach into the current Shepperton Road reserve;
- MRWA agreement being obtained prior to any modifications of the signage;
- any illumination (if proposed) to be of *"Low-level not exceeding 300cd/m² not flash, pulsate or chase"*, and not contain fluorescent, reflective or retro reflective colours or materials;
- the type and location of signage must comply with all relevant by-laws and planning scheme made by Council; and
- no other unauthorised signage is to be displayed.

Further information from MRWA confirmed that whilst the aluminium plate lettering may be reflective, at its current height any reflection will not adversely affect motorists.

OFFICER'S COMMENTS:

Nature of Works

Whilst most of the signage, which consists of aluminium lettering attached to the facades of an existing building, is located within the boundaries of the subject lot, a portion of signage along a part of the Shepperton Road elevation intrudes beyond the lot boundary by 10 to 20cm. At this point the base of the signage achieves a height of 2.5 metres above the pedestrian footpath (refer to **Attachment 3 - Development Plans**).

From a zoning perspective, approximately half of the subject land is reserved for Primary Regional Road under the MRS and TPS. As a result all of the signage along

the Shepperton Road elevation, half of the signage along the Teddington Road elevation and half along the western elevation of the subject building is located within the regional road reservation.

The portion of signage protruding beyond the lot boundary does not have the approval of the Department of Regional Development and Lands and therefore cannot lawfully occupy the space. The sign should be wholly within the existing lot boundary and not protrude onto the footpath without the existence of a lease or authority to occupy the said land.

In terms of future compensation issues, due to the large proportion of the site being reserved, in the event of future road widening, much of the lot would need to be resumed. Any claim for compensation for the signage would not be significant given the need to remove all other development on the land.

WAPC Development Control Policy 5.4 (DC 5.4) Advertising on Reserved Land

Clause 1.4 of DC 5.4 states that

"fixtures on buildings describing the name and type of business being carried out, are not considered to constitute development and do not require approval."

whilst clause 3.2.1 of DC 5.4 also states that

" The number, size, location and appearance of advertisements must be carefully controlled in order to protect the amenity of the locality. Approval will only be granted if the WAPC is satisfied that the proposal will not detract from the amenity of the reservation and the locality generally."

In this case the reservation is for a Primary Regional Road where the principle function relates to traffic movement. Given the signage is to identify current use of the land and that surrounding land uses comprise car yards with similar signage, it is not considered that the subject signage is incompatible with the regional road reserve. This view is supported by Main Roads WA (MRWA) which has advised that the signage is generally acceptable, particularly from a traffic safety point of view.

Town of Victoria Park Town Planning Scheme No 1

Clause 39A (2) "Determination of an Application for Advertisement" of the current TPS states that Council may refuse an application where:

"(a) the sign may obstruct the sight lines of a person driving or riding a vehicle or a pedestrian;

(b) the sign may unreasonably distract persons driving or riding vehicles;

(c) the sign may detract from the quality of the streetscape or area where it is to be displayed;

(d) the size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed;

(e) the colour scheme and materials of the sign are not compatible with the architectural style and design of the building on which the sign is to be displayed;

(f) the colour scheme and materials of the sign are not compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; or

(g) the sign will be additional to other signs on the land where it will be displayed."

In relation to subclauses a and b, advice from MRWA is the signage generally accords with their requirements and that it is not a hazard to traffic and/or motorists.

As regards the other subclauses, the purpose of the signage is to identify the business currently operating from the subject land. This is the same as for the three car yards located on the other corners of the Shepperton and Teddington Roads intersection and which have not dissimilar forms of signage attached to their respective buildings (refer to **Attachment 4 - Photos of Subject Land and Surrounding Land Uses**). When considered against surrounding signage, it is not considered that the subject signage detracts from streetscape, is out of scale with the existing building and is of a colour or material incompatible with the existing building. Rather, the applicant has chosen acceptable colours and a material which reflects his line of business, namely the creation of aluminium tool box and trailers.

Town of Victoria Park Local Planning Policy 4.14 (LPP 4.14)

The subject land falls within the area covered by Council Policy 4.14 "Causeway Precinct" and is specifically affected by the development provisions for Area 9 - Shepperton Streetscape Overlay (refer to **Attachment 5**). These provisions include the following statement

"The built form will be designed to reflect this high exposure location and establish a strong identity for the developing business centre"

Given the subject signage identifies and reflects the current use of the land for retailing of toolboxes and trailers, it is considered that the signage meet this policy requirement. Importantly, it is also considered that the policy is more concerned with guiding future development and built form in the area rather than dealing with existing development.

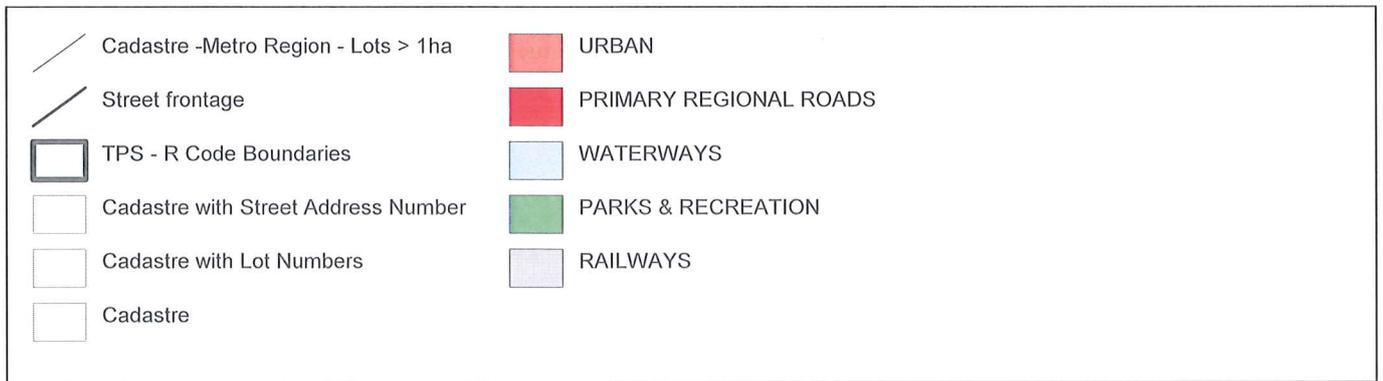
The subject land is developed with an old, single storey building that is currently being used as a commercial retail outlet for a business that produces toolboxes and trailers. In the future this land may be redeveloped and the road widening requirement sought. Any future redevelopment will most likely accord with Council Policy 4.14 or a similar Council document. Likewise, development and land uses on the other three corners of the intersection which consist of car yards, may also occur in line with Policy 4.14. At this stage, however, are developed with car yards that also support a range of signage not dissimilar to the subject signage. This signage reinforces the identity of this area as being a focus for motor vehicle sales and ancillary uses such as the subject toolbox and trailer business.

CONCLUSION:

The signage is considered acceptable for a number of reasons. It is similar in size and scale to existing signage in the immediate locality, is not considered to be detrimental to the amenity of the area, will not adversely impact on the regional road reservation and will not pose a traffic hazard.

The projection of some of the signage along the Shepperton Road elevation, beyond the lot boundary by 10-20cm, is not considered a significant issue given the small amount of signage involved and the height of the signage at this point, being 2.5 metres above a pedestrian pathway. However, given the Department of Regional Development and Lands has not consented to this projection it is recommended that an advice note be imposed on the approval requiring the applicant to contact the department concerning this issue.

In light of the above it is recommended that the application, for retrospective approval of the subject signage, be granted unconditionally.



Prepared by: Iodonohue
 Prepared for:
 Date: Monday, May 28, 2012 11:49
 Plot identifier: P20120528_1148



Government of Western Australia
 Department of Planning

DP INTERNAL USE ONLY

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3 FEB 2011
FILE 32-50711-1

TEDD7 – Site Photos

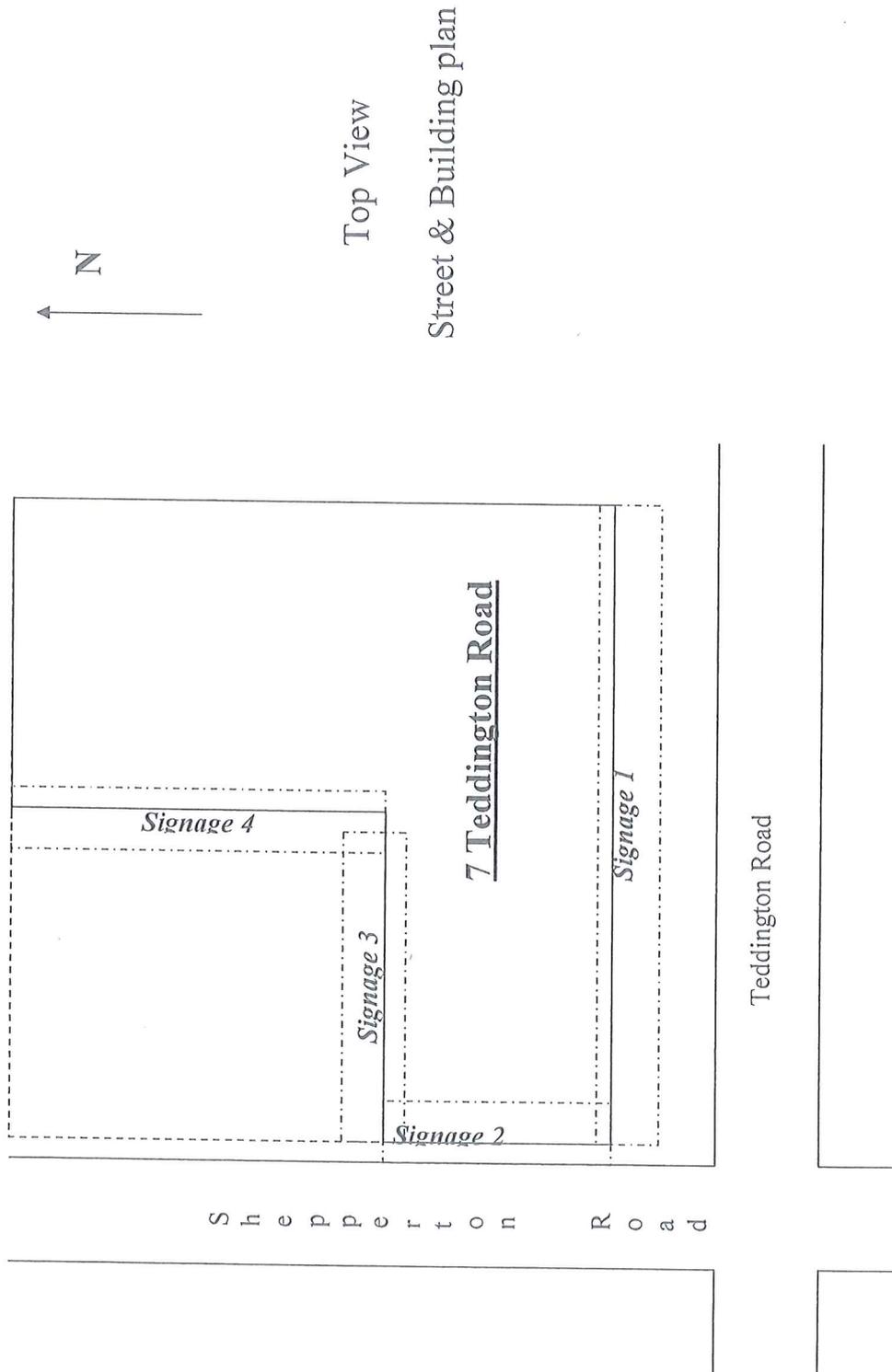


View from Teddington Street



View from Shepperton Road

DEPT OF PLANNING
 3 FEB 2011
 FILE 32-80111-1



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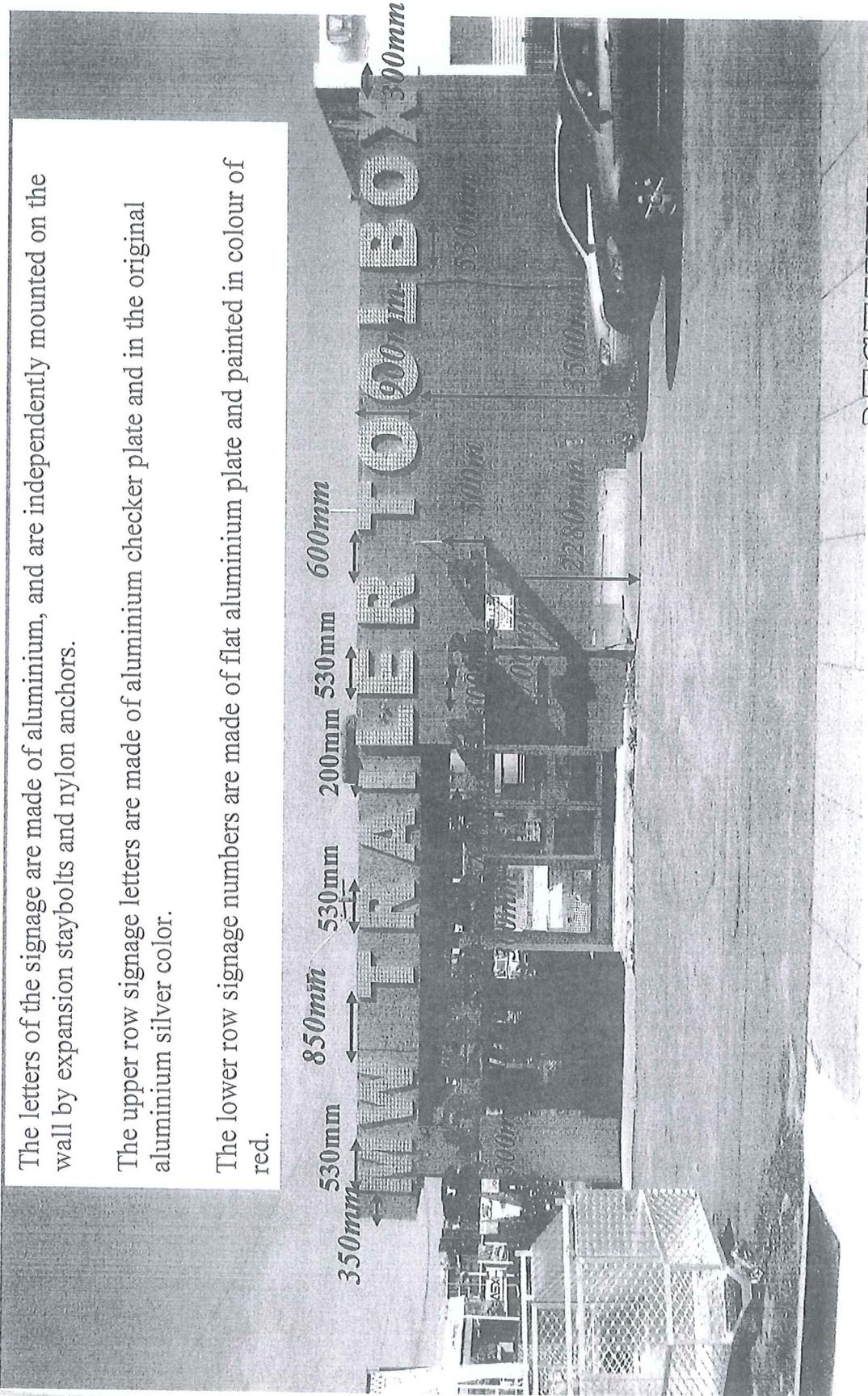
Signage 1

The letters of the signage are made of aluminium, and are independently mounted on the wall by expansion staybolts and nylon anchors.

The upper row signage letters are made of aluminium checker plate and in the original aluminium silver color.

The lower row signage numbers are made of flat aluminium plate and painted in colour of red.

DEPT OF PLANNING
3 FEB 2011
FILE 32-5011-1



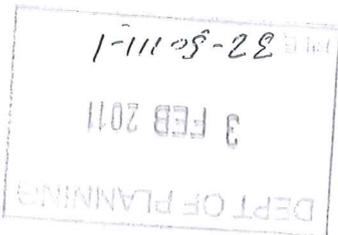
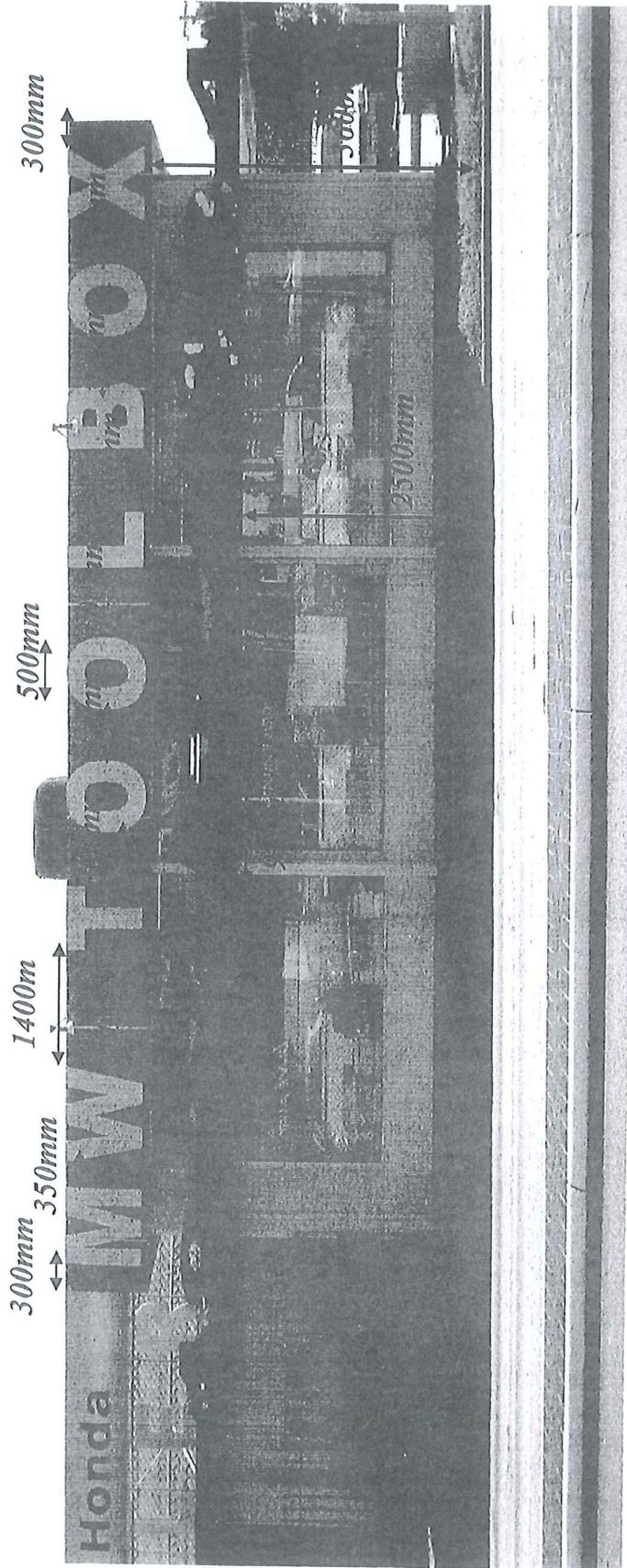
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Signage 2

The letters of the signage are made of aluminium, and are independently mounted on the wall by expansion staybolts and nylon anchors.

The upper row signage letters are made of aluminium checker plate and in the original aluminium silver color.

The lower row signage numbers are made of flat aluminium plate and painted in colour of red.



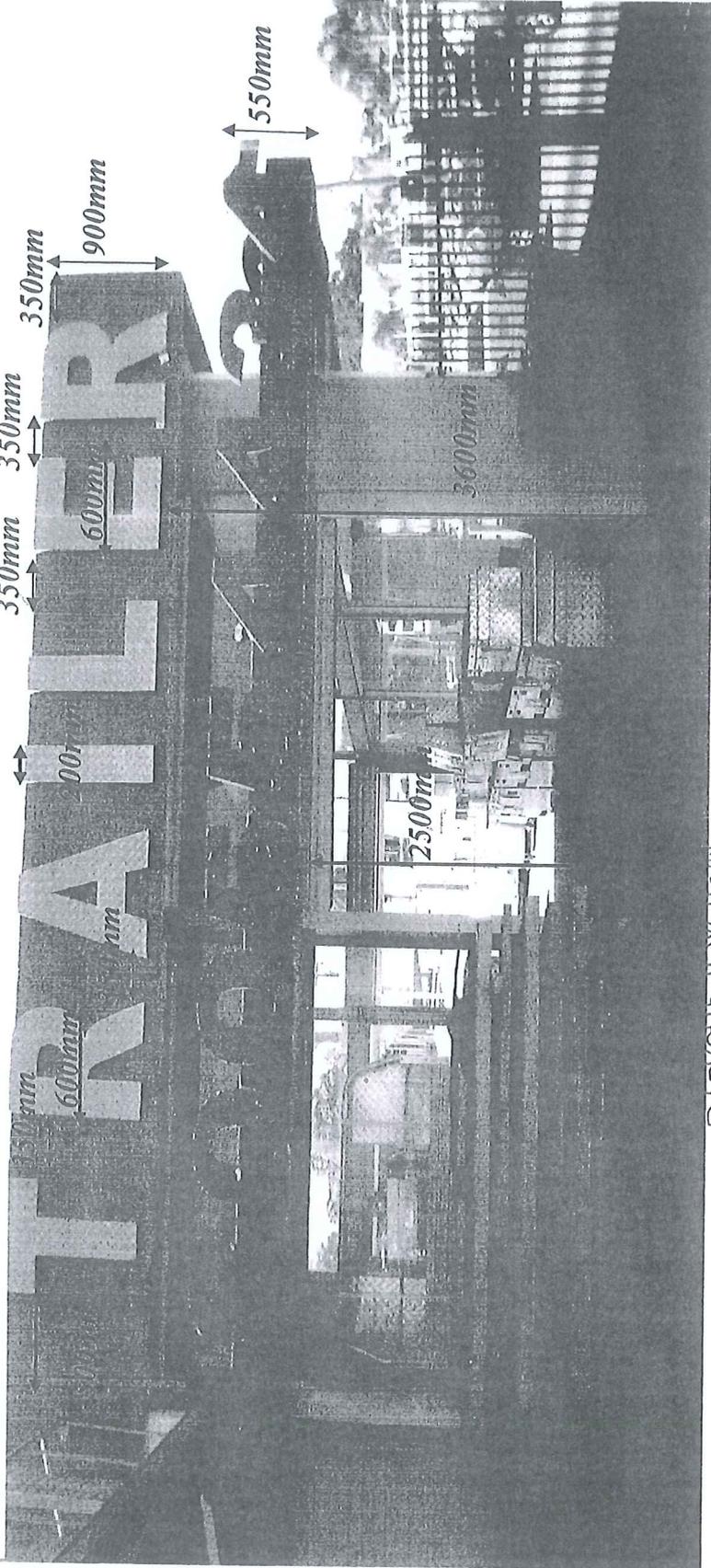
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Signage 3

The letters of the signage are made of aluminium, and are independently mounted on the wall by expansion staybolts and nylon anchors.

The upper row signage letters are made of aluminium checker plate and in the original aluminium silver color.

The lower row signage numbers are made of flat aluminium plate and painted in colour of red.



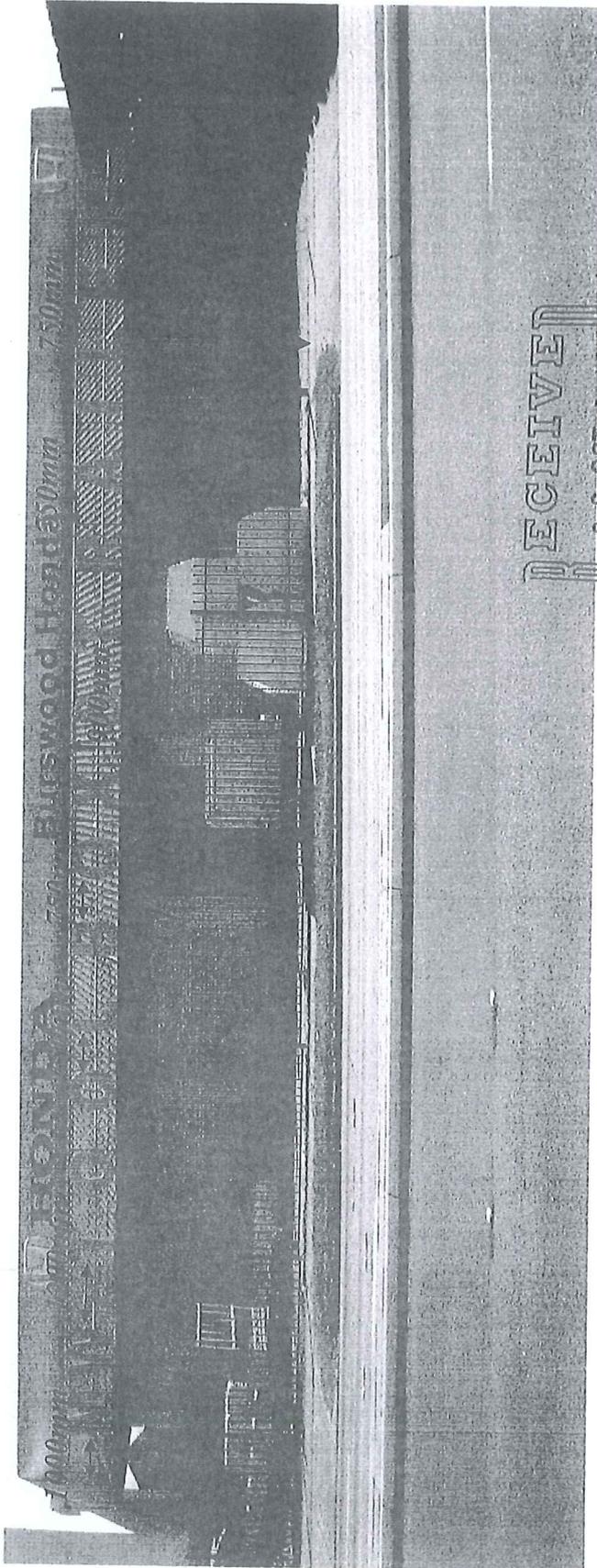
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DEPT OF PLANNING
3 FEB 2011
FILE 33-50108-3

Signage 4

The letters of the signage are made of aluminium, and are independently mounted on a frame by expansion staybolts and nylon anchors, and the frame is fixed on the roof of the building by expansion staybolts and nylon anchors.

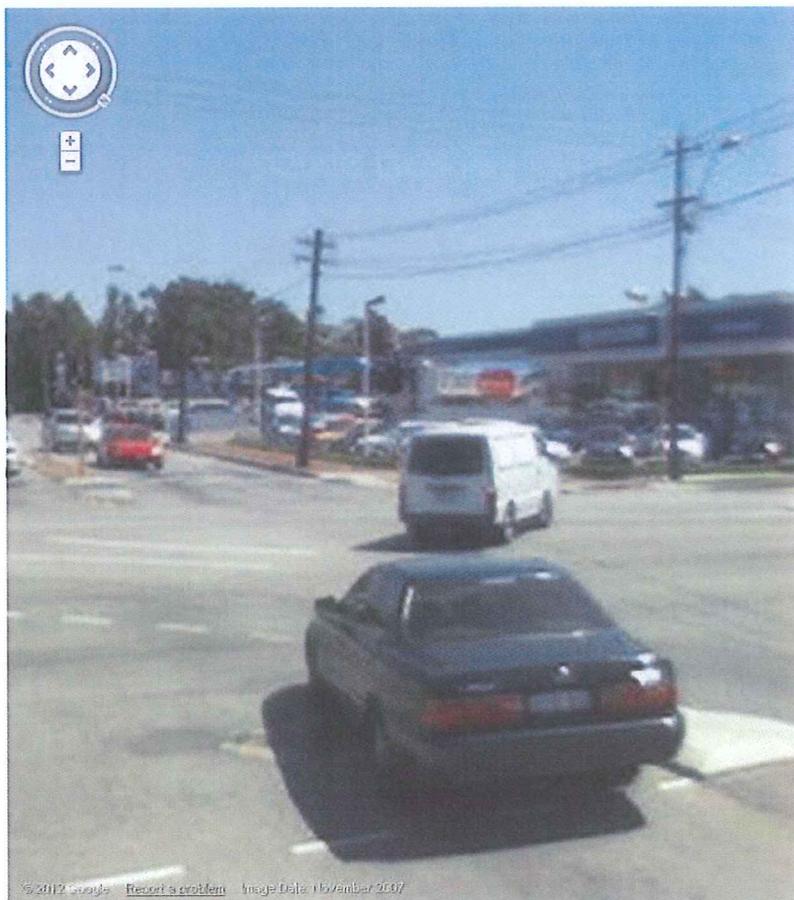
The signage letters are made of aluminium checker plate and in the original aluminium silver color.



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3 FEB 2011
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To see all the details that are visible on the screen, use the Print link next to the map.



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ITEM NO: 9.7

PROPOSED EDUCATIONAL ESTABLISHMENT AND ANCILLARY USES - PADBURY HIGH SCHOOL SITE

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer Metropolitan Northwest
AUTHORISING OFFICER:	Director Planning Metropolitan Northwest
AGENDA PART:	G
FILE NO:	34-50008-9
DATE:	7 June 2012
ATTACHMENTS:	A) Development Plans B) Site Layout Plan C) Location and Zoning Plan
REGION SCHEME ZONING:	Public Purpose - High School reservation
LOCAL GOVERNMENT:	City of Joondalup
LOCAL SCHEME ZONING:	Public Purpose - High School reservation
LGA RECOMMENDATION(S):	Conditional Support
REGION DESCRIPTOR:	Metropolitan Northwest
RECEIPT DATE:	9 March 2012
PROCESS DAYS:	59
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	33 Giles Avenue, Padbury

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development of the proposed Educational Establishment and Ancillary Uses at 33 Giles Avenue, Padbury subject to the following conditions:

CONDITIONS:

- 1. This approval relates to plans submitted by T and Z Architects and numbered A1.00A - A1.17A stamp dated 4 April 2012; A1.00C, A2.18B and A2.19B stamp dated 23 May 2012 by the Department of Planning (copy attached).***
- 2. The approval is valid for 5 years from the date of this decision letter after which the uses are to be discontinued and the land reinstated to its former condition.***
- 3. The proposed uses 'Hearing Diagnosis Rooms' and 'Braille Embossing Room' are not approved and are excluded from this approval.***

4. ***The proposed 'Office' uses are restricted to curriculum and education related services only.***
5. ***An onsite stormwater drainage system is to be designed and constructed to the specifications of the City of Joondalup prior to the development first being occupied to the satisfaction of the Western Australian Planning Commission.***
6. ***The parking bays, driveways and access points to be designed, constructed, drained and marked to the specifications of the City of Joondalup prior to the development first being occupied to the satisfaction of the Western Australian Planning Commission.***
7. ***Landscaping and reticulation of car park shade trees shall be established in accordance with the approved plans, and to the specifications of the City of Joondalup prior to the development first being occupied to the satisfaction of the Western Australian Planning Commission.***

ADVICE TO APPLICANT

1. ***The Joondalup Men's Shed has not received approval from the WAPC, accordingly the Department of Education is advised that this use requires retrospective approval under the MRS pursuant to section 164 of the Planning and Development Act 2005***
2. ***The applicant is advised that the need for greater flexibility in the management of government landholdings and assets to ensure that there is sufficient land "banked" to accommodate changing demographics and needs over a period of time, is acknowledged. However, there is concern that in the absence of a strategic policy position on such matters, that conversion of such sites will occur on a random and ad hoc basis, contrary to orderly and proper planning and community expectations.***

Accordingly, it is suggested that the DoE consider developing a strategic policy position, which can subsequently be considered by the WAPC, in relation to the appropriate and temporary use of surplus education sites.

SUMMARY:

An application has been received to refurbish the Padbury High School site for the Student Services Branch of the Department of Education (DoE). The proposed uses include teacher training facilities, conference rooms, offices, pre-primary school for special needs students, hearing diagnosis clinic, Braille embossing facility and general storage.

The proposal is presented to the Statutory Planning Committee as it is inconsistent with State Planning Policy 4.2 *Activity Centres for Perth and Peel* (SPP 4.2) and introduces land uses which are not consistent with the reservation of the land under the Metropolitan Region Scheme (MRS).

SPP 4.2 states that State governments should, wherever possible, locate offices within higher order activity centres. The DoE have advised that the proposed use is expected to be temporary while the high school is not in operation. In this respect the DoE has advised it would review the need or otherwise to reopen the high school on an ongoing basis based on the changing demographics of the area.

The site is reserved 'Public Purpose - High School' under the Metropolitan Region Scheme. While most of the proposed uses are broadly consistent with the educational purpose of the reservation, the hearing diagnosis rooms and Braille embossing components would be more appropriately located in commercial and light industrial areas respectively and are, therefore, not supported.

A temporary approval, valid for 5 years, is recommended. The temporary approval will allow time for the Department of Education to assess the need or otherwise for the high school to be reopened.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan
Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy
State Planning Policy 4.2 Activity Centres for Perth and Peel

INTRODUCTION:

An application has been received on behalf of the Department of Education (DoE) for the refurbishment and use of the Padbury Senior High School (**Attachment A - Development Plans**). The application proposes to make alterations to the existing high school buildings and car parking to accommodate the Student Services branch of the DoE, which comprises the following uses:

- Teacher training;
- Offices for teachers of special needs students (these teachers travel to schools throughout the state on a weekly basis to teach);
- Teacher support staff offices;
- Conference rooms;
- Kindergarten and pre-primary for hearing impaired children;
- Audiology testing and observation;
- Braille embossing facilities;
- Resource library;
- General storage; and
- Administration offices.

Attachment B - Site Layout Plan shows the arrangement of the various components. Up to 285 staff are proposed to be employed within the proposed facility. A new car

park of 295 bays is proposed to be located on existing tennis and basketball courts, accessing McGregor Drive. The subject site is located 1.2km from the Whitfords Secondary Centre and is 6.5km from the Joondalup City Centre. The subject site is served by a local bus and is about 2.5km from the Whitfords Railway Station (**Attachment C** - Location plan).

The subject land is reserved for 'Public Purposes - High School' in the Metropolitan Region Scheme (MRS). Under Clause 16 of the MRS, development on reserved land owned by a public authority may be carried out without the approval of the Commission if the development is considered to be 'permitted development' under the MRS. The proposal is not considered permitted development as it is not for the purpose of, or incidental to, a high school.

The reserve currently contains the Padbury High School, Primary School and Child Care Centre. The Padbury Senior High School ceased operation in 2011 due to declining enrolments. The primary school has continued to operate. The child care centre was approved by the WAPC in March 2004 on the basis that it was complementary to the existing primary school.

The site also contains a 'Men's Shed' (community group) that is currently using the former manual arts building under a 3 year lease with the DoE. This use does not have the approval of the WAPC as required under the MRS and does not form part of this application.

CONSULTATION:

The City of Joondalup has advised that it conditionally supports the application for the land to be used for:

- Teaching of schoolchildren and hearing and sight impaired kindergarten and pre-primary children;
- Training of teachers;
- Conference facilities for teachers and support staff;
- Resource centre for teachers and students;
- Storage of equipment ancillary to the purposes described above; and
- Office accommodation ancillary to the purposes described above;

The proposal was advertised by Council for 21 days and 15 submissions were received including four objections. The issues raised by objections included additional car parking, traffic, noise, inconsistency with the high school purpose and the loss of sporting courts for public use. A submission suggested that the planting of shade trees throughout the proposed car park would soften the impact. These issues are discussed in the Comment section below.

Council officers, in their report to Council, advised that the proposed Office land use is not consistent with the purpose of the 'Public Purpose - High School' reservation and the traffic impact on McGregor Drive would have an adverse effect on the amenity of the area. Notwithstanding this Council supported the proposal as it was considered an important and valuable educational facility for the locality.

OFFICER'S COMMENT:

State Planning Policy 4.2 and Directions 2031 and Beyond

State Planning Policy 4.2 *Activity Centres for Perth and Peel* Clause 5.2.4 (1) states that State and local governments and other public authorities should, wherever possible, locate offices within higher-order activity centres. The proposal is inconsistent with this policy provision.

The proposal precipitated from the relocation of the DoE facilities for disabled and visually impaired children from Hale House in May 2011. These facilities are currently located in a leased property in Beechboro. In addition the Western Australian Institute for Deaf Education (WAIDE) is to be relocated from the current site at Curtin Avenue, Cottesloe due to the poor condition of the heritage building on the site. Both facilities form part of the Student Services branch of the DoE.

The main component of the branch is currently accommodated within DoE's head office in East Perth. The DoE has indicated a preference to consolidate the various components of the Student Services branch to allow for synergies to develop and to improve operational efficiency. However, limited office space at East Perth cannot accommodate former residents of Hale House and WAIDE, therefore the DoE has elected to relocate the entire branch to the Padbury site.

The DoE have advised that the relocation of the Student Services branch is expected to be temporary until such time as the high school site is required. The need or otherwise to reopen high school sites is reviewed by DoE on an ongoing basis based on the changing demographics of the area. In the interim the DoE advise that the site would otherwise be fenced and unused. In this respect the DoE consider the proposed use would aid the maintenance of the buildings and grounds, preserving the amenity of the area and allowing for a high school to be reopened should the need arise.

The need for greater flexibility in the management of government landholdings and assets to ensure that there is sufficient land "banked" to accommodate changing demographic and needs over a period of time, is acknowledged. However, there is concern that in the absence of a strategic policy position on such matters, that conversion of such sites will occur on a random and ad hoc basis, contrary to orderly and proper planning and community expectations.

Accordingly, it is recommended that DoE consider developing a strategic policy position, which can subsequently be considered by the WAPC, regarding the temporary use of surplus education sites.

In this instance, the proposed temporary uses are, in the main, broadly considered consistent with the intent of the reservation under the MRS.

Metropolitan Region Scheme

Under Clause 30 of the Metropolitan Region Scheme the WAPC is to have regard to the following:

- i) the purpose for which the land is reserved under the Scheme;
- ii) the orderly and proper planning of the locality; and
- iii) preservation of the amenity of the locality.

The predominant use of the land would be defined under the Model Scheme Text as 'Educational Establishment' which is defined as premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.

While most of the proposed land uses can broadly be considered consistent with this definition, the proposed hearing diagnosis rooms and Braille embossing facilities are more akin to commercial and light industrial landuses. Accordingly these components are not supported and it is recommended they be excluded from the proposal. Additionally, as development approvals run with the land and not the occupant or landowner, the office uses should be restricted to curriculum and education services only.

Alternatively, hearing diagnosis rooms and Braille embossing facilities may be considered a key facet of the educational component of the proposed use and regarded in the same light as offices that are considered ancillary to the predominant use of the land. If the Commission is of this view recommended Condition No. 3 should be deleted from the approval.

The use of the site for an Educational Establishment and appropriate ancillary uses provides a suitable interim use for the site while the high school is not operational. Although not directly consistent with the purpose of the reserve, the proposed land uses are, subject to the considerations above, broadly aligned with this purpose, compatible with the existing facilities and would allow conversion back to a high school should the need arise.

It is, however, recommended that any approval be limited to a 5 year period so that the appropriateness of these land uses, the need to reopen the high school and any strategic policy position can be subsequently considered.

Traffic

A traffic impact assessment has been prepared and assessed by the Department of Planning's Infrastructure Planning and Coordination branch (IPAC). Total traffic volume is expected to lower than when the high school was operational as the student pick up and drop off will be reduced to that only associated with the Primary School and Child Care centre.

The car parks are proposed to located on land owned by the Department of Education therefore tennis and basketball courts are not considered community facilities. Shade trees are shown on the proposed development plan and the City of Joondalup has recommended a condition of approval require the reticulation and establishment of these.

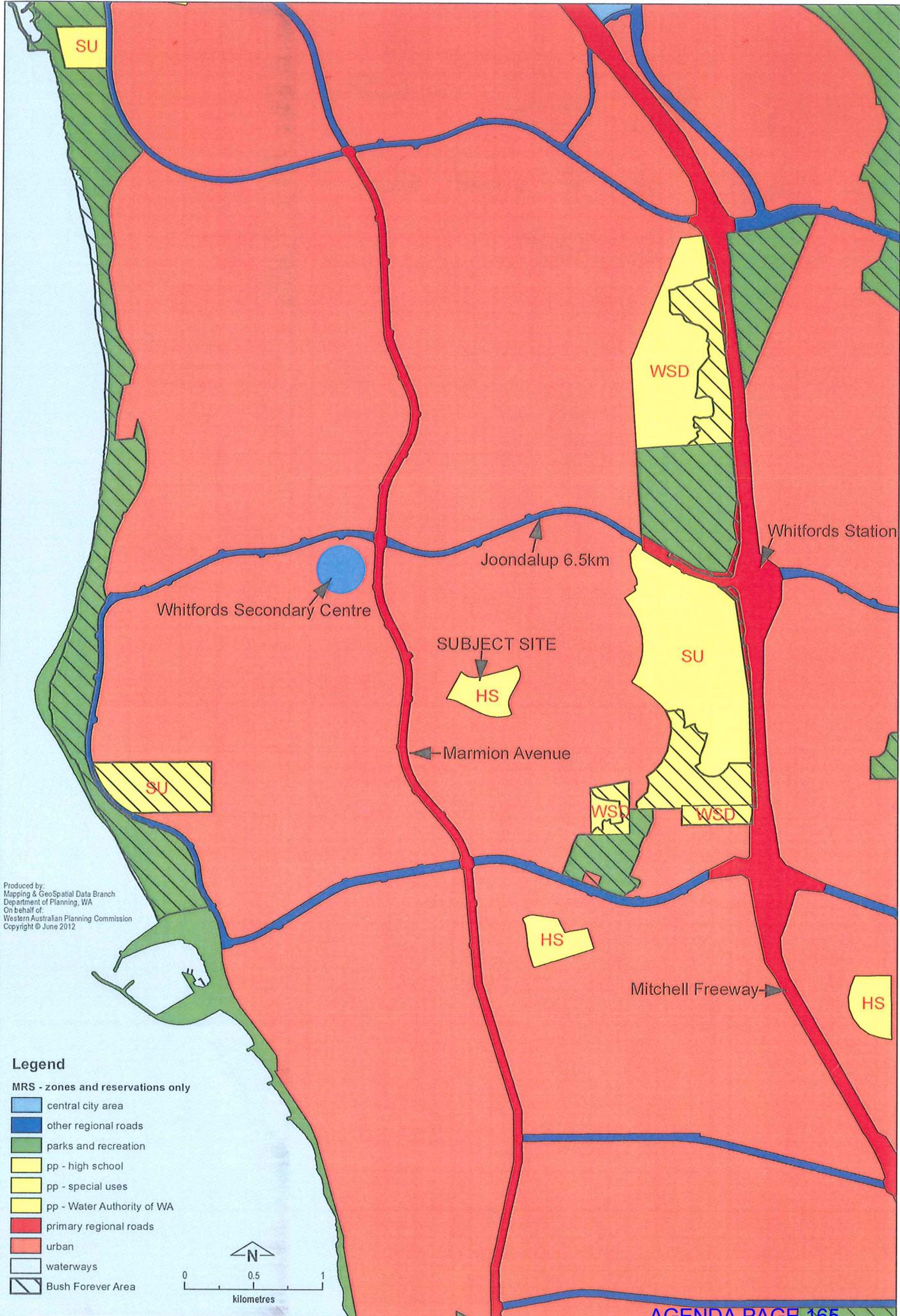
Joondalup Men's Shed

The Joondalup Men's Shed has not received approval from the WAPC, accordingly it is recommended the Department of Education be advised that this use requires retrospective approval under the MRS pursuant to section 164 of the *Planning and Development Act 2005*.

CONCLUSION:

The proposal is broadly consistent with the educational purpose of the 'Public Purpose - High School' reservation. However, the hearing diagnosis rooms and Braille embossing components would be more akin to a medical centre and light industrial uses respectively and are, therefore, not supported.

The proposal will assist in the maintenance of the buildings and grounds, preserving the amenity of the area and would not prejudice the reopening of the high school should the need arise. A temporary approval, valid for 5 years, is recommended.



Location and Zoning Plan

ITEM NO: 9.8

LOT 256 COOLGARDIE STREET, MUNDARING. SUBDIVISION TO CREATE TWO LOTS FOR RESIDENTIAL PURPOSES.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager - Metropolitan Planning North East
AUTHORISING OFFICER:	Planning Director - Metropolitan Planning North East
AGENDA PART:	H
FILE NO:	145513
DATE:	23 May 2012
ATTACHMENT(S):	Attachment 1: Subdivision Plan Attachment 2: Location Plan/Zoning Map Attachment 3: Modified Subdivision Plan Attachment 4: Bushfire Hazard Map
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Mundaring
LOCAL SCHEME ZONING:	Residential R5
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	Mundaring
RECEIPT DATE:	20 January 2012
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 256 Coolgardie Street, Mundaring

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed subdivision of Lot 256 Coolgardie Street, Mundaring as shown on the plan date stamped 22 May 2012. This decision is valid for three years subject to the following conditions and advice:

CONDITIONS:

- 1. The battleaxe accessway having a minimum width of 6 metres in accordance with attached plan (date stamped by the Department of Planning on 22 May 2012) to the specifications of the Local Government and to the satisfaction of the Western Australian Planning Commission. (Local Government)***

2. ***The battleaxe accessway(s) being constructed and drained to a minimum constructed width of 4 metres at the applicant/owner's cost to the specifications of the local government. (Local Government)***
3. ***Arrangements being made with the local government for the upgrading and/or construction of Coolgardie Street. (Local Government)***
4. ***Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)***
5. ***All buildings, outbuildings and/or structures being demolished and materials removed from proposed Lot 101. (Local Government)***
6. ***All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Local Government)***
7. ***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)***
8. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)***
9. ***The total site area (including 161m² concession) of proposed Lot 101 being increased to 2000m². (Local Government)***

ADVICE:

1. ***The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.***
2. ***In respect of Condition 5, if any portion of the existing building is to be demolished to facilitate the proposed subdivision, a Planning Approval and/or Demolition Licence is to be obtained from the local government prior to the commencement of demolition works.***
3. ***With regard to Condition 7, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.***
4. ***With regard to Condition 8, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.***

5. ***If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.***

SUMMARY:

This application proposes to subdivide a 3720m² lot to create two lots of 1920m² and 1801m² for residential purposes. The application is referred to the Statutory Planning Committee has the proposed lots do not comply with the minimum lot size requirements of the R5 coding under the Residential Design Codes. The application is seeking a concession under provision 6.1.2 P2 of the Residential Design Codes to include an areas of the adjoining reserves (161m²) in the site area requirements. The application requires a variation of 4.9% and 1% to proposed Lots 100 and 101 respectively which does not accord with the criteria under Clause 3.2.3 of DC 2.2 where a variation is only permitted to one lot.

The Shire of Mundaring supports the variation to the proposed lots and the Shire's Health Department and the Department of Health have confirmed that on-site effluent disposal can be achieved for both lots. It is recommended the proposal is approved subject to conditions.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Part 10

Strategic Plan
Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning Priorities

Policy
Number and / or Name: Residential Design Codes 2010
Planning for Bushfire Protection Guidelines (Edition 2)
Shire of Mundaring Minimum Lot Size Relaxations Policy

INTRODUCTION:

This application proposes to subdivide a 3720m² lot to create two lots of 1920m² and 1801m² for residential purposes. The existing dwelling and associated outbuildings are proposed to be retained within proposed Lot 1, whilst all structures are to be removed from proposed Lot 2. Access is gained via Coolgardie Street, a dedicated and constructed road. (**Attachment 1**)

The subject site is zoned 'Residential R5' under the Shire of Mundaring Local Planning Scheme No. 3 and 'Urban' under the Metropolitan Region Scheme. (**Attachment 2**)

CONSULTATION:

This Shire of Mundaring supports the proposal subject to conditions. The Shire has requested that the applicant be required to modify the plan of subdivision to depict a 6 metre wide battleaxe access leg to proposed Lot 2 in accordance with the Planning for Bushfire Protection Guidelines (PBFP Guidelines). The applicant has modified the proposed subdivision to meet the Shire's request, and the assessment has been completed based on the modified plan. (**Attachment 3**)

Western Power and the Water Corporation have raised no objection to the proposal subject to servicing conditions and advice.

The Department of Water, Department of Health (DoH) and the Fire and Emergency Services Authority (FESA) have raised no objections to the proposal.

OFFICER'S COMMENTS:

Residential Design Codes 2010

The proposed lots do not comply with the minimum (2000m² required, 1891m² provided) and average (2000m² required, 1860m² provided) lot size requirements of the R5 coding under the Residential Design Codes 2010 (R-Codes).

Provision 6.1.2 P2 states:

- ii) *In the case of a rear battleaxe site, the site area is inclusive of the access leg provided that the area of the access leg contributes no more than 20 per cent of the site area as required by table 1. Where the lot (excluding the access leg) adjoins or abuts a right-of-way or reserve for public open space, pedestrian access, school site or equivalent, half the width (up to a maximum depth of two metres) may be added to the site area.*

The applicant is seeking approval on the basis that a total of 161m² of the abutting 'Public Open Space' and 'Parks and Recreation' reservations can be considered within the total site area calculation for proposed Lot 2, increasing the lot size of the proposed battleaxe lot to 1980m² and the average to 1941m².

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

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

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

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

This application proposes site area variations of 4.9% and 1% to proposed Lots 100 and 101 respectively which does not accord with the criteria under Clause 3.2.3 of DC 2.2 where a variation is only permitted to one lot. Further, Clause 3.6.5 of DC 2.2 states that *'the Commission will not permit reductions in the minimum or average lot sizes set by the Residential Design Codes in respect of battleaxe subdivisions'*.

In accordance with DC 2.2, the rear battleaxe lot would be required to meet the 2000m² lot size requirement (including the 161m² concession) of the R5 coding. Further, the Shire has advised that the proposed battleaxe access leg is required to be widened from 5 metres to 6 metres in accordance with PBFP Guidelines. As such, the lot size of proposed Lot 100 is decreased to 1882m², a variation of 5.9%. It is recommended the variation of 5.9% is supposed for the following reasons:

- The proposed lot sizes are consistent with the surrounding area (lot sizes ranging predominantly between 1650m² and 2200m²);
- The Shire and DoH have confirmed that the proposed lots are capable of achieving on-site effluent disposal;
- The proposal accords with the access requirements of the PBFP Guidelines; and
- The Shire, DoH and servicing authorities have recommended the application be approved subject to conditions.

Shire of Mundaring Minimum Lot Size Relaxation Policy

The Shire of Mundaring's *'Minimum Lot Size Relaxations'* Policy supports a variation to the minimum lot size requirement of the R-Codes for properties zoned R2.5, R5 and R10 up to 10% in certain circumstances. However, Clause 5.1 of the R-Codes states:

'Subject to 5.3, a local planning policy that affects residential development shall be consistent with the provisions of the codes and may not provide for greater or lesser requirements than the codes unless expressly permitted under the codes.'

There are no existing provisions to allow density requirements to be varied via a local planning policy. Further, Clause 5.2 of the R-Codes states that where a local planning policy came into effect prior to the gazettal of the R-Codes is inconsistent with the R-Codes, the R-Codes prevail over policy.

Government Sewerage Policy: Perth Metropolitan Region

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

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

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

The subject street block comprises a total of three lots. Of the lots, only the subject site has the potential for subdivision. DoH has advised that the application is supported as there is no further subdivision potential within the subject street block, the proposed lot sizes are consistent with surrounding lot sizes and the on-site effluent disposal can be achieved. It is recommended the proposed subdivision is supported subject to conditions.

Planning for Bushfire Protection Guidelines (Edition 2)

The PBFP Guidelines have been jointly prepared by the WAPC and FESA in accordance with Clause 6 of *State Planning Policy 3.4 Natural Hazards and Disasters*. The greater part of the subject site is not identified as having a high fire risk, whilst a small portion of the north east corner is identified as having an 'extreme' fire risk. Areas to the north and east of the property are identified as having an 'extreme' fire risk. (**Attachment 4**).

The subject site is located within an existing residential area and the proposed lots are generally consistent with the requirements of the R5 coding under the R-Codes. It is considered that the north east portion of the subject site will be cleared under the required subdivision works, reducing the fire risk and it is recommended the application be supported.

At the Shire's request, the applicant has submitted a modified plan depicting a minimum width of 6 metres for the proposed battleaxe access leg to proposed Lot 101, addressing the requirements of the PBFP Guidelines.

CONCLUSION:

The application is referred to the SPC given that approval is recommended, however the proposed lot sizes do not comply with the minimum lot size required under the R5

coding of the R-Codes. In this instance, the Shire and DoH have supported the variation and it is recommended the proposal is approved subject to conditions.



Strata Titles - SSS	PARKS & RECREATION	RURAL LANDSCAPE LIVING
Cadastre with Lot Numbers	DISTRICT BUSINESS	SPECIAL PURPOSE
Townsites	NO ZONE	
SPECIAL 10	PUBLIC OPEN SPACE	
TPS - Scheme Boundaries	PUBLIC PURPOSES	
TPS - R Code Boundaries	RESIDENTIAL	

Scale 1:8,631
 0 250 m

Prepared by: egrosor
 Prepared for:
 Date: Monday, May 28, 2012 11:39
 Plot identifier: P20120528_1139

DP INTERNAL USE ONLY

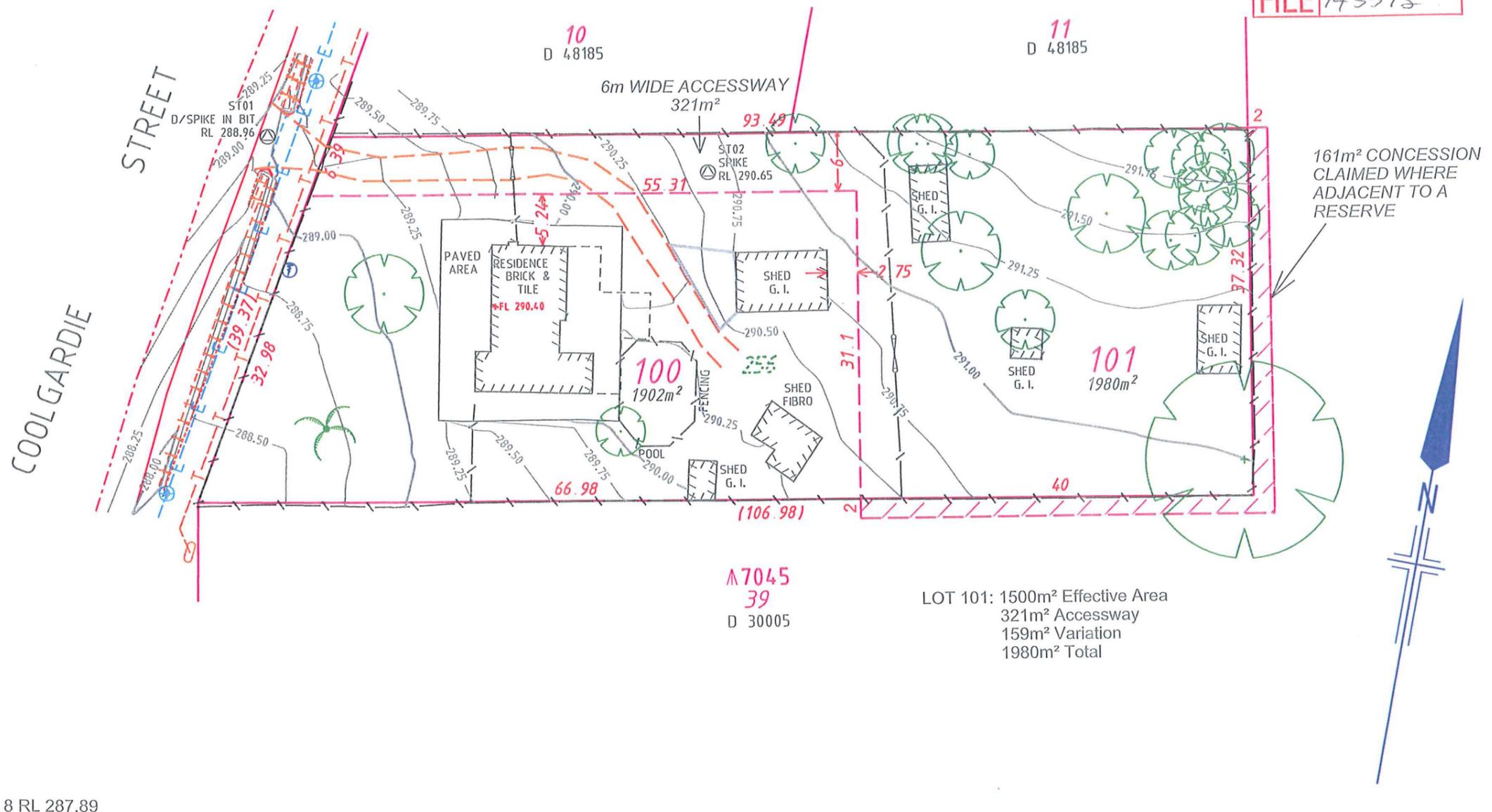
Government of Western Australia
 Department of Planning

Attachment 2
 Location Plan/Zoning Map

AGENDA PAGE 174

DEPARTMENT OF PLANNING
22 MAY 2012
FILE 145573

TOTAL LOT AREA:
3721m² Original Area
161m² Concession
3882m² Total Area



EXISTING BOUNDARY ———
PROPOSED BOUNDARY - - - - -

NO OF EXISTING LOTS = 1
NO OF PROPOSED LOTS = 2
TOTAL AREA = 3882m² (INCLUDING VARIATION)
ALL DISTANCES IN METRES
DIMENSIONS AND AREAS SUBJECT TO SURVEY
LOCAL AUTHORITY : SHIRE OF MUNDARING
CT 1222/496
ALL STRUCTURES ON LOT 100 TO REMAIN
ALL STRUCTURES ON LOT 101 TO BE REMOVED
HEIGHTS ARE AHD BASED ON SSM MUNDARING 8 RL 287.89

THIS PLAN MAY ONLY BE USED FOR SUBMISSION TO WAPC FOR THE PURPOSE OF SUBDIVISION APPROVAL. THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY. THEY HAVE BEEN DETERMINED BY DIMENSIONS SHOWN ON LANDGATE PLANS AND THEN POSITIONED OVER EVIDENCE OF OCCUPATION. UNDERGROUND SERVICES HAVE BEEN PLOTTED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND NO RESPONSIBILITY CAN BE TAKEN BY MIDLAND SURVEY SERVICES FOR ANY OMISSIONS OR ERRORS THEREIN. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION, THE RELEVANT AUTHORITY SHOULD BE CONTACTED, AND THE CERTIFICATE OF TITLE CHECKED FOR EASEMENTS AND ENCUMBRANCES.

LEGEND

	Fence
	Building / Roofover
	Contour (Interval 0.XXm)
	Peg / TBM / Survey Control
	Floor Level
	Gate / Sign

SERVICE RECORD

	WATER	SEWER	GAS	TELSTRA	POWER U/G	POWER O/H
LOCATED	✓			✓	✓	✓
AVAILABLE						
NO SERVICE		✓	✓			

SERVICE LEGEND

	Water main
	Telstra cable
	Electrical power
	Sewer main
	Gas main
	Optic fibre cable
	Water Tap
	Water Meter
	Water M.H.
	Hydrant
	Power Dome
	Power Pole
	Power Light Pole
	Power Stay Pole
	Telstra Pillar
	Telstra Pit
	Telstra Manhole
	Telstra Marker
	Sewer Inspection
	Sewer Manhole
	Sewer Septic
	Drainage Manhole
	Drainage Gully
	Drainage Side Entry Pit
	Gas Meter

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Freshwater Bay Investments Pty Ltd trading as

MIDLAND SURVEY SERVICES

ACN 105 274 226 ABN 92 105 274 226
LAND AND ENGINEERING SURVEYORS
3 Victoria Street Midland Western Australia 6056
Telephone : (08) 9374 7777 Fax : (08) 9374 7799
Email : survey@midlandsurveys.com.au
Website : www.midlandsurveys.com.au

ISO 9001
FS 520793

10 5 0 5 10 15 20

SCALE 1:500 METRES

DRAWN	C.MILBORN	18/05/2012
SURVEYOR	P. CONNOR	23/11/2011
CHECKED	E.TURTON	18/05/2012
APPROVED	R. DELANY	

A & J CLARK

PROPOSED SUBDIVISION

LOT 256 ON DP 160746
615 COOLGARDIE STREET,
MUNDARING

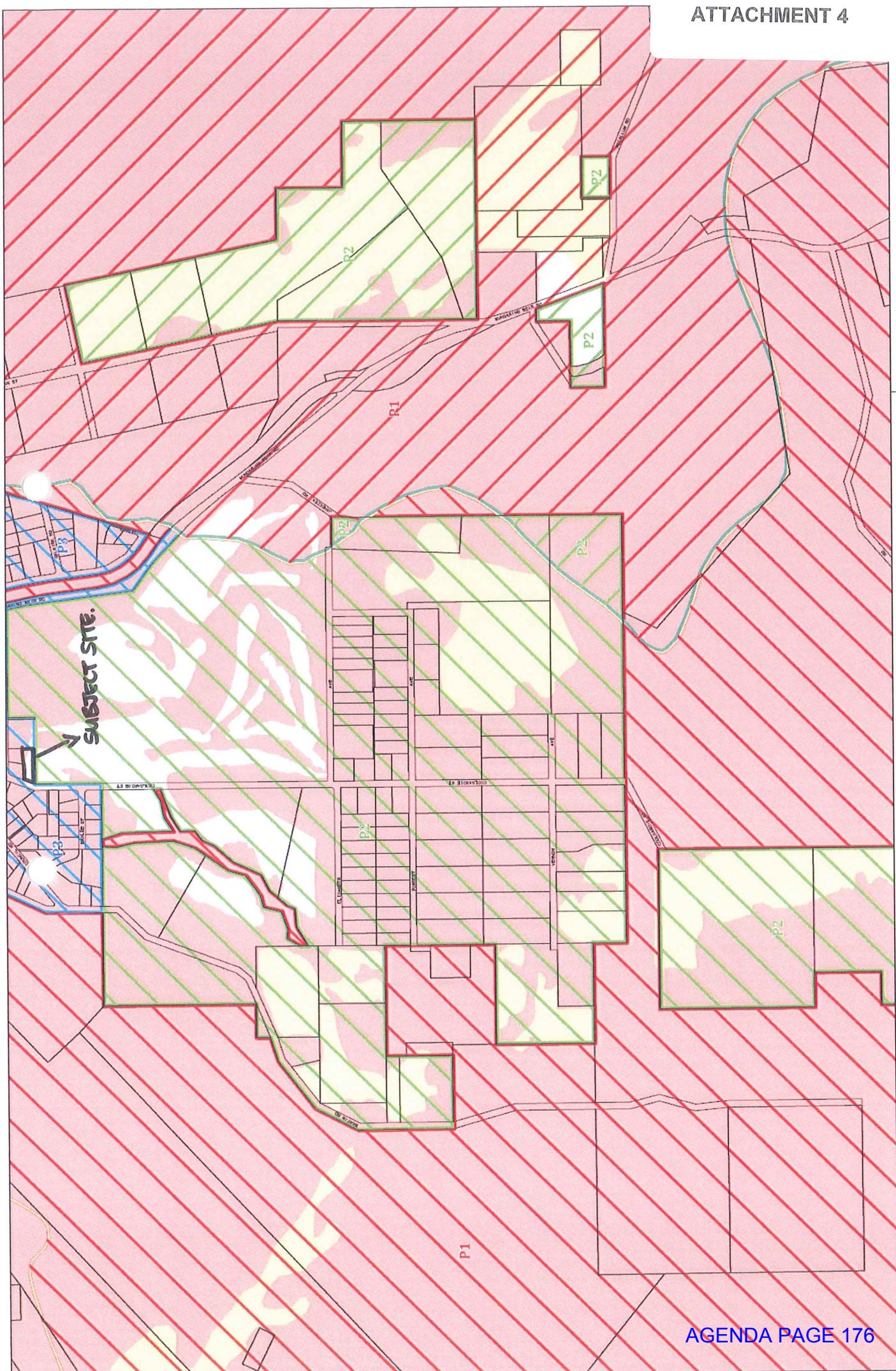
GRID MGA94(50)
DATUM AHD

FB
LB

DRAWING NUMBER
11254-D001

REV 1 | SIZE A3
PS: 11254-01

No.	Date	REVISION	Drawn	Surveyor	Approved	APPROVED	GRID	FB	DRAWING NUMBER	REV 1 SIZE A3
1	18/05/12	ACCESSWAY WIDENED TO 6M	CM	PC	RD	R. DELANY	MGA94(50)	LB	11254-D001	PS: 11254-01



While every effort has been made to ensure the accuracy of map, no liability can be assumed for any errors in the information. It would be appreciated if any errors could be reported to the GIS Section, Information Systems Team, State of Maryland, 7000 Great Eastern Highway, Annapolis, MD 21403 or email iservices@maryland.gov



Map No. 17 of 46



ITEM NO: 9.9

SUBDIVISION TO CREATE THREE INDUSTRIAL LOTS AND ROAD RESERVE: LOT 11 LAKES ROAD, HAZELMERE

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER: Planning Director, Metropolitan Planning North East
AGENDA PART: H
FILE NO: 144775
DATE: 24 May 2012
ATTACHMENT(S): Attachment 1: Subdivision Plan
Attachment 2: Development Approval
Attachment 3: Locality/Zoning Map
Attachment 4: HEASP
Attachment 5: Precinct 1 - HEASP
REGION SCHEME ZONING: Industrial
LOCAL GOVERNMENT: City of Swan
LOCAL SCHEME ZONING: Industrial Development
LGA RECOMMENDATION(S): Conditional Approval
REGION DESCRIPTOR: Perth Metro North East
RECEIPT DATE: 24 August 2011
PROCESS DAYS: 274
APPLICATION TYPE: Subdivision
CADASTRAL REFERENCE: Lot 11 (115) Lakes Road, Hazelmere

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 11 Lakes Road, Hazelmere into three lots and a road reserve subject to the following conditions and advice:

Conditions:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)***

2. ***The cul-de-sac head being designed and constructed to the satisfaction of the local government. (Local Government)***
3. ***The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)***
4. ***Pursuant to section 150 of the Planning and Development Act 2005, a restrictive covenant preventing motor vehicle access onto the Great Eastern Highway Bypass/Roe Highway road reserve benefiting Main Roads Western Australia being lodged on the Certificates of Title of the proposed lots abutting the Great Eastern Highway Bypass/Roe Highway road reserve, at the full expense of the applicant. (Main Roads Western Australia)***
5. ***Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lots shown on the approved plan of subdivision. (Water Corporation)***
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)***
7. ***The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)***
8. ***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 the development is commenced. Where an Acid Sulfate Soils Management Plan is required to be submitted, all development shall be carried out in accordance with the approved management plan. (DEC)***
9. ***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:***

"Reticulated sewerage connection is not available to the lots, and any future development will be required to be 'dry industry'. 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. ***The applicant be advised that any future development on the proposed lots will be limited to 'dry industrial activities' as defined under the Hazelmere Enterprise Area Structure Plan.***
3. ***With regard to Condition 2, the detailed plan is to address all relevant matters, including paving, manoeuvring spaces, lighting, fencing, planting and crossover location.***
4. ***With regard to Condition 3, the applicant/owner is advised that a drainage easement is required over a suitably sized compensating basin designed for 100 year storm event for Lakes Road.***
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.***
7. ***With regard to Condition 9 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.***
8. ***Where the Water Corporation is the designated Utility Services Provided for the proposed subdivision relating to water and/or drainage, the subdivider shall make satisfactory arrangements with the Water Corporation for the provision of the requisite service.***
9. ***Where required, the subdivider shall provide service connections, make financial arrangements, set aside land, grant easements, apply notices or other requirements, to protect existing and proposed Water Corporation assets to the satisfaction of the Water Corporation.***
10. ***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.***

***The acid sulfate soils condition above makes reference to an "Acid Sulfate Soils Self-Assessment Form". This form can be downloaded from the Western Australian Planning Commission's website at:
www.wapc.wa.gov.au/Applications/Subdivision+and+application/default.aspx***

The "Acid Sulfate Soils Self-Assessment Form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulfate Soils" guideline. This guideline can be downloaded from the Department of Environment and Conservation's

website at: www.dec.wa.gov.au/management-and-protection/acid-sulfate-soils/guidelines.html

12. **Main Roads WA advises that no earthworks or stormwater drainage shall encroach/discharge onto the Great Eastern Highway Bypass/Roe Highway reserve. If any existing vegetation is damaged within the reserve, then the applicant should make good any damage.**

SUMMARY:

This application proposes the subdivision of Lot 11 Lakes Road, Hazelmere to create three industrial lots and a road reserve. The Hazelmere Enterprise Area Structure Plan (HEASP) requires development to be restricted to 'dry industrial activities' and no subdivision unless connected to sewer. The application is referred to the Statutory Planning Committee (SPC) for determination as approval is recommended and connection to sewer is not proposed. The City of Swan, Department of Health and Water Corporation have recommended conditional approval.

The subdivision is consistent with a development approval for the site which has been partly commenced. The City of Swan has advised that the existing development approval is consistent with the definition of 'dry industry'.

It is recommended that the application be approved.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Strategic Goal 2: Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning priorities

Policy

Number and / or Name:

Hazelmere Enterprise Area Structure Plan
Development Control Policy DC 4.1 Industrial
Subdivision

INTRODUCTION:

The application proposes to subdivide Lot 11 Lakes Road, Hazelmere to create three lots of 1.69ha, 3.06ha and 3.03ha and a road reserve to accommodate the extension of Lakes Road (**Attachment 1** - Subdivision Plan). The subdivision application is consistent with a development approval on the site which has been partly commenced (**Attachment 2** - Development Approval). The workshop on proposed Lot 1 and the extension of Lakes Road have already been constructed.

The subject site is zoned 'Industrial' under the Metropolitan Region Scheme and 'Industrial Development' under the City of Swan Local Planning Scheme No. 17 (LPS 17). A small portion of the site is reserved for 'Local Road' which reflects a former

road reserve which has since been closed and forms part of Lot 11. (**Attachment 3** - Locality/Zoning Map).

The site is located within Precinct 1 - HEA Core of the HEASP. (**Attachment 4** - HEASP and **Attachment 5** HEASP Precinct 1).

CONSULTATION:

The City of Swan has recommended approval to the proposed subdivision given that the lots are capable of development, have previously demonstrated that they meet the definition of 'dry industry' and can successfully discharge wastewater from the lots.

The Department of Planning's Infrastructure Planning and Coordination (IPaC) branch raise no objection to the proposal in relation to the HEASP.

The Department of Environment and Conservation has no comment on the proposal. The Water Corporation, Main Roads Western Australia and Western Power support the proposal subject to standard conditions and advice.

The Department of Health has no objection subject to development being restricted to 'dry type industry'.

OFFICER'S COMMENTS:

Hazelmere Enterprise Area Structure Plan (HEASP)

The Hazelmere Enterprise Area Structure Plan ('HEASP') was approved by the City of Swan on 28 September 2011 and subsequently endorsed by the WAPC on 18 October 2011. The HEASP is primarily a strategic District Structure Plan which sets the broad land use framework and principles to guide future re-zonings and local structure planning (where appropriate) and ultimately subdivision and development. The subject land is located within Precinct 1 (HEA Core) and is zoned under the MRS and LSP 17 to allow for future industrial development. Local structure planning is not required for Precinct 1. (**Attachment 5** - HEASP; Precinct 1).

The objective of Precinct 1 is to protect large lots to strengthen the transport and logistics role of the area. Within Precinct 1, general industrial activities are limited to 'dry industrial activities' until sewer is provided.

The development of an industrial complex involving an Industrial Auctioneer, Light Engineering Fabrication and Road Transport Operations centre was approved on the subject site by the City of Swan in July 2008 and by the WAPC in June 2009. Proposed Lot 1 has been developed with an industrial workshop and the extension of Lakes Road through the site has been constructed. The City of Swan has advised that the proposed development is consistent with the definition of dry industry. Any future development, including change of use will be considered under the dry industry requirements of the HEASP.

The 'land use intent' of Precinct 1 is for limited subdivision with an aim to retain large lots until such time as reticulated sewer is available. The 'development requirements'

for Precinct 1 include restricted to 'dry industrial activities' and no subdivision unless connected to sewer.

The proposed subdivision is consistent with the development approval for the site. The development approval shows three distinct lots, with development on proposed Lot 1 and the extension of Lakes Road already constructed. The development approval has demonstrated that the site can be developed for 'dry industry'. On this basis, the lot size is considered acceptable given the recent development approval and the existing development on the site.

The HEASP identifies the preferred alignment (subject to further study) of the Midland Freight Railway Line realignment transversing the subject site. The Department of Planning's IPaC branch has advised that the Public Transport Authority is currently undertaking a study to review/confirm the alignment which is likely to take 12 months. Once the alignment has been confirmed, the alignment will need to be protected either through a Planning Control Area or suitably reserved under the MRS. It is recognised that if the railway line is positioned in this location, then the size of the two larger lots (proposed lots 2 and 3) may be affected.

City of Swan's Local Planning Scheme No.17

The site is zoned 'Industrial Development' under LPS 17. The 'Industrial Development' zone is identified as a 'structure planning area' where subdivision and development is to be generally in accordance with any structure plan that applies to that land. The endorsement of the HEASP provides the appropriate framework to guide future subdivision and development within precinct 1 (HEA Core) as local structure planning is not required for this precinct. A small portion of the subject site is reserved for 'Local Road' which reflects a former road reserve which has since been closed. Future rezoning for the HEASP will address this anomaly.

Development Control Policy No. DC 4.1 Industrial Subdivision

The WAPC's '*Development Control Policy No. DC 4.1 Industrial Subdivision*' indicates that in considering appropriate lot sizes for an industrial subdivision, the WAPC will have regard to the overall pattern of lot sizes in the locality and the type of industrial activity characteristics of the locality in which the subdivision is located. The proposed lot sizes of 1.69ha, 3.06ha and 3.03ha are generally consistent with the existing lot sizes in the immediate locality which includes lots sizes as small as 1.53ha. The existing development approval has also demonstrated that the size of the lots are capable of accommodating dry industrial activities consistent with the requirements of the HEASP.

Acid Sulphate Soils

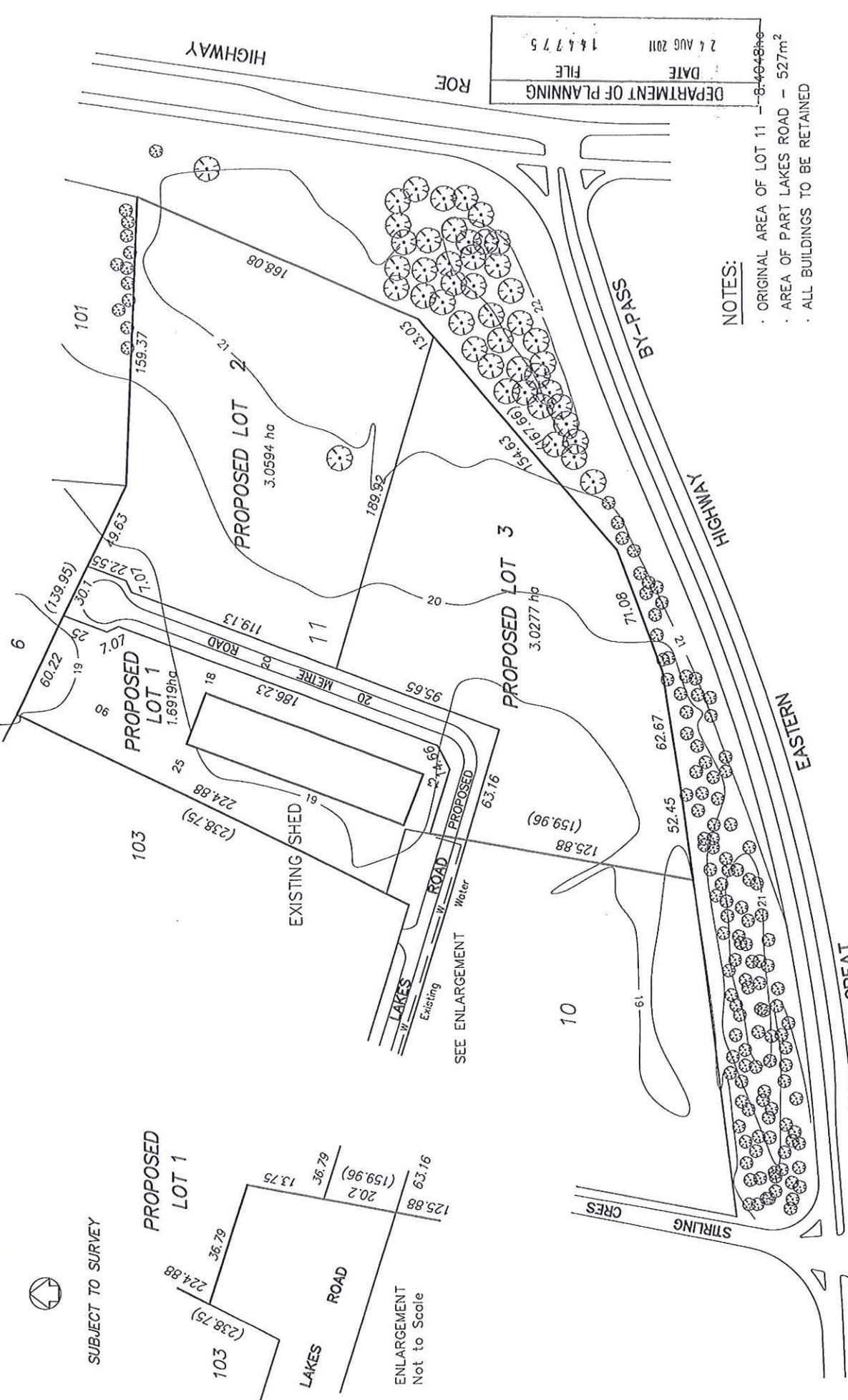
The subject land is identified as having moderate to low risk of acid sulphate soils. It is recommended that the standard condition relating to acid sulphate soils be imposed.

CONCLUSION:

The application is referred to the SPC given that approval is recommended, however the HEASP intends to limit subdivision with an aim to retain large lots until such time as sewer is provided.

It is recommended that the application be approved given:

- The proposed subdivision is consistent with a development approval on the site which has been partly commenced;
- The City of Swan has advised that the development approval is consistent with the 'dry industry' requirements; and
- The proposed lot sizes are generally consistent with the existing lot sizes in the locality.

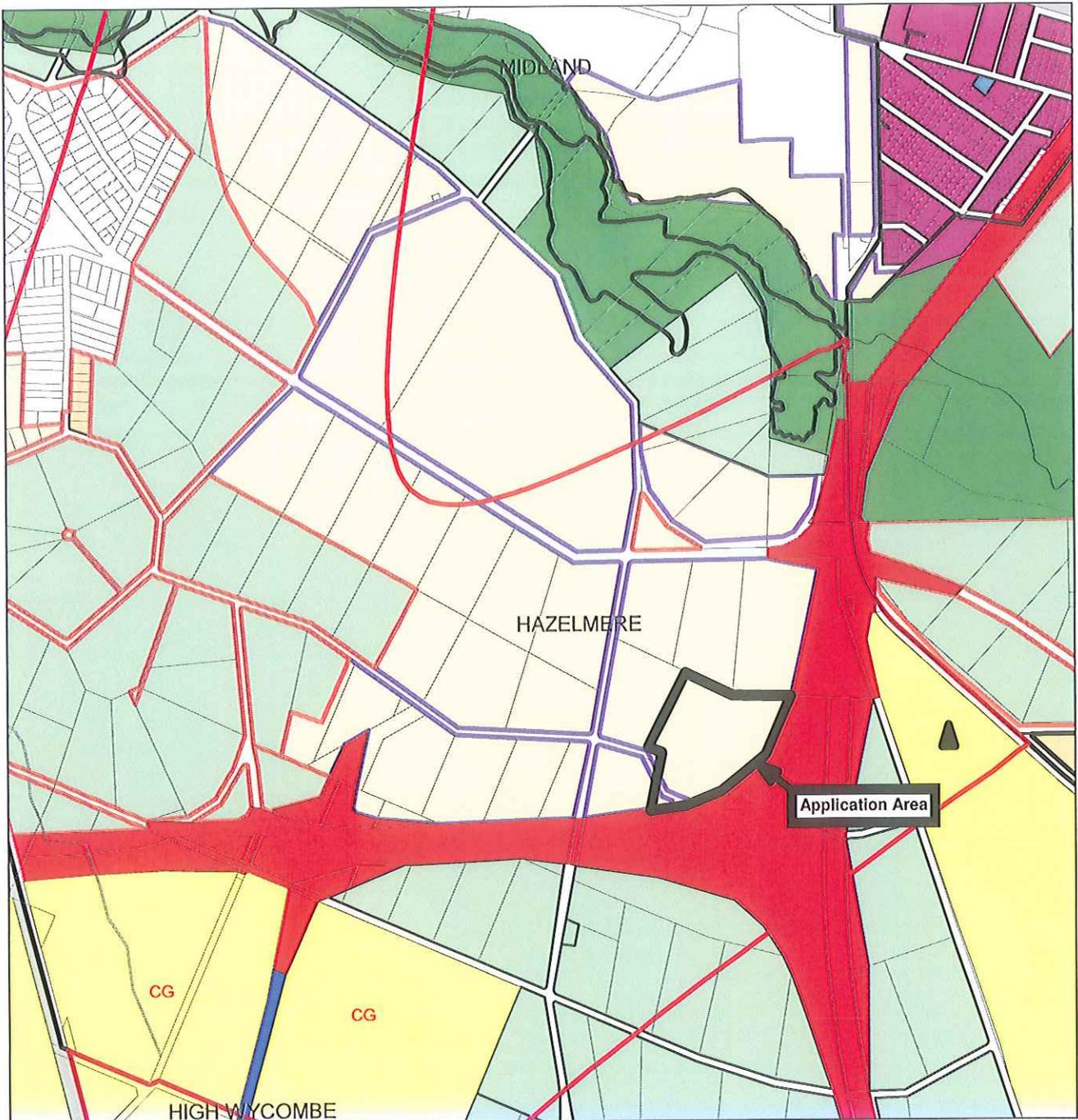


STATEWEST SURVEYING & PLANNING

Licensed Surveyors & Town Planners
 Partners R.J.M. Rogers & S.E. O'Hara Associate P. Incerti
 Midland House P.O. Box 1377, Midland W.A. 6936 69 Great Northern Highway, Midland
 Telephone (08)9274 3198 Facsimile (08) 9274 3878 Email statewest@statewest.net
 Website <http://www.statewest.net>

PROPOSED SUBDIVISION & ROAD CLOSURE LOT 11 LAKES RD HAZELMERE

SCALE	DATE	DRAWN	CHECKED	REFERENCE	SHEET
1:2000	22-06-11	T.C.		14098	



Suburbs	TPS - R Code Boundaries	GENERAL RURAL	RURAL RESIDENTIAL
Cadastre	PRIMARY REGIONAL ROADS	INDUSTRIAL DEVELOPMENT	LIGHT INDUSTRY
Townsites	OTHER REGIONAL ROADS	NO ZONE	RESIDENTIAL
SPECIAL 10	PARKS & RECREATION	RESIDENTIAL DEVELOPMENT	RESIDENTIAL REDEVELOPMENT
AIRCRAFT NOISE EXPOSURE	RAILWAYS	RURAL LANDSCAPE LIVING	
FLOOD PRONE AREA	PP - COMMONWEALTH GOVERNMENT		
MUNICIPAL BOUNDARY	GENERAL COMMERCIAL		
TPS - Scheme Boundaries	GENERAL INDUSTRIAL		

Scale 1:16,043
 0 500 m

Prepared by: mcarbone
 Prepared for: Statutory Planning Committee
 Date: Friday, May 25, 2012 14:58
 Plot Identifier: P20120525_1458

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

Subdivision Application
 Lot 11 Lakes Road
 HAZELMERE

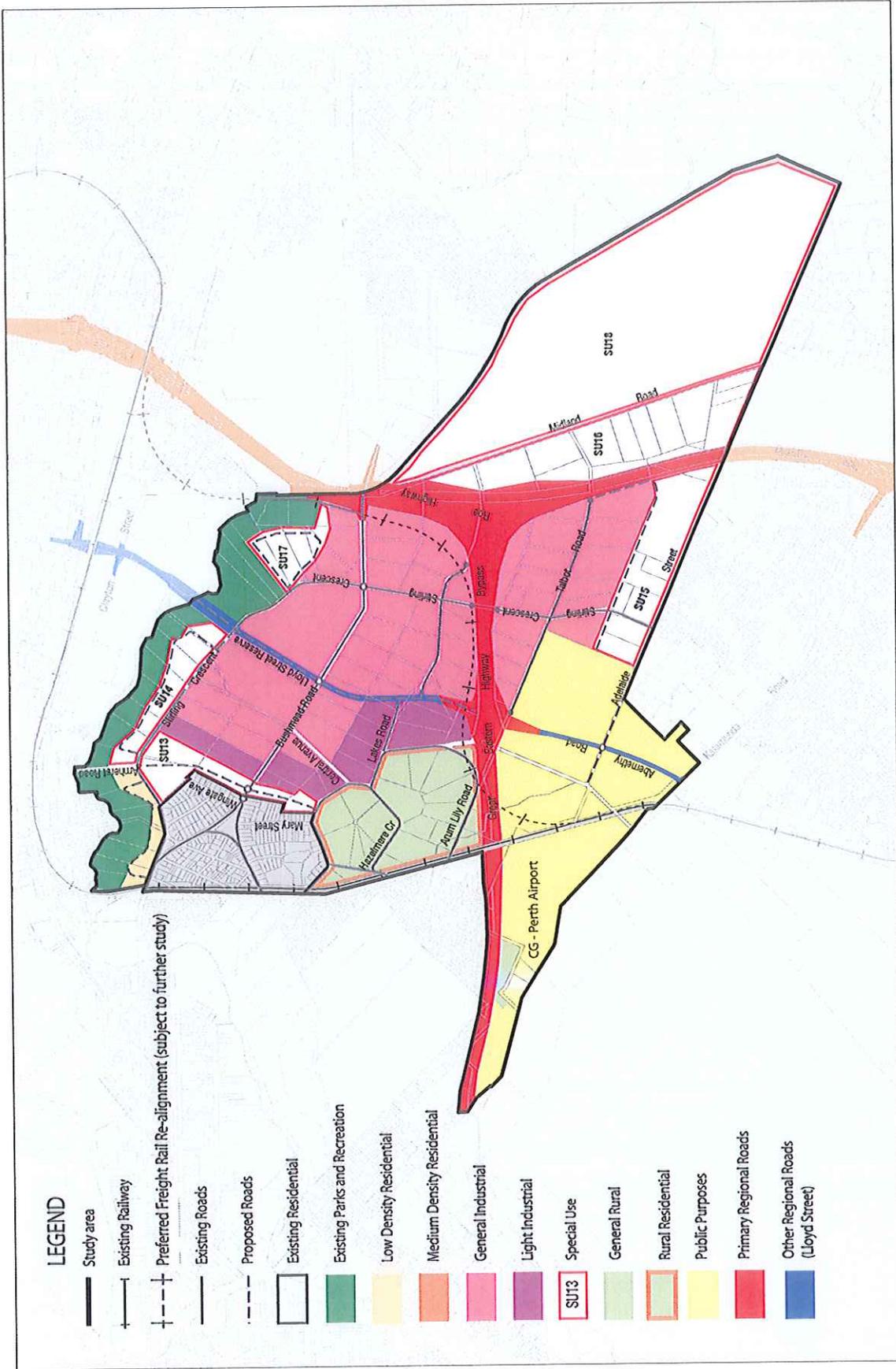


Figure 17: HEA Draft Structure Plan

08 Precincts

Precinct 1 - HEA Core

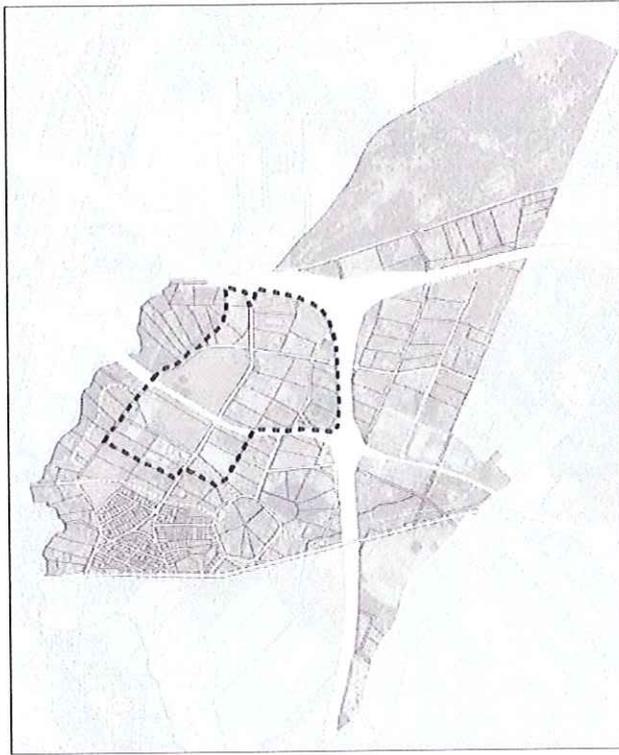
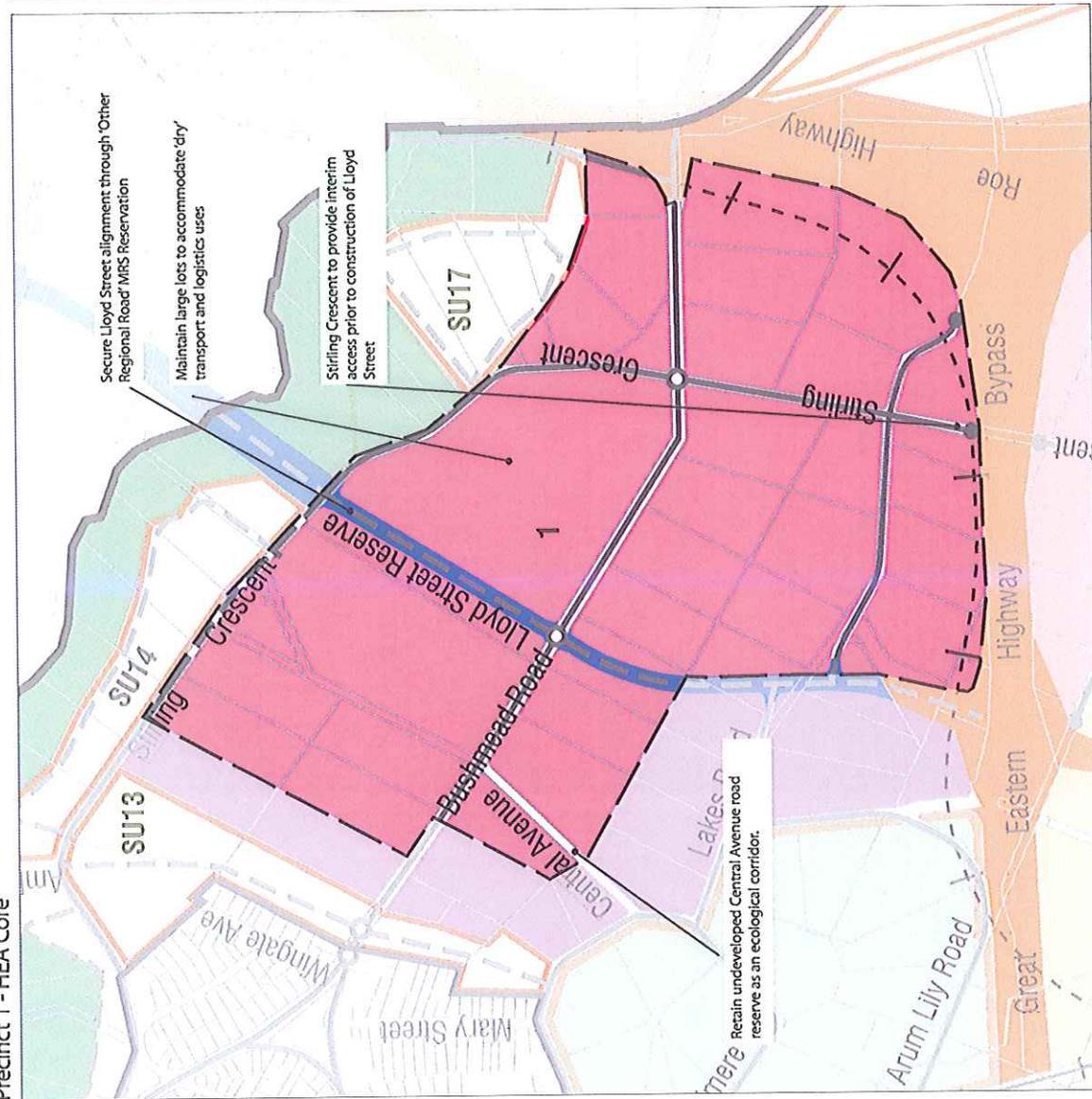


Figure 33. Precinct 1 - HEA Core

ITEM NO: 9.10

SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS: LOT 21 WEST TERRACE, KALAMUNDA

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Metropolitan Planning North East, Perth and Peel Planning
AUTHORISING OFFICER:	Director Metropolitan Planning North East, Perth and Peel Planning
AGENDA PART:	H
FILE NO:	145837
DATE:	25 May 2012
ATTACHMENT(S):	Attachment 1 – Subdivision Plan Attachment 2 – Zoning Map
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Kalamunda
LOCAL SCHEME ZONING:	Residential R5
LGA RECOMMENDATION(S):	Approval with conditions
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	27 March 2012
PROCESS DAYS:	44
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 21 West Terrace Kalamunda

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 21 West Terrace, Kalamunda into two lots for residential purposes as shown on the plan date-stamped 27 March 2012 subject to the following conditions and advice:

CONDITIONS:

- 1. The land being filled and/or drained. (Local Government)***
- 2. Stormwater being contained on-site, or connected to the local drainage system, after passing through an appropriate water quality improvement treatment device. (Local Government)***
- 3. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Local Government)***

4. ***The existing dwelling is to comply with the requirements of the Residential Design Codes. (Local Government)***
5. ***Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)***
6. ***Redundant portions of the existing vehicle crossover(s) to be removed and the verge reinstated with grass or landscaping to the specifications of the local government. (Local Government)***
7. ***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)***
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. ***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:***

"Reticulated sewerage connection is not available to the lots, and a suitable Aerobic Treatment Unit, for the on-site disposal of effluent, complying with the specifications of the Department of Health and to the satisfaction of the Shire of Kalamunda will be required to service any new development on each lot." (Local Government)
10. ***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. ***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. ***This approval should not be construed as an approval to construct vehicular crossover(s). Prior to the commencement of construction of vehicular crossover(s) all necessary approval(s) should be obtained from the local government.***
3. ***With regard to Conditions 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.***

4. ***With regard to Condition 10, 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.***
5. ***If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.***
6. ***The applicant is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for development sites. Further information on the guidelines can be obtained from the Department of Environment and Conservation.***
7. ***The applicant is reminded of their obligations to comply with the Environmental Protection Amendment Regulations (No. 2) 2000, whereby vegetation to be removed shall not be burnt on site.***
8. ***All material known or suspected to contain asbestos is to be removed and disposed of in accordance with the Environmental Protection (Controlled Waste) Regulations 2004 and the Health (Asbestos) Regulations 1993.***
9. ***The applicant is advised that all drainage is required to utilise and comply with water sensitive urban design principles/guidelines.***

SUMMARY:

The application proposes the subdivision of a 5339m² residential lot into two lots with areas of 2000m² and 3339m². The application is referred to the Statutory Planning Committee for determination as approval is recommended, however the proposal does not comply with the minimum frontage requirement specified in Table 1 of the Residential Design Codes 2010 (R-Codes) for the R5 code.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10 — Subdivision and development control

Strategic Plan

Strategic Goal:

Planning

Outcomes:

State-wide integrated Policy frameworks

Strategies:

Implement State and Regional Priorities

Policy

Number and / or Name:

State Planning Policy 3 Urban Growth and Settlement
 State Planning Policy 3.1 Residential Design Codes
 WAPC Policy No. DC 2.2 – Residential Subdivision

INTRODUCTION:

The application proposes the subdivision of a 5339m² lot to create two lots with areas of 2000m² and 3339m². The subject land contains an existing dwelling that is to be retained on the proposed 3339m² lot and a free standing garage that is to be retained on the proposed 2000m² lot. (Attachment 1 – Subdivision Plan)

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and 'Residential R5' under the Shire of Kalamunda Local Planning Scheme No. 3. (Attachment 2 – Zoning Map)

Conditional approval to the subdivision of the subject land into two lots was granted on 19 May 2000. That approval was not actioned and is no longer valid.

CONSULTATION:

The Shire of Kalamunda recommends the proposed subdivision be approved subject to conditions. These conditions have been examined and are considered reasonable and relevant and should be imposed.

The Shire of Kalamunda and the Department of Health note that the site has water inundation during the winter months. Initially a geotechnical report was requested to demonstrate that the on-site disposal of wastewater is achievable on the lots proposed. Following consultation from the landowner, the Shire of Kalamunda and the Department of Health are prepared to accept a condition requiring a notification on title that future development on the lots will be required to be connected to an Aerobic Treatment Unit (ATU) for the disposal of effluent.

The Water Corporation and Western Power raise no objection to the proposal subject to standard servicing conditions.

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

OFFICER'S COMMENTS:

The proposal complies with the minimum lot size requirements of the R-Codes for the R5 density coding (2000m² required and provided) and the large lot criteria for subdivision without sewer in accordance with the Government Sewerage Policy.

Table 1 of the R-Codes stipulates a minimum frontage of 30 metres for lots coded R5. One of the proposed lots has a frontage of 22.19 metres which does not comply with this minimum frontage requirement. No variation provisions are provided in relation to frontage.

Provisions 2.4 and 2.5 of the R-Codes permit discretionary decisions. All code provisions (with the exception of the site area requirements set out in Table 1) are open to the exercise of discretion.

The overall frontage of the parent lot is 66.37 metres; however it is not feasible to provide the minimum frontage of 30 metres to both of the proposed lots due to the location of the existing improvements (dwelling and swimming pool) on the lot and the requirement to provide a minimum lot size of 2000m². It is considered that the minimum lot size is a more critical requirement given the need to accommodate on-site effluent disposal and the Government Sewerage Policy which requires mandatory sewerage connection to lots less than 2000m² in area.

Lot frontages in the locality are varied with some existing lots in the immediate vicinity less than 30 metres (Attachment 2 – Zoning Map). Approval to the proposed subdivision with a frontage less than the minimum stipulated in the R-Codes will not set an undesirable precedent in this instance and is supported by the Shire of Kalamunda. Accordingly approval is recommended.

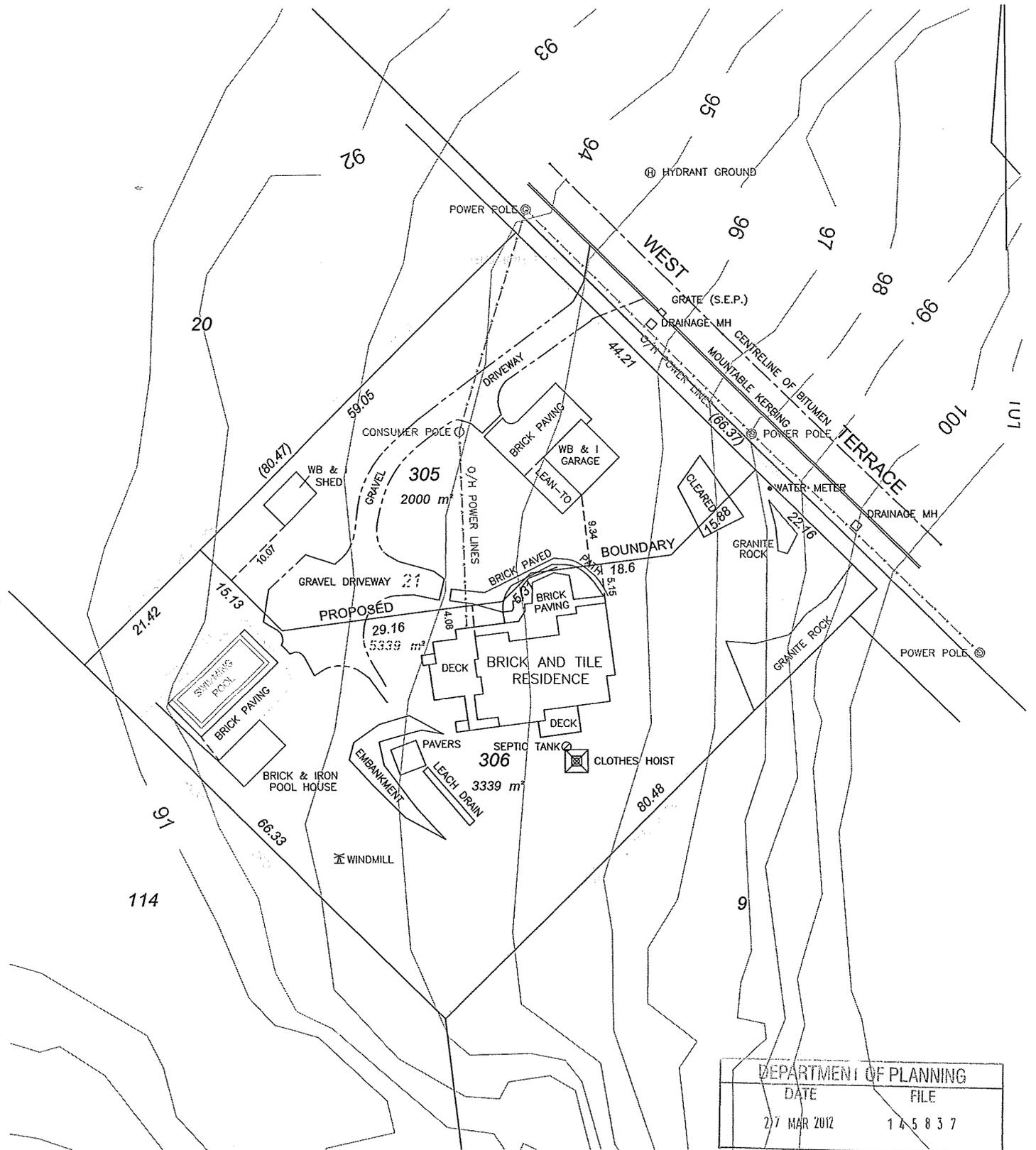
Both proposed lots are provided with direct frontage to a dedicated and constructed public road and can be connected to essential services.

CONCLUSION:

The application is referred to the Statutory Planning Committee for determination as the proposal does not comply with the minimum frontage requirement specified in Table 1 of the R-Codes for the R5 code. In all other respects the proposal complies with the Government Sewerage Policy, the WAPC's policies, the Shire of Kalamunda Local Planning Scheme No. 3 and the R-Codes.

It is recommended that the application be approved given:

- 1) The subdivision is an efficient use of the land;
- 2) The proposed lot sizes are consistent with the R5 coding under the R-Codes;
- 3) The Shire of Kalamunda and the Department of Health have recommended approval subject to an ATU being required for any new development on the lots proposed for on-site effluent disposal; and
- 4) A subdivision application for two residential lots has been previously approved on the subject land (WAPC Ref: 113406).



DEPARTMENT OF PLANNING	
DATE	FILE
27 MAR 2012	145837

LOT	DESCRIPTION	AREA
21	ORIGINAL LOT	5339m ²
305	PROPOSED LOT	2000m ²
306	PROPOSED LOT	3339m ²

ALL BUILDINGS ARE TO REMAIN.

REV.	DESCRIPTION	BY	DATE
A	BOUNDARY & DIMENSIONS OF LOTS 305 & 306 AMENDED	JS	14/3/12

WARNINGS:
 1. LOT NUMBERS, DIMENSIONS AND AREAS SUBJECT TO WAPC APPROVAL, SURVEY AND TITLES OFFICE AUDIT.
 2. ALL ABOVE & BELOW GROUND SERVICES MAY NOT HAVE BEEN LOCATED - CHECK WITH RELEVANT AUTHORITIES BEFORE COMMENCING ANY WORKS.

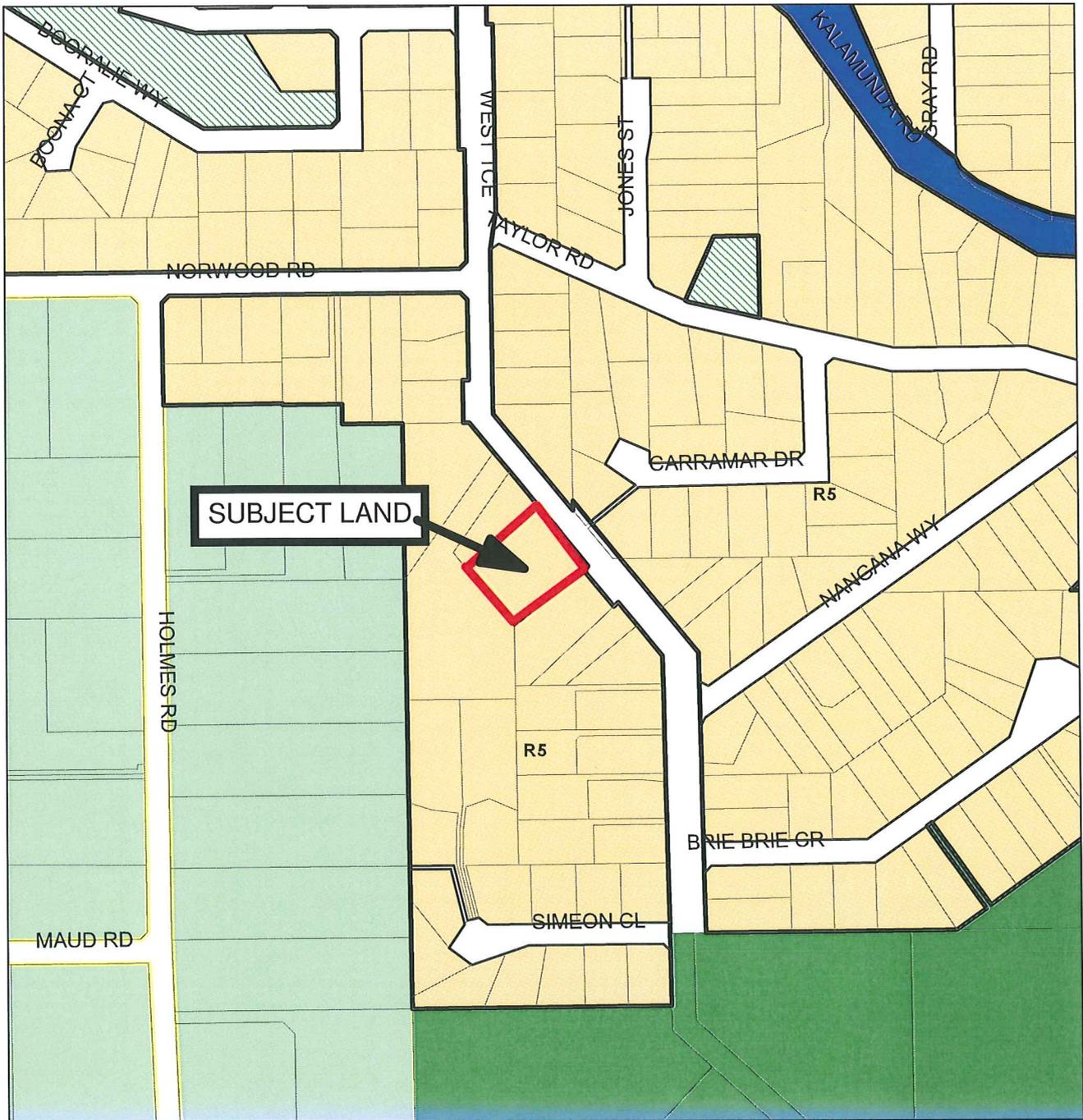


PROPOSED SUBDIVISION OF
 LOT 21 ON DIAGRAM 76794
 48 WEST TERRACE,
 KALAMUNDA

SCALE 1:500
 FEBRUARY 2012
 MILTON
 DATUM : AHD

SCANLAN SURVEYS PTY LTD
 LICENSED SURVEYORS
 P O BOX 429 MIDLAND 6936
 PH: 08 9250 2241 FAX: 08 9250 6105
 Email : bill@scanlansurveys.com.au

DRAWING (A3)	REVISION
6939/12/1	A
DRAWN BY :	RS
APPROVED :	WS



- | | |
|-------------------------|------------------|
| Cadastre | LOCAL OPEN SPACE |
| SPECIAL 10 | RESIDENTIAL |
| TPS - Scheme Boundaries | SPECIAL RURAL |
| TPS - R Code Boundaries | |
| OTHER REGIONAL ROADS | |
| PARKS & RECREATION | |

Scale 1:5,000
0 125 m

Prepared by: jdorn
Prepared for: Statutory Planning Committee
Date: Monday, May 14, 2012 12:06
Plot identifier: P20120514_1205



Government of Western Australia
Department of Planning

Attachment 2

Zoning Map

Lot 21 West Terrace Kalamunda

DP INTERNAL USE ONLY