



Statutory Planning Committee

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

**Tuesday 26 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**
 - 8.1 Minutes of the meeting of 12 June 2012**
 - 8.2 Minutes of the Special meeting of 21 June 2012**
 - 8.3 Ratification of Out of Session item: Shire of Kalamunda Local Planning Scheme Amendment No. 18 – for Final Approval**
- 9. Reports (see attached index of reports)**
- 10. Confidential items (see attached index of reports)**
- 11. General business**
- 12. Items for consideration at a future meeting**
- 13. Closure - next meeting to be held on 10 July 2012**

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of ordinary meeting 7460
held on Tuesday 12 June 2012

Attendance

Members

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

Officers

Ms Kylie Beach	Senior Planning Officer, Independent Planning Reviewer
Ms Natalie Cox	Senior Planning Officer, Independent Planning Reviewer
Mr Ken Dawson	Planning Manager, Regional Planning and Strategy
Mr Parwez Jahmeerbacus	Senior Planning Officer, Strategy, Policy and Projects
Mr Jas Lapinski	Senior Planning Officer, Perth and Peel Planning
Ms Nicole Lucus-Smith	Planning Director, Perth and Peel Planning
Ms Kym Petani	Director Metropolitan Planning North West, Perth and Peel Planning
Mr Imre Szito	Planning Manager, Strategy, Policy and Projects
Mrs Mara Vlaar	Manager Committee Support – Department of Planning

Presenters

Mr Martin Clery	Department of Education (item 6.1)
Mr John Fischer	Department of Education (item 6.1)
Mr Julius Robertson	Department of Education (item 6.1)
Mr Steve Watson	Department of Education (item 6.1)
Ms Catherine Evans	Roberts Day Town Planning and Design (item 6.2)
Mr Tim Trefry	Roberts Day Town Planning and Design (item 6.2)
Mr Tony Anderson	Kurra at Newman Pty Ltd (item 6.3)
Mr Daryl Henthorn	Kurra at Newman Pty Ltd (item 6.3)
Mr Paul McQueen	Lavan Legal (item 6.3)
Mr Steve Pandevski	Urban & Rural Perspectives (item 6.3)

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7460.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.03 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7460.2 Apologies

Mr Ian Holloway Professional representative

7460.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7460.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Sue Burrows	10.4	27	Impartiality
Ms Elizabeth Taylor	10.4	27	Impartiality

Ms Burrows and Ms Taylor declared an impartiality interest and agreed to leave the room during discussion and voting of the item.

Moved to item 10.4.

7460.5 Declaration of Due Consideration

No declarations were made.

Moved to item 7.

7460.6 Deputations and Presentations

7460.6.1 Proposed Educational Establishment and Ancillary Uses – Padbury High School Site

Presenter Mr John Fischer, Department of Education;
Mr Martin Clery, Department of Education;
Mr Steve Watson, Department of Education;
Mr Julius Robertson, Department of Education

Mr Fischer made a presentation on the proposed uses of the Padbury High School site and the legitimacy of the uses of the site in relation to current zoning.

Mr Fischer tabled an item. A copy has been placed on file.

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7460.6.2 **City of Wanneroo District Planning Scheme No.2
Amendment No.115 for Consent to Advertise**

Presenter Mr Tim Trefry, Roberts Day Town Planning and Design; Ms Catherine Evans, Roberts Day Town Planning and Design

Mr Trefry presented to the Committee and noted his support for the report which would have the scheme advertised.

7460.6.3 **SAT Application for Review: Dr 45 of 2012 Kurra at Newman vs WAPC Section 31 Reconsideration Request**

Presenter Mr Paul McQueen, Lavan Legal; Mr Steve Pandevski, URP; Mr Tony Anderson, Kurra at Newman Pty Ltd, Mr Daryl Henthorn, Kurra at Newman Pty Ltd

Mr McQueen made a deputation to the Committee providing support to the proposed development.

Mr McQueen tabled an item. A copy has been placed on file.

Moved to item 9.7.

7460.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman asked Mrs Vlaar if membership appointments for the Statutory Planning Committee were on their way to the Minister of Planning. Mrs Vlaar advised that the briefing notes would soon be with the Minister.

7460.8 Confirmation of Minutes

7460.8.1 **Minutes of the Statutory Planning Committee meeting held on Tuesday 22 May 2012**

Mayor Adams noted that she was an apology at the meeting and that this should be recorded under 7459.2 Apologies.

Mr Farrar noted that Observers should be included under Presenters if they were present for a deputation at the meeting and to also include the item number for which item they were present for.

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Resolved

Moved by Mr Farrar, seconded by Ms Taylor

The Western Australian Planning Commission resolved:

1. *to amend the minutes of the Statutory Planning Committee meeting of 22 May 2012 as follows:*

- *to include Mayor Carol Adams under 7459.2 Apologies;*
- *move Mr Noel Bridge from Observers to Presenters; and*
- *to include the item number that Mr Noel Bridge and Mr Paul Cunningham were present for at the meeting;*

2. *That the minutes of the Statutory Planning Committee meeting held on Tuesday 22 May 2012 as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

Moved to item 6.1.

7460.9 Reports

7460.9.1

Subdivision to Create 479 Lots for Residential, Balance Lot Purpose: Pebble Beach Boulevard & Greenville Vista, Meadow Springs

File 144489
Report Number SPC/189
Agenda Part C
Reporting Officer Planning Manager, Peel Planning, Perth and Peel Planning

Resolved

Moved by Mayor Adams, seconded by Ms Taylor

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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.

The motion was put and carried.

7460.9.2

Endorsement of Waggrakine Residential Estate Local Structure Plan

File SPN 0216
Report Number SPC/190
Agenda Part C
Reporting Officer Senior Planning Officer, Regional Planning and Strategy

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

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.

The motion was put and carried.

7460.9.3

Subdivision of Lot 343 Second Avenue, Onslow to Create 2 Survey Strata Lots with Common Property Access Leg

File 83-12
Report Number SPC/191
Agenda Part G
Reporting Officer Planning Manager – Pilbara Planning

Resolved

Moved by Mr Farrar, seconded by Ms Burrows

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):

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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.*

The motion was put and carried.

7460.9.4

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

File 21-125050-2
Report Number SPC/192
Agenda Part G
Reporting Officer Planning Manager, Metropolitan
Planning North East

The item was deferred to a future meeting to allow the applicant to facilitate discussion with departmental officers.

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Officer's 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.

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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.

Resolved

Motion to defer

Moved by Ms Taylor, seconded by Ms Burrows

That the 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 be deferred to a future meeting to allow the applicant to facilitate discussion with departmental officers.

The motion to defer was put and carried.

7460.9.5

Demolition of Existing Grouped Dwellings at Lot 14 and 15 Doust Street, Hilton

File	05-50175-1
Report Number	SPC/193
Agenda Part	G
Reporting Officer	Planning Officer, Metropolitan and Peel Planning, Perth and Peel Planning

Resolved

Moved by Ms Taylor, seconded by Ms Burrows

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.

The motion was put and carried.

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7460.9.6

Retrospective Planning Approval for Signs: Lot 31 7 Teddington Road Victoria Park 6101

File 32-50111-1
Report Number SPC/194
Agenda Part G
Reporting Officer Senior Planning Officer, Perth and Peel
Planning

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

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 3 February 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.*

The motion was put and carried.

Moved item 9.8.

7460.9.7

Proposed Educational Establishment and Ancillary Uses - Padbury High School Site

File 34-500008-9
Report Number SPC/195
Agenda Part G
Reporting Officer Senior Planning Officer, Metropolitan
North West

The Committee agreed to amend condition 1 to include "and supporting documentation".

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The Committee agreed to amend condition 2 to replace the duration of the approval from 5 to 10 years and to remove all wording within condition 2 after 'decision letter'.

The Committee agreed to remove Condition 3 as 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.

Officer's 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.

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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.

Resolved

Moved by Ms Taylor, seconded by Mayor Adams

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 and supporting documentation submitted by T and Z Architects and numbered A1.00A*

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- ~~A1.17A~~ A2.17A 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 10 years from the date of this decision letter.
 3. The proposed 'Office' uses are restricted to curriculum and education related services only.
 4. 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.
 5. 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.
 6. 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

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"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.

The motion was put and carried.

Moved to item 10.7.

7460.9.8

Lot 256 Coolgardie Street, Mundaring. Subdivision to Create Two Lots for Residential Purposes

File 145513
Report Number SPC/196
Agenda Part H
Reporting Officer Planning Manager – Metropolitan Planning North East

Resolved

Moved by Ms Taylor, seconded by Ms Burrows

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*

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- 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)*

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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.*

The motion was put and carried.

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7460.9.9

Subdivision to Create Three Industrial Lots and Road Reserve: Lot 11 Lakes Road, Hazelmere

File 144775
Report Number SPC/197
Agenda Part H
Reporting Officer Planning Manager, Metropolitan
Planning North East

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

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)*

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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

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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." (WAPC)

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.*

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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 7 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 Provider 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.*
11. *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

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"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.

The motion was put and carried.

7460.9.10

Subdivision to Create Two Residential Lots: Lot 21 West Terrace, Kalamunda

File 145837
Report Number SPC/198
Agenda Part H
Reporting Officer Planning Manager Metropolitan
Planning North East, Perth and Peel
Planning

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

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)*

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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

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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.*

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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.*

The motion was put and carried.

Moved to item 10.2.

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7460.10 Confidential Items

7460.10.1 City of Wanneroo District Planning Scheme No.2 Amendment No.115 for Consent to Advertise

File TPS/0615
Report Number SPC/199
Agenda Part B
Reporting Officer Principal Planner, Operational Policy
Coordination, Perth and Peel Planning

THIS ITEM IS CONFIDENTIAL

Moved to item 9.1.

7460.10.2 City of Gosnells – Town Planning Scheme No.6 Amendment No.125 - for Final Approval

File TPS/0646
Report Number SPC/200
Agenda Part B
Reporting Officer A/Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7460.10.3 City of Gosnells - Town Planning Scheme No.6 Amendment No.121 - for Final Approval

File TPS/0549
Report Number SPC/201
Agenda Part B
Reporting Officer A/Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

Moved to item 10.5.

7460.10.4 Shire of Kalamunda Local Planning Scheme Amendment No. 18 - for Final Approval

File TPS/0171/ V1 - 4
Report Number SPC/202
Agenda Part B
Reporting Officer Director Operational Policy
Coordination

THIS ITEM IS CONFIDENTIAL

Moved to item 5.

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**7460.10.5 Shire of Dandaragan - Local Planning Scheme No. 7
Amendment No. 6 - for Final Approval**

File TPS/0305/1
Report Number SPC/203
Agenda Part E
Reporting Officer Planning Manager - Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

**7460.10.6 Development Plan for Lot 331, Hamilton Road, South
Hedland**

File SPN/0431
Report Number SPC/204
Agenda Part G
Reporting Officer Planning Manager, Pilbara Region

THIS ITEM IS CONFIDENTIAL

Moved to item 11.

**7460.10.7 SAT Application for Review: Dr 45 of 2012 Kurra at
Newman vs WA Planning Commission Section 31
Reconsideration Request**

File 388-11
Report Number SPC/205
Agenda Part G
Reporting Officer Pilbara Manager, Northern Regions

THIS ITEM IS CONFIDENTIAL

Moved to item 10.1.

7460.11 General Business

Nil.

7460.12 Items for Consideration at a Future Meeting

Nil.

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7460.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 26 June 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.16 am.

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

Special Statutory Planning Committee

Minutes
of special meeting 7461
held on Thursday 21 June 2012

Attendance

Members

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

Officers

Mr Paul Ellenbroek	Department of Planning Planning Manager, Strategy, Policy and Projects
Ms Claire Franklin	Senior Planning Officer, Strategy, Policy and Projects
Mr Lawrence Man	Senior Planning Officer, Policy Group
Mr Vince McMullen	Director, Strategy, Policy and Projects
Ms Delia Neglie	Senior Planning Officer, Strategy, Policy and Projects
Mr Jamie Townend	Senior Planning Officer, Strategy, Policy and Projects

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7461.1 Declaration of Opening

The Presiding Member declared the meeting open at 11.02 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7461.2 Apologies

Nil.

7461.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

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7461.4 Disclosure of Interests

Nil.

7461.5 Declaration of Due Consideration

No declarations were made.

7461.6 Deputations and Presentations

Nil.

7461.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7461.8 Confirmation of Minutes

Nil.

7461.9 Reports

Nil.

7461.10 Confidential Items

7461.10.1 Structure Plan Preparation Guidelines and Structure Plan Digital Data and Mapping Standards

File DPI/09/00406/3
Report Number SPC/206
Agenda Part A
Reporting Officer Planning Manager: Strategic Policy

THIS ITEM IS CONFIDENTIAL

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Minutes
of special meeting 7461
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7461.10.2

Residential Design Codes Review

File DP11/00411
Report Number SPC/207
Agenda Part A
Reporting Officer A/Director Policy Coordination & Development

THIS ITEM IS CONFIDENTIAL

7461.11 General Business

Nil.

7461.12 Items for Consideration at a Future Meeting

Nil.

7461.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 26 June 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.48 pm.

PRESIDING MEMBER _____

DATE _____

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10.1	CITY OF FREMANTLE - LOCAL PLANNING SCHEME NO.4 AMENDMENT NO.47 - FOR FINAL APPROVAL
10.2	CITY OF VINCENT - TOWN PLANNING SCHEME NO.1 AMENDMENT NO.31 - FOR FINAL APPROVAL.
	E MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL OR REGIONAL PLANNING SCHEME AMENDMENTS
10.3	SHIRE OF DANDARAGAN - LOCAL PLANNING SCHEME NO. 7 AMENDMENT NO. 18 - FOR FINAL APPROVAL
	G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA ITEMS
10.4	SAT APPLICATION FOR REVIEW: DR 45 OF 2012 KURRA AT NEWMAN VS WA PLANNING COMMISSION SECTION 31 RECONSIDERATION REQUEST

ITEM NO: 9.1

ENDORSEMENT OF THE MARRI PARK ESTATE LOCAL STRUCTURE PLAN

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan South East
AUTHORISING OFFICER:	Planning Director, Metropolitan South East
AGENDA PART:	C
FILE NO:	801/2/29/11PV
DATE:	12 June 2012
ATTACHMENT(S):	1 - Location Plan 2 - Local Structure Plan 3 - Byford (District) Structure Plan
REGION SCHEME ZONING:	Urban and Urban Deferred
LOCAL GOVERNMENT:	Shire of Serpentine Jarrahdale
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Metropolitan South East
RECEIPT DATE:	9 May 2012
PROCESS DAYS:	N/A
APPLICATION TYPE:	Final Endorsement of Local Structure Plan
CADASTRAL REFERENCE:	Multiple Lots bounded by Larsen Road, Thatcher Road, Byford Town Centre and Alexander Road.

RECOMMENDATION:

That the Western Australian Planning Committee resolves to:

- 1. approve the Marri Park Estate Local Structure Plan and Map (January 2012) in accordance with Clause 5.18.3.10 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.***

SUMMARY:

The key points relating to this report are as follows:

- The Shire of Serpentine Jarrahdale (the Shire) determined that the Marri Park Estate Local Structure Plan (LSP) was suitable for the purposes of advertising in May 2011 subject to a series of modifications.
- The applicant advised the Shire that they were aggrieved by the proposed modifications, and subsequently, the LSP was referred to the WAPC. The

WAPC granted consent to advertise on 8 December 2011 subject to a number of modifications (some of which departed from the Shire's modifications).

- The key difference in the schedule of modifications related to the residential density applicable to the land west of proposed Sam Simeon Boulevard. The Shire resolved to require this section of residential land to be modified to a density of R5. For the purposes of advertising, the WAPC resolved this be modified to require a density of R20.
- On the 9 May 2012, the LSP was referred to the WAPC for final determination in accordance with Clause 5.18.3.8 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, at the applicant's request.
- It is recommended that the LSP be approved by the WAPC as per the advertised LSP dated January 2012, which allocates a density of R20 to the land west of San Simeon Boulevard.

BACKGROUND:

A Local Structure Plan (LSP) has been prepared to guide the subdivision and development of Lot 3 Larsen Road and Lot 3 Alexander Road, Byford. The LSP, known as 'Marri Park Estate', covers 27.2 hectares and proposes 321 residential lots ranging between the densities of R20 and R30, associated road reserves, and 3.35 hectares of public open space/multiple use corridor.

The LSP area is bounded by existing single residential and the Marri Grove Primary School to the north, rural residential/rural living to the west (Byford Trotting Complex), future Byford Town Centre to the south, and the existing Australind railway line to the east.

A draft LSP was lodged for the site with the Shire in mid-2005 but was not advertised due to issues associated with water management. A revised draft LSP was lodged in mid-2009 and subsequently advertised. This LSP was not adopted due to on-going discussions with regard to Multiple Use Corridor (MUC) design and drainage requirements. Despite the lack of an approved LSP, stages 1 to 4 of the estate have received subdivision and development approvals from the WAPC and Shire respectively. Notwithstanding this, a formal LSP is needed to coordinate infrastructure and the remaining subdivision stages.

A revised draft LSP was submitted to the Shire in early 2011. On 23 May 2011, the Shire, pursuant to Clause 5.18.3.2(c) of Town Planning Scheme No.2 (TPS No.2), determined that the LSP was satisfactory for advertising subject to a series of modifications.

The applicant was aggrieved by the modifications required by the Shire and lodged a notice in writing to the Shire pursuant to Clause 5.18.3.4 of TPS 2, requesting the LSP be referred to the WAPC for consent to advertise.

The WAPC considered the proposed modifications and after deliberation, granted consent to advertise the LSP on 8 December 2011 with a revised schedule of modifications. The key difference in the schedule of modifications related to the density applicable to the land west of proposed Sam Simeon Boulevard. The

applicant had originally proposed a density of Residential R40 for the land. Based on its proximity to the Byford Trotting Complex, the Shire resolved to require this section of residential land to be modified to a density of R5. For the purposes of advertising, the WAPC over-ruled this modification and required a density of R20 given the locality's proximity to the Byford Town Centre and future train station.

The LSP was subject to advertising from 9 February 2012 to 2 March 2012. A total of 38 submissions were received, comprising of 12 non-objections and 26 objections.

The LSP, as based on WAPC requirements, was approved by the Shire on 11 June 2012 subject to the R20 density coding being down-coded to a density of R5 for the land west of San Simeon Boulevard (which reflects the Shire's original recommended modification). The LSP has been referred to the WAPC for final approval pursuant to Clause 5.18.3.9 of the TPS No. 2.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*

Section: 5.18.3.9

Policy

Number and / or Name: Directions 2031 and Beyond
SPP 3.0 - 'Urban Growth and Settlement'
Liveable Neighbourhoods

DETAILS:

Nil.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The Minister of Planning and Chairman of the WAPC have received correspondence from various Ministers and Members of Parliament (both State and Federal) on behalf of several of their constituents raising concerns with the proposed allocation of an R20 coding to the lots west of San Simeon Boulevard. These landowners are concerned that the lifestyle and livelihoods associated with the Byford Trotting Complex will be compromised if residential densities in excess of R5 are supported within proximity of the Complex.

CONSULTATION:

The Shire advertised the LSP for 21 days from 9 February 2012 to 2 March 2012, in accordance with Clause 5.18.3.5 of TPS No. 2. A total of 38 submissions were received of which 26 were objections. Issues raised primarily related to the perceived inappropriateness of the Residential R20 coding allocated to the lots west of proposed San Simeon Boulevard, and the possible amenity, noise and implications of increased density in proximity to the Byford Trotting Complex. Some parking and traffic concerns surrounding the primary school and the Byford Trotting Complex were also raised. The main issues will be discussed below.

The Shire was not in a position to make a determination on the LSP within 60 days of the last advertising day as per Clause 5.18.3.7 of TPS No. 2, and subsequently the applicant requested the referral of the LSP to the WAPC for final determination.

Irrespective of being defaulted by the applicant under Clause 5.18.3.8 of TPS No. 2, the Shire considered the revised LSP based on the WAPC modifications and the submissions on 11 June 2012. The Shire resolved to accept the WAPC modifications subject to the R20 density coding being down-coded to a density of R5 for the land west of San Simeon Boulevard (which reflects the Shire's original recommended modification).

OFFICER'S COMMENTS:

Byford Trotting Complex

Separation/Interface

The LSP abuts the Byford Trotting Complex to the west. A 200 metre wide area surrounding the Byford Trotting Complex is zoned 'Urban Deferred' under the Metropolitan Region Scheme (MRS). The portion of the LSP area west of Sam Simeon Boulevard which abuts the Trotting Complex is identified for 'Rural Residential' Development and MUC under the Byford (District) Structure Plan (BSP).

Under the original LSP submitted by the applicant, the Urban Deferred land was allocated density codings of Residential R30 and R40. The Shire resolved to modify the density coding of this area to Residential R5 based on the areas' proximity to the Trotting Complex.

Provision 4.4 of the Byford DSP Operative Part relates to land within 200 metres of the Byford Trotting Complex, and specifically, Clause 4.4.1 states:

"Prospective purchasers of all new residential lots created within 200 metres of any lot contained within the Byford Trotting Complex will be required to be notified that they are within proximity of the Trotting Complex and associated land uses. The 200 metres shall be measured from the dashed-line around the Trotting Complex".

A level of separation between land within the Trotting Complex and residential development is considered essential to minimise potential land use conflict. Considerations include dust, noise, odour, flies and other amenity issues associated with horses, and potential future complaints. In addition, an appropriate interface treatment is required in order to protect the rural amenity for land within the Trotting Complex and for visual amenity for adjoining residential land.

In considering LSP's and subdivision in proximity to the Byford Trotting Complex to date, the WAPC and Shire have generally required that:

- A memorial be placed on the Certificate of Title of all lots created within 200 metres of the Trotting Complex, in accordance with Provision 4.4 of the Byford DSP.

-
- That subdivision and development to a residential standard density not be permitted within 80 metres of the boundary of lots within the Trotting Complex.

The following examples highlight the practical application of the above requirements and how different approaches have been utilised in different scenarios:

- The Glades – achieves an 80 metres separation to low density residential (R10 and R17.5).
- Kalimna Estate – achieves 80 metres separation between standard residential development and the Byford Trotting Complex.
- Redgum Estate – rural-residential lots within 80 metres of the Trotting Complex, 80 metres separation between the Trotting Complex and standard residential development.
- Byford Meadows - rural-residential lots within 80 metres of the Trotting Complex, 80 metres separation between the Trotting Complex and (future) standard residential development.
- Byford Town Centre – low, medium and high density residential within 80 metres of the Trotting Complex (density increasing relative to increased distance).

The subject LSP proposes a separation of approximately 80 metres between the Byford Trotting Complex and the closest future residential dwelling (taking into account building setbacks). The LSP proposes the establishment of an MUC between the Byford Trotting Complex and residential development. The MUC is intended to provide a clear separation between land uses, and provide for recreational and drainage needs. Therefore it is considered that there are adequate measures in place to ensure land use conflicts are minimised.

Residential Density

Directions 2031 and Beyond (Directions 2031) and *Liveable Neighbourhoods* (LN) promote 15 dwellings per gross hectare as the 'standard' density for new greenfields developments in urban areas. This typically equates to a density of Residential R20 - 25. Medium residential densities are generally considered to be appropriate adjacent to public open space and MUC's as these areas offer a high level of amenity and convenience. Medium densities also provide increased opportunity for passive surveillance and capitalise on the amenity values of such open space areas.

The applicant proposed to apply this common planning principle to the LSP area by originally proposing R30 and R40 residential development on the land in closest proximity to the MUC. Whilst medium density development would typically be supported in this location in accordance with the principles and targets of *LN* and *Directions 2031*, a reduced density of R20 is considered more appropriate. A balance between the applicant's proposal for Residential R30 and R40, and the Shire's modification requiring Residential R5 was applied by the Commission for advertising purposes, being Residential R20.

A number of submissions were received during advertising from surrounding landowners and representatives of the equine industry, which reiterated their concerns with respect to the proposed density of Residential R20. The WAPC was aware of the importance of the Byford Trotting Complex to the equine community and that a level of separation between the Trotting Complex and residential development is considered essential to minimise potential land use conflict. However, the density of Residential R20 and notification on titles created over the subject land is consistent with the densities and treatment of other subdivisions and estates surrounding the Byford Trotting Complex and should be supported.

The density of Residential R20 more accurately reflects the objectives identified in *Directions 2031*, released in August 2010, compared to the rural-residential coding identified under the BSP which was endorsed by the Commission in 2005. The Marri Park Estate LSP will facilitate adequate and affordable housing supply in an area identified for urban growth within *Directions 2031* and the design and densities of the LSP align with those anticipated within State Planning documents such as *State Planning Policy 3.0 - 'Urban Growth and Settlement' (SPP 3.0)*, and LN.

Residential R20 is considered appropriate for the subject land as it meets the growth and density targets established by the WAPC, whilst having regard for the existing activities in the locality. The Residential R20 coding allocated to the land west of San Simeon Boulevard on the LSP Map should remain applicable.

Parking/Traffic

Primary School

Marri Grove Primary School abuts the northeast portion of the LSP area. For some time there have been traffic and parking issues at and surrounding the school resulting from growth at the school, a lack of parking, school upgrade works and subdivisional works in the LSP area. Progression of the LSP for Marri Park will not directly address these issues, however, it should be noted that the Shire has facilitated various outcomes in partnership with the developer and the Department of Education (DoE) to address these issues. These outcomes include additional on-street parking to the south of the school site, new road design at the intersection of the school and Alexander Road and improved traffic flow in the area.

The Shire has drafted an Integrated Land Use and Transport Planning Policy and parking and access improvement works will soon be undertaken around the primary school. Therefore both the Shire and Department of Planning considered it unnecessary for further traffic studies or assessments to be prepared as part of the LSP assessment.

Larsen Road

Larsen Road borders the LSP area to the north and currently provides an east-west connection between the South Western Highway and Briggs Road. Larsen Road also borders the Byford Trotting Complex to the north.

The Shire has advised that it has long-term intentions to terminate Larsen Road at the proposed round-a-bout intersecting with San Simeon Boulevard in order to

reduce traffic flows into the Byford Trotting Complex. This approach is based on recent traffic modelling undertaken for Byford. The intended closure aims to increase safety amenity, and will also reinforce the intent of the Rural Residential development to provide a separation between the Byford Trotting Complex and urban development.

The LSP Map has been modified to show that the portion of Larsen Road between Thatcher Road and the proposed San Simeon Boulevard extension is to be closed and is appropriately annotated to indicate that the closure will occur once San Simeon Boulevard is connected between Larsen Road and Thomas Road. The excess land will be amalgamated with the public open space and MUC.

MODIFICATIONS:

The WAPC granted consent to advertise the LSP in December 2011 subject to modifications. The modified LSP was subsequently advertised. The modified LSP was approved by the Shire on 11 June 2012 subject to the R20 density coding being down-coded to a density of R5 for the land west of San Simeon Boulevard (which reflects the Shire's original recommended modification).

It is recommended that the Shire's modification be dismissed and the advertised LSP dated January 2012 (allocating a density of R20 to the land west of San Simeon Boulevard) be approved by the WAPC.

CONCLUSION:

It is considered that the residential densities depicted on the LSP for advertising purposes, in particular, the Residential R20 coding on the land west of San Simeon Boulevard, are appropriately aligned with the objectives of state planning documents such as *Liveable Neighbourhoods*, *Directions 2031*, and *SPP 3.0*. It is considered that the following measures which have been implemented into the LSP statutory section, will adequately ensure owner awareness of the Byford Trotting Complex and associated activities, and will further reduce the potential for amenity impacts:

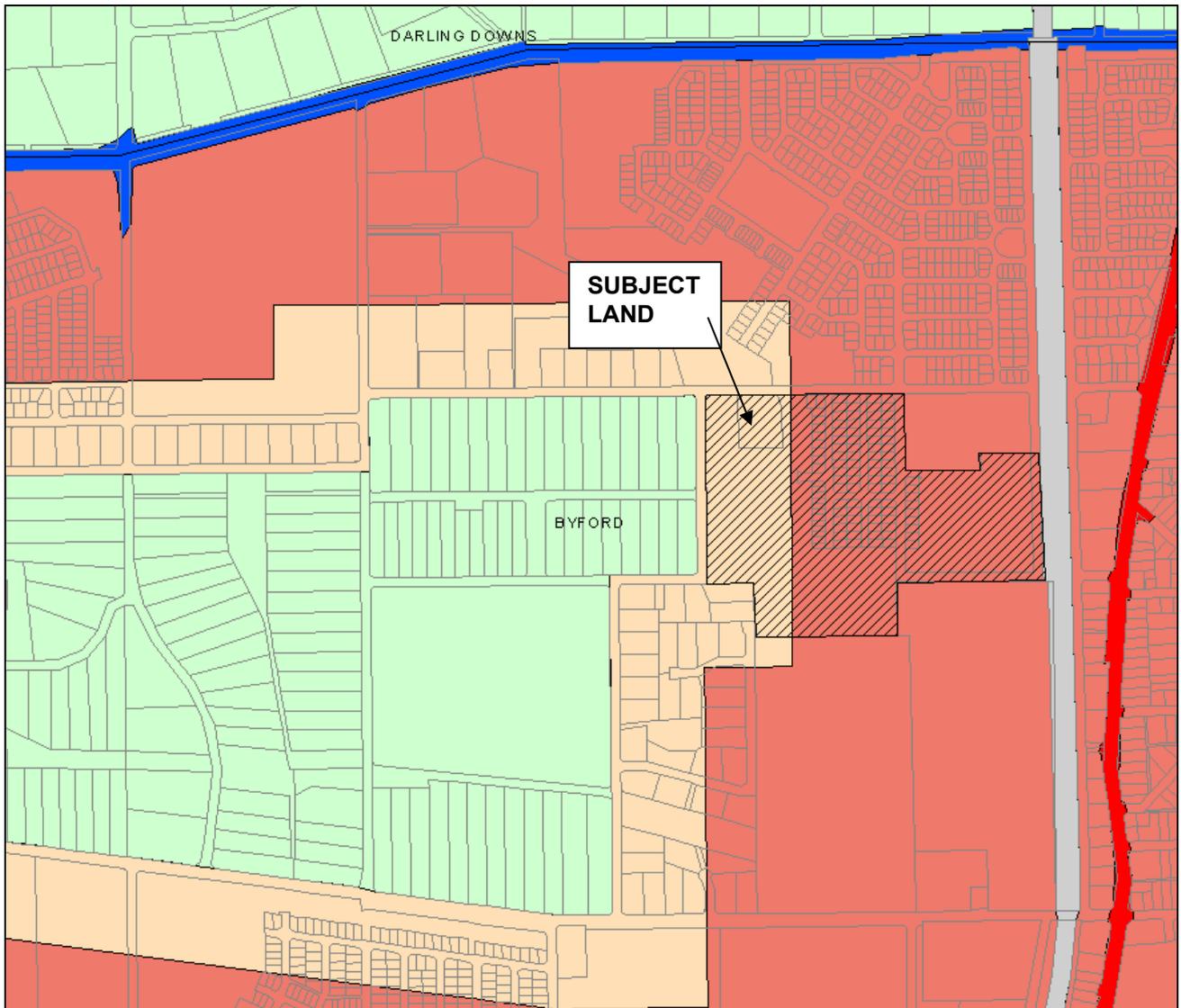
- Notifications being placed on certificates of title of proposed residential lots, advising of proximity to the Byford Trotting Complex, associated land uses and the potential adverse impacts associated with these land uses, and
- Appropriate landscaping within the road reserve and MUC.

Whilst subdivision approval has been granted for a majority of the Marri Park Estate, finalisation of an LSP for the site will aim to:

- Provide clarity on the zoning of land which will assist with future planning and building approvals, and enquiries;
- Facilitate a path forward for subdivision of the remaining stages of the LSP;
- Facilitate the finalisation of landscaping requirements within the Estate.

It is recommended that the Marri Park Estate Local Structure Plan be approved in accordance with Clause 5.18.3.10 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, as per the January 2012 version of the LSP as advertised.

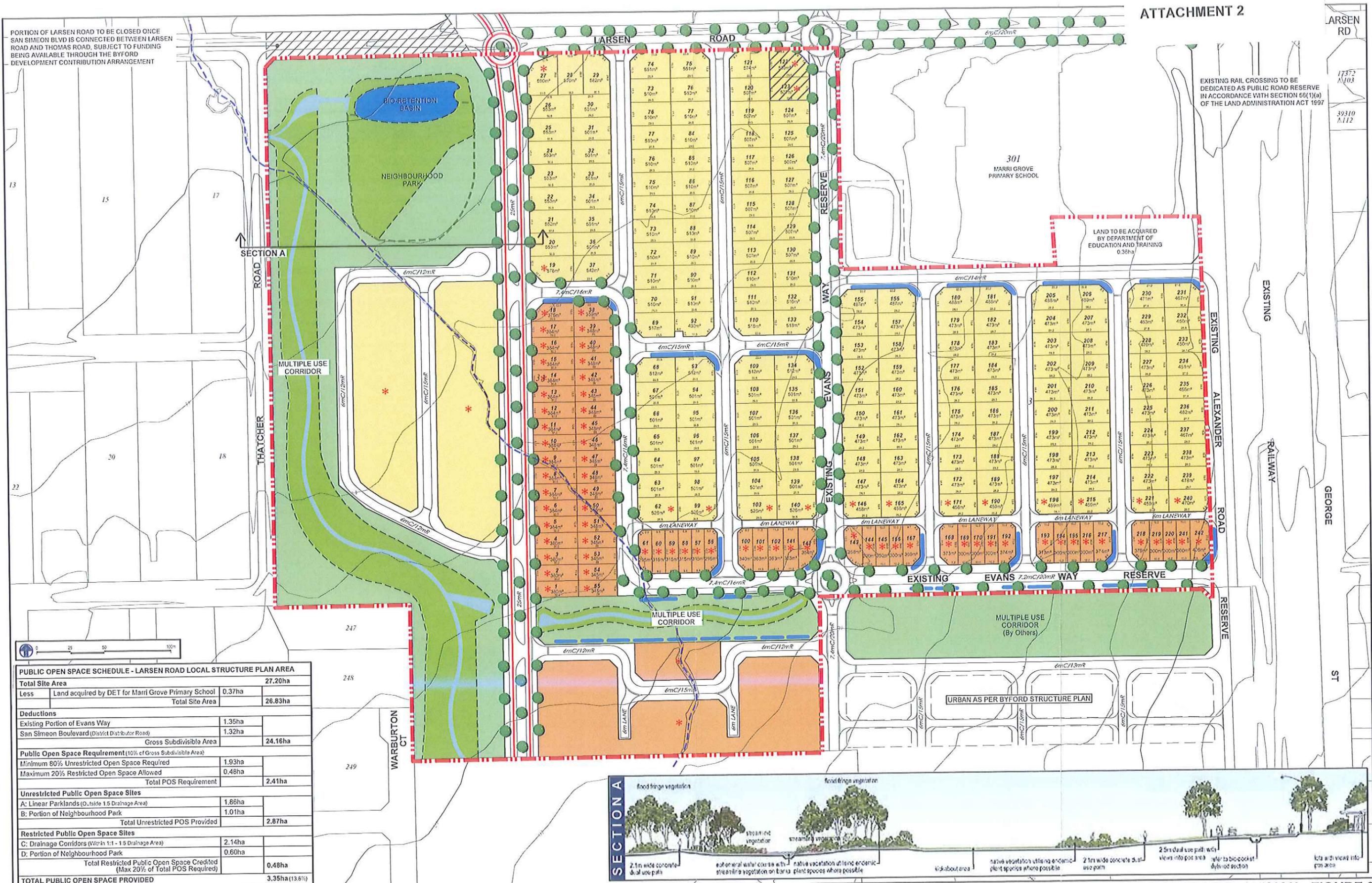
Marri Park Estate Local Structure Plan



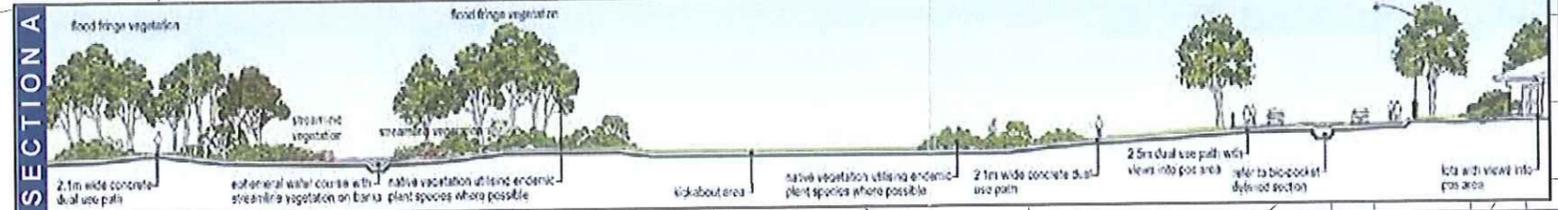
- Suburbs
- Cadastre
- URBAN
- URBAN DEFERRED
- RURAL
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- RAILWAYS

PORTION OF LARSEN ROAD TO BE CLOSED ONCE SAN SIMEON BLVD IS CONNECTED BETWEEN LARSEN ROAD AND THOMAS ROAD. SUBJECT TO FUNDING BEING AVAILABLE THROUGH THE BYFORD DEVELOPMENT CONTRIBUTION ARRANGEMENT

EXISTING RAIL CROSSING TO BE DEDICATED AS PUBLIC ROAD RESERVE IN ACCORDANCE WITH SECTION 55(1)(a) OF THE LAND ADMINISTRATION ACT 1997



PUBLIC OPEN SPACE SCHEDULE - LARSEN ROAD LOCAL STRUCTURE PLAN AREA	
Total Site Area	27.20ha
Less Land acquired by DET for Marri Grove Primary School	0.37ha
Total Site Area	26.83ha
Deductions	
Existing Portion of Evans Way	1.35ha
San Simeon Boulevard (District Distributor Road)	1.32ha
Gross Subdivisible Area	24.16ha
Public Open Space Requirement (10% of Gross Subdivisible Area)	
Minimum 80% Unrestricted Open Space Required	1.93ha
Maximum 20% Restricted Open Space Allowed	0.48ha
Total POS Requirement	2.41ha
Unrestricted Public Open Space Sites	
A: Linear Parklands (Outside 1:5 Drainage Area)	1.86ha
B: Portion of Neighbourhood Park	1.01ha
Total Unrestricted POS Provided	2.87ha
Restricted Public Open Space Sites	
C: Drainage Corridors (Within 1:1 - 1:5 Drainage Area)	2.14ha
D: Portion of Neighbourhood Park	0.60ha
Total Restricted Public Open Space Credited (Max 20% of Total POS Required)	0.48ha
TOTAL PUBLIC OPEN SPACE PROVIDED	3.35ha (13.6%)



PUBLIC OPEN SPACE PROVISION - FIGURE 6

Landscape Plan for illustrative purposes only. Base data supplied by Fugro Spatial Solutions. Projection MGA Zone 50 / PCG04 / PH034 / GDA04. Areas and dimensions shown are subject to final survey conditions. All callouts are shown for illustrative purposes only and are subject to detailed engineering design.

- LEGEND**
- Local Structure Plan Area Boundary
 - Restricted POS
 - Drainage Bio Pockets
 - Bio-Retention Area (1:1 Drainage, no POS Credit)
 - Neighbourhood Node
 - Existing Drainage Gully
 - Proposed Bus Route
 - Detailed Area Plan (DAP) Lots
 - Avenue Street Trees

Coltara Investments Pty. Ltd. - CLIENT
 1,125,000/112,500/3 - SCALE
 10 January 2012 - DATE
 2012_2-3-004.dgn - PLAN No
 C - REVISION
 S.V. - PLANNER
 R.F. - DRAWN
 - CHECKED

Property Description:
 Lot 3 Larsen Road &
 Lot 3 Alexander Way,
 BYFORD

RPS Environment and Planning Pty Ltd
 ACN 123 650 977
 ABN 45 123 650 977
 PO Box 465 Subiaco WA 6004
 33 Station Street
 Subiaco WA 6008
 T +61 8 9311 1111
 F +61 8 9311 1122
 W rps@rps.com.au

RPS

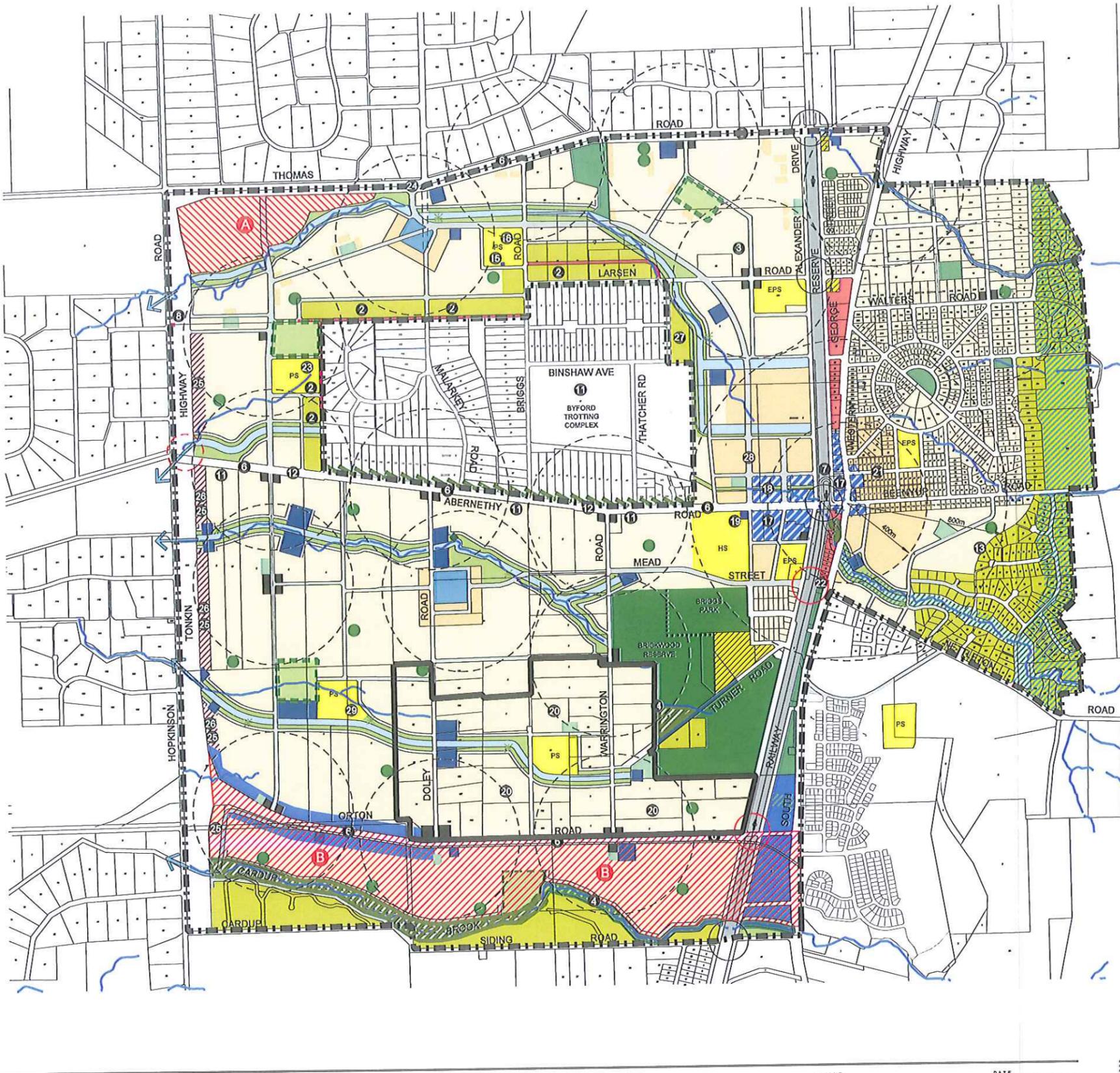
NOTES

- 1 AT SUCH TIME AS ANY LAND CURRENTLY DESIGNATED FOR NON-RESIDENTIAL USES (INCLUDING RURAL RESIDENTIAL OR RURAL LIVING PURPOSES) IS SUBDIVIDED FOR RESIDENTIAL PURPOSES, THERE WILL BE AN EXPECTATION OF A STANDARD CONTRIBUTION TOWARDS PUBLIC OPEN SPACE AND OTHER INFRASTRUCTURE.
- 2 EQUESTRIAN USE WITHIN RURAL RESIDENTIAL BUFFER LIMITS TO ONE HORSE PER LOT STABLED AT THE REAR OF THE LOT ADJACENT TO THE BROOK PATH NO CONNECTION BETWEEN BROOK PATH AND PUBLIC ROAD.
- 3 INTERSECTION TREATMENT OF NEW TOWN CENTRE DISTRICT DISTRIBUTOR INTERSECTION W/ ROAD AND LARSEN ROAD TO BE REVIEWED AS PART OF FURTHER DETAILED STRUCTURE PLANNING.
- 4 CARDUP BROOK FORESHORE RESERVE: NOMINAL WIDTH 30 METRES FINAL WIDTH SUBJECT TO DETAILED INVESTIGATION. LAND TO BE CEDED FREE OF COST UPON SUBDIVISION, IN ACCORDANCE WITH WESTERN AUSTRALIAN PLANNING ACT POLICY.
- 5 RURAL RESIDENTIAL NO HORSES PERMITTED DUE TO PROXIMITY TO WATERWAY.
- 6 THOMAS ROAD, ASERNETHY ROAD AND ORTON ROAD TO BE WIDENED TO ACCOMMODATE STOPWATER. REFER BYFORD URBAN STOPWATER MANAGEMENT STRATEGY. PLAN TO REQUIRE THE EXISTENCE OF ASERNETHY ROAD TO BE 40 METRES UNLESS OTHERWISE DETERMINED AT THE LOCAL STRUCTURE PLAN STAGE.
- 7 POSSIBLE ALTERNATE LOCATION FOR FUTURE RAILWAY STATION BASED ON RECOMMENDATIONS OF THE TOWNSCAPE STUDY.
- 8 APPROX. LOCATION OF SEWER PUMP STATION AND 150m BUFFER.
- 9 THE BYFORD STRUCTURE PLAN PROVIDES 8% PUBLIC OPEN SPACE, THE BALANCE 14% PUBLIC OPEN SPACE WILL BE REQUIRED TO BE IDENTIFIED IN FURTHER DETAILED STRUCTURE PLANNING AND TO BE GIVEN UP AT THE TIME OF SUBDIVISION.
- 10 PROSPECTIVE PURCHASERS OF ALL NEW RESIDENTIAL LOTS CREATED WITHIN 200 METRES OF ANY LOT CONTAINED WITHIN THE BYFORD TROTTING COMPLEX WILL BE NOTIFIED THAT THEY ARE WITHIN PROXIMITY OF THE TROTTING COMPLEX AND ASSOCIATED LAND USES.
- 11 ANY DETAILED STRUCTURE PLANS FOR THE LAND ADJUTING THE SOUTH SIDE OF ASERNETHY ROAD AND THE RURAL LAND ON THE NORTH OF ASERNETHY ROAD, SUCH MEASURES COULD INCLUDE, BUT ARE NOT LIMITED TO, THE ORIENTATION OF LOTS, LOCATION OF LOCAL PUBLIC OPEN SPACE AND ATTENTION TO THE LOCAL ROAD STYLE.
- 12 THE FUTURE CONSTRUCTION OF ASERNETHY ROAD SHOULD INCLUDE MEASURES TO PROVIDE AN AMENITY BUFFER TO THE RESIDENTIAL LAND USES ON THE SOUTH SIDE OF ASERNETHY ROAD. SUCH MEASURES COULD INCLUDE LANDSCAPE BUFFERING, APPROPRIATE LIGHTING AND GRADING. ASERNETHY ROAD FORKING HIGHWAY MAY INTERACT BY MEANS OF A GRADE SEPARATION.
- 13 NOTWITHSTANDING LAND HAVING A CLASSIFICATION OF RESIDENTIAL (R20) WHERE SUCH LAND ADJUTS LAND CLASSIFIED AS RURAL RESIDENTIAL, AN APPROPRIATE BUFFER INTERSPACE DENSITY OF DEVELOPMENT MAY BE REQUIRED TO BE IMPLEMENTED.
- 14 THE BYFORD STRUCTURE PLAN IS NOT RESPONSIBLE FOR THE ACQUISITION OF LOT 43 TURNER ROAD (BUSH FOREVER SITE) AND THAT THIS MATTER IS TO BE ADDRESSED SEPARATELY BY THE WESTERN AUSTRALIAN PLANNING COMMISSION.
- 15 FURTHER CONSIDERATION FOR THE RETENTION OF THE HOMESTEAD BUILDING WILL BE REQUIRED DURING DETAILED STRUCTURE PLANNING INCLUDING CONSULTATION WITH DET OF ROAD AND FURTHER DETAILED AS TO THE PROPOSED FUNCTION AND STABILITY OF THE BUILDING FOR COMMUNITY PURPOSES.
- 16 EXACT LOCATION OF THE PRIMARY SCHOOL WITHIN LOT 7 BROOKS ROAD IS TO BE DETERMINED AT THE LOCAL STRUCTURE PLAN STAGE.
- 17 TOWN CENTRE REQUIRES THE PREPARATION AND COMPLETION OF A LOCAL STRUCTURE PLAN, COMPLETE WITH DETAILED AREA PLANS AND DESIGN GUIDELINES. LOCAL STRUCTURE PLANS TO INCLUDE AN INVESTIGATION INTO INCREASED RESIDENTIAL DENSITIES WITHIN THE 800 METRE VALUABLE CATCHMENT AND ITS RELATIONSHIP WITH TRANSPORT MODES. THE LOCAL STRUCTURE PLAN SHALL ALSO INCLUDE A PUBLIC OPEN SPACE PLAN. CHANGES TO THE TOWN CENTRE INCLUDING 800 METRE VALUABLE CATCHMENT AREA. ANY CHANGES TO THE TOWN CENTRE INCLUDING 800 METRE VALUABLE CATCHMENT OF THE TOWN CENTRE WILL BE SUBJECT TO A SEPARATE MODIFICATION TO THE BIP 2006 AND COMMUNITY CONSULTATION.
- 18 THE EXISTING WATERWAY WILL BE SUBJECT TO WATER SENSITIVE URBAN DESIGN PRINCIPLES AT THE DETAILED ENGINEERING DESIGN STAGE. THE SPECIFIC WIDTH OF THE WATERWAY WILL BE DETERMINED AT THE LOCAL STRUCTURE PLAN STAGE.
- 19 THE HIGH SCHOOL SITE WILL BE A PROMINENT LANDMARK SITE. FURTHER INVESTIGATIONS ARE REQUIRED TO DETERMINE THE POSSIBILITY OF COLOCATING THE SCHOOL SITES WITH OTHER COMMUNITY FACILITIES. THE FACILITIES SHOULD BE LOCATED IN THE NORTH EAST CORNER OF THE SCHOOL SITE ALONG ASERNETHY ROAD. THE DESIGN OF THE SITE TO BE PREPARED FOR THE COMMUNITY PURPOSES AS PART OF THE LOCAL STRUCTURE PLAN FOR THE TOWN CENTRE.
- 20 LOCAL STRUCTURE PLANS FOR PORTIONS OF THE DOLEY ROAD/WARRINGTON ROAD PRECINCT, ARE TO BE PREPARED AS DETERMINED BY THE DET. THE LOCAL STRUCTURE PLAN SHALL SHOW A ROAD RESERVE ADJACENT TO THE WESTERN EDGE OF THE BRACKWOOD RESERVE IS TO SHOW A ROAD RESERVE ADJACENT TO BRACKWOOD RESERVE SEPARATING IT FROM THE RESIDENTIAL AREA. THE LOCAL STRUCTURE PLAN SHALL ALSO INCLUDE A PUBLIC OPEN SPACE LINE BETWEEN BRACKWOOD RESERVE AND THE MULTIPLE USE CORRIDOR ON TURNER ROAD. THE LOCATION OF DRAINAGE WITHIN THE ROAD/ADJUTING ROAD PRECINCT IS INDICATIVE ONLY AND WILL BE REFINED AT THE LOCAL STRUCTURE PLAN STAGE. THE FINAL LOCATION OF THE PRIMARY SCHOOL MAY BE SUBJECT TO CHANGE AND ITS LOCATION IS TO BE DETERMINED IN CONSULTATION WITH THE DET DURING DETAILED STRUCTURE PLANNING.
- 21 RESIDENTIAL DENSITY LIMITED TO R30 IN ACCORDANCE WITH THE BYFORD TOWNSHIP DETAILED AREA PLAN.
- 22 THERE IS A POTENTIAL FOR A RAIL CROSSING LIVING MEAD STREET AND SOUTH WESTERN HIGHWAY. HOWEVER, THIS IS A LONG TERM OPTION AND SUBJECT TO CONSULTATION WITH THE PUBLIC TRANSPORT AUTHORITY.
- 23 DETAILED STRUCTURE PLANNING WILL BE REQUIRED TO DETERMINE THE FINAL LOCATION OF THE PRIMARY SCHOOL (IN CONSULTATION WITH DET) AND THE CORRESPONDING LOCATION OF THE RURAL RESIDENTIAL ZONE.
- 24 THE FINAL LOCATION AND DETAILED DESIGN OF THE INTERSECTION IS TO BE DETERMINED THROUGH FURTHER DETAILED PLANNING.
- 25 FURTHER REVIEW OF NOISE ATTENUATION REQUIREMENTS AND OPTIONS FOR LAND ADJUTING TO TONON HIGHWAY IS REQUIRED DURING STRUCTURE PLANNING.
- 26 LAND ADJUTING TO TONON HIGHWAY, SOUTH OF ASERNETHY ROAD TO ORTON ROAD MAY BE REQUIRED FOR A POSSIBLE FUTURE WATER COOPERATION SERVICE CORRIDOR.
- 27 ADDITIONAL DRAINAGE MAY BE REQUIRED. TO BE DETERMINED THROUGH DETAILED STRUCTURE PLANNING INCLUDING PREPARATION AND FINALISATION OF A DRAINAGE AND NUTRIENT MANAGEMENT PLAN.
- 28 THE FINAL ALIGNMENT OF THE TOWN CENTRE DISTRIBUTOR ROAD THROUGH LOT 1 ASERNETHY ROAD WILL BE DETERMINED DURING DETAILED STRUCTURE PLANNING.
- 29 FINAL LOCATION OF THE PRIMARY SCHOOL NORTH OF ORTON ROAD AND WEST OF DOLEY ROAD IS TO BE DETERMINED IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND TRAINING DURING DETAILED STRUCTURE PLANNING FOR THE AREA.

GENERAL NOTES:
 THE PREPARATION AND IMPLEMENTATION OF A BICYCLE AND PEDESTRIAN PLAN FOR EACH LOCAL STRUCTURE PLAN IN ACCORDANCE WITH THE BUSINESS BICYCLE AND PEDESTRIAN MASTER PLAN IS REQUIRED.
 LOCAL STRUCTURE PLANS TO BE PREPARED, APPROVED AND ADOPTED ACROSS THE ENTIRE DEVELOPMENT AREA.
 DETAILED AREA PLANS WILL BE REQUIRED FOR LAND ADJUTING MAJOR DISTRIBUTOR ROADS, PUBLIC OPEN SPACE, RESERVES, MULTIPLE USE CORRIDORS AND ARTERIAL ROADS TO ENSURE THE BUILT FORM REFLECTS THE RURAL CHARACTER OF THE AREA.

LEGEND

STRUCTURE PLAN AREA	EXISTING MRS REGIONAL PARKS AND RECREATION RESERVE
DOLEY/WARRINGTON ROAD PRECINCT BOUNDARY	EXISTING LOCAL PUBLIC OPEN SPACE
RURAL RESIDENTIAL	PROPOSED LOCAL PARK (Approx. 3000m ²)
RESIDENTIAL (R20-R5)	PROPOSED LOCAL PARK WITHIN MUC
RESIDENTIAL (R20)	PROPOSED NEIGHBOURHOOD PARK (Approx. 4000m ²)
RESIDENTIAL (R30-R40)	PROPOSED NEIGHBOURHOOD PARK WITHIN MUC
LAND SUBJECT TO FURTHER STUDY. SEE NOTES 28 & 29 WHERE APPLICABLE.	DISTRICT RECREATION (Approx. 4ha)
TOWN CENTRE (TOWN CENTRE SUBJECT TO LOCAL STRUCTURE PLAN AND DETAILED AREA PLAN AND DESIGN GUIDELINES)	CONSERVATION
NEIGHBOURHOOD CENTRE	FORESHORE RESERVE
HIGHWAY COMMERCIAL	PUBLIC PURPOSES
COMMUNITY PURPOSE	AREA OF LANDSCAPE SENSITIVITY
NEIGHBOURHOOD NODE	DRAINAGE DIRECTION FLOW
SCHOOLS	UNCONSTRUCTED ROAD / BROOK PATH
EPS - Existing Primary School	TURNER ROAD - POSSIBLE CLOSURE SUBJECT TO FURTHER INVESTIGATIONS BY COUNCIL
PS - Primary School	RAILWAY CROSSINGS
HS - High School	POTENTIAL RAIL CROSSING SUBJECT TO FURTHER INVESTIGATIONS
MIXED BUSINESS	POSSIBLE FUTURE GRADE SEPARATED CROSSING
MULTIPLE USE CORRIDOR (MUC)	POSSIBLE FUTURE RAILWAY STATION
WATERWAY	LAND SUBJECT TO FURTHER STUDY TO ADDRESS THE REQUIREMENTS FOR DRAINAGE AND DETAILED STRUCTURE PLANNING. CONSIDERATION TO BE GIVEN TO THE PREFERRED ALIGNMENT OF THE TONON HIGHWAY PRIMARY REGIONAL ROAD RESERVATION.
DRAINAGE BASIN INDICATIVE LOCATION	LAND SUBJECT TO FURTHER STUDY - PLANNING TO BE FINALISED SUBJECT TO RESOLUTION OF ALIGNMENT OF ORTON ROAD
FUTURE ROADS	



PROJECT
Byford Structure Plan
 Adopted by Council (Original) - 22nd AUG 2005
 Adopted by Council (Review No.1) - 13th FEB 2007

CLIENT	SHIRE OF SERPENTINE - JARRAHDALE	DATE	9/7/2008
PLAN NUMBER	02/128/001G-struct	SCALE	1:10,000 @ A1
DESIGNED BY	KN	CHECKED BY	ST
		DRAWN BY	YH

200m 0 200 400 600m

ALL AREAS AND DIMENSIONS DISPLAYED ARE SUBJECT TO DETAIL SURVEY.

TAYLOR BURRELL BARNETT
 Town Planning and Design
 187 Roberts Road Subiaco
 Western Australia 6008
 Telephone: (08) 9382 2911
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OCM162/06/12 ALTERNATIVE MOTION

**Moved Cr Harris, seconded Cr Randall
That Council:**

- 1. Notes the Schedule of Submissions in respect of the Local Structure Plan for the Marri Park estate as per attachment *OCM162.4/06/12*.**
- 2. Determines, pursuant to Clause 5.18.3.7(a) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 to adopt the Marri Park Estate Local Structure Plan, with the following modification:

(a) To modify the Local Structure Plan to reduce the density of the lots west of the 'to be constructed' San Simeon Boulevard to Residential R5.**
- 3. In pursuance of Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 forward the Marri Park Estate Local Structure Plan to the Western Australian Planning Commission.**
- 4. Advise the Western Australian Planning Commission that at the time of subdivision, Council will require a Notification to be placed on the certificate of title for any new residential lots created within 200 metres of the Byford Trotting Complex in accordance with Part 9.7 of the Local Structure Plan.**

CARRIED 9/0

COUNCIL NOTE:

Council resolved to again seek the support of the Western Australian Planning Commission (WAPC) to provide larger lots to the west of the 'to be constructed' San Simeon Boulevard for the following reasons:

- 1. The Stage 6 of the Marri Park estate are not contiguous, are separated from the estate by a 30 metre wide road, and are therefore a discreet planning entity.**
- 2. These stages are surrounded on 3 sides by a flood mitigation Multiple Use Corridor (MUC) with only one exit to the primary road and therefore constitute an unacceptable emergency management risk.**
- 3. The MUC, as a flood mitigation method, may well be compromised by the WAPC recommended changes to the Byford Town Centre Plan drainage requirements. This is an unknown factor at the moment due to current State Administrative Tribunal proceedings.**
- 4. The proposal is not just adjacent to an MUC but the Trotting Complex with all the inherent concerns regarding noise, dust, flies and odours.**

ITEM NO: 9.2

SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS: LOT 19 WILLCOX STREET, CHIDLOW

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER:	A/Planning Director Metropolitan Planning North East
AGENDA PART:	H
FILE NO:	145769
DATE:	8 June 2012
ATTACHMENT(S):	Attachment 1: Subdivision Plan Attachment 2: Location Plan/Scheme Map
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Mundaring
LOCAL SCHEME ZONING:	Residential (R5)
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	15 March 2012
PROCESS DAYS:	84
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 19 (97) Willcox Street, Chidlow

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 19 Willcox Street, Chidlow into two lots subject to the following conditions and advice:

CONDITIONS:

- 1. All buildings, outbuildings and/or structures being demolished and materials removed from the proposed lots. (Local Government)***
- 2. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)***

-
- 3. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)**

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 Shire of Mundaring advises that verges should be reinstated if disturbed during subdivisional works.**
- 3. With regard to Condition 2, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.**
- 4. Where the Water Corporation is the preferred Utility Service Provider for the proposed subdivision relating to water, sewage and/or drainage, the subdivider shall make satisfactory arrangements with the Water Corporation for the provision of the requisite service.**
- 5. Where required, the subdivider shall provide service connections, make financial arrangements, set aside land, grant easements and apply notices to other requirements, to protect existing and proposed Water Corporation assets to the satisfaction of the Water Corporation.**
- 6. Upon the receipt of a request by 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.**

SUMMARY:

This application proposes the subdivision of a lot with dual road frontage (Lot 19 Willcox Street Chidlow) to create two residential lots. Both of the proposed lots have frontage to constructed local roads. The application is referred to the Statutory Planning Committee (SPC) for determination as approval is recommended however the proposed lots do not meet the minimum lot size requirements of the Residential Design Codes (R-Codes). The proposal meets the 'small infill' criteria of the Government Sewage Policy and the Shire of Mundaring and Department of Health have recommended approval.

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	
Number and/or Name	WAPC Policy No DC2.2 - Residential Subdivision State Planning Policy 3.1 Residential Design Codes Government Sewage Policy - Perth Metropolitan Region

INTRODUCTION:

This application proposes to subdivide a 3035m² lot to create two lots of 1518m² and 1517m² with road frontage to Tottenham Street and Willcox Street respectively. Proposed Lot A is vacant and the existing outbuilding on proposed Lot B will be demolished. (**Attachment 1** - Subdivision Plan)

The subject site is zoned 'Residential R5' under the Shire of Mundaring Local Planning Scheme No. 3 (LPS3) and 'Urban' under the Metropolitan Region Scheme. (**Attachment 2** - Location Plan/Scheme map)

CONSULTATION:

The Shire of Mundaring has recommended approval to the proposed subdivision on the basis that the proposal continues the existing development pattern between Willcox Street and Tottenham Street.

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

The Fire and Emergency Services Authority (FESA) have recommended that a standard condition be imposed requiring compliance with the '*Planning for Bush Fire Protection Guidelines*'. However, the subject site is within an existing townsite and is considered to satisfy the Planning for Bush Fire Protection Guidelines.

The Department of Health (DOH) has no objections to the proposal as on-site disposal of wastewater is achievable. The DOH has advised that the proposal meets the infill criteria to warrant consideration for exemption from the mandatory sewer condition of the Government Sewerage Policy - Perth Metropolitan Region.

COMMENTS:

Residential Design Codes (R-Codes) and Development Control Policy 2.2 'Residential Subdivision'

The proposal does not comply with the minimum (2000m² required, 1517m² and 1518m² provided) lot area requirement of the R5 coding. The proposal represents a

variation of 24.1% to the minimum lot size requirement for both lots under the R5 coding. A minimum average lot size requirement does not apply to the R5 coding.

Clause 3.2.3 of the Western Australian Planning Commission (WAPC) Development Control Policy 2.2 'Residential Subdivision' (DC 2.2) provides for the WAPC to support variations to 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 WAPC 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) facilitate the development of lots with separate and sufficient street frontage to more than one public street; or*
- iii) 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.*

The proposal is inconsistent with the variation provisions of DC 2.2 and the R-Codes as the application proposes a variation to more than one lot, and the application represents a variation of 24.1% to the minimum lot size requirements which is a departure from the specified 5% variation.

However, the application would facilitate development of lots with separate and sufficient frontage to more than one public street. Also, the proposed lots are consistent with the prevailing lot sizes within the street block as currently 6 out of the 9 lots within the street block have the same lot size as the proposal. Therefore, the proposal will allow for housing of the same type and form as land in the vicinity.

In considering a variation to the minimum lot size, consideration should be given to the objectives of the housing density requirements of the R-Codes which are;

"To ensure that residential development occurs in line with community expectations about its type and density".

As mentioned above, the proposed lot sizes are consistent with the prevailing lot sizes and subdivision pattern within the street block. The proposed subdivision is identical to previous subdivision approvals within the street block.

Part 10, Section 138(3) of the Planning & Development Act 2005 allows the WAPC to approve a subdivision which conflicts with the provisions of the Shire's LPS3 where the Local Government has not objected.

On the basis of the comments above the proposed lot sizes are considered acceptable.

Government Sewerage Policy Perth Metropolitan Region (GSP)

A key objective of the GSP which is applicable to this application states:

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

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

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

The proposed subdivision satisfies the small infill criteria of the GSP as no more than 4 additional lots or dwellings can be created in the street block and the proposed lots are consistent with the prevailing lot sizes within the street block (6 out of the existing 9 lots within the street block have the same lot size as the proposal).

CONCLUSION:

The application is recommended for approval given the following reasons;

- The proposal meets the small infill criteria of the Government Sewage Policy and is supported by the Department of Health;
- The Shire of Mundaring has recommended approval and the Planning & Development Act 2005 enables the WAPC to approve a subdivision which conflicts with the provisions of the Shire's LPS3 where the Local Government has not objected;
- The proposed subdivision is consistent with the existing subdivision pattern and prevailing lot sizes within the street block; and
- The lot is the last of the sites within the street block which have frontages to both Willcox Street and Tottenham Street and accordingly, the proposed subdivision is completing the subdivision pattern within the street block.



PROPOSED SUBDIVISION
LOT 19, N° 97 WILCOX STREET
CHIDLOW WA 6556

THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES.
 BOUNDARY LINES ARE REFERENTIAL ONLY AND ARE SUBJECT TO SURVEY.



REVISION	DESCRIPTION	DATE	BY	DATE
A	ORIGINAL		ASB	20/02/02
B				
C				
D				
E				
F				
G				
H				
I				
J				

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DESIGNER PLANNER:	JP
ORIGINAL DRAFTER:	ASB
CREATED DATE:	20/02/02
AERIAL DATA:	LANDGATE HIGH1
CADASTRAL DATA:	SC2B
TOPOGRAPHIC DATA:	DTVD

Ref: 1708-01A



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DEPARTMENT OF PLANNING
 DATE FILE
 15 MAR 2012 14 57 69



	Strata Titles - SSS		TPS - R Code Boundaries		RURAL LANDSCAPE LIVING
	Suburbs		PARKS & RECREATION		LOCAL CENTRE
	Cadastre		PUBLIC OPEN SPACE		PUBLIC PURPOSES
	Townsites		RESIDENTIAL		
	SPECIAL 10				
	TPS - Scheme Boundaries				

Scale 1:4,943
0 125 m

Prepared by: mcarbone
 Prepared for: Statutory Planning Committee
 Date: Monday, June 11, 2012 10:24
 Plot identifier: P20120611_1024

DP INTERNAL USE ONLY

Government of Western Australia
Department of Planning

Attachment 2
 Location Plan/Scheme Map
 Lot 19 Willcox Street, Chidlow