



Statutory Planning Committee

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

**Tuesday 10 July 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 in accordance with <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) | N/A |

Quorum: 4

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

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

Role:

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

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

Delegated Authority

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and

power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.

- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.

- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

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

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

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

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

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

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

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

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

Disclosure of representations

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

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

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes of the meeting of 26 June 2012**
- 9. Reports (see attached index of reports)**
- 10. Confidential items (see attached index of reports)**
- 11. General business**
- 12. Items for consideration at a future meeting**
- 13. Closure - next meeting to be held on 24 July 2012**

Statutory Planning Committee

Minutes
of ordinary meeting 7462
held on Tuesday 26 June 2012

Attendance

Members

| | |
|---------------------|--|
| Mr Gary Prattley | WAPC Chairman (Presiding Member) (left at 11.13 am) |
| Mayor Carol Adams | Local Government Representative |
| Ms Sue Burrows | Nominee of Director General, Department of Planning (arrived at 10.04 am) |
| Mr Henty Farrar | Regional Minister's nominee |
| Mr Ian Holloway | Professional representative |
| Ms Elizabeth Taylor | Community representative (Presiding Member from 11.13 am) |

Officers

| | |
|-------------------|--|
| Ms Pam Baskind | Department of Planning Planning Manager, Regional Planning and Strategy (item 10.3) |
| Ms Anika Chhabra | Senior Planning Officer, Perth and Peel Planning (item 10.1) |
| Ms Natalie Cox | Senior Planning Officer, Independent Planning Reviewer (item 10.1) |
| Mr Ken Dawson | Planning Manager, Regional Planning and Strategy (item 10.4) |
| Ms Lisa Powell | Senior Planning Officer, Perth and Peel Planning (item 9.1) |
| Mr Craig Shepherd | Planning Manager, Perth and Peel Planning (item 9.1) |
| Mrs Mara Vlaar | Manager Committee Support |

Presenters

| | |
|-------------------|-----------------------------------|
| Mr Dudley Corbett | Racing and Wagering WA (item 6.1) |
| Mr Michael Geurds | Landowner (item 6.1) |
| Mr Barry Hamilton | Harness Racing (item 6.1) |
| Mr Noel Reilly | Racing and Wagering WA (item 6.1) |
| Mr Tony Thorp | Landowner (item 6.1) |
| Mrs Amanda Dawe | Landowner (item 6.2) |
| Mr Colin Dawe | Landowner (item 6.2) |
| Mr David Maiorana | Dykstra Planning (item 6.2) |

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Mr Paul Garbett City of Fremantle (item 6.3)
Mayor Brad Pettitt City of Fremantle (item 6.3)

Committee Support

Mr Luke Downes Committee Support Officer - Department of Planning

7462.1 Declaration of Opening

The Presiding Member declared the meeting open at 10.03 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

Ms Burrows arrived at 10.04 am.

7462.2 Apologies

Nil.

7462.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7462.4 Disclosure of Interests

| Member/Officer | Minute No. | Page No. | Nature of Interest |
|---------------------|------------|----------|--------------------|
| Ms Sue Burrows | 8.3 | 4 | Impartiality |
| Ms Elizabeth Taylor | 8.3 | 4 | Impartiality |
| Mr Henty Farrar | 10.1 | 8 | Impartiality |
| Mayor Carol Adams | 10.2 | 9 | Impartiality |
| Mr Gary Prattley | 10.2 | 9 | Impartiality |
| Mr Gary Prattley | 10.3 | 10 | Impartiality |

Resolved

Moved by Mr Holloway, seconded by Ms Burrows

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agree that Mr Farrar, Mayor Adams and Mr Prattley, who have disclosed an impartiality interest, are permitted to participate in discussion and voting on the items due to the indirect relationship of the interests to the items.

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Ms Burrows and Ms Taylor were permitted to remain in the meeting for item 8.3, Shire of Kalamunda Local Planning Scheme Amendment No.18 – for Final Approval as the item had been adopted out of session and no discussion took place.

The motion was put and carried.

7462.5 Declaration of Due Consideration

No declarations were made.

Moved to item 7.

7462.6 Deputations and Presentations

7462.6.1 Endorsement of the Marri Park Estate Local Structure Plan

Presenter Mr Michael Geurds, landowner; Mr Noel Reilly, Racing and Wagering WA; Mr Dudley Corbett, Racing and Wagering WA; Mr Tony Thorp, landowner; Mr Barry Hamilton, Harness Racing

Messrs Geurds, Reilly, Corbett, Thorp and Hamilton made a presentation to the Committee against the proposed endorsement of the Marri Park Estate Local Structure Plan.

Mr Geurds tabled an item titled 'Marri Park Development Objection'. A copy has been placed on file.

7462.6.2 Shire of Dandaragan - Local Planning Scheme No. 7 Amendment No. 18 - for Final Approval

Presenter Mr David Maiorana, Dykstra Planning

Mr Maiorana presented to members of the Committee supporting the refusal of the Scheme Amendment on behalf of landowners Mr David Dawe and Mrs Amanda Dawe.

A copy of Mr Maiorana's presentation has been placed on file.

7462.6.3 City of Fremantle - Local Planning Scheme No. 4 Amendment No. 47 - for Final Approval

Presenter Mr Paul Garbett, City of Fremantle; Mayor Brad Pettitt, City of Fremantle

Mr Garbett and Mayor Pettitt made a presentation to the Committee supporting the City of Fremantle scheme amendment.

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Moved to item 9.1.

7462.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7462.8 Confirmation of Minutes

7462.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 12 June 2012

The Committee agreed to amend item 9.6, advice note 1 to change the date drawings were received by the Department of Planning from 29 April 2011 to 3 February 2011.

Resolved

Moved by Mr Holloway, seconded by Mr Farrar

- 1. The Western Australian Planning Commission resolved to amend the minutes of the Statutory Planning Committee meeting of 12 June 2012, item 9.6, advice note 1, to change the date drawings were received by the Department of Planning from 29 April 2011 to 3 February 2011.*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday 12 June 2012 as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

7462.8.2 Minutes of the Special Statutory Planning Committee meeting held on Thursday 21 June 2012

Resolved

Moved by Mr Holloway, seconded by Mr Farrar

That the minutes of the Special Statutory Planning Committee meeting held on Thursday 21 June 2012, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

Statutory Planning Committee

Minutes
of ordinary meeting 7462
held on Tuesday 26 June 2012

7462.8.3

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

THIS ITEM IS CONFIDENTIAL

Moved to item 6.

7462.9 Reports

7462.9.1

Endorsement of the Marri Park Estate Local Structure Plan

File 801/2/29/11PV
Report Number SPC/208
Agenda Part C
Reporting Officer Planning Manager, Metropolitan South East

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Committee resolves to 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.

The motion was put and carried.

The votes were recorded as follows:-

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

Against: Mayor Adams, Mr Farrar

Due to the absence of the Presiding Member and in accordance with clause 3.6 of the Standing orders 2009, a member was chosen to preside over the meeting.

**Mr Prattley nominated Ms Taylor.
Ms Taylor accepted the nomination.**

Resolved

Moved by Ms Burrows, seconded by Mayor Adams

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

The motion was put and carried.

Mr Prattley left the meeting at 11.13 am and did not return.

Moved to item 10.4.

7462.9.2

**Subdivision to Create Two Residential Lots: Lot 19
Willcox Street, Chidlow**

File 145769
Report Number SPC/209
Agenda Part H
Reporting Officer A/Planning Manager, Metropolitan
Planning North East

Resolved

Moved by Mayor Adams, seconded by Ms Burrows

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

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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; and*
6. *Upon the receipt of a requested 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.*

The motion was put and carried.

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7462.10 Confidential Items

**7462.10.1 City of Fremantle - Local Planning Scheme No. 4
Amendment No. 47 - for Final Approval**

File TPS/0636/1
Report Number SPC/210
Agenda Part B
Reporting Officer A/Planning Manager - Schemes
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

**7462.10.2 City of Vincent - Town Planning Scheme No. 1
Amendment No. 31 - for Final Approval**

File TPS/0721
Report Number SPC/211
Agenda Part B
Reporting Officer Planning Manager - Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

**7462.10.3 Shire of Dandaragan - Local Planning Scheme No. 7
Amendment No. 18 - for Final Approval**

File TPS/0633/1
Report Number SPC/212
Agenda Part E
Reporting Officer Planning Manager - Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

Moved to item 11.

**7462.10.4 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/213
Agenda Part G
Reporting Officer Pilbara Manager, Northern Regions

THIS ITEM IS CONFIDENTIAL

Moved to item 9.2.

Statutory Planning Committee

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7462.11 General Business

Nil.

7462.12 Items for Consideration at a Future Meeting

Nil.

7462.13 Closure

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

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.40 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

| Item | Description |
|-------------|---|
| 9 | REPORTS |
| | G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA |
| 9.1 | LOCAL PLANNING STRATEGY FOR FINAL ENDORSEMENT - JERRAMUNGUP LOCAL PLANNING STRATEGY (LIMITED REVIEW) |
| 9.2 | RECONSIDERATION OF CONDITION 2 TO SUBDIVISION APPROVAL ISSUED FOR LOT 26 RIVERVIEW PLACE, LOT 27 THE COOMBE, MOSMAN PARK |
| 9.3 | DEVELOPMENT: FARM SHED, CANOPY, HARDSTAND AND RETROSPECTIVE APPROVAL OF TRANSPORTABLE DWELLINGS – LOT 99 MIDDLE SWAN ROAD, WEST SWAN |
| 9.4 | PROPOSED SUBDIVISION TO CREATE 28 LOTS FOR SINGLE RESIDENTIAL, GROUPED DWELLING AND MULTIPLE DWELLING PURPOSE. LOT 1354 KNUTSFORD STREET, FREMANTLE |
| 9.5 | CREATE 39 SURVEY STRATA LOTS AND ONE COMMON PROPERTY LOT FOR RESIDENTIAL PURPOSES - LOT 9001 ST LEONARDS BOULEVARD, DAYTON |
| 9.6 | SUBDIVISION TO CREATE 115 LOTS FOR RESIDENTIAL PURPOSES, 2 LOTS SUBJECT TO REZONING AND 1 BALANCE LOT: LOT 9010 SUTTON STREET, PINJARRA |
| 10 | CONFIDENTIAL REPORTS |
| | B LOCAL PLANNING SCHEMES / AMENDMENTS |
| 10.1 | TOWN OF VICTORIA PARK - TOWN PLANNING SCHEME NO.1 AMENDMENT NO.49 - FOR FINAL APPROVAL |

C SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS

10.2 SECTION 31 (SAT ACT 2004)
RECONSIDERATION OF ADOPTION OF
DROVERS PLACE PRECINCT LOCAL
STRUCTURE PLAN NO.80

ITEM NO: 9.1

LOCAL PLANNING STRATEGY FOR FINAL ENDORSEMENT - JERRAMUNGUP LOCAL PLANNING STRATEGY (LIMITED REVIEW)

WAPC OR COMMITTEE:

STATUTORY PLANNING COMMITTEE

REPORTING AGENCY:

Department of Planning

REPORTING OFFICER:

Planning Officer, Great Southern Region

AUTHORISING OFFICER:

Planning Director, South West Region

AGENDA PART:

G

FILE NO:

DP/11/00059

DATE:

18/6/2012

ATTACHMENT(S):

1. Schedule of Modifications
2. Locality Plan
3. Schedule of Submissions
4. Additional Rural Residential Designation Proposed for Inclusion

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the attached schedule of submissions;***
- 2. endorse the 'December 2011' Shire of Jerramungup Local Planning Strategy Limited Review subject to the modifications contained in the attached schedule of modifications.***

SUMMARY:

- A limited review of Jerramungup's Local Planning Strategy (LPS) has been advertised for public inspection in accordance with the WAPC's recent consent.
- 18 submissions were received during the public inspection period. There were no objecting submissions and the Local Government has resolved to adopt minor modifications as a result of the comments received.
- The minor modifications (**Attachment 1**) adopted by the Local Government are supported as they generally reflect WAPC policy and/or local circumstances requiring a particular planning response. However a number of other minor modifications are also recommended to strengthen certain provisions and/or clarify matters.

-
- WAPC endorsement of the limited LPS review, subject to minor modifications, is recommended.

BACKGROUND:

The Shire of Jerramungup's existing Local Planning Strategy (LPS) was endorsed by the WAPC in 2006 and gazetted in January 2007. Since gazettal, the Local Government has identified a need for review of some components of the LPS due to:

- Age of the document.
- Recent increases in development pressure within the Shire, with an envisaged further increase in development pressure due to various growth factors.
- A need to manage these pressures whilst protecting and maintaining the core economic base of the Shire, being agricultural production.

A limited LPS review was accordingly submitted on 6 January 2011. The review sought to deal with the above matters by identifying additional land for various development purposes including urban, rural residential, rural smallholdings and industry; and revising other relevant areas of the strategy. The WAPC certified the LPS review for advertising subject to six minor modifications. The modified LPS review was advertised from 19 August 2011 to 30 September 2011 and has now been submitted for final endorsement.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Town Planning Regulations 1967

Clause 12B

Strategic Plan

Strategic Goal:

Building Relationships
Planning

Outcomes:

Excellence in Service
Planned Local Communities

Strategies:

Develop Connected and Accessible Communities

Policy

Number and / or Name:

SPP 2.5 Land Use Planning in Rural Areas
SPP 3 Urban Growth and Settlement
SPP 2 Environment and Natural Resources

DETAILS:

The Shire of Jerramungup is located on the south coast of Western Australia, in the Great Southern. It is bordered by the Shires of Gnowangerup, Ravensthorpe, Kent and the City of Albany. It contains four existing townsites; Jerramungup, Bremer Bay, Boxwood Hill and Needilup (**Attachment 2**). Bremer Bay is the primary growth area of the Shire followed by Jerramungup, with the rural villages of Boxwood Hill and Needilup historically experiencing very little growth. The Shire also contains a portion of Fitzgerald Biosphere and National Park, a recognised global biodiversity hotspot.

Broad scale agriculture (grazing and cropping) is the predominant land use in the Shire. Jerramungup and Bremer Bay have historically functioned as service centres for the wider agricultural area. Jerramungup continues to serve this function however in recent times Bremer Bay has also experienced growth related to seasonal tourism and its desirability for urban and rural residential settlement, due to its picturesque coastal location.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Endorsing the LPS review will allow emerging issues within the Shire to be adequately planned for; and ensure growth and development of the Shire is facilitated in an appropriate manner.

CONSULTATION:

Eighteen (18) submissions were received during the public inspection period. There were no submissions of objection; eight of no objection/no comment; and ten providing comments and recommending modifications.

Attachment 3 contains a description of the submissions and the recommended WAPC response.

OFFICER'S COMMENTS:

Following public advertising the Local Government resolved to adopt modifications that would allow for consideration of 'Rural Enterprise' zones within portions of areas currently designated for the 'Farmlet' zone; identified an area of land at Point Henry for Rural Residential to reflect its designation in a previously endorsed rural settlement strategy; and incorporate some of the modifications recommended by agencies to provide completeness of information.

The Local Government has provided a 'December 2011' version of the LPS review incorporating its supported modifications.

The modifications outlined above are supported as:

- There is merit in providing for a composite light industry/rural pursuit/rural residential land use zone in Bremer Bay given that there is currently limited industrial land available and there appears to be some demand for this type of lot. In addition, the concept of rural enterprise zones is supported by the new SPP 2.5 endorsed by the WAPC on 14 February 2012. The proposed areas in which to designate this land use are consistent with guidance provided by the policy.
- It appears that the Point Henry rural residential designation (shown in **Attachment 4**) was originally omitted in error and should have been carried over into the LPS as part of this review. Whilst the land in question is fully vegetated and may have limited development capability, there is some merit in incorporating it as a designation given that it is a discrete land parcel adjacent to existing rural residential areas and separated from other rural zoned areas. Any subdivision or development would require rezoning and environmental impacts would be properly scrutinised by the EPA at that time.

-
- The modifications recommended by agencies for inclusion, whilst not being incorporated completely by the Local Government, are reasonable in the context of a LPS review to provide an appropriate level of updated background information.

Following assessment of the submissions it is recommended that some of the modifications that were suggested by DEC, MRWA and DAFWA but not supported by the Local Government, should be incorporated. The agency modifications relate to protection of important vegetation linkages between existing reserves and/or national parks (DEC); function and hierarchy of roads, and the need to manage impacts from development on State roads (MRWA); clarifying the importance and suitability of various agricultural activities within the Shire (DAFWA); and other general modifications to provide completeness of information.

These additional modifications will provide greater clarity and direction for future rezoning and structure planning for newly designated areas in relation to protection of vegetation corridors and State road infrastructure, and are provided in the schedule of modifications (**Attachment 1**). Following further discussion the Local Government has agreed to the modifications.

CONCLUSION:

The proposed revisions to Jerramungup's Local Planning Strategy are consistent with the WAPC's policy framework and enhance the document's ability to plan for future growth and development of the Shire. Modifications proposed are justified on the basis of particular local circumstances and have accordingly been supported. It is recommended that the WAPC endorses the revised 'December 2011' LPS review, subject to the modifications contained in the attached schedule being carried out.

SHIRE OF JERRAMUNGUP
Local Planning Strategy - Limited Review
Schedule of Modifications

| No. | Modification | Reason |
|------------|---|---|
| 1. | Pg 30, S6.2: reword second sentence in last paragraph to 'Niche areas in the Bremer Bay landscape are suitable for wine grapes...' | Recommendation in DAFWA submission, supported by WAPC for clarification and accuracy. |
| 2. | <p>On Figure 19:</p> <p>In text box for Area 6 add the following note:</p> <ul style="list-style-type: none"> • Vegetation corridor linking to National Park to be established. <p>In text box for Area 8 add the following notes:</p> <ul style="list-style-type: none"> • Vegetation corridor linking to National Park to be established. • Traffic impacts on Borden-Bremer Bay Road to be addressed and intersection locations to be determined in consultation with MRWA. <p>In text box for Area 10:</p> <ul style="list-style-type: none"> • Delete repeated word 'existing' in dot point 2. <p>In text box for Area 12 add the following note:</p> <ul style="list-style-type: none"> • Vegetation corridor linking to National Park may be required. <p>In text box for Area 13 add the following note:</p> <ul style="list-style-type: none"> • Traffic impacts on Borden-Bremer Bay Road to be addressed and intersection locations to be determined in consultation with MRWA. <p>In 'Note 2': delete the word 'Development' as this is not the name of the zone.</p> | <p>Response to issues raised in DEC and MRWA submissions.</p> <p>WAPC acknowledges that the Shire intends to address these and other issues through provision of an overall district structure plan, however it is considered the need to address these matters should be reinforced on the strategy map given that they relate to particular development areas with varying land release timeframes.</p> <p>Spelling/word correction modifications required for accuracy purposes.</p> |
| 3. | Pg 78, S8.1.3.4: remove last paragraph. | Unnecessary, and currently implies less than R15 density does not have to comply with Scheme requirements. |
| 4. | Modify text as per recommendation no's 53, 80, 81 and 96 of DEC submission. | These recommendations are supported by WAPC for clarification and accuracy. |

Government of Western Australia
Department of Planning

Locality Plan

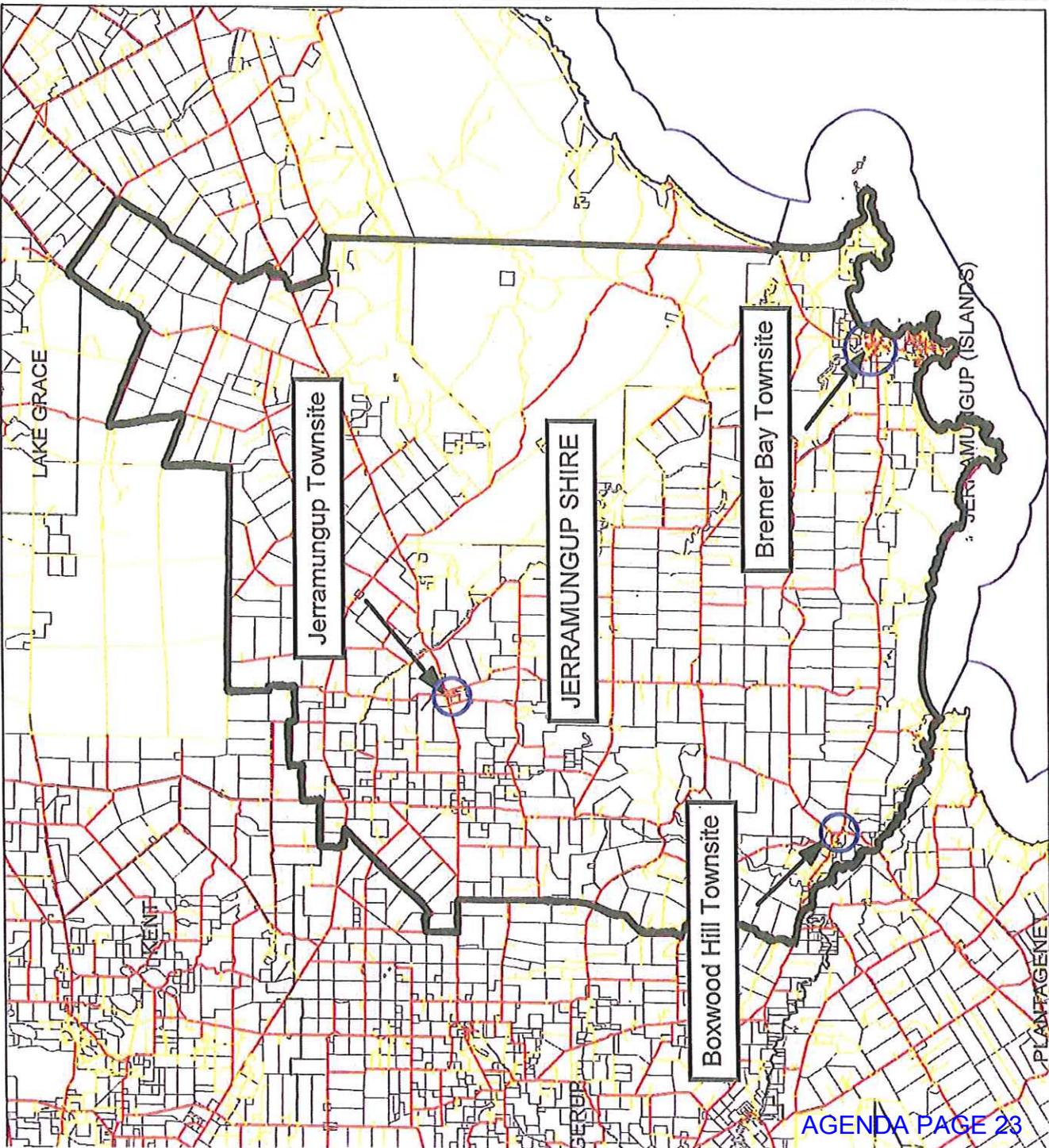
- Road
- Track
- Cadastral
- Country
- Islands

Scale 1:675,628

0 25 km

Prepared by: mjndrczjczak
Prepared for: SPC
Date: Thursday, April 21, 2011 13:24
Plot identifier: P20110421_1323

DP INTERNAL USE ONLY



| SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY | | | | | | |
|--|--|---------------------------|---|--|----------------------|------|
| TABLE 1 - SCHEDULE OF SUBMISSIONS | | | | | | |
| No. | Submitter Details | | Summary of Submission | Council Recommendation | Recommended Response | WAPC |
| 1 | Shire of Plantagenet PO Box 48 Mount Barker WA 6324 | 1a. 1b. 1c. | Thankyou for the opportunity to comment on the Strategy. The Draft has been reviewed and there are no impacts on the Shire. It is interesting to note the Draft includes some areas where this Council was required to delete from its original draft LPS of June 2008. The Draft is a good document that plans over a period of up to 30 years for the future growth of Bremer Bay and Jerramungup, and to a lesser degree Boxwood Hill. | That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission. | Note. | |
| 2 | Shire of Gnowangerup 28 Yougenup Rd GNOWERA NGUP WA 6335 | 2a. 2b. | Council reviewed the Draft Local Planning Strategy at their Ordinary Meeting held on 28 th September 2011. I am pleased to advise that Council did not wish to make any comments at this time and commended the Shire of Jerramungup for a comprehensive and professional draft. | That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission. | Note. | |
| 3 | Western Power Locked Bag 2520 PERTH WA 6000 | 3a. 3b. | To the best of my knowledge, there are no objections to the changes you propose to carry out for the above mentioned project. Please note: a. Perth One Call Service (Freecall 1100 or visit dialbeforeyoudig.com.au) must be contacted and location details (of Western Power underground cabling) obtained prior to any excavation commencing. | That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission. | Note. | |

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TABLE 1 - SCHEDULE OF SUBMISSIONS

| No. | Submitter Details | | Summary of Submission | Council Recommendation | Recommended Response WAPC |
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| | Western Power submission continued. | | b. Work Safe requirements must also be observed when excavation work is being undertaken in the vicinity of any Western Power assets. | | |
| 4 | Ayton Baesjou Planning 11 Duke Street ALBANY WA 6330 Submission 4 cont. | 4a. 4b. 4c. 4d. | <p>This submission is lodged on behalf of Max Wellstead and deals particularly with the final stage of the Point Henry Lifestyle lots in the north west (Lot 9012) and the original farm homestead (including museum and associated Tourist uses) Lot 2.</p> <p>Review of the Draft Local Planning Strategy shows that no mention is made of the final stage on Wellstead South Road (Portion of Lot 9012). This stage was to add land into the Point Henry zone as shown in the Point Henry Rural Strategy so as to round that zone out. At the same time it was proposed to place additional (tourist) uses into the scheme to cater for the existing homestead and museum site.</p> <p>Council endorsed a Scheme Amendment request in November 2005 to add this final area into the Point Henry Rural Residential Zone (as proposed by the Point Henry Limited Rural Strategy) and apply the additional (tourist) uses to the museum site.</p> <p>This project had been held back due to, in the first instance, the lack of suitable environmental sub consultants and then due to there being a sufficient supply of retreat lots to meet demand to this point. Also</p> | <p>Uphold. There is merit for consideration of a Rural Residential zone for Lots 9012 and 2, and this potential is already recognised in the Shires Limited Rural Strategy.</p> <p>However, any scheme amendment and the suitability of the land for rural residential is still subject to a number of issues being addressed including land capability, vegetation assessment, suitability for on site effluent disposal, water supply, fire management and consideration by the EPA.</p> <p>It is therefore recommended that the Draft Strategy be revised as follows:</p> <ol style="list-style-type: none"> Figure 20 shows the Point Henry Peninsular. Lots 9012 and 2 can be highlighted as a new 'Area 19' and 'Potential Rural Residential' subject to a | Uphold - as per Council recommendation. |

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| | Submission 4 cont. | <p>complicating supply and timing decisions was the rezoning of adjoining Lot 400 and advice from its developers that they were planning to proceed and deliver lot supply as soon as approvals were in place.</p> <p>4e. On the basis of the endorsed Scheme Amendment request for Lots 2 & 9012, the landowner went ahead and completed the Wellstead South Road link and as well, assisted where requested in the finalising of planning for adjoining Lot 400 (co-ordination of and provision of land for Strategic Fire Breaks).</p> <p>4f. The landowner will now complete the rezoning of Lots 2 & 9012 on the basis of the endorsed Scheme Amendment request in the short term. Once the land is zoned and a Guide Plan is adopted, lots can be applied for and created as market conditions make it viable, thus allowing for orderly development and lot supply. These staging issues are noted and supported in the Local Planning Strategy.</p> <p>To address these points, the DLPS could simply make a note in Figure 20 of the rounding out of the zone in accord with the Point Henry LRS and endorsed SAR. Reference to this future development may also be made in Section 8.1.3.18.</p> <p><u>Note:</u> Gray & Lewis liaised with the submitter to obtain additional background information on the history of Lots</p> | <p>scheme amendment, and addressing issues such as fire management, environmental assessment, land capability etc</p> <p>2. Include information on 'Area 19' in the strategy text and outline the matters that would need to be addressed by the proponent, as part of any scheme amendment.</p> <p>3. Include a clear statement in the strategy that <i>"This area requires further investigation and whilst it is included in the Strategy, support for Rural Residential is contingent on significant supporting information and addressing environmental issues. Recognition of Lots 9012 and Lot 2 in the Strategy is not sufficient justification in isolation for support of a scheme amendment by the Shire. Council will not initiate any scheme amendment until all issues have been satisfactory addressed, and</i></p> | |

SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY

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| | | | 9011 and Lot 2. The additional information (dated 14 December 2011) will be provided to the WAPC at final approval stage, as it is relevant to the Strategy. It includes correspondence from the Shire dated 9 November 2005 which outlines the Council decision from the meeting held on 18 October 2005. | <i>may undertake preliminary consultation with relevant authorities such as Fire and Emergency Services, the Heritage Council, Department of Water and Department of Environment and Conservation. This will ensure that all relevant information can be provided to the EPA for their consideration as part of any formal scheme amendment process.</i> | |
| 5 | Nathan McQuoid 645 Stoneville Road MUNDARIN G WA 6073 Submission 5 cont. | 5a. 5b. 5c. | An excellent Planning Strategy. Include the Fitzgerald Biosphere concept as a section of its own, describe its history, functions and opportunities for resource protection and community development. Include mention of the Seville Strategy and Madrid Action Plan, and provide the recent finding, priorities and renomination process. Review parts 6.11, 6.12 and 6.13 of the Physical Features and Environment section to include more up to date, complete and compelling assessment and discussion, to better reflect the richness and international profile of the Shire's natural environment. Section 6.11 should be titled Flora and Vegetation. | That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission. | Note. |

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| | Submission 5 cont. | 5d. 5e. | <p>Demonstrate the support of a culture of architectural creativity and design excellence for public infrastructure.</p> <p>Bremer Bay: Plan to include the recognition of Bremer Bay as a hub for the sustainable access to the area's remarkable nature via:</p> <ul style="list-style-type: none"> • A comprehensive review of the Shire's reserve management plans; particularly the coastal reserves, with the inclusion of the Minarup Lease area UCL area at Cape Knob. Include a focus of access, dieback hygiene, vegetation management, trails and interpretation. • Development of a nature based tourism access plan centred on Bremer Bay, including trails, interpretation, accommodation and sustainable access. • Ensure that Bremer Bay townsite development includes provision for a spectacular tourist centre and as the headquarters of national park and shire reserve management and information delivery. • Include the upgrade of Gairdner Road to mitigate its dieback risk. • Upgrade the airport for larger aircraft, reposition the runway for improved safety, and provide architecturally compelling buildings. | | |

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| | | 6h. 6i | <p>Regarding Section 4: An issue which has the potential to impact development in some areas of Jerramungup Shire, particularly Bremer Bay, is power supply infrastructure, which gets little mention in the document.</p> <p>P23 notes the Shire's adoption of a local planning policy regarding plantations to avoid the potentially negative impacts of carbon sequestration. GSDC agrees with this approach and commends the Shire on its initiative in this area.</p> <p>P40 makes reference to the SC Regional Marine Strategic Plan. GSDC is aware that the public consultation phase has closed and the draft plan revised accordingly. The plan is currently receiving cross-agency input, after which it will be presented to the Minister for Environment for consideration.</p> | | |
| 7 | Department of Planning, Locked Bag 2506, Perth WA 6001 Note: Planning Bulletin 83/2011 was | 7a. 7b. | <p>State Strategic Policy would like to highlight that Planning Bulletin 83: Planning for Tourism (PB 83) has been reviewed and a new version was released on 19 July 2011. Please see the attached PB 83.</p> <p>The change of policy position reflects the need for greater flexibility in planning for tourism development across WA, to encourage and support investment in the industry. The main changes to the policy means moving away from identifying 'strategic' and 'non-strategic' sites and assessing percentages of residential component of a</p> | <p>That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission.</p> <p>The Shires Scheme already allows a high degree of flexibility for tourist development, therefore it is not considered that the Shire would benefit from this exercise.</p> | Note - as per Council's comments. |

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| | | | to be consulted on this proposal. | | |
| 8. | Department of Education 151 Royal Street, East Perth WA 6001 | 8a. 8b. | <p>8a. The Department of Education has reviewed the document and advises that the Department's current educational facilities can adequately accommodate any expected student increase generated by the Planning Strategy in the near to medium term.</p> <p>8b. The longer term requirements of school facilities will be dependent on the rate of residential growth in the locality in the long term and the student capacity of the schools as that development occurs.</p> | That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission. | Note. |
| 9 | Environmental Protection Authority Locked Bag 33, Cloisters Square, Perth WA 6850 Submission 9 cont. | 9a. 9b. | <p>9a. The OEPA considers that the draft Local Planning Strategy describes the most significant environmental values and issues in the Shire of Jerramungup. However, the OEPA provides comments on additional matters that it considers should be addressed and additional programs and sources of information that could be utilised in the preparation of the Local Planning Strategy.</p> <p>9b. The EPA has not considered the environmental acceptability of the growth areas and further environmental information will be required when subsequent scheme amendments to rezone the land for urban purposes are referred to the EPA for assessment pursuant to the <i>Environmental Protection Act 1986</i>.</p> | <p>That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission.</p> <p>Any proposed scheme amendment would have to be referred to the EPA for consideration.</p> | Note - as per Council's comments. Modifications made as a result of DEC submission (submission 18) address points raised in this submission. |

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| | Submission 9 cont. | 9c. | <p>Consistent with this action the OEPA recommends that the draft Local Planning Strategy:</p> <p>Include objectives and policies that require and support revegetation/rehabilitation of species endemic to the Shire of Jerramungup; and;</p> | <p>As a result of the DEC submission additional 'strategies and actions' are recommended for inclusion in the strategy which partially addresses this point.</p> <p>Rather than endeavour to list all NRM projects (which is likely to become outdated), the strategy discussed NRM in section 6.9.3 and refers to the groups involved such as the Fitzgerald Biosphere Group.</p> | |
| 9d. | <p>Include a description of the various NRM projects being undertaken in the Shire, so that these projects can be coordinated with the overall land use strategy for the Shire.</p> | | | | |
| 9e. | <p>The Future Farming Industries Cooperative Research Centre (FFI.CRC) could be an important source of information for the Shire of Jerramungup Local Planning Strategy. One of the key areas of scientific activity of the FFICRC is to provide new or improved habitat for native plants and animals from perennials on farmland, protect existing biodiversity from key threatening processes, including salinity.</p> | | | | |
| 9f. | <p>The OEPA considers that to help species survive a changing climate, a network of conservation areas should be established that represent a range of ecosystems and provide ecological linkages for species movement. This approach is described in more detail in <i>Australia's Biodiversity Conservation Strategy 2010-2020</i> (Appendix 10).</p> | | | | |

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| | | 9g. 9h. 9i. | <p>DEC, conservation organisations and community groups have initiated projects in the wheatbelt on a sub-catchment and catchment scale. These projects target areas of 'high value' biodiversity and aim to enhance the connectivity of fragmented remnants through establishing corridors connecting remnant vegetation.</p> <p>The DEC is also completing work on a methodology that could be used to identify corridors in the wheatbelt called <i>System Conservation Plan</i>.</p> <p>OPEA recommends that the draft Local Planning Strategy should include policies that will create incentives and other mechanisms to ensure that native vegetation situated on private land is managed in a way that contributes to ecosystem and species resilience within and between reserves; and establish priorities for focusing resources towards areas with highest risks.</p> | <p>This is beyond the scope of the strategy however the Shire has been developing comprehensive policies for development.</p> | |
| 10 | Heritage Council of Western Australia 108 Adelaide Terrace, East Perth | 10a. | It is encouraging to see a strong consideration of heritage with the 'Profile and Key issues' section of the Strategy, as well as reference to <i>State Planning Policy 3.5, Historic Heritage Conservation (SPP3.5)</i> . We also acknowledge the Shire's inclusion of cultural and heritage values in its Strategic Plan, as referenced in the Strategy. | <p>That the submission be noted however no modifications to the Strategy be undertaken as a result of the submission.</p> <p>Heritage forms part of planning assessment and is controlled</p> | Note - as per Council's comments. |

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| | Submission 11 continued | 11e. 11f. 11g. | <p>advised of section 15 of the AHA, which requires the disclosure of places suspected to be Aboriginal heritage sites to the Registrar of Aboriginal Sites. It is recommended that all potential Aboriginal heritage sites are made known to the ACMC so that it can formally assess these places under the AHA.</p> <p>The Strategy highlights a number of areas (such as fringes around wetlands) where Aboriginal cultural material may be in existence. As such the Plan should encourage people who wish to develop in such areas to develop and implement a detailed cultural material contingency plan.</p> <p>The strategy could also refer to the benefits of developing a comprehensive Aboriginal Cultural Heritage Management Plan (ACHMP) in relation to ensuring effective management of Aboriginal heritage values and compliance with the AHA.</p> <p>The strategy should endeavour to make it clear in what situations a development proponent will definitely require a form of approval under the AHA. For example any form of ground disturbing activity within an Aboriginal heritage site will likely require approval under the AHA.</p> <p>The Strategy may also wish to encourage prospective developers who are not certain as to whether they may require approval under the AHA to contact DIA for advice</p> | | | |

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| | Submission 12 continued | 12d. | However as traffic volumes grow on network, particularly heavy multi-combination vehicles (which on some roads are growing at well above the rate of light vehicle growth) increased problems must be expected. | | | |
| | | 12e. | Due to Government prioritisation and funding constraints it is becoming increasingly difficult for Main Roads to obtain funding for major projects. As a result, the focus of Main Roads Great Southern Region's works over the next 20 years are expected to be largely focused on small scale projects aimed at improving road safety, transport efficiency and preservation of the road asset. | | | |
| | | 12f. | To ensure an adequate level of safety is maintained as far as possible on network, it is important that Main Roads ensures that where problems will be exacerbated by development, particularly at intersections, that these be addressed by the developer as part of the development process which is in line with the user pays policy now supported by WAPC. | | | |
| | | | A major threat to the classified road network is seen as the uncoordinated or inappropriate development of land in proximity to the classified network due to inadequate structure planning. | | | |

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| | Submission 12 continued | 12g. | It is essential that the planning framework allows an appropriate traffic assessment of both large development proposals and areas of planning development involving multiple small to mid-size developments, so that appropriate road upgrade works can be undertaken as part of these developments at the developers cost, in accordance with the State Government's user pays policy. | | | |
| 12h. | | A local road hierarchy needs to be identified for the existing or future local road network so that road access impacts and road development needs can be realistically assessed as part of the scheme amendment and subdivision approval process. | | | | |
| 12i. | | New roads may only be connected to the State Road network with approval of Main Roads. In the interest of road safety and transport efficiency, Main Roads seeks to limit both the number of access points onto the State Road network and the excessive consumption of reserve State Road traffic capacity by developers. | | | | |
| 12j. | | Advice from Main Roads should be sought whenever a development or subdivision proposal is likely to generate in excess of 100 total vehicle movements per hour (peak hour) or the volume of turning movements at any State | | | | |

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| | | 12k. | Road intersection increases by more than 10%, so that Main Roads may consider the need for appropriate improvement treatments at the developers cost. | | | |
| | | 12l. | Heavy vehicle operations are not well suited to residential environments given issues such as noise, vibration, dust and odour, and the 24/7 operating hours typical of this industry. Also the safety concerns raised when significant volumes of heavy vehicle traffic is mixed with residential commuter traffic, particularly where school or pedestrian traffic is involved. Careful consideration should be given to protecting the alignment corridor of these roads with future development of townsites adjacent to heavy vehicle routes. Main Roads will need to maintain the minimum lane widths required for a RAV route through the main townsite of Jerramungup. | | | |
| | Submission 12 continued | 12m | Linear development of the nodal settlements should be avoided and the importance of the State network needs to be recognised given the limited opportunity to improve the alignment/performance of these roads at these locations. The proposed linear development along the Bremer Bay Road to the west of town, will necessitate the relocation of the Bremer Bay town boundary. | | | |
| | | | Access to Area 9 as depicted in Figure 29, will be limited due to the vertical alignment of South Coast Highway adjacent to this location. | | | |

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| | Submission 13 continued | 13e. | <p>column – It is commercially fished</p> <p>Wellstead estuary : Condition - has changed significantly in recent years from a macrophyte (seagrass) dominated estuary to a phytoplankton dominated system. Comment- Change last sentence to habitat and recreational value, not potential.</p> <p>Hunter River lagoon– condition: Although the Hunter River catchment is considered pristine, the lagoon has experienced toxic algae blooms in 2011</p> | <p>that the DoW comments be included in Table 10 which lists the wetland and lagoons in the Jerramungup region.</p> | |
| | | 13f. | <p>Page 39, section 6.8.1</p> <p>First sentence, first paragraph on page 39 could be reworded: <i>Potentially toxic algae blooms including cyanobacteria, have occurred in the Wellstead and Beaufort Inlets, and in the Hunter River. The Wellstead and Beaufort Inlets are considered highly eutrophic.</i></p> | <p>(13f) Upheld. It is recommended that the last paragraph under section 6.8.1 which states: “<i>Blue green algae blooms have occurred in the Wellstead Inlet and the Beaufort Inlet is considered seriously eutrophic. Algal blooms and waterbird deaths were common in wetlands during 1993 when nutrient-laden soil was washed into lakes. (EPA 1998, Estuarine Studies Number 4)</i>” be replaced by the new wording provided by DoW.</p> | |
| | | 13g. | <p>Page 40, section 6.9.1</p> <p>Has Draft South Coast Regional Marine Strategic Plan been finalised now?</p> <p>Page 40, section 6.9.2</p> <p>How is the shire planning for sea level rise as a result of climate change?</p> | <p>(13g) Noted. It does not appear it has been finalised. The Draft South Coast Regional Marine Strategic Plan states that it will encourage regional research into potential climate change scenarios for the south coast including developing regional-scale digital</p> | |

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| | Submission 13 continued | 13h. | Page 41, section 6.9.3 Wellstead Estuary Management Plan (2006, Dept of Environment) | elevation models. Information developed at a regional level may assist the Shire to examine this in the future. (13h) Upheld. The Wellstead Estuary Management Plan is listed however the date and source can be included. ie (2006, Dept of Environment) | |
| | | 13i. | Page 55, section 6.16.2 (a) Replace Department of Environment with Department of Water | (13i) and (13j) Upheld. Update of reference and recommend replace 6.16.2 (a) with updated information from DoW on monitoring. | |
| | | 13j. | The Department of Water monitor 2 rivers in the Shire of Jerramungup – Pallinup and Bremer River. One gauging station on each river. Most rivers in the shire flow intermittently, but the Pallinup River has significant groundwater input, so this river flows most, if not all the year. | | |
| | | 13k. | Page 56, section 6.16.2 (b) It is extremely unlikely that any surface water resources within the Fitzgerald River NP would be developed to supply Bremer Bay, so this statement should be removed from the document. | (13k) Upheld. It is recommended that paragraph 2 under 6.16.2b be deleted. | |
| | | 13l. | Page 56, section 6.16.2 (c) By-laws under CAWS Act 1947 enable the Department of Water to control potentially polluting activities and regulate land use in PDWSA | (13l) Upheld. Recommend that this information be included in section 6.16.2(c) after paragraph 2, and that clearing information be | |

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| | Submission 13 continued | 13m | <p>Delete reference to clearing controls. The CAWS Act 1947 provides for clearing controls only within controlled catchment areas. The Bremer Bay Water Reserve is <u>not</u> within a controlled catchment area, as such, clearing controls do not apply.</p> <p>Additionally, clearing of native vegetation is regulated by the Department of Environment and Conservation. A permit is required to clear any native vegetation, not just within proclaimed water areas.</p> <p>Page 56, section 6.16.2.(c) The Bremer Bay borefield has 8 equipped production bores, 4 of which are active, and 12 monitoring bores of which 9 are equipped, there are 20 in total. Water Corporation are licensed to abstract 60,000 kL/annum from the borefield however actual abstraction is generally well below this volume.</p> <p>The sustainable yield of the northern and southern wellfields is estimated to be almost 200 ML/yr. (Draft Bremer Bay DWSPP November 2008).</p> <p>Page 58, section 7.1 Special control areas: the entire Bremer Bay Water Reserve (P1, P2, & P3) should be identified as a special control area</p> | <p>updated.</p> <p>Upheld. Recommend delete paragraphs 6-9 under 6.16.2(c) and replace it with the advice provided by DoW.</p> <p>(13m) Noted. No changes to the strategy text recommended. Section 7.1 describes the existing SCA's as shown on the Scheme map. Changes to the Special Control Area's are not proposed in the revised Strategy until the changes to the water reserve boundaries are finalised and approved at a ministerial level. The only exception is for Lot 109, as changes to the water reserve</p> | |

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| | Submission 13 continued | 13n. | <p>Page 70, section 8.1.2.2 The boundaries of the Water Reserve are currently under review as part of the Department of Water's "Bremer Bay Water Reserve Draft Drinking Water Source Protection Plan November 2008" (Draft DWSPP). Shire of Jerramungup should use these boundaries until advised by Department of Water.</p> <p>Amendments to the boundaries of the priority areas require Ministerial approval. Under the Draft DWSPP the existing P2 area has been reduced whilst the P1 area has increased to incorporate all crown land and some private land considered as strategically important as a Priority 1 source.</p> | <p>boundary were discussed as part of the subdivision process and WAPC has issued conditional subdivision approval for the land on this basis.</p> <p>(13n) Noted. The only change to the boundary that is significantly mentioned in the revised strategy is for Lot 109. The strategy acknowledges that the water reserve boundary changes are draft and require Ministerial approval. Further minor review may be required once the changes have been finalised, and a future scheme amendment will also be required so the SCA's on the Scheme map are updated.</p> | |
| | | 13o. | <p>The boundary of the P2 area located in Lot 109 has been amended as part of the review as shown in inset diagram page 71 and will be reflected in the DWSPP. Proposed boundaries of water reserve as shown in Figure 17 and inset diagram are current as of September 2011.</p> | <p>(13o) Noted. No changes to the strategy text recommended.</p> | |
| | | 13p. | <p>Page 72, section 8.1.2.2 The Shire should not pre-empt future changes to the priority area boundaries as part of further reviews of the Bremer Bay Water Reserve DWSPP. There are no further amendments to the P1 area south of Borden-Bremer Bay Road proposed as part of the current</p> | <p>(13p) The Shire is not pre-empting future changes to the priority area boundaries. The Shire is acknowledging that the boundaries are under review by DoW Draft DWSPP. Section 8.1.2.2 discussed</p> | |

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| | Submission 13 continued | 13q. | <p>review. The boundaries of the Water Reserve are current as of September 2011 and should be used by the Shire to inform planning decisions until further advised by the department. As such, it is suggested that this paragraph is removed altogether.</p> <p>Page 72, section 8.1.2.2 Minimum lot sizes in PDWSA (based on the Land use compatibility WQPN), are based upon the original zoning of the land. This means that any rural zoned priority 1 land that may be amended to priority 2 land, and as such now available for subdivision, needs to be considered as a rural (the current zoning) subdivision, where the minimum lot size is 4 ha.</p> | <p>the changes in the Draft Plan, acknowledges they are draft, require Ministerial approval, and will undergo further refinement.</p> <p>(13q) Noted. No changes to the strategy text recommended. What DoW appears to be saying is that the changes to water boundaries will impact on permissible lot sizes. It should however be noted that the lot sizes in the scheme are based on the existing PDWSA and zones.</p> | | |
| | | 13r. | <p>Page 77, section 8.1.3.6 Need to update this section. Amendment 3 has not been refused.</p> | <p>(13r) This comment relates to Lot 109 Bremer Bay Road shown as Area 6 & 11 on Figure 19. The Strategy is correct and the Shire was advised by correspondence from the WAPC dated 22 February 2010 that Amendment 3 was refused by the Minister (WAPC Reference: 853/5/19/3 Pt 3). Amendment 3 proposed a Residential Development zone over Lot 109.</p> <p>The WAPC has approved subdivision of the land under the existing 'Rural Residential' zone and 'Residential R2/15' zone.</p> | | |

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| | Submission 13 continued. | 13s. | Page 77, section 8.1.3.6 Need to update this section Subdivision application (WAPC 142080) over this site (Lot 109) has been approved. | (13s) Upheld. It is recommended that Section 8.1.3.6 and 8.1.3.11 relating to Lot 109 be updated with details of the subdivision approval. Area 11 should also include Lot 9000 Goorie Way which forms part of the subdivision approval. | |
| 13t. | | Page 81, section 8.1.3.9 Area 9 Suggest re-word to “The land south of Freeman Drive zoned “Rural Residential” is located within the P2 area. Under the Department of Water’s LUCT guidelines, subdivision based on the rural residential zoning and P2 classification is restricted to lot sizes of 2 ha or greater. | (13t) Noted. No changes to the strategy text recommended. The Strategy already recognises that the lot sizes are constrained “to larger lots sizes as it is affected by priority 2 water protection boundary (as determined by Department of Water). This is considered sufficient to cover the DoW interests. | | |
| 13u. | | Page 81, section 8.1.3.9 Area 9 Suggest removing 2 nd paragraph as this is pre-emptive and is likely to give rise to false expectations by landowners. | (13u) Noted. No changes to the strategy text recommended. The paragraph simply alerts that subdivision potential may change “ <i>in the event that the Priority 2 water protection boundary changes in the future as part of reviews by the Department of Water</i> ”. It does not pre-empt that the changes will be approved. It is considered sound for a strategic planning document to recognise the review | | |

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| | Submission 13 continued | 13v. | <p>Page 81, section 8.1.3.9 Area 9 Same applies to 3rd paragraph. Extension of reticulated sewerage from Area 5 to Area 9 should not referred to as a planning consideration given the current priority classification of Area 9.</p> <p>It is suggested reference to potential for residential subdivision is also removed from Area 9 'flags' in Figure 19.</p> | <p>being conducted by DoW.</p> <p>(13v) Noted. No changes to the strategy text recommended. The strategy acknowledges the existing priority classification. Reference to servicing should be retained to make it clear that any future subdivision would have to be serviced with reticulated water and sewer. This does not undermine the existing situation as the current PDWSA are shown as special control areas under the Shires scheme, which is the legal statutory document.</p> | |
| | | 13w. | <p>Page 81, section 8.1.3.10 Area 10 – this area constrained due to Lot 117 being partially contained within Water Reserve Priority 1 area</p> | <p>(13w) Upheld. Area 10 is only included for long term investigation which would have to be re-examined as part of a future Local Planning Strategy review. It is recommended that the constraints for Area 10 be acknowledged in the strategy text. There is still some potential outside of the P1 area, and the water boundary review is still draft.</p> <p>The purpose of including Area 10 is simply to protect the land from development by inappropriate uses, as it may need to be</p> | |

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| 14 | Water Corporation PO Box 100 Leederville WA 6902 Submission 14 continued | 14a. | <p>The Corporation provides water supply services to the Jerramungup townsite, and water and wastewater services to Bremer Bay townsite. The following advice is provided in respect of the relationship of these services to the draft strategy.</p> <p><u>Jerramungup</u> The Jerramungup Water Supply Scheme (JWSS) obtains all source water by way of run-off from the Corporation's water catchment reserve on Lot 28505 and is therefore entirely climate-dependent. In the context of a drying climate, the ability to service additional connections is constrained and to insure services from drought conditions, water efficiency initiatives should be adopted.</p> <p>14b.</p> <p>14c.</p> <p>The current growth rate of Jerramungup is extremely low. However, development of the future urban areas identified in the draft LPS would require the investigation of additional or alternative water sources to ensure sufficient source water is available.</p> <p><u>Bremer Bay</u> 14d. Water Supply Services In June 2010, the Corporation completed a review of the Bremer Bay Water Supply Scheme, assessing its current operations and future requirements over a 30 year planning horizon (2040). Land use planning assumptions adopted by this review were generally</p> | <p>examined in the future. Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> | <p>Note - as per Council's comments.</p> |

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| | | <p>consistent with the recommendations of the draft strategy.</p> | | | |
| | | <p>14e. Bremer Bay's Water Supply Scheme is highly constrained and requires upgrades to source and storage infrastructure in order to service short and long term future growth.</p> | <p>Noted.</p> | | |
| | | <p>14f. Bremer Bay demonstrates extreme seasonal demand fluctuations as a result of holiday and tourism, resulting in peak demand experienced in January of approximately 650 kL/day significantly outstripping average use over summer months of approximately 300 kL/day, and winter demands of only 100 kL/day.</p> | <p>Noted.</p> | | |
| | | <p>To consolidate the scheme's capabilities, the following approach was recommended:-</p> <ul style="list-style-type: none"> • Undertake investigations of existing water source areas, including geophysical surveys, investigate drilling and heritage and environmental surveys to determine the feasibility and required structure of additional water source infrastructure; • Demolish and replace the existing 225kL storage tank on Lot 118 and replace with a larger 1ML storage tank. | <p>Noted.</p> | | |
| | <p>Submission 14 continued</p> | <p>14h. The Corporation has commenced the abovementioned investigations to secure additional source water.</p> | <p>Noted. Throughout the Strategy it discusses the need to examine</p> | | |

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| | | | <p>However, service constraints may limit its ability to service additional connections in the short term.</p> | <p>servicing as part of the structure plan process. Any proposal would also have to address relevant state planning policies which discuss water supply.</p> | | |
| | | 14i. | <p><u>Wastewater Services</u> The ability of Bremer Bay's wastewater servicing scheme to support the development of future urban areas identified by the draft strategy is currently highly constrained. Wastewater flows from the townsite are approaching and during peak tourism season exceeding the maximum treatment capacity of the Bremer Bay Wastewater Treatment Plan (WWTP).</p> | <p>Noted.</p> | | |
| | | 14j. | <p>The Corporation has recently reviewed the operations of the wastewater scheme and has identified the need to upgrade the WWTP to accommodate the future growth of the town. These works have been identified as being required on the Corporation's Capital Investment program. However, the works have been deferred to accommodate other more urgent works and will be reconsidered in the next review of its capital program in mid-2012.</p> | <p>Noted.</p> | | |
| | Submission 14 continued | 14k. | <p><u>Urban Form and Service Considerations</u> The development pattern proposed within the draft LPS raised some concerns in relation to efficient servicing systems and rollout of infrastructure. In this regard, the</p> | <p>Noted. Submission does not comment which townsite this refers to. With regards to Bremer Bay, the Strategy makes it clear that</p> | | |

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| | | 14l. | <p>fragmentation of serviced urban land by rural residential land uses, is considered to be counterproductive to the development of efficient wastewater conveyance and water distribution systems.</p> <p>Such fragmentation of the urban footprint may result in higher headworks infrastructure costs to developers, increased pumping and operational costs for service providers (Water Corporation) and the need for lengthier infrastructure linkages.</p> | <p>development should be frontal as services extend to the west.</p> <p>Noted.</p> | |
| 15 | <p>Department of Mines and Petroleum Mineral House 100 Plain Street East Perth WA 6004</p> <p>Submission 15 continued.</p> | 15a. 15b. | <p>It is commendable that the draft Local Planning Strategy includes a suitable section on geology (Section 6.1).</p> <p>We suggest that you add the following paragraph on dimension stone under "Section 6.15 Potential for Minerals and Section 6.15.1 General".</p> <p>"Four quarries within the Shire have produced three types of granite blocks for dimension stone. The Albany Green and Laguna Green varieties in particular have been used in well known sites such as the Australian War Memorial at Hyde Park Corner in London and Aurora Place in Sydney. These quarries, which are shown on the attached map are currently not operational, but may resume operations in the future".</p> <p>We request that the Shire maintains adequate separation</p> | <p>That the submission be upheld and that modifications to the Strategy be undertaken as a result of the submission.</p> | <p>Uphold - include new paragraph under S6.15 as per submission and Council's comments.</p> |

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| | | 15c. | <p>distances at the four dimension stone quarries from sensitive land uses such as residential or rural residential development as specified in the "Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses No. 3, June 2005" by the Environmental Protection Authority. For this type of activity, the guidance separation distance is 500m.</p> <p>Note: Geology and Mineral resources map attached to submission.</p> | | | |
| 16 | Department of Agriculture and Food WA (DAFWA) 444 Albany Highway Albany | 16a. | The Department welcomes the opportunity to be able to provide comments on the Shire of Jerramungup's Local Planning Strategy. If necessary, we would welcome an opportunity to discuss these comments further with the Shire of Jerramungup | That the submission be partially upheld and that modifications to the Strategy be undertaken as a result of the submission as follows: | | |

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| | Submission 16 continued | 16b. | Rural land necessitates sound planning to secure the future of agriculture within the Shire, given that agriculture is the major contributor to the economic, social and landscape diversity within the Shire of Jerramungup. | Noted. No changes to the strategy text recommended. | |
| | | 16c. | The Department of Agriculture and Food, WA (the Department) submits comments addressing agriculture, agricultural land use planning, climate and natural resource management relevant matters contained within the Draft Shire of Jerramungup Local Planning Strategy. | Noted. No changes to the strategy text recommended. | |
| | | 16d. | The Department commends the Shire of Jerramungup (via Grey Lewis) on compiling what appears to be a very comprehensive Resource and Environmental Inventory for the Jerramungup area to form the basis for the Draft Local Planning Strategy. | Noted. No changes to the strategy text recommended. | |
| | | 16e. | However, while the document contains extensive information, the 'strategic direction' is not easy to follow. The Department expresses a concern that the content is overwhelming with resource information that could be presented elsewhere (e.g. as an Appendix to the Strategy document). | Noted. No changes to the strategy text recommended. If writing a new Strategy, Gray & Lewis would generally divide the strategy into parts with the strategic information in Part 1, and the background information in Part 2. In this case the format of the strategy had been pre-determined and only amendments have been proposed (to the 2006 LPS). The | |

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| | Submission 16 continued | | | <p>Strategic section of the Strategy which divides the townships into different areas, and includes the 'strategies and actions', was based on a format agreed to by the WAPC for township expansion strategies. To minimise costs to the Shire, work on township expansion strategies developed in previous years has been included in the revised LPS.</p> <p>It should be noted that the mapping in the revised strategy is much clearer.</p> | | |
| | | 16f. | Further to this, the objectives listed appear fairly general in nature, and the procedure for assessing and determining land use in areas zoned Rural Residential and General Agriculture are not clear. For example the Strategy does not describe the site and development requirements for certain land uses. If this information is contained in a separate document then reference(s) should be included in the LPS. | Noted. No changes to the strategy text recommended. The Shires existing Local Planning Scheme has comprehensive controls for the Farming zone and Rural Residential zones. No changes to the existing scheme requirements are proposed by the Strategy. The Scheme is the statutory document which includes objectives for each zone, landuse permissibility and development requirements. | | |
| | | 16g. | Analytical basis of strategy. The Department acknowledges the relevant analysis of past economic and productivity trends for the Shire together with the | Noted. No changes to the strategy text recommended. The Shire only requires approval of the WAPC for the changes it has made to the 2006 Local Planning | | |

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| | Submission 16 continued | <p>identification of some drivers for the future – although there are concerns that the analysis hasn't clearly identified projected trends for future 'land use' needs, especially around the popular centre of Bremer Bay.</p> <p>16h. The Department's position is for Shires to investigate the demand for rural living and then plan these areas to be close to services and to avoid High Quality Agricultural Land, rather than to follow an ad-hoc approach. The approval of rural living needs to be supported by a clear demand and assessment that current supply of Rural Living lots does not meet current and future predicted demand.</p> <p>16i. Jerramungup - Water Supply. Section 6.16.1 (Private and Farm Water Supply) is not easy reading. It is assumed that the term 'salination' (second paragraph, fourth</p> | <p>Strategy. Most of this information has been carried over from the current 2006 Local Planning Strategy.</p> <p>Noted. No changes to the strategy text recommended. The Strategy is aimed to provide for long term growth and ensure that the Shire is in a position to capitalise on any population growth that may occur. For Bremer Bay it is particularly important to protect land for long term townsite expansion due to constraints.</p> <p>DAFWA's comments on demand are addressed as the Shire intends to develop a Local Planning Policy and monitoring schedule for rural residential lots that focuses on existing land supply, landowners ambitions and aspirations, demand, timing for land release, take up of lots etc. This is included in the actions for Bremer Bay.</p> <p>Noted. No changes to the strategy text recommended. Salination is the increase in the level of salt in topsoil which can be caused by irrigation and land clearing.</p> | | |

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| | Submission 16 continued | <p data-bbox="506 520 562 544">16m.</p> <p data-bbox="506 855 562 879">16n.</p> <p data-bbox="506 1134 562 1158">16o.</p> <p data-bbox="506 1230 562 1254">16p.</p> | <p data-bbox="600 363 1122 483">reference to the Department of Environment (second paragraph, Section 6.16.2) in this case should be the Dept. of Water.</p> <p data-bbox="600 520 1122 823">Comment was also made in this Section in regard to the use of 'freshwater lakes' between Jerramungup and Gairdner (and also closer to the coast along the Bremer sandplain) as a potential source of private and farm water. In most cases many of these lakes are brackish in condition and are at risk of becoming saline. These sources should not be relied upon to be a dry season water resource.</p> <p data-bbox="600 855 1122 1098">Groundwater (Section 6.1). Just a note in regard to the statement in last paragraph in this section addressing the acidity (pH) of groundwater in the Shire of Jerramungup. Regional hydrological studies in the area have observed that 'oxidised' groundwater in certain geological circumstances can be more acidic than the values reported.</p> <p data-bbox="600 1134 1122 1254">Some farming landscapes that have undertaken the installation of deep-drainage systems, have released saline groundwater with pH values <3.</p> <p data-bbox="600 1254 1122 1377">Climate trends (Section 6.2, etc). The Department acknowledges and welcomes the Shire's willingness to include data prepared by DAFWA (<i>and others</i>) to update</p> | <p data-bbox="1144 363 1648 427">DEC as appropriate and in accordance with submissions from both agencies.</p> <p data-bbox="1144 504 1648 568">Noted. No changes to the strategy text recommended.</p> <p data-bbox="1144 855 1648 919">Noted. No changes to the strategy text recommended.</p> <p data-bbox="1144 1142 1648 1206">Noted. No changes to the strategy text recommended.</p> <p data-bbox="1144 1286 1648 1350">Noted. No changes to the strategy text recommended.</p> | | |

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| | Submission 16 continued. | <p>16q. the climate information presented in the draft Local Planning Strategy. However, it's uncertain from the documentation what scenario planning or policies the Shire may be leading for potential land use change as a result of the region's changing and drying climate.</p> <p>Recent trends, for example (including evidence from the exceptionally dry season experienced in 2010) demonstrates a widespread and significant decline in surface water flow required for dam fill and livestock across the Jerramungup area. With the absence of Climate Change information in the Local Planning Strategy, the questions that arise for the Shire of Jerramungup include:</p> <ul style="list-style-type: none"> • What will be the impact of the Jerramungup Shire policies in terms of future surface water flow and landscape health? • What will the likely impact of the drying climate have on current profitable agricultural systems in the Shire? and • What will be the impact of the Shire's policies for carbon plantations in the shire and the groundwater recharge and surface water flow? <p>16r. Further to this, it is interesting to note that</p> | Noted. No changes to the strategy text recommended. | |

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| | Submission 16 continued | | <p>generated. The Department recommends that the Shire of Jerramungup adopts the same time period that we have used for our climate analyse for the area (noting, however, that the records for the area may be limited).</p> <p>16u. Section 6.2 (Climate and the Growing Season), the statement in paragraph six "...possibly for economic yields of Pinus Pinaster" needs tightening - either it is, or it is not economic! Also in the same paragraph, the text addressing viticulture suitability in the area should be amended to state that "Niche areas in the Bremer Bay landscape are suitable for wine grapes.." - the current sentence is misleading and suggests that the whole Bremer area is suitable for wine grapes, solely based on an equivalent climate to the Mount Barker area! <i>*An important note in addition when comparing geographic locations based on climate is that much of the Mount Barker wine grape growing area has, over the last 10 years, experienced frequent summer water deficit issues.</i></p> <p>16v. High Quality Agricultural Land. The Department supports the Shire's desire to assist with the identification and protection of the best productive available agricultural land in the Jerramungup area. There is currently no definition of High or Good</p> | <p>Noted. No changes to the strategy text recommended. As discussed in other submissions the original 2006 Strategy was drafted by another consultant and inherited by Gray & Lewis. Gray & Lewis has limited changes to the existing strategy text and in consultation with the Shire, concentrated on townsite expansion issues.</p> <p>Noted. No changes to the strategy text recommended.</p> | | |

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| | Submission 16 continued | 16w. | <p>Quality Agricultural Land in the State Planning Policy 2.5 that applies to planning instruments.</p> <p>The Department did undertake to develop some revised land capability mapping in an effort to better define high quality agricultural land based on a new methodology (e.g. incorporating potential high cereal yielding landscapes). The request to achieve this was initiated by the Shire of Jerramungup for the purpose of identifying good or high quality agricultural land in the "General Agriculture Zone" - to assist with locating planning precinct areas for new and emerging land uses, such as the developing interest in Carbon bio-sequestration plantations across the Jerramungup area.</p> | <p>Noted. No changes to the strategy text recommended. The Shire appreciates assistance by DAFWA and when mapping is refined the Shire will utilise that information to examine issues such as acceptable precincts for carbon sequestration landuses. In the future, there may be further opportunity to review the strategy as more detailed information becomes available.</p> | | |
| | | 16x. | <p>Similarly, the Department of Planning also initiated an activity in other areas to identify better quality agricultural land in the "General Agriculture Zone" (using a new methodology incorporating soil quality, soil water availability and lot size) where no previous style of similar land capability assessment mapping has been done. The new methodology is presently undergoing considerable revision before it can be applied to any of agricultural landscapes in the Great Southern Region.</p> | <p>Noted. No changes to the strategy text recommended.</p> | | |

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| | Submission 16 continued | <p>Biosphere concept for the Fitzgerald area, and while the review, with extensive stakeholder and community consultation is still progressing, it is recommended that the Shire of Jerramungup investigates options to incorporate relevant findings from the Fitzgerald Biosphere Reserve review into its Local Planning Strategy.</p> <p>16aa Strategic Planning Considerations – Buffers, etc. As indicated in the Draft LPS, buffer and /or separation distances are required between sensitive land uses including residential development and agricultural land uses. The Department’s position is that where a rural land is re-zoned for residential development then the area that is re-zoned needs to include buffer or separation distances to avoid potential conflicts with agricultural land uses. Further guidance on this issue is provided in the Environmental Protection Authority 2005 guidelines – “Separation distances between industrial and sensitive land uses”.</p> <p>16ab Approval of new land uses in General Agriculture zone. Of interest to the Department are the information sources, procedures and if relevant, local planning policies, that the Shire of Jerramungup is guided by in granting approval for the following land uses within land zoned as</p> | <p>Noted. No changes to the strategy text recommended. Interfaces between Rural Residential and Farming land would be examined as part of any scheme amendment and structure plan.</p> <p>Noted. No changes to the strategy text recommended.</p> <p>The Shires existing Local Planning Scheme deals with landuse permissibility</p> | | |

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| | Submission 16 continued | <p>16ac “General Agriculture”: eg. Agroforestry, Animal establishment, Animal husbandry Agriculture – intensive, Plantation, and Rural pursuit</p> <p>It is acknowledged that the Shire of Jerramungup recently adopted local planning policy on tree farming to enable tree cropping development to be supported and addressed in local planning.</p> <p>16ad Future land uses for proactive consideration in scheme amendments may include: Solar farms / wind farms; Constructed water harvesting facilities; Composting facilities; Further areas of rural-residential development; Biofuels production and processing; Tree planting for carbon sequestration or biomass production.</p> <p>16ae Potential for Minerals (Section 6.15). The use of the term “Base metals (of Broken Hill type)” may be unfamiliar to a general audience reading the Local Planning Strategy – this terminology, together with other uncommon terms and acronyms used through the document points to the need for a Glossary and list of Acromyms in an Appendix.</p> <p>16af It is also observed that this section has</p> | <p>and controls. No changes to the existing scheme requirements are proposed by the Strategy.</p> <p>Noted. No changes to the strategy text recommended.</p> <p>Noted. No changes to the strategy text recommended.</p> <p>The Strategy has been referred to Department of Minerals and Mines and they have examined these sections.</p> | | |

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|-----|----------------------------|--|------------------------|----------------------|------|
| | Submission 16 continued | <p>missed mentioning the Green Granite quarry reserve (on Marriingarup Road, Gairdner). Material from this granite quarry was excavated and transported to London to form part of the Australian War Memorial curved display wall. The granite has also been excavated for memorial stone and building facades.</p> <p>16ag Also – a low grade coal (lignite) resource exists in the Fitzgerald River National Park area (reference source unknown), and it's possible that some lunettes adjacent some of the larger salt lake playas in the Shire could be a potential source of agricultural lime or gypsic material.</p> <p>16ah Section 6.15.2 briefly discusses the Southdown - Grange Resources magnetite mine site with a comment made in reference to an increased workforce / population that could be attracted to the Jerramungup area, but no further comment is made in this section with reference to the planning needs or opportunities that this increased workforce would bring (i.e. increased pressure on infrastructure, etc) and no link is provided from this section to the other sections addressing planning matters in special areas such Bremer Bay.</p> <p>16ai Absent from Section 6.15 is also a brief comment on the recent exploration for gas</p> | | | |

**SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

| No. | Submitter Details | Summary of Submission | Council Recommendation | Recommended Response | WAPC |
|-----|----------------------------|--|---|----------------------|------|
| | Submission 16 continued | <p>reserve resources off the coast in the Bremer Basin area.</p> <p>16aj Carbon Farming. The Department acknowledges the recommendations proposed for Carbon Plantations addressed in Section 5.5 of the draft LPS. The Jerramungup Shire produces high cereal and canola yields and it would be a potential loss to the local and regional economy for high yielding land to be taken up by un-planned / poorly located carbon bio-sequestration plantations.</p> <p>16ak In August 2011, the Federal Parliament passed the Carbon Farming Initiative bill. This is new territory for agricultural and natural resource management programs and will potentially present a number of opportunities for local government to support initiatives to, for example, address degraded landscape areas. It is therefore recommended that the LPS sections addressing Carbon Plantations are carefully revised to also consider definitive land use planning options that might incorporate or support for Carbon Farming initiatives with in the Shire of Jerramungup.</p> <p>16al Potential information sources. The Department encourages local government to use relevant and appropriate information and methodologies in decision making</p> | <p>Noted. No changes to the strategy text recommended. This is dealt with by a separate Local Planning Policy. As discussed above, the Shire can review and modify policies more readily than if detailed provisions are incorporated into the Strategy.</p> <p>Noted. No changes to the strategy text recommended.</p> | | |

SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY

SCHEDULE OF SUBMISSIONS

| No. | Submitter Details | | Summary of Submission | Council Recommendation | Recommended Response WAPC |
|-----|----------------------------|------|---|---|------------------------------|
| | Submission 16 continued | 16am | <p>regarding land use to avoid potential land use conflicts, particularly those which could be at detriment to the productive capacity of agricultural land.</p> <p>The Department is working on revising the methodology to identify high quality agricultural land for irrigation and dry land agriculture. This information is important in protecting more versatile land from development that may jeopardise the productive capacity of that land.</p> | Noted. No changes to the strategy text recommended. | |
| | | 16an | <p>Other potentially valuable sources of information include the Natural Resource Management Shared Land Information Platform, (http://spatial.agric.wa.gov.au/slip/index.asp), which contains a large amount of spatial information regarding land and water related issues including land salinity, flooding risk, wind erosion risk etc; and the South Coast (online) Local Government Planning Support Tool (http://www.eksa.com.au/scnrm-planningtool), which provides locally relevant best practices for integrating natural resource management (NRM) with local government land use and development planning across the South Coast region of Western Australia.</p> | Noted. No changes to the strategy text recommended. | |

SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY

SCHEDULE OF SUBMISSIONS

| No. | Submitter Details | | Summary of Submission | Council Recommendation | Recommended Response | WAPC |
|-----|-------------------------|------|---|--|----------------------|------|
| | Submission 16 continued | 16ao | <p>Other Relevant Strategies. South Coast Natural Resource Management Inc. recently released an updated Regional Natural Resource Management strategy "Southern Prospects 2011-2016". This document includes discussion on climate change for the South Coast Region and other topics relevant to integrating land use planning with natural resource management.</p> | | | |
| | | 16ap | <p>Other comments to note.</p> <p>Please note that some of the figures / diagrams (with data sourced from or prepared by the Department of Agriculture and Food, WA) in the draft LPS may be annotated with the incorrect acronym or name for the organisation. The correct acronym for the Department of Agriculture and Food WA is "DAFWA". It is requested that annotations, tables and text be checked and corrected where the incorrect acronym may have been used.</p> | Upheld. References to Department of Agriculture have been replaced with DAFWA. | | |
| | | 16aq | <p>Section 6.4, sixth sentence - a suggestion that the wording is changed (see underlined text highlighting the changes) to read as follows: "Actions are being coordinated</p> | Upheld. It is recommended that DAFWA's suggested wording be used to replace the said paragraph which | | |

SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY

SCHEDULE OF SUBMISSIONS

| No. | Submitter Details | Summary of Submission | Council Recommendation | Recommended Response | WAPC |
|------------|----------------------------|---|--|-----------------------------|-------------|
| | Submission 16 continued | <p>through the Regional Catchment Council (South Coast NRM) and the Fitzgerald Biosphere Group to address salinity issues with relevant specialist advice to farmers and tree planting programs, where sufficient funding is available.”</p> <p>16ar (iii) Section 6.4 – Soil acidification. It is recommended that the text refers to recent publications from the Department of Agriculture and Food, which specifically addresses the assessed risk of soil acidification across in the Shire of Jerramungup (e.g. Gazey et al, 2007 – Soil pH in the northern and southern Wheatbelt of WA) and also (Hall, 2010 – Identifying subsoil constraints to crop production on the South Coast of WA); and also reference to the WA Soil Quality website (www.soilquality.org.au) which has several soil quality monitoring sites located in the Bremer / Gairdner area.</p> <p>16as (iv) Section 6.6 – Water Erosion. While it is true that surface sheet and rill erosion</p> | <p>currently states “Actions are being coordinated through local Landcare groups to address salinity issues, with advice to farmers and tree planting programs at this stage.”</p> <p>Noted. No changes to the strategy text recommended. It is desirable to limit the extent of referencing specific documents and bulletins as they can become out-dated through the life of a local planning strategy. All of these resources are sound however it is recommended that the generic section 6.5 on Soil Acidification is retained.</p> <p>Upheld. It is recommended that this additional information provided by</p> | | |

**SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

| No. | Submitter Details | | Summary of Submission | Council Recommendation | Recommended Response | WAPC |
|-----|----------------------------|------|--|--|----------------------|------|
| | Submission 16 continued | 16at | <p>commonly removes (non-wetting) surface sands during episodic / seasonal storm flooding events, the most significant cause of water erosion across the Jerramungup area is a result of the hyper-sodic clays dispersing (melting) during storm events, especially where there has been a progressive loss of topsoil through agriculture since clearing. The dispersing clays commonly form deep gullies. Sediment lost through water erosion often forms sediment or sand slugs in drainage tributaries causing problems with road engineering structures (culverts, etc) and also impacting invertebrate biodiversity in ephemeral rock pools and streams.</p> <p>Also in the last sentence of Section 6.6, it should include a comment about “reduced stubble burning together with monitoring soil health / soil condition.”</p> <p>Section 7.2.1 – recommendation to revise the first sentence (underlined text illustrating the change) to read as follows: “The main principles underlying this Strategy are to preserve high or good quality agricultural land, protect.....”</p> | <p>DAFWA be included in section 6.6 – Soil Erosion.</p> <p>There are concerns that if the Strategy refers to “high or good quality agricultural land’ it infers that more marginal quality agricultural land is not worthy of preservation. No changes to the strategy text recommended.</p> | | |

SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY

SCHEDULE OF SUBMISSIONS

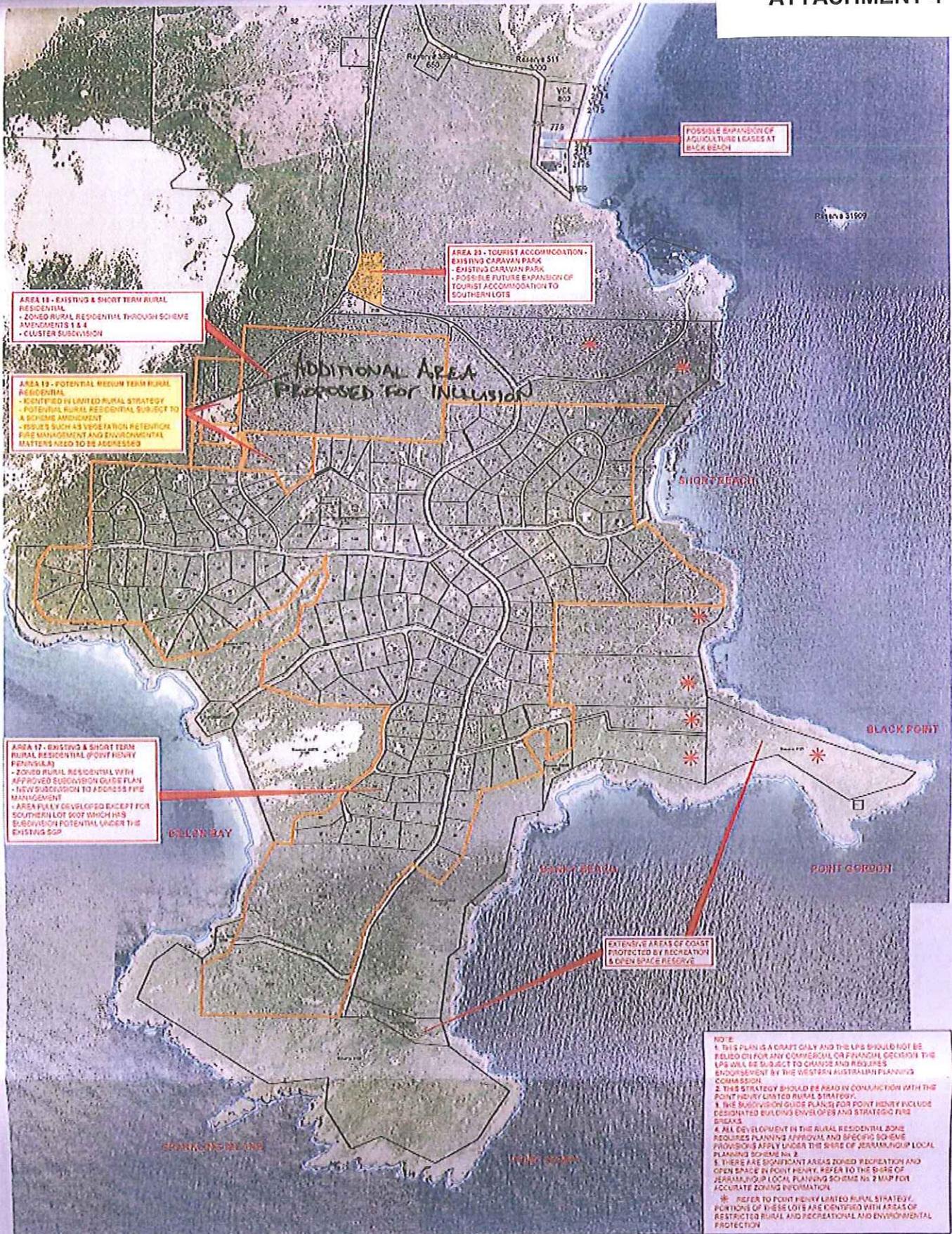
| No. | Submitter Details | | Summary of Submission | Council Recommendation | Recommended Response | WAPC |
|-----|-------------------------|------|---|--|----------------------|------|
| | Submission 16 continued | 16au | This section could also see the introduction of discussion on Strategies for developing potential planning precincts – for land uses such as intensive animal industries, carbon bio-sequestration plantations, etc. | This can be dealt with through Local Planning Policies. No changes to the strategy text recommended. | | |
| | | 16av | Section 7.2.2 – these areas (e.g. Dillon Bay and the lower Bremer sandplain, etc) could also possibly sustain small, niche intensive agricultural pursuits with the limitation being available water resources. | Suitability of the land for these uses is not known due to environmental factors. No changes to the strategy text recommended. | | |
| | | 16aw | Section 7.3 – reiterating the comment about suitable buffers and separation distances being established between rural land and other (developing or changing) land uses – with particular reference for the potential development and expansion of the Bremer townsite area against the rural land areas. | Already discussed above. | | |
| | | 16ax | (viii) Section 7.5 – Tourism: A cross reference to the comment made about the Fitzgerald Biosphere Reserve (point 7 above). The following comment noted from a <u>draft</u> report on the review of the Fitzgerald Biosphere Reserve area (Fry, 2011): <i>“Tourism has the potential to be a much larger industry in the Jerramungup area – with analysis suggesting that 56% of tourists intent to experience or visit a natural area and heritage and cultural</i> | Noted. No changes to the strategy text recommended. | | |

SHIRE OF JERRAMUNGUP LOCAL PLANNING STRATEGY

SCHEDULE OF SUBMISSIONS

| No. | Submitter Details | | Summary of Submission | Council Recommendation | Recommended Response | WAPC |
|------------|--------------------------|------|--|---|-----------------------------|-------------|
| | Submission 17 continued | 17g. | <p>The addition of a Rural Enterprise zone in this location will have the benefit of continuing to locate industrial activity in the same area whilst making its development more likely;</p> <ul style="list-style-type: none"> • It would provide another option to people wishing to pen or relocate an industrial activity to Bremer Bay; and • Area 13 is a rolling landscape with many intermittent water courses that will require setbacks and revegetation as part of any development scheme. <p>I have attached Scheme Provisions from another Scheme to more fully inform how a 'Rural Enterprise' zone may function and the concerns that will need addressing when developed.</p> | <p>Upheld. Gray & Lewis agrees with the concept to cater for a rural Enterprise zone.</p> <p>Noted.</p> | | |

| | | | | | | |
|----|---|--|---|--|---|--|
| 18 | Department of Environment and Conservation PO Box 1108 Albany WA 6331 | | Large submission recommending 140 minor text modifications. Full submission available separately for tabling if required. | Upheld in part - undertake various recommended minor modifications to LPS text and maps. | Uphold in part - support recommendations 53, 80, 81 and 96 made by DEC in addition to the recommendations supported by Council. | |
|----|---|--|---|--|---|--|



**LOCAL PLANNING STRATEGY
 POINT HENRY PENINSULA
 SHIRE OF JERRAMUNGUP**



**GRAY & LEWIS
 LAND USE PLANNERS**

Figure 20

Suite 5, 2 Hardy Street
 South Perth, WA 6151
 T (08) 9474 1722
 F (08) 9474 1172
 perth@graylewis.com.au

ITEM NO: 9.2

RECONSIDERATION OF CONDITION 2 TO SUBDIVISION APPROVAL ISSUED FOR LOT 26 RIVERVIEW PLACE, LOT 27 THE COOMBE, MOSMAN PARK

| | |
|---------------------------|--|
| WAPC OR COMMITTEE: | STATUTORY PLANNING COMMITTEE |
| REPORTING AGENCY: | Department of Planning |
| REPORTING OFFICER: | Senior Planner, Metropolitan Central |
| AUTHORISING OFFICER: | Director, Metropolitan Central |
| AGENDA PART: | G |
| FILE NO: | 144722 |
| DATE: | 25 June 2012 |
| ATTACHMENT(S): | 1. Subdivision Plan and WAPC Decision Letter 2. Zoning Plan |
| REGION SCHEME ZONING: | Urban |
| LOCAL GOVERNMENT: | Town of Mosman Park |
| LOCAL SCHEME ZONING: | Residential |
| LGA RECOMMENDATION(S): | N/A |
| REGION DESCRIPTOR: | Perth Metro Central |
| RECEIPT DATE: | 4 May 2012 |
| PROCESS DAYS: | 55 (as at 28 June 2012) |
| APPLICATION TYPE: | Subdivision - Reconsideration of Condition |
| CADASTRAL REFERENCE: | Lot 26 Riverview Place and Lot 27 The Coombe Mosman Park |

RECOMMENDATION:

That the Western Australian Planning Commission resolves to retain Condition 2 as written on the approval of a two-lot subdivision at Lot 26 Riverview Place and Lot 27 the Coombe Mosman Park (WAPC Reference 144722).

SUMMARY:

The applicant seeks reconsideration of Condition 2 imposed by the Statutory Planning Committee at their meeting of 20 April 2012.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning & Development Act 2005

Part 10 - Reconsiderations

Strategic Plan

Strategic Goal:

Strategic Goal 2: Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning priorities

Policy

Number and / or Name:

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

INTRODUCTION:

On 20 April 2012 the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC) granted conditional approval to subdivide Lot 26 Riverview Place (as amalgamated with part Lot 27 The Coombe, and now known as Lot 61) to create two lots for aged persons dwellings (**Attachment 1** - Subdivision Plan and WAPC Decision Letter).

On 7 May 2012 the WAPC received a request seeking reconsideration of Condition 2 (reconsideration request). The condition in question reads as follows:

2. *On site civil works including retaining walls and laying of slabs be undertaken on the proposed Lots X and Y, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010, prior to the approval of the Deposited Plan by the WAPC. (Local Government)*

GROUNDS FOR RECONSIDERATION:

The applicant is seeking:

- (i) the replacement of Condition 2 with an alternative condition proposed by them; and
- (ii) the imposition of an additional condition.

The proposed conditions and justification provided by the applicant is provided in the Planning Assessment section below, with an associated discussion.

CONSULTATION:

The condition identified for reconsideration was imposed by the WAPC and therefore the reconsideration request was not formally presented to the Town of Mosman Park.

However a verbal discussion and email correspondence with the Town of Mosman Park planning officer has indicated support for the retention of Condition 2.

COMMENTS:

The applicant requests that Condition 2 be amended to read:

'Development approval, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010, to be obtained prior to the approval of the Deposited Plan by the WAPC.' (Local Government)

The applicant suggests that in order to provide an additional layer of security that the subject site will only be developed for the intended purposes, the following additional condition is also proposed:

'A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the development of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to bind the owner, their heirs and successors in title to the requirement that the land be developed in accordance with a development approval which is consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010.' (Western Australian Planning Commission)

Essentially the applicant is requesting that Condition 2 be amended to require only development approval rather than part construction, and that an additional restrictive covenant be imposed, in addition to the one already proposed (by Condition 3) that advises of the requirement to develop the land in accordance with a development approval consistent with aged or dependent persons dwellings provisions of the Residential Design Codes. (Condition 3 relates to a restrictive covenant that binds the owner, heirs and successors in title to the requirement that at least one occupant is aged over 55, disabled or physically dependent.)

The applicant considers that the proposed amended Condition 2 requiring a Development Approval and the additional new condition above, would ensure the development of the subject site to provide dwellings that accommodate the needs of aged or dependent persons.

The applicant has provided the following justification to their request for reconsideration (in italics):

- (i) *The particular characteristics of the subject site, including the topography of the locality, dictate that an expensive design solution is required for the proposed dwellings. Given the nature of the site, the land and the proposed construction it demands, the undertaking of civil works will be a very costly exercise. The architect for the client has confirmed the undertaking of the necessary civil works for the two dwellings and the laying of slabs will cost in the vicinity of \$9.5m (including land costs). Excluding land costs (being the value of the land) the estimated costs to comply with Condition 2 are approximately \$1.5m. The owner has also estimated the holding costs of the land being held for 12-14 months while the works occur to be approximately \$80,000. This makes a total of \$10.3m (including land costs) or \$2.3m (excluding land costs).*

The condition recommended to the SPC at their meeting of 10 April 2012 was as follows:

'Dwellings being constructed to plate height on proposed Lots X and Y, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010, prior to the approval of the Deposited Plan by the WAPC.' (Local Government)

This condition was recommended on the basis that:

- The WAPC prefer to have a development approval in place prior to the determination of aged and dependent persons dwelling applications. As the applicant did not obtain development approval, fulfilment of the condition to construct to plate height would first require the applicant to obtain development approval from the local authority.
- The condition to construct to plate height is usually imposed by the WAPC on an application for subdivision that seeks to utilise the one third density bonus available for aged and dependent persons dwellings. This is to ensure construction of aged or dependent persons dwellings consistent with the appropriate development approval, so that there is certainty that the proposed subdivision is based on a bona fide case and that the land is developed for its intended purpose.

The SPC discussed this condition and amended it to be:

'On site civil works including retaining walls and laying of slabs be undertaken on proposed Lots X and Y, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010, prior to the approval of the Deposited Plan by the WAPC.' (Local Government)

The amended condition imposed by the SPC was made less onerous than the original 'plate height' condition, as it required the applicant to construct only civil works including retaining walls and laying of slabs prior to the issuing of the Deposited Plan.

The applicant makes the point that due to the particular characteristics of the subject site, the undertaking of civil works and laying of slabs will cost in the vicinity of \$9.5m, however this figure includes land costs. The estimated costs to comply with Condition 2 is \$1.5m.

- (ii) *The application would not have been presented to the SPC had development approval previously been sought from and granted by the Local Authority.*

As the subject application did not have development approval from the Local Authority, the decision was taken to present the application to the SPC.

- (iii) *The applicant contends that had development approval been in place prior to subdivision approval having been sought there would be no requirement to undertake any development on site in advance of the Deposited Plan being approved.*

It is WAPC practice to require a plate height condition when granting the aged or dependent persons dwelling (or single bedroom dwelling) density bonus to ensure that the proposed subdivision is based on a bona fide case and that the resultant development is consistent with the development approval.

- (iv) *The proposed condition is excessive and unnecessary.*

The purpose of the condition is to ensure that the reduction in site area permitted by approving the application is based on a bona fide case. The condition has already been reduced from requiring construction to plate height to site works and laying of slab, to take in to consideration the size and cost of the proposed dwellings.

- (v) *The proposed condition duplicates the effect of the Planning and Development Act 2005 in that development must occur in accordance with the subsequent development approval otherwise the applicant may be the subject of enforcement proceedings.*

If the condition only required the applicant to obtain development approval prior to the Deposited Plan being issued, the applicant could obtain this appropriate development approval for an aged or dependent persons dwelling and then once the lots are created as green title lots, a 'normal house' approval could be applied for, determined favourably and built. To avoid this situation, the subdivision approval is based on the requirement to part construct the aged or dependent persons dwellings. This has been confirmed by the Town's planning officer to be the case.

- (vi) *The proposed condition is unfair in that it causes unnecessary injury to the proponent by requiring substantial preliminary monetary expenditure in order to proceed with the development. The proposed condition is unreasonable and given the requirement to obtain development approval is overly restrictive. The condition negates any benefit of the subdivision approval because of the substantial, unattainable level of preliminary expenditure it requires. Condition 2 makes it impossible for the applicant to implement the proposed development.*

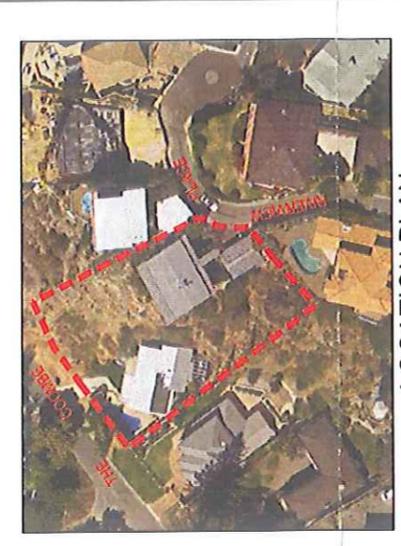
The costs associated with proposed subdivision and development are not taken into consideration when imposing planning conditions. This is a commercial consideration. If the planning condition was to be removed for this reason, it may create a precedent for other applications to also not have this condition imposed, and therefore lots could be created that are able to obtain a density bonus without the intended aged or dependent persons dwelling development being carried out. This would erode the planning system by inadvertently allowing subdivisions at increased densities than would otherwise be allowed.

The applicant should be required to part construct in accordance with an appropriate development approval. The SPC has previously considered this matter and given special consideration to this application, reducing the requirement from plate height to civil works and laying of slab, and given that no new information has been presented which would give cause to alter the position taken, it is recommended that the condition stand.

CONCLUSION:

Given the above discussion, it is recommended that Condition 2 should stand.

ALL BUILDINGS & STRUCTURES ON PROPOSED LOT A & LOT B TO BE REMOVED.
SUPPLIED WATER CORPORATION DATA IS OVERLAID AS BEST FIT.

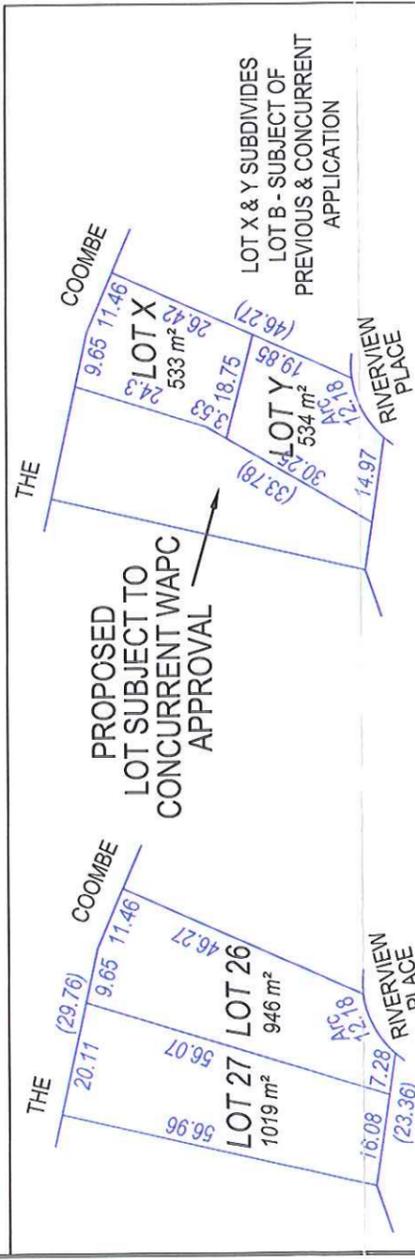


LOCATION PLAN
APPROXIMATE EXTENT OF SUBJECT SITE
2010 AERIAL PHOTOGRAPHY
NOT TO SCALE

ORIGINAL AREAS:
LOT 26 - 946 m²
LOT 27 - 1019 m²
NUMBER OF EXISTING LOTS - 1
NUMBER OF PROPOSED LOTS - 2

- LEGEND OF FEATURES**
- APPLICATION AREA
 - EXISTING BOUNDARY TO BE REMOVED
 - PROPOSED BOUNDARY
 - CONTOUR (INTERVAL 0.5m)
 - CENTRELINE OF ROAD
 - EDGE OF BITUMEN
 - RETAINING WALL
 - BUILDING &/OR STRUCTURE
 - ROOF / EAVE LINE
 - AWNING
 - VERANDAH
 - FOOTPATH
 - BOTTOM OF BANK
 - TOP OF BANK
 - BALCONY
 - STEPS/STAIRS
 - EDGE OF DRIVEWAY
 - KERB TOP/BOTTOM
 - SEWER (WATER CORP)
 - WATER (WATER CORP)

- TEMPORARY BENCH MARK
- PEG FOUND
- PEG PUT (22-9-08)
- NATURAL SURFACE LEVEL
- FLOOR LEVEL
- TELSTRA PIT
- POWER DOME
- WATER BORE
- WATER METER
- GAS VALVE
- SEWER IO
- SEWER MANHOLE
- TREE
- GATE



CURRENT LOT LAYOUT:
NOT TO SCALE

PROPOSED LOT LAYOUT:
THE SUBJECT OF THIS APPLICATION
NOT TO SCALE

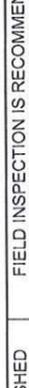
Brown McAllister Surveyors
Licensed Surveyors | Land Development & Strata Consultants | Engineering Surveyors
Email: admin@brownmcallister.com.au Tel: (08) 9386 9688
43 Broadway, Nedlands, Western Australia, 6009 Fax: (08) 9386 9677

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

Client **PETER BURNS**

SCALE (@ A3 SIZE)
1 : 300

All distances in metres unless stated otherwise



THE BOUNDARIES WERE NOT RE-ESTABLISHED AS PART OF THIS SURVEY THEREFORE THIS PLAN DOES NOT GUARANTEE THEIR ACCURACY EXISTING BOUNDARY DIMENSIONS AND LOT AREAS TAKEN FROM LANDGATE RECORD D22919 & D26140

| | | | |
|---|--|-------------|----------------------------|
| FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION | | SHEET A3 | |
| ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION | | SURVEYED | P.HILLE - 04/04/2011 |
| DATUM HORIZONTAL - ASSUMED VERTICAL - A.H.D. | | FIELD NOTES | Digital Data |
| COPYRIGHT OF ALL THIS PLAN IS RESERVED BY BROWN McALLISTER SURVEYORS AND REMAINS THE PROPERTY OF THE AFOREMENTIONED AND SHALL BE RETURNED UPON REQUEST. USE OF ALL OR PART OF THIS PLAN IS RESTRICTED WITHOUT PRIOR WRITTEN PERMISSION. | | DRAWN | M.J.MacDONALD - 13/04/2011 |
| | | CHECKED | |
| | | REFERENCE | 08153-4SK_rev1 |

Your Ref :
Enquiries : Catherine Beamish (Ph 6551 9424)

Planning Solutions
P O Box 8701
PERTH WA 6000

Approval Subject To Condition(s) Freehold (Green Title) Subdivision

Application No : 144722

Planning and Development Act 2005

| | | |
|---------------------|---|--|
| Applicant | : | Planning Solutions P O Box 8701 PERTH WA 6000 |
| Owner | : | Peter Joseph & Yvonne Burns 3 Chine Place MOSMAN PARK WA 6012, Alis Corporation Pty Ltd P O Box 59 BELMONT WA 6984 |
| Application Receipt | : | 11 August 2011 |

| | | |
|------------------|---|---|
| Lot Number | : | 26 & 27 |
| Diagram / Plan | : | Diagram 22919 & 26140 |
| Location | : | - |
| C/T Volume/Folio | : | 1250/165, 1244/534 |
| Street Address | : | Riverview Place & The Coombe, Mosman Park |
| Local Government | : | Town of Mosman Park |

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 11 August 2011 once the condition(s) set out have been fulfilled.

This decision is valid for three years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 20 April 2015 or this approval no longer will remain valid.

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITIONS

1. Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan. (Western Australian Planning Commission)
2. On site civil works including retaining walls and laying of slabs be undertaken on proposed Lots X and Y, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010, prior to the approval of the Deposited Plan by the WAPC. (Local Government)
3. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to bind the owner, their heirs and successors in title to the requirement that at least one occupant is disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person. (Western Australian Planning Commission)
4. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)
5. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)

6. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)

ADVICE:

1. In order to fulfil Condition 2, the applicant must first obtain development approval for the development of an aged or dependent persons' dwelling on each of the approved lot(s), in accordance with clause 6.11.2 of the Residential Design Codes 2010.
2. The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.
3. With regard to Conditions 4 and 5, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.
4. Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.
5. With regard to Condition 6, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.
6. If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.



Neil Thomson
Secretary
Western Australian Planning Commission
20 April 2012



Subdivision Application 144722 (MGA ref 384361mE 6457422mN Zone 50)

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

- | | | | |
|--|-----------------------------|--|-----------------|
| | WATERWAYS | | REFUSED |
| | PARKS & RECREATION | | OUTSTANDING |
| | CADASTRAL BOUNDARY | | APPROVED |
| | WESTNET ENERGY GAS PIPELINE | | CANCELLED |
| | BUSH FOREVER 2000 SITES | | REFUSED |
| | OUTSTANDING | | R CODE BOUNDARY |
| | APPROVED | | RESIDENTIAL |
| | CANCELLED | | |

134485S.eps

ITEM NO: 9.3

DEVELOPMENT: FARM SHED, CANOPY, HARDSTAND AND RETROSPECTIVE APPROVAL OF TRANSPORTABLE DWELLINGS – LOT 99 MIDDLE SWAN ROAD, WEST SWAN

| | |
|------------------------|---|
| WAPC OR COMMITTEE: | STATUTORY PLANNING COMMITTEE |
| REPORTING AGENCY: | Department of Planning |
| REPORTING OFFICER: | Planning Manager, Metropolitan Planning North East, Perth and Peel Planning |
| AUTHORISING OFFICER: | Director, North East , Perth and Peel Planning |
| AGENDA PART: | G |
| FILE NO: | 21-50378-1 |
| DATE: | 26 June 2012 |
| ATTACHMENT(S): | 1. Proposed Development Plans 2. Location Plan/Zoning Map 3. Aerial Photo |
| REGION SCHEME ZONING: | Rural |
| LOCAL GOVERNMENT: | City of Swan |
| LOCAL SCHEME ZONING: | Swan Valley Rural |
| LGA RECOMMENDATION(S): | Approval |
| REGION DESCRIPTOR: | West Swan |
| RECEIPT DATE: | 29 September 2011 |
| PROCESS DAYS: | 103 |
| APPLICATION TYPE: | Development |
| CADASTRAL REFERENCE: | Lot 99 Middle Swan Road, West Swan. |

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for the proposed development on Lot 99 Middle Swan Road, West Swan subject to the following conditions and advice:

CONDITIONS:

- 1. This approval relates specifically to the attached plans stamp dated by the Department of Planning 29 September 2011.***
- 2. Approval to the use of the transportable dwellings is valid for a period of two years from the date of this decision letter. After the expiry of the approval timeframe, the use is to cease and the dwellings are to be removed.***

-
3. ***The shed shall be constructed in the Colourbond Standard Range of Colours to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.***
 4. ***The sea containers on the subject property shall be placed within the shed or alternatively located behind the shed and so obscured from view from Middle Swan Road to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.***
 5. ***The current unsealed vehicle access point onto the site shall be provided with a crossover to the specifications of the City of Swan, and to the satisfaction of the Western Australian Planning Commission.***
 6. ***All stormwater produced on site shall be disposed on site or connected to the local government stormwater drainage system to the specifications of the City of Swan, and to the satisfaction of the Western Australian Planning Commission.***
 7. ***Earthworks over the site and batters being stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner specified by the City of Swan in the event that sand is blown or drifts from the site to the satisfaction of the Western Australian Planning Commission.***
 8. ***An approved effluent disposal system being installed to the specifications of the City of Swan, and to the satisfaction of the Western Australian Planning Commission.***
 9. ***Septic systems and associated leach drains shall have a horizontal separation of 100 metres from the Swan River and a 2 metre vertical separation from the highest known level of groundwater. If this separation distance cannot be met, an Aerobic Treatment Unit (ATU) shall be installed.***
 10. ***Aerobic Treatment Units and their associated irrigation area shall have a minimum 50 metre vertical separation from the Swan River and a minimum 2 metre vertical separation from highest known level of groundwater.***
 11. ***The irrigation area associated with any Aerobic Treatment Unit shall contain soils which have a phosphorus retention index (PRI) of 20 or more.***
 12. ***Sampling for soil phosphorous retention index (PRI) shall be carried out prior to installation. If the soil PRI is less than 20 then amended soil shall be installed at the proposed irrigation sire to a depth of one metre.***
 13. ***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 sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation before any 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.

ADVICE TO APPLICANT

- 1. Sampling for soil phosphorous retention index (PRI) should be conducted over the proposed irrigation area to a depth of one metre.**
- 2. The applicant is advised to refer to the Acid Sulfate Soils Guideline Series for guidance on the identification, assessment and management of acid sulfate soils in Western Australia. The Series is available from the Department of Environment and Conservation website at www.dec.wa.gov.au and includes the following guidelines:**
 - Draft Identification and Investigation of Acid Sulfate Soils (May 2006);**
 - Preparation of Acid Sulfate Soils Management Plan (April 2003);**
 - Guidance for Groundwater Management in Urban Areas on Acid Sulfate Soils (October 2004); and**
 - Treatment and Management of Disturbed Acid Sulfate Soils (October 2004).**
- 3. To provide adequate flood protection the minimum habitable floor level should be 0.5 metres above the relevant 100-year ARI flood level.**
- 4. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan River Trust Development Control Area, except with the approval of the Trust.**
- 5. The applicant is advised to contact the Department of Indigenous Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the Aboriginal Heritage Act 1972.**
- 6. The applicant is advised to liaise with the Swan River Trust in relation to Conditions 9-13 (inclusive).**
- 7. In relation to Condition 2, the use of the transportable dwelling is to be discontinued and development removed within two years of the date of this letter, unless otherwise approved by the Western Australian Planning Commission as part of a further development application.**

SUMMARY:

The application seeks approval for the construction of a farm shed and canopy, hardstand area and retrospective approval for transportable dwellings on the land on Lot 99 Middle Swan Road, West Swan within Area 'B' of the *Swan Valley Planning Act 1995*. The application is considered consistent with the objectives of the *Swan Valley Planning Act 1995* for Area 'B' and the objectives of the City of Swan Local Planning Scheme No.17 for the 'Swan Valley Rural' zone.

The application is referred to the Statutory Planning Committee for determination as it is recommended the application be approved without conditions recommended by the Swan Valley Planning Committee.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Swan Valley Planning Act 1995*
Metropolitan Region Scheme
Section: *Swan Valley Planning Act 1995 - Section 8*
Metropolitan Region Scheme Text - Part IV subclause 30A(2)a(ii)

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

Policy
Number and / or Name: -

INTRODUCTION:

The application seeks approval to construct a shed of 816m² in area (with dimensions of 24 metres x 34 metres and 6 metres in height) with an attached canopy of 340m² in area (with dimensions of 10 metres x 34 metres), a driveway and hardstand area. The primary purpose of the shed is to store agricultural equipment including vehicles and tractors. Retrospective approval is also sought for existing unapproved transportable dwellings on the land which are proposed to be located under the proposed canopy and stored within the shed.

In addition to the existing transportable dwellings, there are four sea containers existing on the land which are currently being used to store the landowners property. There are also currant vines located on the land (**Attachment 1** - Proposed Development Plans).

The subject land is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Swan Valley Rural' under the City of Swan Local Planning Scheme No.17 and is located within Area 'B' of the Swan Valley Planning Act 1995 (SVP Act) (**Attachment 2** - Local Zoning Scheme).

The application has been forwarded to the WAPC for determination pursuant to Clause 30A(2)a(ii) of the MRS because the development is on land which directly abuts waters within the Swan River Trust Development Control Area.

CONSULTATION:

The City of Swan support the proposal subject to conditions. The conditions are considered to be generally standard requirements, with the exception of a condition requiring the existing shipping containers on site to be shielded from Middle Swan Road, either by placing them within or behind the proposed shed.

The Swan Valley Planning Committee support the proposal subject to the proposed shed being no more than 400m² in area and for retrospective approval applying to only two of the transportable dwellings for a period of two years from the date of approval.

The Swan River Trust supports the proposal subject to conditions.

All other referral authorities raised n objections to the proposal.

PLANNING ASSESSMENT

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

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

- (a) promote the core area of the Swan Valley primarily as a horticultural, recreational, tourism and landscape resource;
- (b) provide for limited rural living within the Swan Valley, subject to locational, design and landscaping requirements to enhance the character and amenity of the valley and to ensure compatibility with productive rural activities;
- (c) recognise the occurrence of high quality horticultural soils and scarce plastic clays and to protect these resources from development which would jeopardise their current and future use;
- (d) ensure that the development and use of land accords with the planning objectives for Area B as specified in the Swan Valley Planning Act 1995.

The proposed shed is to be used for purposes related to horticultural activities, by way of storing agricultural equipment and is considered to be consistent with the rural nature of the Swan Valley. The proposal seeks to provide living arrangements for the owners of the land in a manner considered to be consistent with the rural amenity of the locality and does not seek to remove the currant vines growing on the land or sterilise a significant portion of the land for future agricultural pursuits. The application was considered by the SVPC to comply with the objectives for Area 'B' of the SVP Act. Accordingly, the application is considered to be consistent with the objectives of the City of Swan LPS No.17 for the 'Swan Valley Rural Zone'.

Swan Valley Planning Act 1995

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

1. The protection of viticulture.
2. The provision of water for viticulture and horticulture and the discouragement of other activities that have high water demands.

-
4. The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area.
 6. The compatibility of design, siting and landscaping with the character of the area.
 7. The discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area.

While the existing vines located on the land have been identified as currant vines, the application nonetheless does not seek to remove them. The application for a shed and residential purposes does not propose land uses which create a high water demand to the detriment of agricultural uses within the area.

The proposed land uses are consistent with the traditional agricultural uses associated with the Swan Valley and are considered compatible with the locality. It is noted that the proposed shed is of a significant size, however, an aerial view of the land provided by the applicant (**Attachment 3 – Aerial Photo**) shows it is not beyond the scale of existing development within the locality. Furthermore, the subject land is immediately adjacent to Bandyup Women's Prison which presents a far more significant and existing impact to the local amenity.

Middle Swan Road, which the subject land fronts onto, is a short localised road which runs parallel to and at a lesser elevation to Reid Highway and does not serve as a thoroughfare within the Swan Valley. A site visit revealed the subject land to also be partially screened by mature trees located along Middle Swan Road.

In view of the above points, limiting the proposed shed to an area of 400m², as recommended by the Swan Valley Planning Committee, is considered unnecessary. The location of the application area, when considering surrounding land uses and road network, effectively nullifies any potential incremental differences to amenity impact which might result from reducing the scale of the shed as suggested. The construction and siting of the proposed shed is considered unlikely to create a detrimental impact to the local amenity. It should be noted that the City of Swan has recommended conditions requiring the shipping containers located on the land be shielded from view by locating them either within or behind the shed. The transportable dwellings are also proposed to be shielded from public view.

The Swan Valley Planning Committee supported the retrospective approval of only two of the seven transportable dwellings, however, this was as a result of an error in the referral report which stated approval was sought for only two dwellings. The applicant intends to join three of the transportable dwellings to form a single dwelling which is to be located beneath the proposed shed canopy. The remaining transportable dwellings are proposed to be stored within the shed and no longer used for accommodation. Given the transportable dwellings are to continue to be used to accommodate the existing residents of the subject land and are to be shielded from public view, there is no reasonable justification to exclude any of transportable dwellings from approval.

The proposal is intended to allow the landowners to continue residing on the land and undertake 'hobby farm' activities. The applicant advises that the transportable dwellings are not intended to be a permanent arrangement. A permanent dwelling is

intended to be constructed at a later date. Accordingly, it is reasonable to impose a condition limiting the approval period applying to the use of the transportable dwellings to two years. Should an extension to the approval period be required at a later date, the applicant may submit another application.

The application is considered to be consistent with objectives for the Area 'B' of the SVP Act.

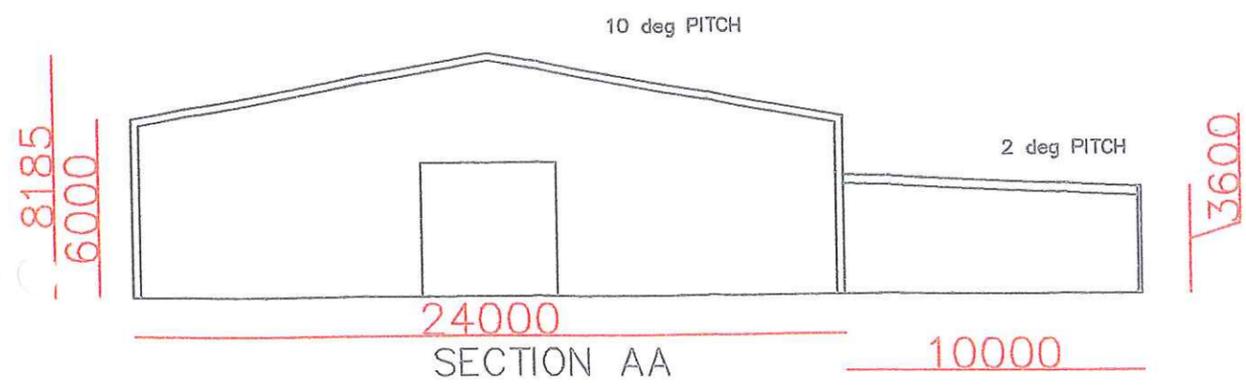
COMMENTS:

Nil.

CONCLUSION:

The proposal accords with the Commission's policies, the City of Swan Local Planning Scheme No.17 and the Swan Valley Planning Act 1995. Accordingly it is recommended the application be approved subject to conditions.

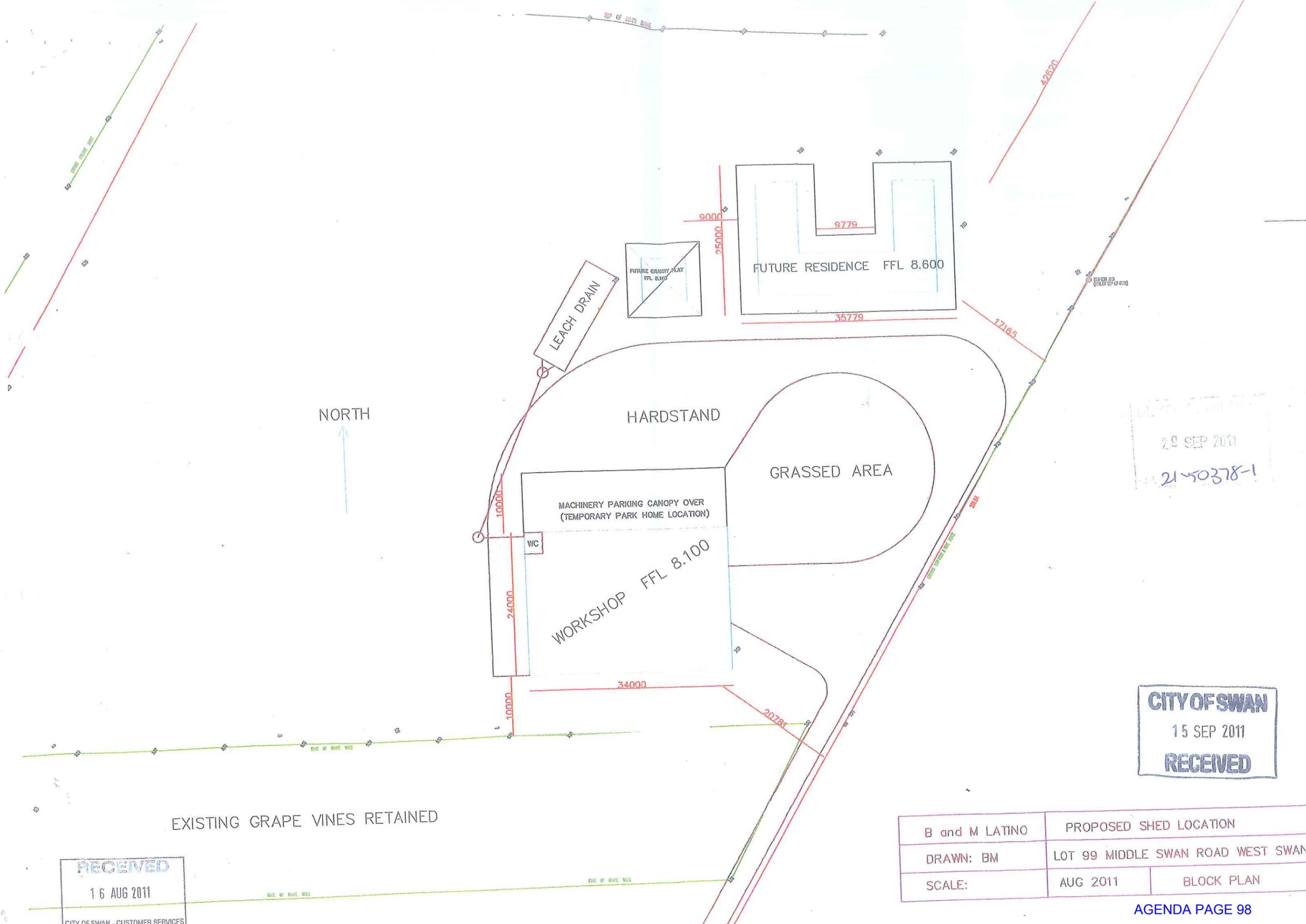
29 SEP 2011
21-50378-1



CITY OF SWAN
15 SEP 2011
RECEIVED

RECEIVED
16 AUG 2011
CITY OF SWAN - CUSTOMER SERVICES

| | | |
|----------------|-----------------------------------|-----------|
| B and M LATINO | PROPOSED SHED LOCATION | |
| DRAWN: BM | LOT 99 MIDDLE SWAN ROAD WEST SWAN | |
| SCALE: | AUG 2011 | ELEVATION |



NORTH

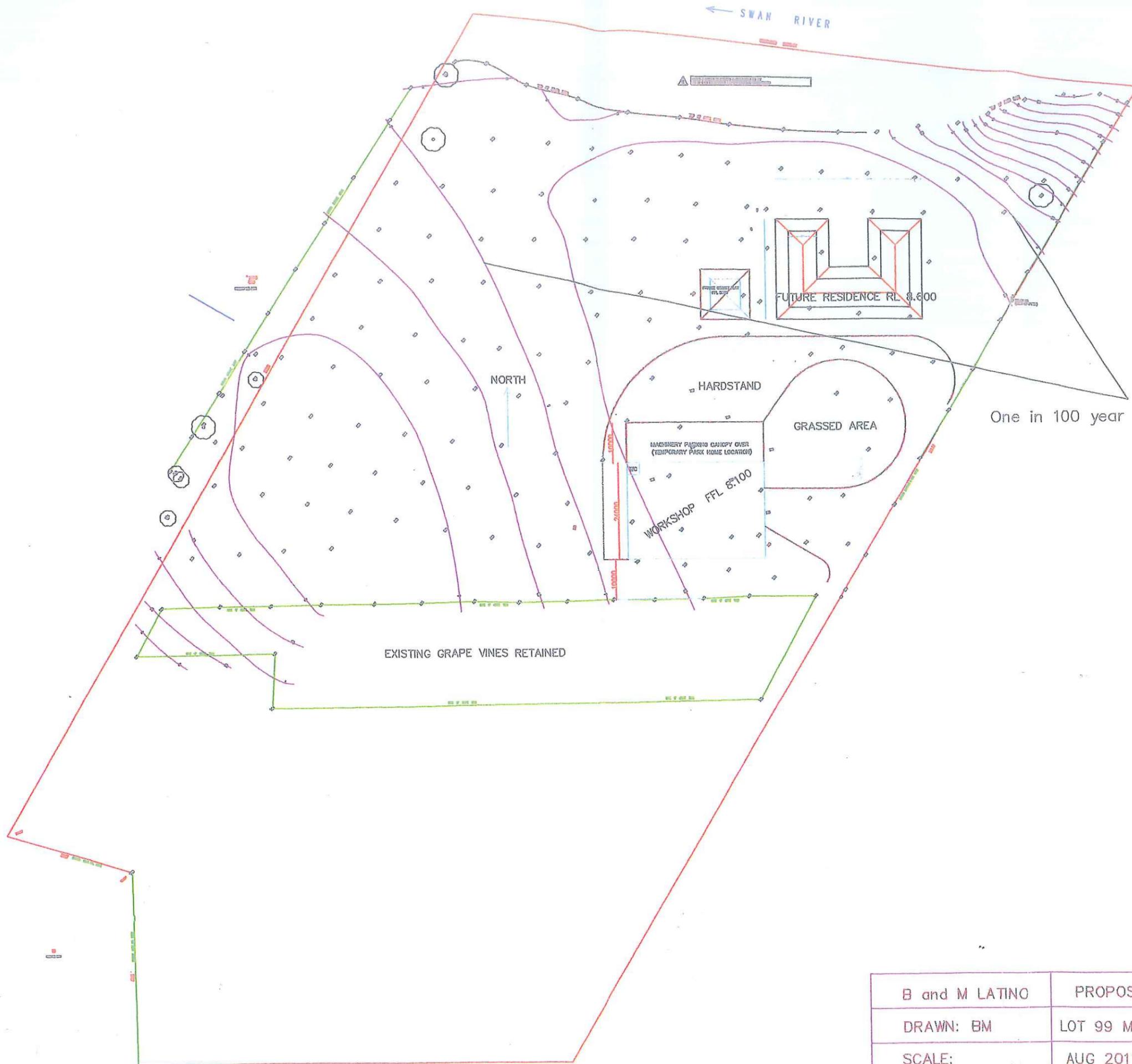
29 SEP 2011
21-50378-1

CITY OF SWAN
15 SEP 2011
RECEIVED

EXISTING GRAPE VINES RETAINED

RECEIVED
16 AUG 2011
CITY OF SWAN - CUSTOMER SERVICES

| | | |
|----------------|-----------------------------------|------------|
| B and M LATINO | PROPOSED SHED LOCATION | |
| DRAWN: BM | LOT 99 MIDDLE SWAN ROAD WEST SWAN | |
| SCALE: | AUG 2011 | BLOCK PLAN |



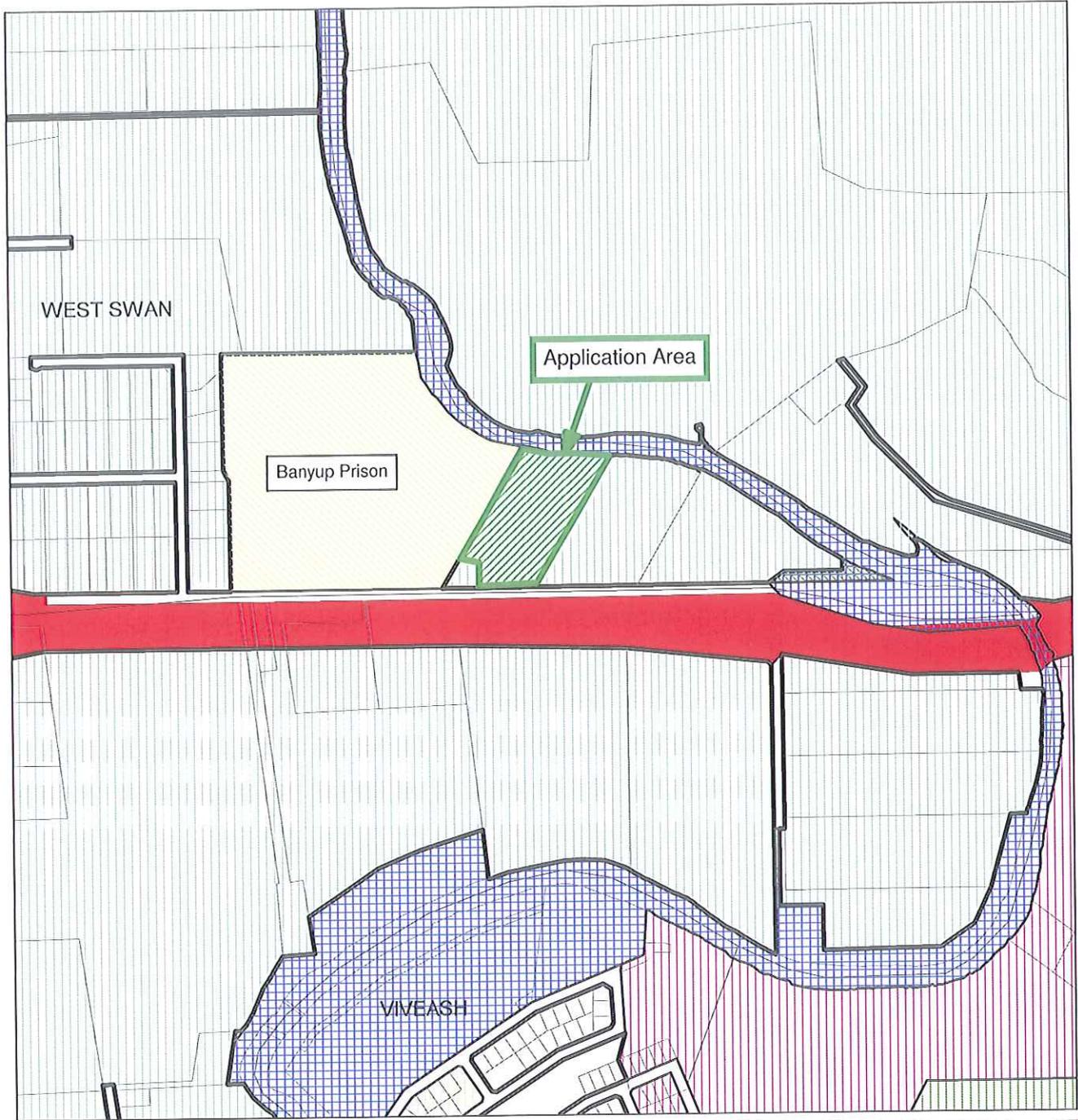
DEPT. OF...
29 SEP 2011
21-50378-1

One in 100 year HIGH WATER MARK

CITY OF SWAN
15 SEP 2011
RECEIVED

RECEIVED
16 AUG 2011
CITY OF SWAN - CUSTOMER SERVICES

| | | |
|----------------|-----------------------------------|------------|
| B and M LATINO | PROPOSED SHED LOCATION | |
| DRAWN: BM | LOT 99 MIDDLE SWAN ROAD WEST SWAN | |
| SCALE: | AUG 2011 | BLOCK PLAN |



| | | | |
|--|------------------------------|--|----------------------------------|
| | Suburbs | | RECREATION |
| | Cadastre | | SWAN VALLEY RURAL |
| | RESIDENTIAL | | PUBLIC PURPOSES (P) - PRISON |
| | RESIDENTIAL DEVELOPMENT | | LOCAL ROAD |
| | PRIVATE CLUBS & INSTITUTIONS | | Swan River Trust Management Area |
| | GENERAL INDUSTRIAL | | PRIMARY REGIONAL ROADS |

Scale 1:10,940
 0 250 m

Prepared by: mpiggott
 Prepared for: SPC
 Date: Tuesday, June 26, 2012 11:18
 Plot identifier: P20120626_1118

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

Lot 99 Middle Swan Road, West Swan
 Local Planning Scheme

ITEM NO: 9.4

PROPOSED SUBDIVISION TO CREATE 28 LOTS FOR SINGLE RESIDENTIAL, GROUPED DWELLING AND MULTIPLE DWELLING PURPOSE. LOT 1354 KNUTSFORD STREET, FREMANTLE

| | |
|---------------------------|---|
| WAPC OR COMMITTEE: | STATUTORY PLANNING COMMITTEE |
| REPORTING AGENCY: | Department of Planning |
| REPORTING OFFICER: | Planning Officer, Metropolitan Central, Perth and Peel |
| AUTHORISING OFFICER: | Director, Metropolitan Central, Perth and Peel |
| AGENDA PART: | G |
| FILE NO: | 145830 |
| DATE: | 26 June 2012 |
| ATTACHMENTS: | Attachment 1 - Subdivision Plan Attachment 2 - Aerial photo Attachment 3 - Location and Zoning Map Attachment 4 - Density Code Overlay Attachment 5 - Indicative Building Plans |
| REGION SCHEME ZONING: | Urban |
| LOCAL GOVERNMENT: | City of Fremantle |
| LOCAL SCHEME ZONING: | Residential R35 and R60 |
| LGA RECOMMENDATION(S): | Conditional Approval |
| REGION DESCRIPTOR: | Perth Metro Central |
| RECEIPT DATE: | 26 March 2012 |
| PROCESS DAYS: | 92 |
| APPLICATION TYPE: | Subdivision |
| CADASTRAL REFERENCE: | Lot 1354 (No. 20) Knutsford Street, Fremantle |

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 1354 (No. 20) Knutsford Street, Fremantle, subject to the following conditions:

Local Government

- 1. The land being filled and/or drained. (Local Government)***
- 2. The land being graded and stabilised. (Local Government)***
- 3. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development at the completion of subdivision works. (Local Government)***

-
4. ***Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road or laneway(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)***
 5. ***Satisfactory arrangements being made with the local government for the upgrading and construction of portions of Blinco, Chalmers, Amherst and Knutsford Streets adjoining the subject land. The works required include street lighting, kerbing, traffic control devices, pavement reconstruction, drainage facilities to accommodate runoff from the proposed new road and laneways. (Local Government)***
 6. ***A dual use path shall be provided along Amherst Street road reserve to the specification of the City of Fremantle. (Local Government)***
 7. ***Footpaths shall be provided along Blinco, Chalmers and Knutsford Street road reserves adjoining the subject land and a single footpath being provided along one side of the future internal road (between Blinco and Knutsford Streets) being constructed at the subdivider's cost to the specifications of the City of Fremantle. The subdivider shall demonstrate that sight lines at truncations will not be compromised for the safety of pedestrians and road users. (Local Government)***
 8. ***The applicant/owner preparing and implementing Landscaping Plans for road reserves including proposed trees, verge treatments and reticulation to the specifications of the City of Fremantle. (Local Government)***
 9. ***An area of land at least 1647.2 square metres in area, in a position to be agreed with the WAPC, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Western Australian Planning Commission)***

Water Servicing

10. ***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)***
11. ***Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)***

Electricity Servicing

12. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of underground electricity supply service to the lots shown on the approved plan of subdivision. (Western Power)***
13. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of suitable easements under the Energy Operators (Powers) Act 1979 for existing and/or future transmission (33,000 Volt or greater) electricity network infrastructure. (Western Power)***
14. ***The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)***

ADVICE:

1. ***The City of Fremantle advises that effective measures should be taken to stabilise sand and ensure no sand escapes from the property by wind or water in accordance with the City of Fremantle Prevention and Abatement of Sand Drift Local Law.***
2. ***With regard to Condition 9, provisions of Section 153 of the Planning and Development Act 2005 provide that arrangements can be made, subject to further approval of the WAPC, for a cash-in-lieu contribution by the applicant/owner to the local government.***
3. ***With regard to Conditions 10 and 11, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.***
4. ***Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.***
5. ***With regard to Condition 12, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.***
6. ***The purpose of Condition 13 is to ensure that any existing or proposed development does not interfere with any existing and/or proposed Western Power assets. The applicant is advised to contact Western Power for further information and advice regarding easement requirements. All costs associated with the registration of easements are to be borne by the applicant.***

-
7. ***With regard to Condition 14, the specific location and area of land required is to be to the satisfaction of the WAPC on the advice of the local government and Western Power.***
 8. ***The Department of Environment and Conservation advises that any future development will be required to adhere to the restrictions on groundwater use, given the site has been classified as a remediated site for restricted use.***
 9. ***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.***

SUMMARY:

- The proposal seeks approval for subdivision to create 28 lots ranging in size from 260m² to 1838m² for residential purposes;
- Council supports the proposal subject to the imposition of appropriate conditions related to road construction, landscaping, provision of street furniture and drainage;
- Road and subdivision design is not consistent with WAPC policy, however there is merit in supporting this proposal given that the developer will be undertaking residential built form as well;
- Main issues for consideration in this report are:
 1. Whether underwidth 4.5 metre wide laneways can be supported in lieu of the normal 6.0m wide laneways as required in Commission Liveable Neighbourhoods (LN) Policy and Development Control (DC) Policy 2.6 - *Residential Road Planning*;
 2. Whether there is a case for not imposing a public open space requirement.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
 Number and / or Name: Liveable Neighbourhoods
 Development Control Policy 2.2
 Development Control Policy 2.3
 Development Control Policy 2.6

INTRODUCTION:

The application proposes the subdivision of Lot 1354 (No. 20) Knutsford Street, Fremantle, to create 28 lots ranging in size from 260m² to 1838m² for residential purposes (**Attachment 1** – Subdivision Plan). The subject land, 1.6472ha, is vacant (**Attachment 2** – Aerial photo).

The applicant is a joint venture consortium comprising of Land Corp, FJM Property, Georgiou Capital and Mainpart holdings. The consortium has entered into a legal agreement to guide the development of the overall site until all dwellings have been constructed and ready to be sold. As part of the agreement, and amongst other matters, the consortium will:

- Fully develop all infrastructure and buildings (comprising single house, grouped dwelling and multiple dwelling development) ;
- Subsidise the sale of 10% of dwellings to be built as affordable housing;
- Ensure that a series of environmental commitments are met relating to energy efficiency, smart wiring, water conservation and reuse.

The subject land is zoned 'Urban' in the Metropolitan Region Scheme and 'Residential' with density codings of R35 and R60 under the City of Fremantle Local Planning Scheme No, 4 (**Attachment 3** – Location and Zoning Map).

BACKGROUND:

The Western Australian Planning Commission (WAPC) has approved three other subdivision applications on the subject land, including:

- A 38 lot subdivision with lot ranges of 254m² to 706m², approved in 2005 (WAPC REF: 128893)
- A 26 lot subdivision with lot ranges of 356m² to 1927m², approved in 2007 (WAPC REF: 134114)
- A 24 lot subdivision with lot ranges of 354m² to 1919m², approved in 2010 (WAPC REF: 141877)

CONSULTATION:

City of Fremantle

The City of Fremantle has considered the proposal and has provided conditional approval on the basis of standard conditions relating to road and street furniture construction, inclusive of verge landscaping and public open space provision.

Servicing Agencies

The Water Corporation and Western Power raise no objection to the proposal, subject to the imposition of standard servicing conditions. The Fire and Emergency Services of Western Australia has advised the proposal meets the intent of all the performance criteria contained within the WAPC and FESA publication, *'Planning for Bush Fire Protection Guidelines'* and therefore proposes no conditions.

Department of Environment and Conservation (DEC)

The DEC has identified the subject land as being remediated for 'restricted use' and has no objection to the proposal subject to the development adhering to restrictions on ground water use and the continuation of the memorial on title.

All recommended conditions required by referral agencies have been assessed and found fair, reasonable and relevant, and have been recommended for inclusion.

COMMENTS:

Residential Design Codes

The proposed lots comply with the recommended sizes prescribed in the Residential Design Codes. The R35 coding requires a minimum of 235m² and an average of 260m². The R60 coding requires a minimum of 160m² and an average of 180m².

Of the 22 single residential lots, 20 are coded R35 (between 260m² - 435m²). Three of the R60 lots (Lots 108, 111 and 124, between 206 – 262m²) have been designed as single house lots, and may not meet the maximum development potential of the coding that applies on the land (**Attachment 4** – Density Code Overlay). This has been brought to the consortium's attention and a revised plan is likely to be produced at a future date to maximise the overall dwelling yield. The proposal also provides a grouped/multiple dwelling lot (Lot 128, 1178m²) at the R35 coding. The balance 5 lots (Lots 109, 110, 125, 126 and 127, between 859 - 1839m²) are coded R60 and intended for grouped and/or multiple dwelling development.

Thus, the proposed subdivision configuration will allow for a variety of housing options at different densities over this infill site, and is supported, albeit the slight discrepancy between lot boundaries and density coding.

Road Network

The site is bound by Blinco Street (20 metre frontage) to the north, Amherst Street (30 metre frontage) to the east, Knutsford Street (30 metre frontage) to the south and Chalmers Street (20 metre frontage) to the west. A 15 metre wide north-south access road is proposed to be created in the centre of the site, providing access between Blinco and Knutsford Streets. The laneways run parallel to the central access road.

Policy Context

The overall layout of the internal road network proposed by the application is generally considered to be consistent with LN Policy and DC Policy 2.6. The proposal identifies two laneways with a width of 4.5 metres, which is inconsistent with these policies that advocate a minimum of 6.0 metres.

Design Principles of Proposal:

The applicant proposes a specific design methodology that has necessitated the reduction in the standard laneway width from 6.0 metres to 4.5 metres and justifies the departure as follows:

-
- Subdivision has been designed to better reflect the traditional Fremantle city centre pattern, introducing 'laneway' access to all lots.
 - The intention of introducing a laneway component is to improve the surrounding existing streetscape appearance by excluding car parking structures along the main streets and limiting these to the laneways.
 - This in turn would provide for more landscaping opportunities both within the front courtyards of the proposed development and the surrounding street verges
 - The reduction of crossovers along the main street frontage will enable the built form of each lot to be topographically sensitive, as opposed to being dictated by crossover levels which are ultimately determined by the surrounding verge and road geography.
 - The laneways will ensure better streetscape amenity and activation and will contribute to passive surveillance.
 - A preliminary detailed area plan for the first stage of development on the north east corner of the site (refer **Attachment 5** – Indicative Built Form) has been informally supported by the City of Fremantle's Design Advisory Committee at its meeting of 25 June 2012.
 - The laneways are intended to have one-way movement with all parking structures to achieve a 1.5 metre setback from their rear boundaries to ensure adequate turning areas
 - The indicative building plan demonstrates that development will address and interface with the laneways.
 - Rubbish collection and postal services will be provided off the surrounding streets and access roads.
 - The laneways are a characteristic feature of Fremantle and wider than some laneways closer to the central business district of Fremantle.

In addition to the applicant justification above, the City of Fremantle is supportive of both the subdivision configuration and the preliminary plans for the development of the north east corner of the site. The Council has also indicated that neighbouring laneways in the vicinity of the proposal are generally 4.9 metres in width.

The applicant justification is consistent with the intent of Element 2 of LN (movement networks) which prescribes that:

"The design layout and detailing of laneways and the strategic siting of buildings to overlook these laneways is an important consideration and is critical for community safety ..."

In terms of precedent setting, the Commission's attention is drawn to a previous resolution to vary laneway widths to a 5.0 metre width in consideration of an amendment to the Butler Ridgewood Agreed Local Structure Plan at its meeting of 2 March 2010. This allowed for a 1 metre setback for residential lots abutting a 5 metre wide lane. Consequently, whilst this application proposes 4.5 metre wide laneways, by virtue of the proposed 1.5 metre setback from car parking structures will enable a 6.0 metre wide turning circle and the ability for vehicles to enter the laneway and exit in forward gear.

This subdivision configuration is supported on the basis that the development of the site will be if a high standard that will incorporate design elements (such as front and

rear courtyards and habitable room windows over the laneways to allow for passive surveillance) and superior finishes (landscaping, inclusive of the introduction of semi-mature trees, pergola elements, and visually permeable garage gates to laneways as opposed to doors) to all frontages as demonstrated in the indicative built form (**Attachment 5**).

As the consortium is legally bound to complete development of the site there is a high degree of certainty that the final development of the site will not produce any negative development issues where such lots are individually sold and independently developed.

Public Open Space (POS) Contribution

Legislative Requirements and WAPC Policy Requirements

Consistent with the operation of Section 153 of the Planning and Development (PD) Act 2005 and Clause 3.1.1 of WAPC Policy Development Control (DC) Policy 2.3 - *Public Open Space in Residential Areas*, a POS condition with cash-in-lieu advice is recommended for the subject proposal, given there is no on-site POS provision. The Council has also recommended the imposition of a POS condition also.

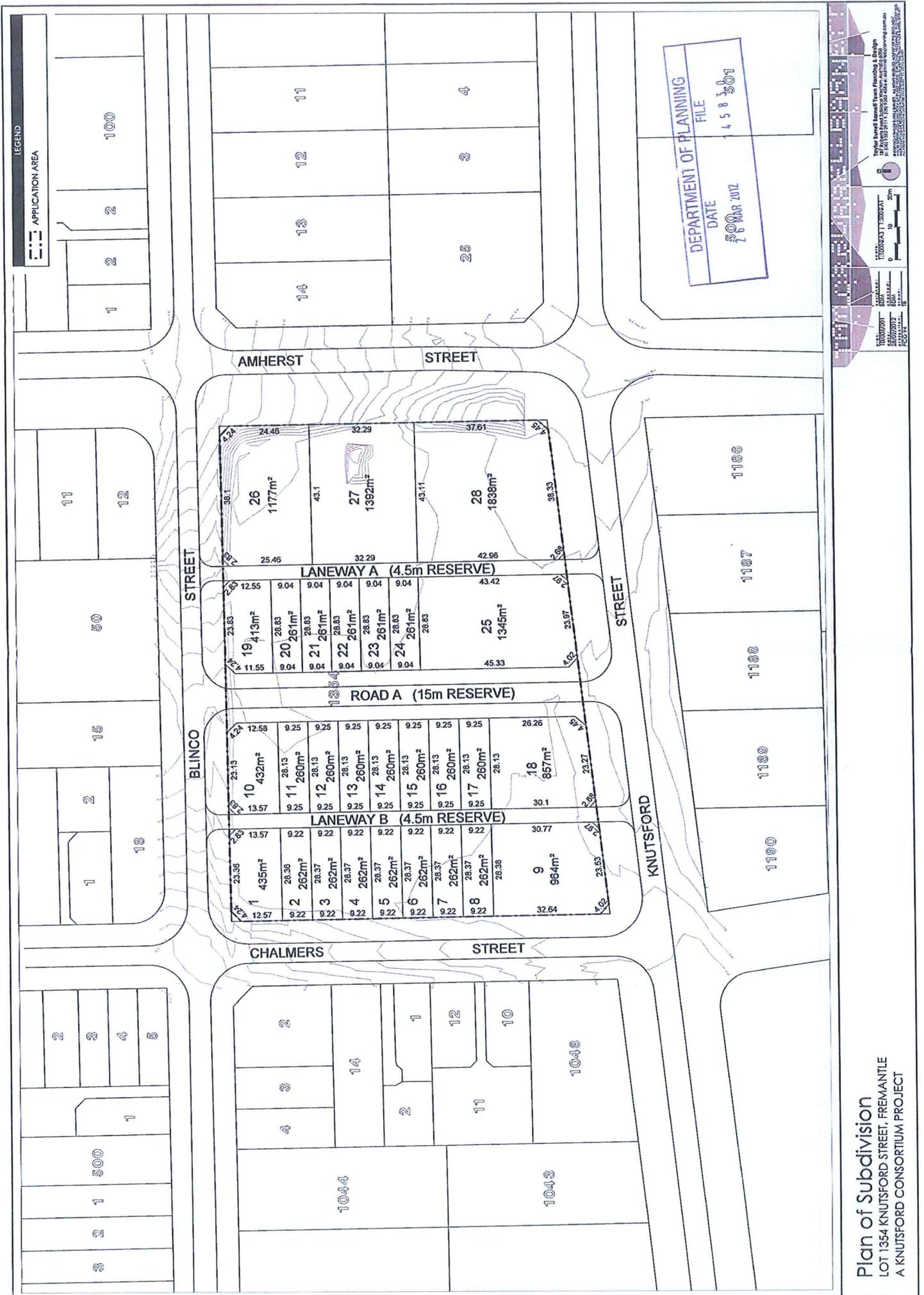
Applicant Request

The applicant has indicated that the subject land should be included in the gross subdivisible area for a nearby structure plan area (formerly known as the 'Swanbourne Street Structure Plan') to the east and the south of the subject site which provides for a minimum 10% POS provision. Previous applicants have also contended this position in past applications.

Notwithstanding the applicant's contention, consistent with the Commission's previous approach for the three previous applications approved for the site, a POS condition is recommended to be imposed.

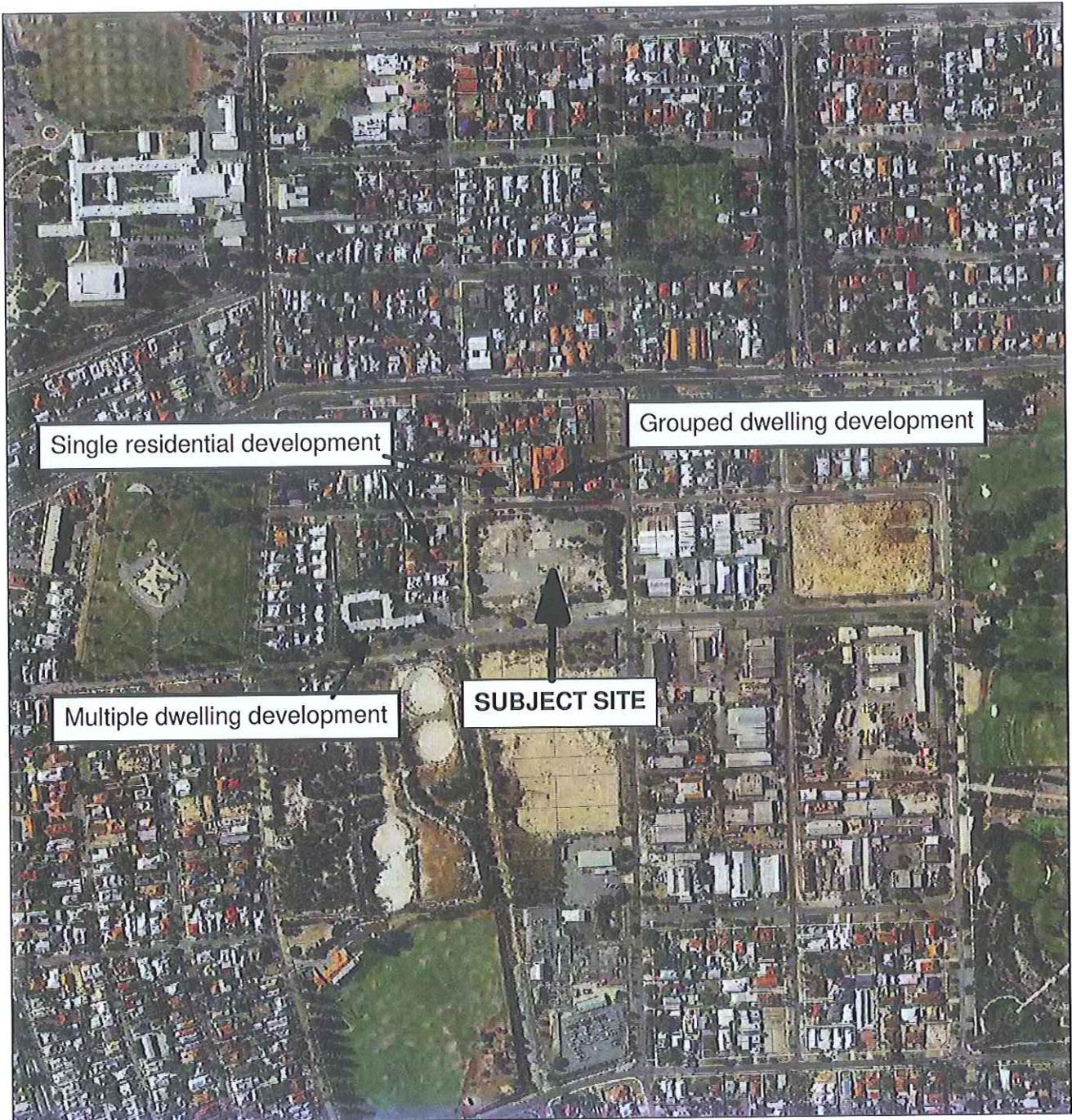
CONCLUSION:

The general lot configuration is conducive to development and the proposed lots can be serviced. Conditional approval is recommended.



Plan of Subdivision
LOT 1354 KNUTSFORD STREET, FREMANTLE
A KNUTSFORD CONSORTIUM PROJECT

Aerial photo



Cadastre with Lot Numbers
2011 Metro Peel Aerial Photography

Prepared by: vcoleman
Prepared for: 145830
Date: Wednesday, June 27, 2012 13:00
Plot identifier: P20120627_1259

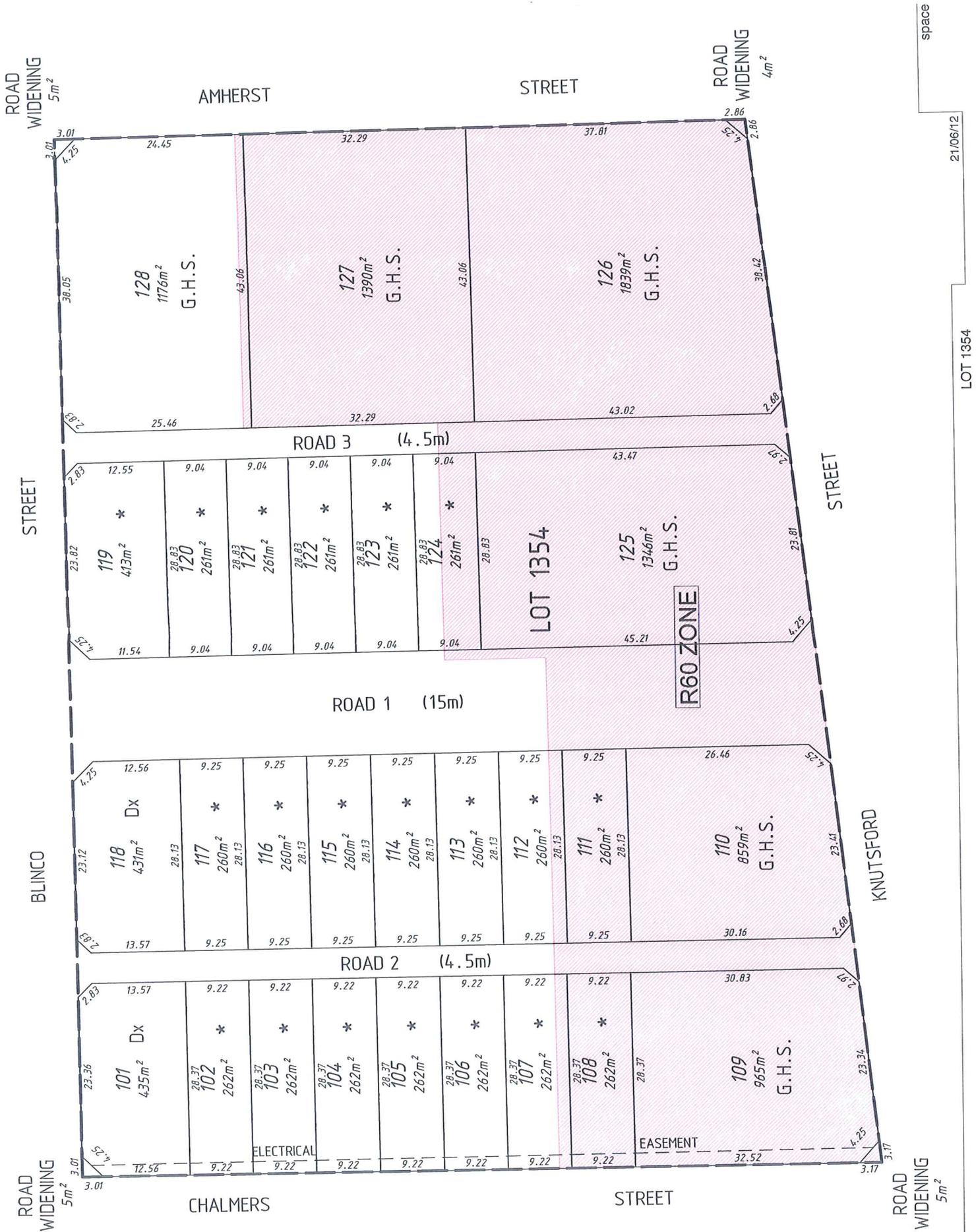
DP INTERNAL USE ONLY



Government of Western Australia
Department of Planning

Proposed 28 Lot Subdivision
Lot 1354 Knutsford Street
Fremantle

Density Code Overlay



21/06/12
LOT 1354

Lane Way Diagrams

WHY?



- New lane ways to better reflect the Fremantle urban pattern adding amenity to the overall urban design.
- Enhancing the existing urban quality of LOT 1354 and ultimately the next evolution of Fremantle.
- Introducing a second order street that encourages the crossover of the public / private realm with engaging built form and parking transitional form.
- To honour and extend and reinforce the sense of place that is Fremantle.



HOW?

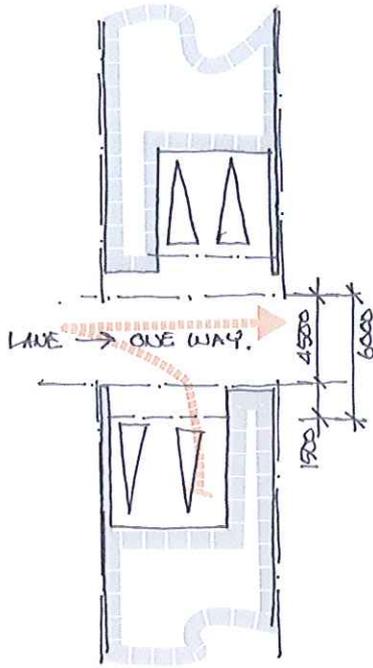


Undesirable standard policy outcome



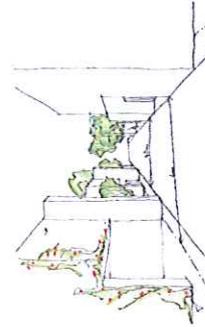
Desirable deviation from standard policy to enhance urban quality

- Minimised lane way width of 4.5m and parking setback of 1.5m provides a 6m clear manoeuvring circle.
- Flexible parking arrangements create varying spatial qualities along the rear of the lots. e.g. Courtyard parking instead of a dedicated garage space
- Varying building setbacks to encourage lane engagement and the sense of it as a public / private realm.
- Significant episodic deciduous planting in semi public private space to punctuate lane way
- Varying car parking typologies enhance the lanes full potential as an urban space.

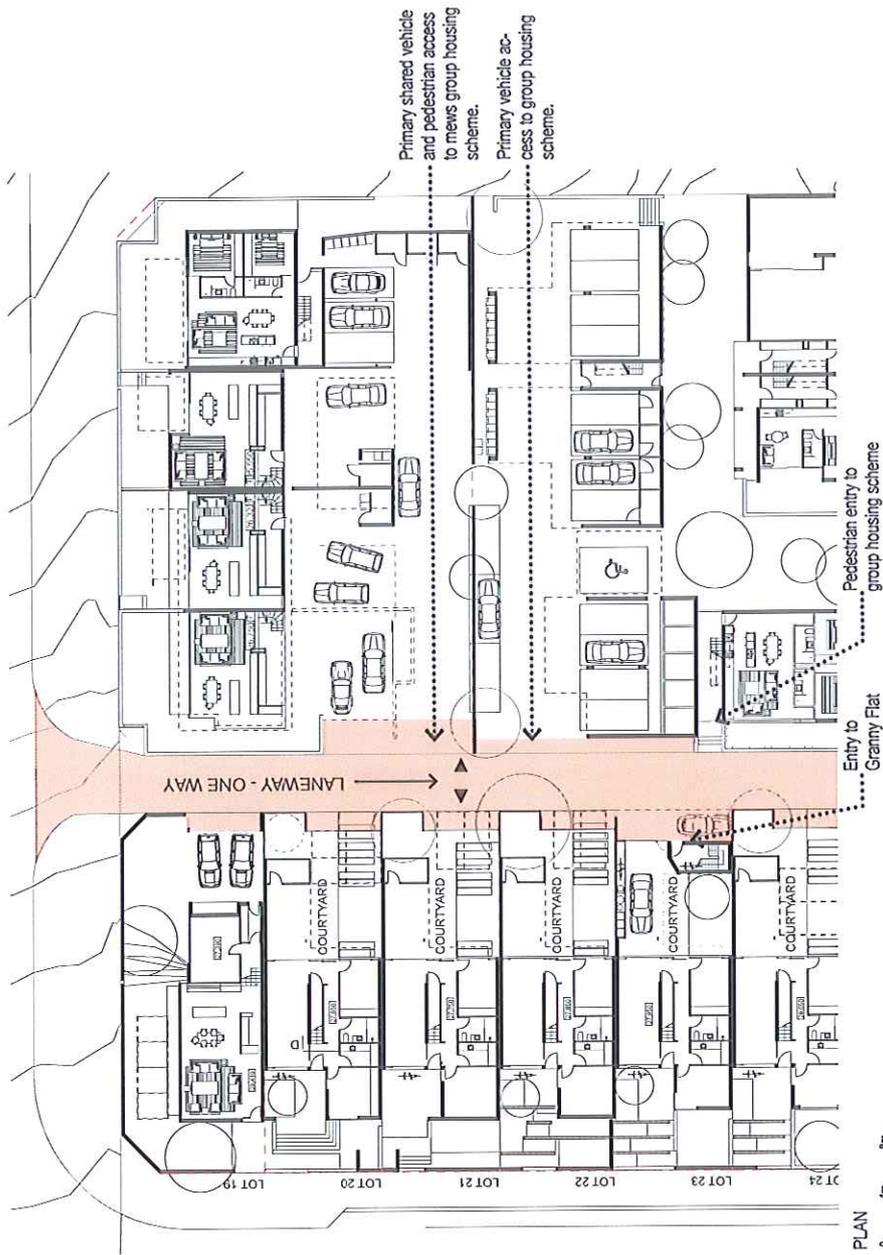
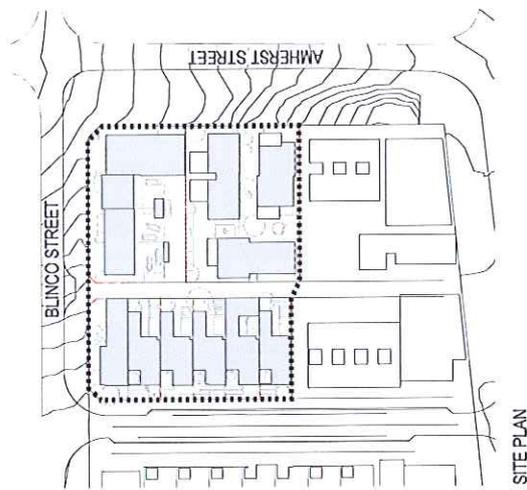


LANEWAY/ BUILT FORM PROVISIONS

- 1500mm setback from laneway boundary to vehicle parking area/garage. To achieve 6000mm clear manoeuvring area behind parked vehicles.- BOTH SIDES OF LANEWAY

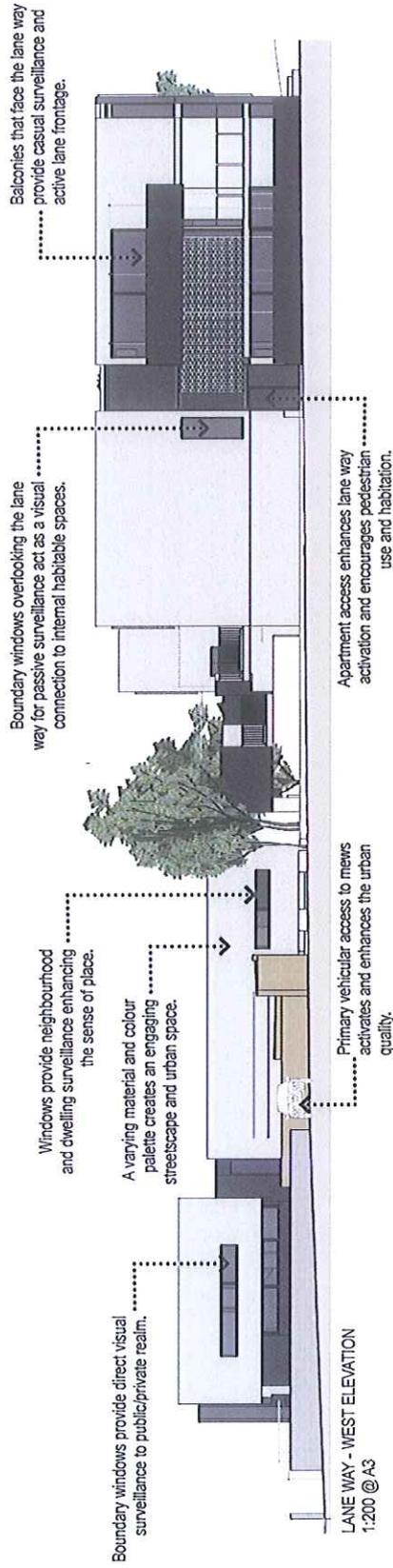
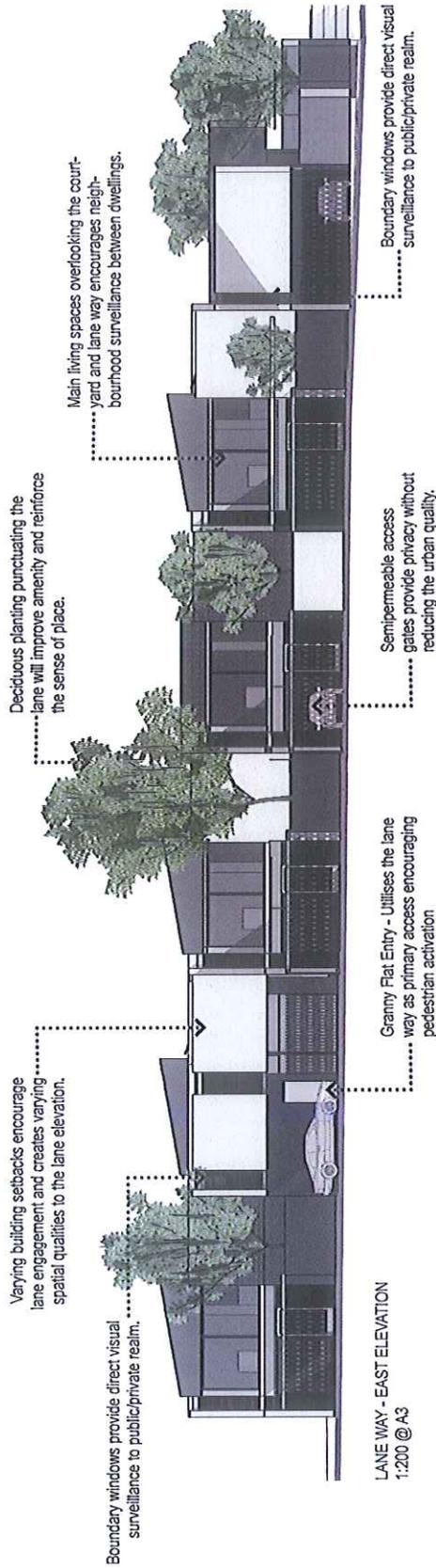


Indicative Built Form - Lane Ways



- Lane ways will have one way vehicle access.
- Shared zone for both pedestrians and vehicles (shaded).
- Differentiation in material will define the threshold between the public/private space.
- All parking requirements as per AS 2890

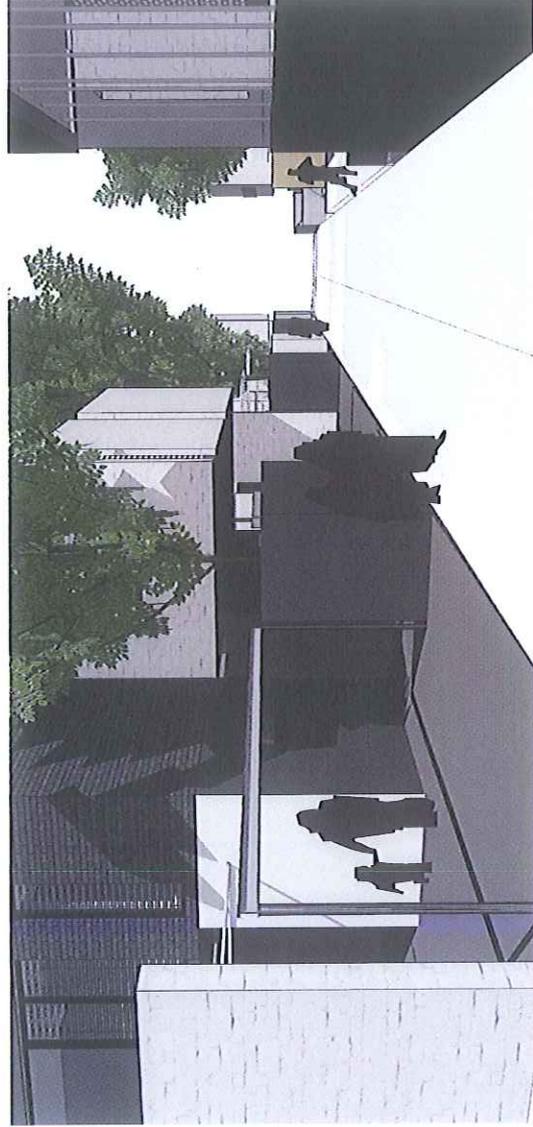
Indicative Built Form - Lane Ways



Indicative Built Form - Lane Ways



LANE WAY - AERIAL VIEW



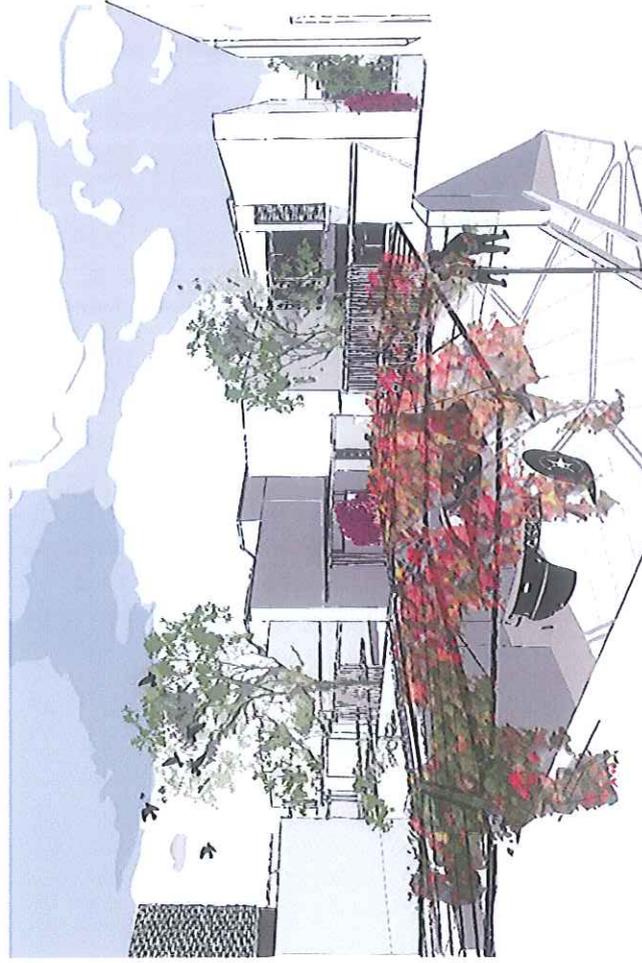
LANE WAY - STREET VIEW

Indicative Built Form - Lane Ways



LANE WAY - STREET VIEW

The lane way as a public realm through the combination of building setbacks, vegetation, materiality and colour.



LANE WAY - STREET VIEW

Significant vegetation with an emphasis on colour will help redefine the lane as an active and habitable urban realm.

ITEM NO: 9.5

CREATE 39 SURVEY STRATA LOTS AND ONE COMMON PROPERTY LOT FOR RESIDENTIAL PURPOSES - LOT 9001 ST LEONARDS BOULEVARD, DAYTON

| | |
|---------------------------|---|
| WAPC OR COMMITTEE: | STATUTORY PLANNING COMMITTEE |
| REPORTING AGENCY: | Department of Planning |
| REPORTING OFFICER: | Acting Manager, Metropolitan Planning North East |
| AUTHORISING OFFICER: | Acting Director, Metropolitan Planning North East |
| AGENDA PART: | G |
| FILE NO: | 715-11 |
| DATE: | 27 June 2012 |
| ATTACHMENT(S): | 1. Amended Survey Strata Plan 2. Zoning Plan 3. LSP 1 4. Approved Development Plan |
| REGION SCHEME ZONING: | Urban |
| LOCAL GOVERNMENT: | City of Swan |
| LOCAL SCHEME ZONING: | Special Use |
| LGA RECOMMENDATION(S): | Approval with conditions |
| REGION DESCRIPTOR: | Perth Metro North East |
| RECEIPT DATE: | 27 October 2011 |
| PROCESS DAYS: | 88 |
| APPLICATION TYPE: | Survey Strata |
| CADASTRAL REFERENCE: | Lot 9001 St Leonards Boulevard, Dayton |

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the amended survey strata plan of St Leonards Boulevard, Dayton as shown on plan dated 28 November 2011 subject to the following conditions and advice:

CONDITION(S):

- 1. Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan and a new Certificate of Title being issued. (WAPC)***

Services

2. ***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)***
3. ***Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)***
4. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an electricity supply service to the survey strata lot(s) shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C (Schedule 9A) of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals that include common property) via a portion of the common property suitable for consumer mains. (Western Power)***
5. ***The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)***

Works

6. ***The land being graded and stabilised. (Local Government)***
7. ***The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)***
8. ***The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works. (Local Government)***
9. ***Prior to commencement of site works, investigation for soil and groundwater contamination is to be carried out to the specifications of the Department of Environment and Conservation. (Department of Environment and Conservation)***
10. ***Remediation, including validation of any remediation, of any contamination identified shall be completed prior to the issuing of titles to the satisfaction of the Western Australian Planning Commission on advice from the Department of Environment and Conservation, to ensure that the lots created are suitable for the proposed use. (Department of Environment and Conservation)***

Access

11. ***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)

- 12. The common property lot servicing proposed lots 27-31 and proposed lots 33-35 being widened to a minimum width of 5.5 metres. (WAPC)**
- 13. The common property accessway(s) being constructed and drained at the applicant/owner's cost to the specifications of the local government. (Local Government)**

Notifications

- 14. Pursuant to section 150 of the Planning and Development Act 2005, a restrictive covenant preventing motor vehicle access onto St Leonards Boulevard benefiting the City of Swan being lodged on the Certificates of Title of the proposed lots abutting St Leonards Boulevard road reserve, at the full expense of the applicant. (Local Government)**

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

"Access to Lord Street via the Coast Road roundabout will be removed at such time as the future Perth –Darwin Highway is constructed. Information on the ultimate road configuration in this locality is available on request from the City of Swan." (Local Government)

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

"This lot is situated in the vicinity of major transport corridors. Residential amenity may be affected by noise from current or future traffic activity within these corridors. As a result there may be need to incorporate appropriate features in the design and construction of buildings to mitigate against any noise impacts, with special consideration given to noise attenuation measures for two storey dwellings." (Local Government)

Other

- 17. The applicant undertaking a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" to the specification of Main Roads Western Australia and to the**

satisfaction of the Western Australian Planning Commission. (Main Roads Western Australia)

- 18. Noise amelioration measures identified in the approved transport noise assessment the subject of Condition 17 above, are to be implemented to the specification of Main Roads Western Australia and to the satisfaction of the Western Australian Planning Commission. (Main Roads Western Australia)**
- 19. A Detailed Area Plan for the subject survey strata lots is to be prepared by the developer and approved by the City of Swan. The Detailed Area Plan is to address future development and the required quiet house design measures, and in the case of two storey development the need for any further acoustic assessment. (Local Government)**

ADVICE:

- 1. With regard to Condition 2, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.**
- 2. With regard to Condition 4, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that:
 - a) any existing overhead consumer service is required to be converted to underground; and**
 - b) a site main switch board (MSB) is installed to accommodate multiple connections.****
- 3. 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.**
- 4. With regard to Condition 5 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.**
- 5. With regard to Condition 8, the report is to have particular regard to the existing and proposed site classification (AS2870), groundwater table and stormwater disposal for roof runoff.**
- 6. With regard to Conditions 9 and 10, the investigation and remediation should be carried out in accordance with the guidelines adopted by the Department of Environment as detailed in the Contaminated Sites Management Series. A Mandatory Auditor's Report will need to be submitted to the Department of Environment and Conservation.**
- 7. Main Roads WA advises that no works or stormwater drainage are to impact on the Perth – Darwin National Highway /Lord Street road**

reserve, including the height of the ground levels on the reserve boundary. Please liaise with Main Roads WA in this regard.

- 8. 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.**

SUMMARY:

The application proposes the survey strata subdivision of the parent lot to create 39 residential lots and one Common Property (CP) access way lot. The City of Swan has issued a corresponding development approval for 39 grouped dwellings notwithstanding the width of the CP lot being less than that required under WAPC policies. The application has been referred to the Statutory Planning Committee as the proposal does not comply with WAPC Policy requirements. It is recommended the survey strata application be approved subject to conditions including the CP lot being modified to have a minimum width of 5.5 metres.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
Number and / or Name: DC 1.3 Strata Titles
DC 2.2 Residential Subdivision
DC 2.6 Residential Road Planning

INTRODUCTION:

The application proposes the survey strata subdivision of the subject land in order to create:

- 39 residential lots ranging in size from 163m² to 243m²; and
- One Common Property lot of 2085m² which will provide internal vehicle, vehicle access to Isodon Street and pedestrian access at the western end of the site. (*Attachment 1 - Amended Survey Strata Plan*)

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Special Use under City of Swan Local Planning Scheme No.17. (*Attachment 2 - Zoning Plan*)

The subject land falls within that covered by Dayton Local Structure Plan 1 (LSP 1) which has been endorsed by the WAPC subject to modifications. The site is designated as having a residential density coding of R60. (*Attachment 3 - LSP1*)

The City of Swan has issued Development Approval DA-452/2011 for a grouped dwelling development on the site. (*Attachment 4 - Approved Development Plan*) The proposed survey strata subdivision is consistent with this approval. Another survey strata proposal for a similar development adjacent was approved in 2011 (WAPC Ref. 529-11).

The subject land forms part of a balance lot created through subdivision application WAPC 137756. Conditional approval was issued under Orders of the State Administrative Tribunal (SAT) on 29 September 2009 and under 'Early Release Subdivision Criteria'. Under this approval the subject land was identified as 'R60 Group Housing' (WAPC Ref: 137756).

CONSULTATION:

City of Swan has recommended conditional approval.

The Department of Environment and Conservation (DEC) advises the subject land is a suspected contaminated site and has recommended conditions to address this issue.

Water Corporation and Western Power recommend approval subject to standard conditions.

Department of Minerals and Petroleum and Department of Water raise no objection to the proposal.

The subject land is in close proximity to the reservation for the Perth-Darwin National Highway. Main Roads WA (MRWA) recommends conditions addressing possible noise issues and ensuring no impacts on the reservation. This will be discussed further below.

The Department of Education recommends approval subject to a standard condition requiring a contribution towards a school site.

COMMENTS:

Access

The proposed survey-strata plan shows the Common Property lot (vehicle access way) having a variable width of 3.56 metres to 10.615 metres. The City's development approval indicates a paved driveway width of 3.0 metres at the narrowest point. Given the number of dwellings, a vehicle flow of approximately 390 vehicles per day (vpd) can be assumed.

Section 3.7 of *DC2.2 Residential Subdivision* states that for dwellings without street frontage, access should be:

"provided with driveways of 4 metres width, or 3 metres width where necessary to retain an existing dwelling. Driveways should be designed to allow vehicles to pass in opposite directions at one or more points where six or more dwellings are served by the driveway."

Section 3.3.4(e) of *DC1.3 Strata Titles* states that access ways for survey stratas in excess of six dwellings should be designed in accordance with *DC2.6 Residential Road Planning*.

DC2.6 specifies that for:

- access ways, vehicle flows should not exceed 800vpd at any one point. Reserve widths should be in the range of 11.5- 15 metres with a carriage way width of 5.5 - 6 metres; and
- access places, traffic flows should not exceed 200vpd at any one point. Reserve widths should be in the range of 10 -14.5 metres with a carriageway width of 4 -5.5 metres. A width down to 2 metres may be acceptable only when four dwellings or less are served.

In addition, clause 6.5.4 (A4.5) of the Residential Design Codes (R-Codes) requires that driveways for five or more grouped dwellings are to be a minimum of 4 metres wide and are to be designed to allow vehicles to pass at one or more points. The above demonstrates there are inconsistencies between the various WAPC policies. Notwithstanding the above, the development approval indicates the City's satisfaction with the vehicle/pedestrian movement implications. On this basis, some consideration of reduced widths is considered acceptable, however the proposed 3.56 metre arrangement is not supported. It is recommended a condition be imposed requiring the minimum width of the Common Property Lot to be increased to 5.5 metres fronting lots 27-31 and 33-35. This would allow sufficient area for a 4 metre wide carriageway and 1.2 metre wide pedestrian path as required by the R-Codes.

DC2.6 also requires a minimum width for pedestrian access ways (PAW) of 8 metres. The proposed PAW has a width of 4 metres. However, it is straight and only approximately 14 metres long. The line of sight is direct and there is little opportunity for anti-social behaviour. It is therefore recommended the proposed PAW dimensions be accepted in this instance.

The site is in close proximity to a major transport corridor being Lord Street / proposed Perth- Darwin National Highway. A noise assessment was carried out as part of the preparations for LSP 1. However, MRWA has requested a revised assessment, along with implementation of any appropriate noise amelioration measures. It is therefore recommended conditions requiring a Notification on Title as well as MRWA's recommendations be imposed. This is in keeping with the measures taken in relation to WAPC 529-11.

Other Issues

The proposal complies with the minimum (160m² required; 163m² provided) and average (180m² required; 248.5m² provided) lot size requirements of the R60 density coding.

DEC advises the subject land was reported as a possible contaminated site due to the presence of unregulated fill material, suspected of containing asbestos. Based on this DEC have recommended a condition requiring soil and groundwater investigation and subsequent site remediation if necessary. This recommendation is supported.

The Department of Education has requested a condition requiring a contribution towards provision of a primary school site. A contribution towards provision of a primary school site was imposed as an approval condition for subdivision WAPC Ref. 137756, which created the parent lot. Imposition of the requirement again in this instance is therefore not warranted.

The site is approximately 1000 metres west of the adjoining easements for the Parmelia gas pipeline and the Dampier-Bunbury natural gas pipeline. This places it well outside the 75 metre setback for residential development specified under *PB 87-High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region*.

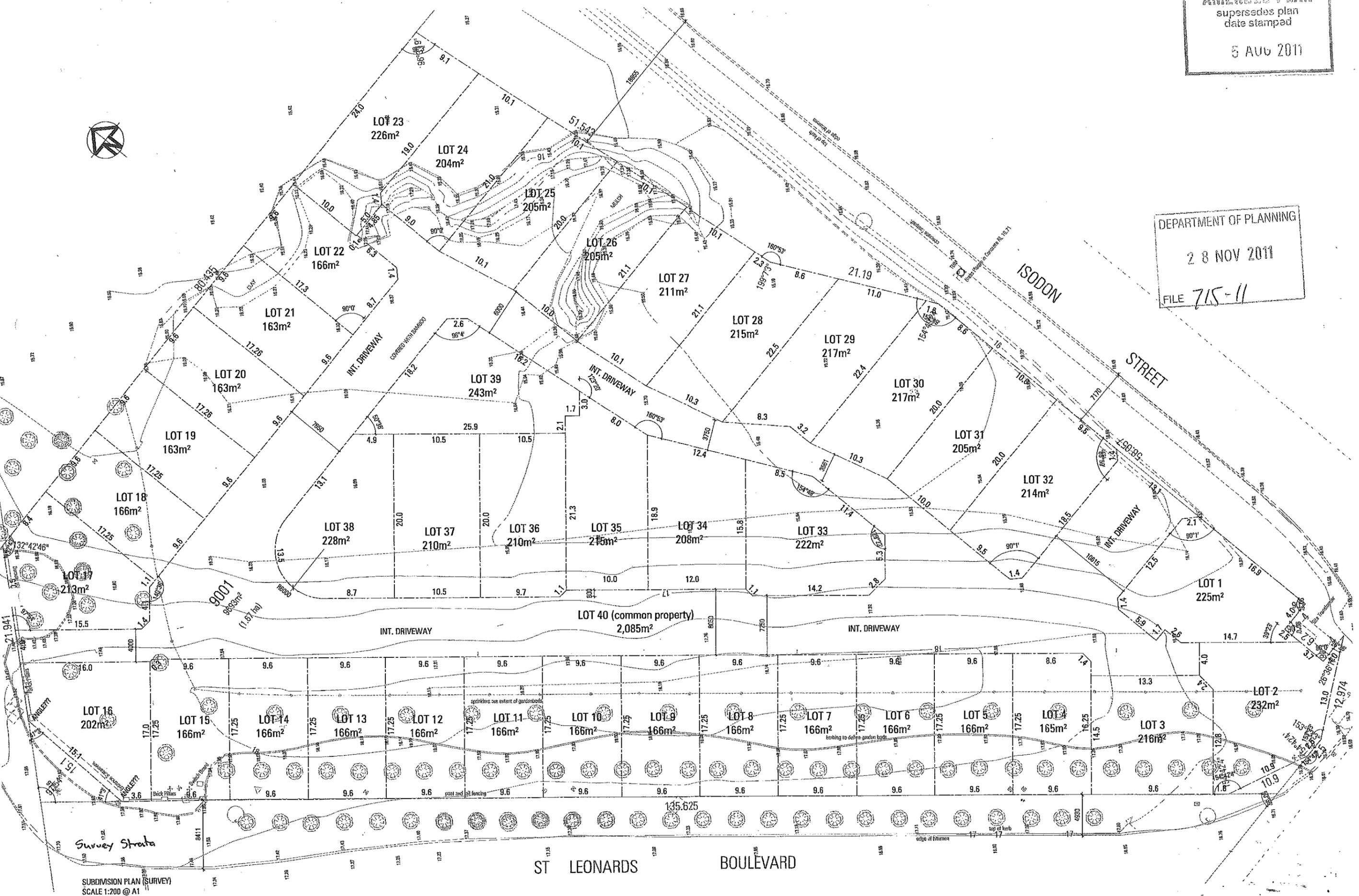
The site is not indicated as having a high risk of acid sulfate soils.

CONCLUSION:

With the exception of the access issues discussed above, the proposal is consistent with WAPC policies, Local Planning Scheme No.17 and Dayton LSP 1. Approval is recommended subject to conditions including widening of the common property lot.

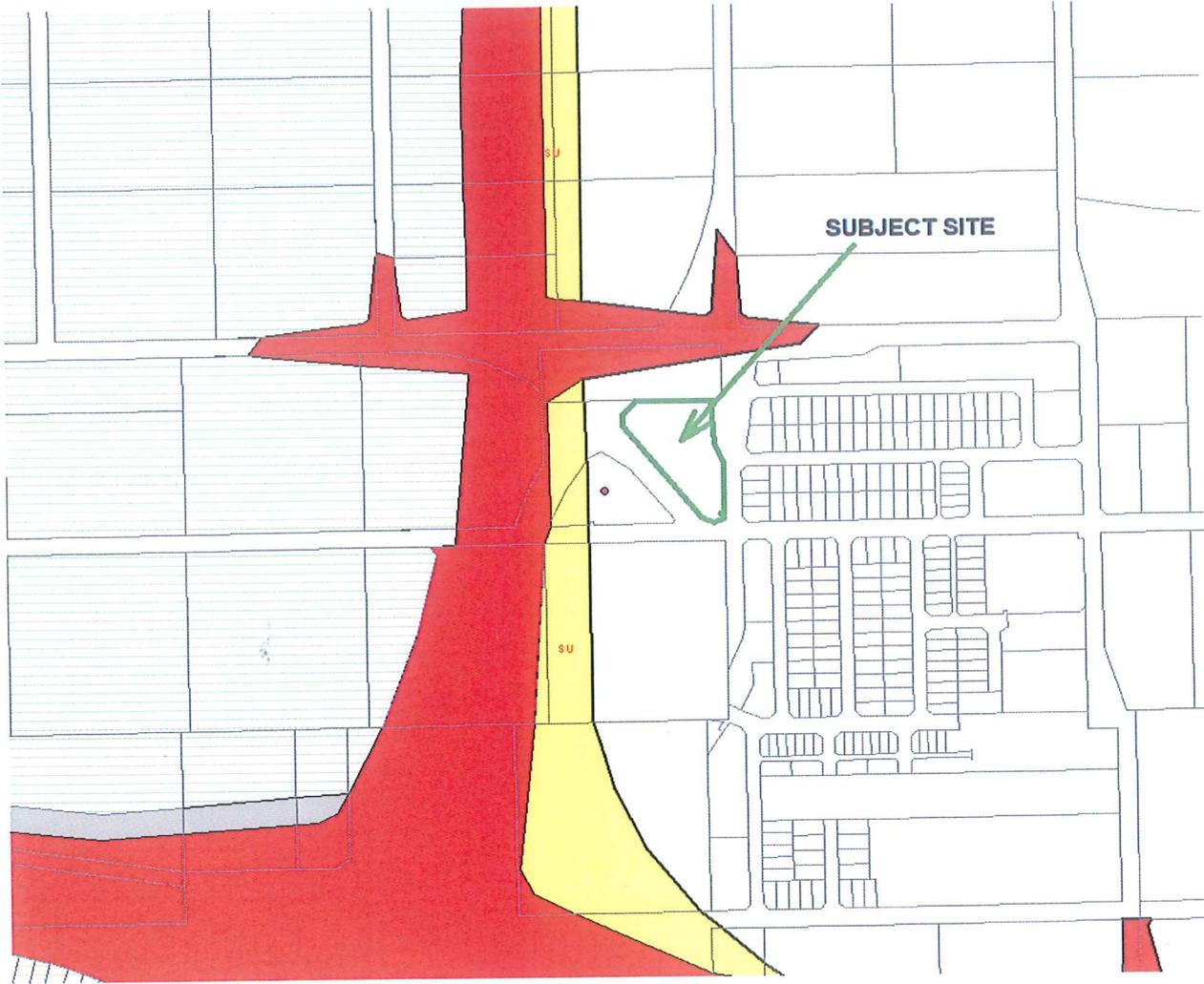
5 AUG 2011

DEPARTMENT OF PLANNING
2 8 NOV 2011
FILE 715-11



SUBDIVISION PLAN (SURVEY)
SCALE 1:200 @ A1

| REV | DATE | AMENDMENTS |
|-----|----------|------------------------------------|
| A | 05.02.11 | ISSUED FOR PLANNING APPROVAL |
| B | 01.11.11 | AMENDMENTS TO THE SUBDIVISION PLAN |



- Cadastre
- RESIDENTIAL
- SPECIAL USE
- GENERAL RURAL
- PRIMARY REGIONAL ROADS
- RAILWAYS
- PP - SPECIAL USES

| Item No. | DCP Code | Description of DCP Item | Description of whether the DCP item needs to be acquired and/or constructed in stages | Trigger (dwelling units or equivalent) |
|----------|----------|--|--|--|
| 1 | ERTF04 | Roundabout on Lord Street and Cranleigh Street | Construct roundabout | 80% LSP1 (750 du) |
| 2 | ERTF18 | Upgrade Cranleigh Street (Lord St to Arthur St) | Upgrade to adjacent road connector B | Northern LSP1 (900 du) |
| 3 | ERTF19 | Upgrade Cranleigh Street | Construct roundabout | Primary School and LSP28 |
| 4 | ERTF03 | Roundabout on Arthur Street and Cranleigh Street | Upgrade to 4 lanes | 80% LSP1 (750 du) |
| 5 | ERTF20 | Upgrade Lord Street (Cranleigh St to Marshall Rd east) | 1. Bear right turn exit 2. Upgrade T-junction 3. Redesign & construct 4-way roundabout | LSP 24 / 28 80% LSP1 (750 du) |
| 6 | ERTF21 | Roundabout on Marshall Road and Lord Street east | 1. Widened and herb west side 2. Upgrade to integrator B standard | Northern LSP1 (800 du) |
| 7 | ERTF02 | Roundabout on Marshall Road and Lord Street east | 1. Widened and herb west side 2. Upgrade to integrator B standard | LSP 28 |
| 8 | ERTF03 | Upgrade Arthur Street (Marshall Rd to Cranleigh St) | 1. Widened and herb west side 2. Upgrade to integrator B standard | LSP 28 |
| 9 | ERTF01 | Roundabout on Marshall Road and Arthur Street | Construct roundabout | 80% LSP1 (750 du) |
| 10 | ERTF05 | Upgrade Marshall Road (Lord St to Arthur St) | Upgrade to integrator B standard | LSP 24 / 28 |
| 11 | ERTF04 | Upgrade Lord Street | Upgrade to 4 lanes | 80% LSP1 (750 du) |
| 12 | ERTF04 | Upgrade Lord Street | Upgrade to 4 lanes | 80% LSP1 (750 du) |
| 13 | ERTF07 | Roundabout on Marshall Road and Lord Street west | Upgrade roundabout | 80% LSP1 (750 du) |
| 14 | ERTF01 | Priority T-intersection at Arthur Street and St Leonards | Construct T-junction (denol) | Central LSP1 (200 du) |
| 15 | ERTF01 | Priority T-intersection at Arthur Street and St Leonards | Construct T-junction (denol) | Central LSP1 (200 du) |
| 17 | ERTF06 | Upgrade Arthur Street (Coast Rd to Victoria Rd) | 1. Widened and herb west side 2. Upgrade to integrator B standard | Southern LSP1 (950 du) |
| 21 | ERTF06 | Roundabout on Victoria Road and Arthur Street | Construct roundabout | With Arthur St flyover across Reid Hwy (long term) |
| 22 | ERTF17 | Upgrade Arthur Street (south of Victoria Rd) | Connect to future flyover across Reid Hwy | With Arthur St flyover across Reid Hwy (long term) |
| 23 | ERTF01 | Upgrade Arthur Street | 1. Widened and herb west side 2. Upgrade to integrator B standard | Central LSP1 (200 du) |
| 24 | ERTF02 | Upgrade Arthur Street (Marshall Rd to Coast Rd) | 1. Widened and herb west side 2. Upgrade to integrator B standard | LSP 24 |

Land Use & Public Open Space Schedule

Project: ASP WEST1-2-02K Date: 20.09.11

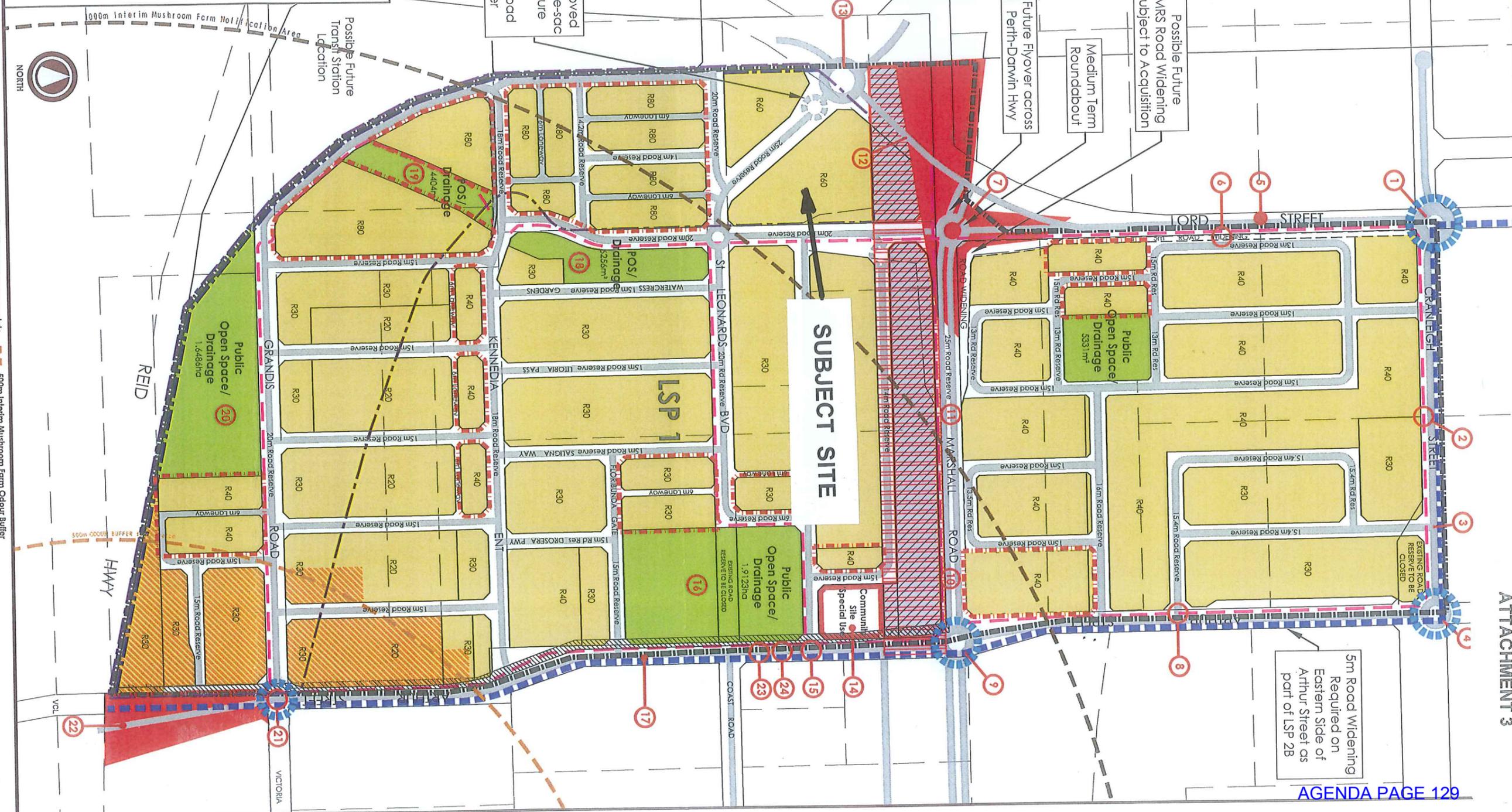
| Category | Provided | Required |
|----------------------------------|-----------------|-----------------|
| Gross Area | 621,371 ha | 2,000 ha |
| Public Utility Reserve | 1,778 ha | 1,778 ha |
| M/S Road Widening Reserve | 0,391 ha | 0,391 ha |
| Community Site | 55,822 ha | 55,822 ha |
| Gross Residential Area (GRA) | 50,661 ha | 50,661 ha |
| Cost Contribution Area | 5,160 ha | 5,160 ha |
| Public Open Space (Gross) | 5,160 ha | 5,245 ha |
| Provided | 5,160 ha | 10,005 ha |
| Required | 5,160 ha | 10,005 ha |

Assumptions:
 A Lot Yield calculated based on assumed coverage by size by R Code.
 * Based on a 2-year approved subdivision design lot yield.

| Lot No. | Lot Area | GH Area | Lot GH | GH/DU | Total DU |
|--------------|------------------|-----------------|------------------|------------|--------------|
| R20 | 4,171 ha | 0 | 77 | 0 | 77 |
| R20 | 12,988 ha | 0,787 ha | 13,273 ha | 312 | 325 |
| R40 | 300 ha | 1,971 ha | 10,058 ha | 25 | 46 |
| R40 | 200 ha | 1,549 ha | 1,549 ha | 0 | 77 |
| R20 | 1,872 ha | 1,825 ha | 3,717 ha | 94 | 126 |
| Total | 27,692 ha | 5,592 ha | 33,244 ha | 742 | 1,008 |

Roundabout to be removed and replaced by a cul-de-sac arrangement upon future construction of the Lord Street/ Marshall Road intersection & fly-over

- NOTES:**
1. Acre and dimensions subject to survey.
 2. The road layout is subject to final design of subdivision. See the Traffic Assessment Report (Appendix 2) and Preliminary Intersection Designs (Appendix 4) for further information.
 3. Within all land designated Residential R20, corner lots with a maximum area of 750m² may be developed at a density of R30 to the extent that any inconsistencies arise between the LSP1 map and the applicable note, the requirements and provisions of the note shall prevail.
 4. The function and design of public open space areas shall be generally in accordance with the concept plans included in the LSP 1 documentation, though still subject to refinement as part of Landscape Management Plans to be approved prior to construction.
 5. Subdivision and development within residential areas shall comply with the Residential zone of Local Planning Scheme No.17 and the Residential Design Codes as they apply to the designated R Codes reflected on this plan.
 6. Use and development within the designated Public Utility Reserve shall be subject to approval by Western Power and the City of Swan. The intention being for this corridor to be utilized for low maintenance open space, community garden opportunities, pedestrian/cyclist path network, road reserves and car parking associated with the community site and in a manner consistent with the existing power line easement.
 7. A developer contribution plan applies to this cell & should be read in conjunction with the Structure Plan.
 8. Detailed Area Plans may be required as a condition of subdivision for the areas as designated. (see s.5.2.6.)
 9. Residential lots created within the 1000m Interim Mushroom Farm Notification Area require notification to be placed on the Certificate of Title. The notification is to state: "This lot is in proximity to an existing mushroom farm located on Lot 52 Victoria Road, West Swan and may adversely affect by odour emissions from that land use."
 10. Dwellings within the noise exposure level 2 area are likely to require notification on their lot titles advising of the possible noise impacts and Quiet House Design measures to be applied to dwellings to achieve the recommended acceptable internal noise levels of AS 107:2000 or equivalent.



burgess design group
 PO Box 374 Northbridge WA 6003
 URBAN PLANNING DESIGN www.burgessdesigngroup.com.au
 P (08) 9228 6611 F (08) 9228 6511

ASPEN GROUP
 Refer Appendix 6

LOCAL STRUCTURE PLAN 1 DAYTON CITY OF SWAN

Plan No: ASP WEST1-2-02K Date: 13.10.11

Scale: 1:4,000 (A3)

0 50 100 150 200m

Legend:

- Subject Area LSP 1
- Public Open Space/Drainage/Wetlands
- Public Open Space
- Residential Zone
- Public Utility Reserve (see s.5.5)
- Special Use - Community (see s.5.4)
- M/S Primary Regional Road
- Note: Attention Measures as appropriate (see s.5.7.7)
- Activity Corridor - Home Based Business / Home Office Opportunities
- Detailed Area Plans Required (note 8)
- Road Reserves
- Dual Use Footpath
- Developer Contribution Item (see table)
- 500m Interim Mushroom Farm Odour Buffer
- 1000m Odour Notification Area (see note 9)
- Creation of titles for these lots is subject to the future removal of odour buffer
- 330KV Powerline Easement
- 132 KV Powerline Easement (see s.5.9.1)
- Boundary of area affected by noise exposure (see note 10)

CITY OF SWAN
 APPROVED PLAN
 No. 3 of 9
 File No. DA453-11
 This plan relates to the approval of
 commencement development dated
 17 FEB 2011
 CO-ORDINATOR
 STATUTORY PLANNING



GROUND FLOOR PLAN - VEHICLE TURNING PATHS
 SCALE 1:200 @ A1

ST LEONARDS BOULEVARD

CITY OF SWAN
 23 NOV 2011
 REVISION

Nicheliving ST. LEONARD'S ESTATE (stage II)

WEST SWAN

ZUIDVELD MARCHANT HUR
 ARCHITECTURE PLANNING INTERIOR DESIGN

| REV | DATE | AMENDMENTS | SCALE |
|-----|----------|---------------------------------|-------|
| A | 05.07.11 | ISSUED FOR R. MANS APPROVAL | 1:200 |
| B | 02.11.11 | AMENDMENT TO THE SELECTION PLAN | 1:200 |
| C | 17.11.11 | AS PER FEES APPLICATION | 1:200 |

ITEM NO: 9.6

SUBDIVISION TO CREATE 115 LOTS FOR RESIDENTIAL PURPOSES, 2 LOTS SUBJECT TO REZONING AND 1 BALANCE LOT: LOT 9010 SUTTON STREET, PINJARRA

WAPC OR COMMITTEE:

STATUTORY PLANNING COMMITTEE

REPORTING AGENCY:

Department of Planning

REPORTING OFFICER:

Delegated Officer,

Peel Planning, Perth and Peel Planning

AUTHORISING OFFICER:

Planning Director,

Peel Planning, Perth and Peel Planning

AGENDA PART:

G

FILE NO:

145801

date:

25 June 2012

ATTACHMENT(S):

1 - Location Plan

2 - Plan of Subdivision

3 - RS ODP

4 - MRCE ODP

REGION SCHEME ZONING:

Urban, Private Recreation

LOCAL GOVERNMENT:

Shire of Murray

LOCAL SCHEME ZONING:

Special Development

LGA RECOMMENDATION(S):

Conditional Support

REGION DESCRIPTOR:

MAND

RECEIPT DATE:

22 March 2012

PROCESS DAYS:

88

APPLICATION TYPE:

Subdivision

DESCRIPTION OF PROPOSAL:

Subdivision To Create 115 Lots For Residential Purposes, 2 Lots Subject To Rezoning And 1 Balance Lot: Lot 9010 Sutton Street, Pinjarra.

CADASTRAL REFERENCE:

Lot 9010 Sutton Street, Pinjarra

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 9010 Sutton Street, Pinjarra as shown on the plan date-stamped 22 March 2012. This decision is valid for four years subject to the following condition(s) and advice:

CONDITIONS:

- 1. The Plan of Subdivision being modified so that the two four way intersections are created as t-junctions. (Local Government)***

-
- 2. The northernmost subdivisional road being relocated to line up with the future intersection of Warrior Boulevard and Sutton Street. (Local Government)**
 - 3. All 15.0 metre wide road reserves being increased to 16.0 metres. (Local Government)**
 - 4. A round-a-bout being constructed at the intersection of Sutton Street and the northernmost subdivisional road to the specification of the local government and the satisfaction of the Western Australian Planning Commission. (Local Government)**
 - 5. Parallel embayment car parking bays being constructed abutting the public open space to the satisfaction of the Western Australian Planning Commission. (Local Government)**
 - 6. Detailed Area Plan(s) are to be prepared and approved for all lots abutting public open space and Sutton Street. (Local Government)**
 - 7. 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)**
 - 8. Street corners within the subdivision are to be truncated to the satisfaction of the Western Australian Planning Commission. (Local Government)**
 - 9. Battleaxe accessway(s) being constructed and drained at the applicant/owner's cost to the specifications of the local government. (Local Government)**
 - 10. The dual use paths/cycleway being constructed by the applicant/owner on the outside loop road and one side of each of the other subdivisional roads. (Local Government)**
 - 11. The land being graded and stabilised. (Local Government)**
 - 12. The land being filled and/or drained. (Local Government)**
 - 13. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted. (Local Government)**
 - 14. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works. (Local Government)**

-
- 15. Uniform fencing along the boundaries of all of the proposed lots abutting public open space is to be constructed. (Local Government)**
 - 16. The preparation and implementation of a Wetland Management Plan to the satisfaction of the Western Australian Planning Commission. (Local Government)**
 - 17. The preparation and implementation of a Foreshore Management Plan to the satisfaction of the Western Australian Planning Commission. (Local Government)**
 - 18. The preparation and implementation of a Landscape Management Plan to the satisfaction of the Western Australian Planning Commission. (Local Government)**
 - 19. An Integrated Urban Water Management Plan is to be prepared and approved prior to ground disturbing activities, consistent with the approved Murray River Country Estate Local Water Management Strategy (ENV Australia 2009) to the satisfaction of the WAPC on the advice of the Department of Water. (Department of Water)**
 - 20. The approved Integrated Urban Water Management Plan shall be implemented by the landowner, including construction of the identified wastewater, stormwater and groundwater management systems, to the satisfaction of the WAPC on advice of the Local Government. (Local Government)**
 - 21. The proposed reserve(s) shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.**
 - 22. A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows:**

"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases."
 - 23. Acid Sulfate Soils Self-Assessment Form and, if required as a result of the self-assessment, an Acid Sulfate Soils Report and an Acid Sulfate Soils Management Plan shall be submitted to and approved by the Department of Environment and Conservation before any site works are commenced. Where an Acid Sulfate Soils Management Plan is required to be submitted, all site works shall be carried out in accordance with the approved management plan. (Department of Environment and Conservation)**

-
- 24. 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)**
 - 25. The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)**
 - 26. 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)**
 - 27. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)**
 - 28. The provision of easements for existing or future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)**

ADVICE:

- 1. 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.planning.wa.gov.au/Applications/Subdivision+and+application/default.aspx The "Acid Sulfate Soils Self-Assessment Form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulfate Soils" guideline. This guideline can be downloaded from the Department of Environment and Conservation's website at: www.dec.wa.gov.au/management-and-protection/acid-sulfate-soils/guidelines.html**
- 2. With regard to Condition 19, the size and content of an Integrated Urban Water Management Plan will vary based on the nature and scale of the proposal and should respond only to the specific issues of the site. The Department of Water's Stormwater Management Manual for Western Australia and the Urban Water management plans - guidelines for preparing plans and for complying with subdivision conditions should be used as guidance. These can be located on the DoWs website www.water.wa.gov.au.**
- 3. With regard to Condition 24, 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. With regard to Condition 25, 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.**

-
5. *With regard to Conditions 26 and 27, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.*
 6. *The applicant is advised that the subject land is within the defined 1 in 100 year floodplain area for the Murray Floodplain Development Study, where development would normally be permitted subject to a specified minimum habitable floor level above the relevant 1 in 100 year flood level to provide adequate flood protection. The Department of Water advise that a minimum habitable floor level of 0.5m above the appropriate 100 year ARI flood level is recommended for development.*

SUMMARY:

The plan of subdivision is presented to Committee as some of the lots do not comply with the R-Coding on the approved Outline Development Plan (ODP).

The application seeks approval to create 110 residential lots at an R20 density, five R60 lots, two lots subject to potential rezoning (also coded R60), a balance lot, various roads reserves and public open space.

It is recommended the application be approved subject to conditions.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

Strategic Plan

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

Policy

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

INTRODUCTION:

The subject land is located in the Shire of Murray and comprises Stage 8 of the Murray River Country Estate (MRCE) (**Attachment 1** - Location Plan).

The plan of subdivision is provided as **Attachment 2**.

The site was the subject of a conditionally approved application (WAPC Ref: 131910) which has expired without being acted upon.

CONSULTATION:

The Shire of Murray has recommended that the application be deferred until modifications to the MRCE ODP have been completed, however, provided conditions should the WAPC approve the application.

The Department of Water raises no objection to the application, subject to conditions.

The Department of Education raises no objection to the application, subject to conditions.

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

Draft conditions were provided to the applicant and modifications were agreed.

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

PLANNING ASSESSMENT:

The subject property is zoned Urban and Private Recreation under the Peel Region Scheme (PRS), and Special Development in the Shire of Murray Town Planning Scheme No. 4 (TPS4).

TPS4 requires an ODP to be prepared and approved for land zoned Special Development and that subdivision shall be generally in accordance with the approved ODP.

If the subdivision is approved, the two eastern-most lots will be partly zoned Urban and Private Recreation under the PRS. It is anticipated that a request to modify the PRS zoning boundaries in this portion of the site will be forthcoming. The creation of these two lots in advance of the land being rezoned under the PRS is supported on the basis that:

- a) a realignment of the zoning boundaries under the PRS would be relatively minor and is not expected to be contentious;
- b) these two large lots accord with the MRCE ODP;
- c) no portions of these lots are reserved under the PRS; and
- d) development on these lots in advance of the PRS zoning modification is prohibited by a notation on the MRCE ODP.

Outline Development Plans (ODPs)

Two ODPs are currently in effect for the MRCE. The WAPC endorsed the Ravenswood Sanctuary ODP (RS ODP) in August 1996 and endorsed the MRCE ODP in November 2009 (**Attachment 3** - RS ODP and **Attachment 4** - MRCE ODP). Some modifications to the MRCE ODP arising from WAPC's decision in November 2009 have not yet been completed but these are mostly administrative in nature. One of WAPC's required ODP modifications affects the application area and requires

the addition of a notation requiring a Wetland Management Plan be prepared. The application can be conditioned accordingly.

The endorsed MRCE ODP identifies R60 areas that are relevant to the subject site whereas the endorsed RS ODP identifies R15 and R20 areas that are relevant to the subject site. The proposed five R60 lots, ranging in size from 4487m² to 7202m², are consistent with the MRCE ODP and are supported.

With respect to the lots identified as R15 and R20 on the RS ODP, WAPC *State Planning Policy 3.1 Residential Design Codes (R-Codes)* requires a minimum lot size of 580m² and 440m² with an average lot size of 666m² and 500m² for lots zoned R15 and R20 respectively. The proposal is inconsistent with the RS ODP as none of the lots meets the R15 R-Code requirements.

The creation of R20 sized lots in the R15 area under the RS ODP is supported for the following reasons:

- a) the proposed R20 lots do not fundamentally alter the design of the estate as contemplated under either of the ODPs;
- b) the WAPC approved a subdivision in 2008 with a similar configuration;
- c) the provision of smaller lots is consistent with the intent of the approved MRCE ODP in that higher densities are proposed across the estate compared with the RS ODP; and
- d) the proposal is consistent with the intent of Directions 2031 to increase average residential densities and make more efficient use of urban land.

Public Open Space

The MRCE ODP area provides for more than 10% POS over the entire estate. The three POS areas proposed by the subdivision are outside of the boundary of the MRCE ODP, although this ODP indicatively depicts the subdivision layout previously approved for the application area under application 131910. The distribution of POS proposed by this application is consistent with the previously approved subdivision, although the eastern-most POS parcel was previously intended to be a road reserve.

The POS identified on the submitted plan of subdivision totals approximately 6% of the land being subdivided at this time and falls within the RS ODP which does not identify POS for the application area. However, the three POS parcels will enable a corridor between two larger recreation areas outside the subject area and this outcome is supported.

Access

Minor changes to the road network are required to reflect Liveable Neighbourhoods and ODP requirements as follows:

- a) Minimising the four way intersections;
- b) Increasing the 15m wide road reserves to 16m;
- c) Modifying the northernmost road to line up with future intersections; and
- d) Including a round-a-bout at Sutton Road intersection with the northernmost intersection.

School Site

Development Control Policy 1.1 Subdivision of Land - General Principles (DC 1.1) states development contributions or ceding land for primary school sites may be imposed. A primary school is identified on the MRCE ODP outside the application area on Lot 9510, with both the subject lot and Lot 9510 being owned by the same party. The request from the Department of Education for a condition requiring a Deed of Covenant to secure the primary school site is considered to be onerous as it does not reasonably relate to the subject application and a condition requiring ceding of the primary school site can be applied when approval for Lot 9510 is sought.

Management Plans

A number of plans are required in accordance with the MRCE ODP, including:

- a) Wetland Management Plan;
- b) Foreshore Management Plan; and
- c) Integrated Urban Water Management Plan.

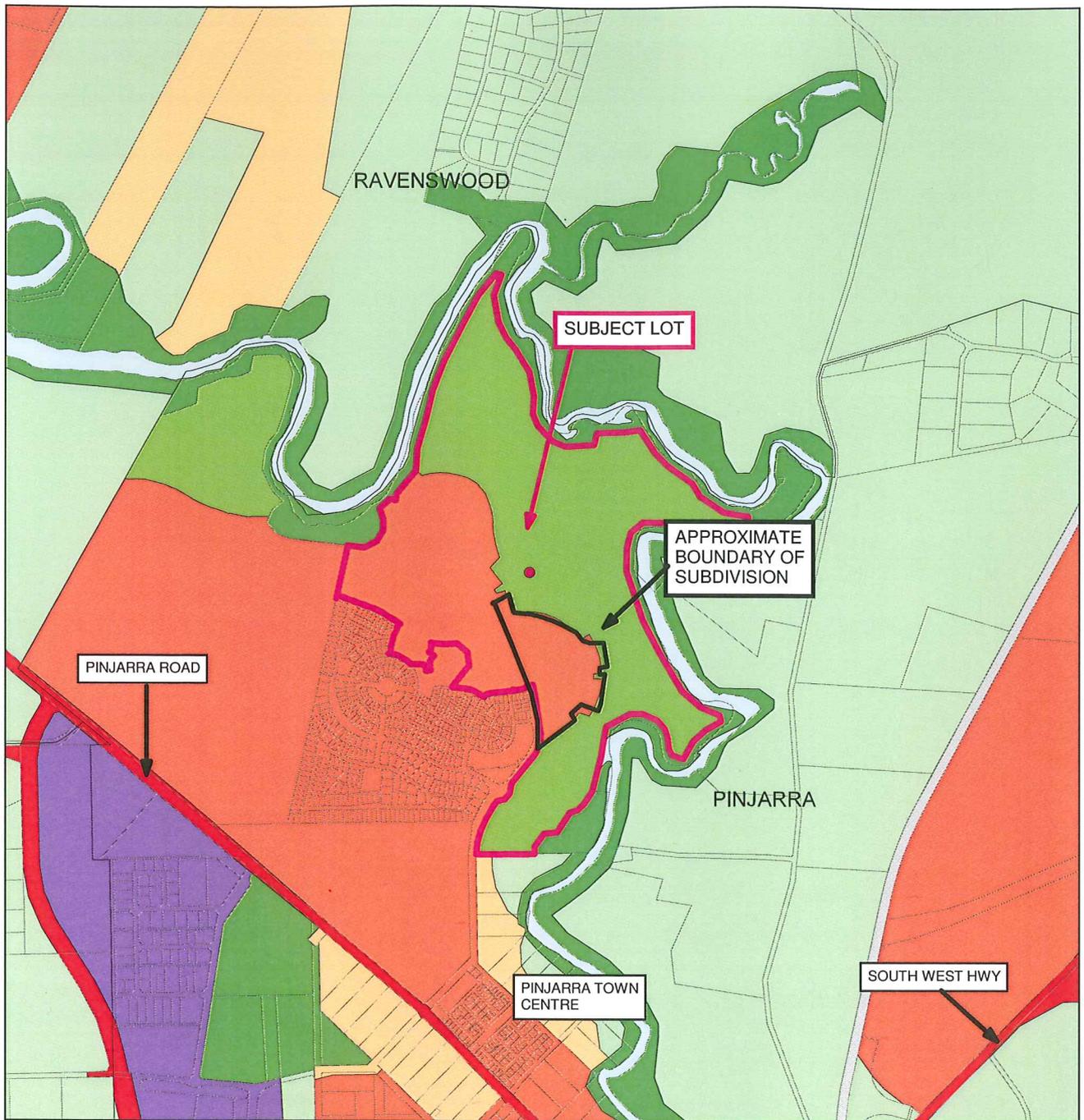
Additionally, a Landscape Management Plan is also required for the subject area. It is recommended that conditions be imposed requiring the preparation and implementation of the above plans.

COMMENTS:

Nil

CONCLUSION:

It is recommended that the application should be approved, subject to conditions.



| | | | |
|--|---------------------------|--|------------------------|
| | Suburbs | | RURAL |
| | Cadastre with Lot Numbers | | PRIMARY REGIONAL ROADS |
| | URBAN | | REGIONAL OPEN SPACE |
| | URBAN DEFERRED | | WATERWAYS |
| | INDUSTRIAL | | RAILWAYS |
| | PRIVATE RECREATION | | |

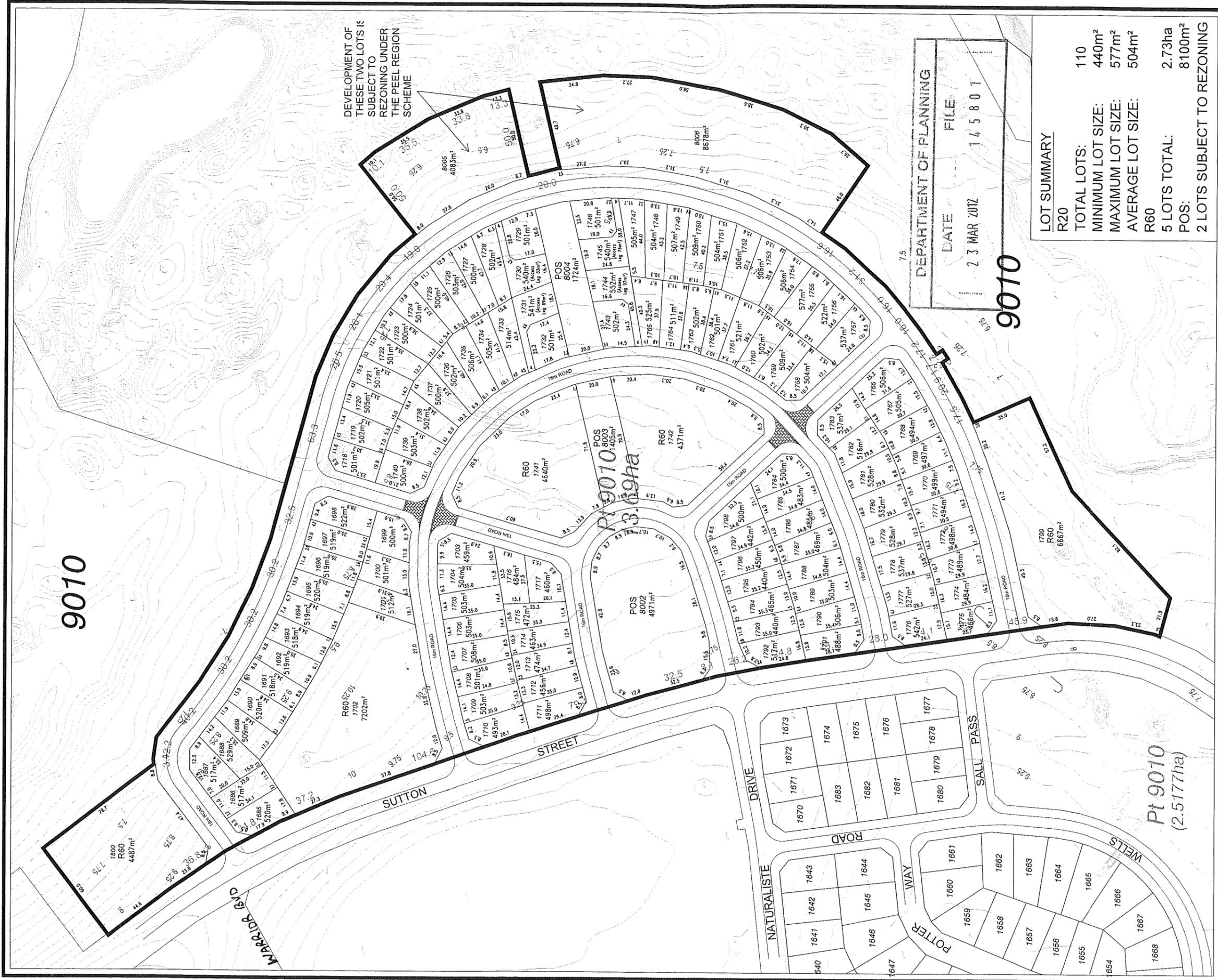
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 0 500 m

Prepared by: Iharris
 Prepared for: 145801
 Date: Tuesday, July 03, 2012 09:28
 Plot identifier: P20120703_0928

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

LOCATION PLAN
 Stage 8 Murray River Country Estate



LOT SUMMARY

| | |
|-------------------|----------------------------|
| R20 | 110 |
| TOTAL LOTS: | 440m ² |
| MINIMUM LOT SIZE: | 577m ² |
| MAXIMUM LOT SIZE: | 504m ² |
| AVERAGE LOT SIZE: | 8006 8678m ² |
| R60 | 2.73ha |
| 5 LOTS TOTAL: | 8100m ² |
| POS: | 2 LOTS SUBJECT TO REZONING |

DEPARTMENT OF PLANNING
 DATE 23 MAR 2012
 FILE 145801

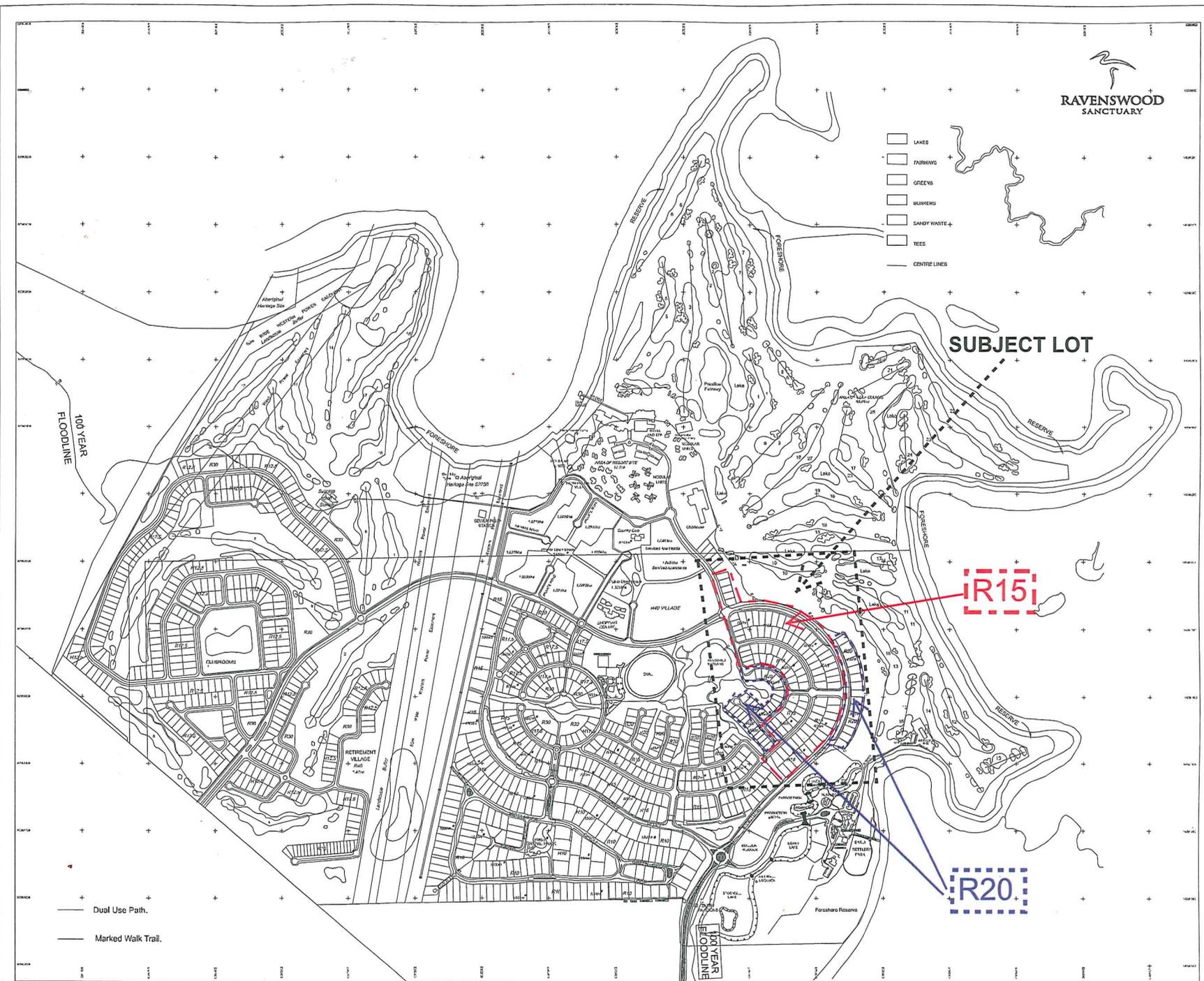


**PROPOSED SUBDIVISION
 STAGE 8
 PT LOT 9010 SUTTON STREET
 RAVENSWOOD**

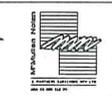
Road layout by Taylor Burrell Barnett
 Scale 1:2000 @ A3 Date: 20th March 2012
 TURNER MASTER PLANNERS AUSTRALIA



- LAKES
- FAIRWAYS
- GREENS
- BUNKERS
- SANDY WASTE
- TEES
- CENTRE LINES



RAVENSWOOD SANCTUARY
OUTLINE DEVELOPMENT PLAN
East and West Sectors



2nd Floor, 2 Hardy Street, South Perth, W.A. 6151
P.O. Box 117, South Perth, W.A. 6151
Phone: 9474 1099 - Fax: 9474 1050
Email: maps@mapsurvey.com.au

| | |
|---------|------------|
| Scale | 1:5000 |
| Drawn | JMG |
| Checked | CD |
| Client | RAVENSWOOD |
| Drawing | 91163-27 |
| Rev. | X |

NOTES

- Design Guidelines are to be prepared for the village centre at the subdivision stage (prior to the clearance of conditions).
- An Outline Development Plan is to be prepared for the tourism/residential precinct prior to subdivision and development.
- A potential third access point to Pinjarra Road may be reviewed with MRWA and Council in the future.
- The boat ramp is subject to further approval in consultation with the relevant agencies.
- Where relevant to a particular subdivision application area, the following will be required at subdivision stage (prior to the clearance of conditions) and should be implemented as part of the progressive subdivision of land:
 - Urban Water Management Plan
 - Wetland Management Plan
 - Foreshore Management Plan
 - ASS and Dewatering Management Plan
- Prior to subdivision and development of the village centre the following may be required:
 - The realignment of Beacham Road intersection and access arrangements into the proposed village centre to be addressed in more detail.
 - Acoustic assessment and measures to mitigate noise impacts on residential development in proximity to Pinjarra Road if required.

LAND USE P

- VILLAGE CENTRE (R60)
- LOCAL CENTRE (R60)
- COMMERCIAL
- EDUCATION
 - PS Primary School
 - K-12 Kindergarten - Year 12
- TOURISM / RESIDENTIAL (R40-R80)
- PUBLIC OPEN SPACE
 - PBF Public Boat Facility
- PRIVATE RECREATION
- EXTENT OF FLOODWAY
- APPLICATION BOUNDARY

RESIDENTIAL

- R10
- R15
- R20
- R30
- R40
- R60
- R120

Note: No habitable building to be constructed within floodway

