



## Statutory Planning Committee

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

**Tuesday 9 April 2013  
9.00 am**

**Level 2, Room 2.40  
One40 William Street  
Perth**



Neil Thomson  
Secretary, Western Australian Planning Commission

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Please convey apologies to Christina Sanders on 6551-9053 or email  
[christina.sanders@planning.wa.gov.au](mailto:christina.sanders@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 Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	30/04/2013
Mr Eric LUMSDEN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Henty FARRAR	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	5/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	5/11/2014
Mayor Carol ADAMS	Local government representative Schedule 2 clause 4(2)(f)	1/02/2012
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014

## 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 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 (Del 2009/05)

*Planning and Development Act 2005* Section 16(1)

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.
- 2.20 Such powers and functions of the WAPC as set out in-
  - (i) Part 5 of the Act;
  - (ii) *Town Planning Regulations 1967*

as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

**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  
Mayor Carol Adams
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 March 2013
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

Item No	Report	Request	Report Required by
7474.10.11	DA to Construct Ancillary Dwelling – Lot 7 Mottram Road, Carmel	To request DoP to provide more information on bush fire control, access and management plan and maximum sizes of ancillary accommodation	9/4/13
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah.	TBA

7477.11.1	The Wheatbelt – Towns of York and Toodyay	To request Committee Support to arrange a site visit with regard to water and bush fire issues and in relation to future approvals for rural living subdivisions due to lack of water resources, and a possible need for consolidation of the local towns.	TBA
7477.11.2	Avon Arc Study	To request Committee Support to invite Avon Arc to advise the Committee on issues such as sustainability, identifying priority areas, royalties for regions and capability.	TBA
7477.11.3	Private Arrangements for obtaining money for public open space by agreement	To request the Department to prepare a report to the WAPC regarding these types of arrangements.	TBA
7478.10.3	Certification of East Wanneroo Cell 9 – east Landsdale Local Structure Plan No. 57 and Adoption of Amendments 2 and 3 to the Structure Plan	Members request Telstra to forward the previously requested information to the SPC	23/4/13

### **13. Closure - next meeting to be held on 23 April 2013**

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Minutes  
of ordinary meeting 7478  
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### Attendance

#### Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member) Director General, Department of Planning
Mayor Carol Adams	Local government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Henty Farrar	Nominee of the Regional Minister
Mr Ian Holloway	Professions representative (arrived at 10.06 am)
Ms Elizabeth Taylor	Community representative

#### Officers

Ms Gemma Basley	<b>Department of Planning</b> Senior Planner, Perth and Peel Planning (Item 9.3)
Ms Kylie Beach	Senior Planning Officer, Independent Planning Reviewer (Item 9.6)
Mr Rob Cull	Senior Planning Officer, Perth and Peel Planning (Item 10.3)
Mr Jason Gordon	Senior Planning Officer, Independent Planning Reviewer (Item 10.5)
Ms Sally Grebe	Senior Planning Officer, Independent Planning Reviewer (Item 10.9)
Mr Jas Lapinski	Senior Planning Officer, Perth and Peel Planning (Item 9.2)
Ms Cath Meaghan	Planning Director, Regional Planning and Strategy (Item 9.1)
Ms Kym Petani	Director, Metropolitan Planning North West (Item 9.2)
Mr Steve Petersen	Planning Manager, Regional Planning and Strategy (Item 10.7)
Mr Matt Selby	Planning Director, Perth and Peel Planning (Item 9.3)
Mr Craig Shepherd	Planning Manager, Perth and Peel Planning (Item 10.4)
Mr Alex Watson	Planning Officer, Perth and Peel Planning (Item 10.2)

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### Observers

Ms Elyse Saraceni	City of Subiaco (Item 6.1 – refers Report 9.6)
Mr Ray Jackson	Goldrange Pty Ltd (Item 6.3 – refers Report 10.3)
Mr Brian McMurdo	Lavan Legal (Item 6.3 – refers Report 10.3)

### Presenters

Mr Chris Antill	Consultant to City of Subiaco (Item 6.1 – refers Report 9.6)
Mr Stephen Tindale	City of Subiaco (Item 6.1 – refers Report 9.6)
Mrs Judi Neal	(Item 6.2 – refers Report 10.3)
Mr Paul McQueen	Lavan Legal (Item 6.3 – refers Report 10.9)
Mr Ed Turner	Turner Master Planners (Item 6.3 – refers Report 10.9)

### Committee Support

Ms Leah Carr	Committee Support Officer - Department of Planning
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### 7478.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.00 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

### 7478.2 Apologies

Nil.

### 7478.3 Members on Leave of Absence and Applications for Leave of Absence

7478.3.1 Mayor Adams has made an application for a leave of absence for the SPC meeting to be held on 9 April 2013.

#### Resolved

*Moved by Ms Taylor, seconded by Ms Bartle*

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*That approval for a leave of absence be granted to Mayor Adams for the Statutory Planning Committee meeting of 9 April 2013.*

***The motion was put and carried.***

### 7478.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Mr Holloway	10.8	23	Impartiality
Ms Burrows	10.9	25	Impartiality

Mr Holloway declared an impartiality interest due to the building application referred to in Item 10.8 being made by Rural Building Company, a division of JWH, Mr Holloway's employer.

Mr Holloway declared that he would depart the meeting for Item 10.8 'Section 31 (SAT ACT 2004) Reconsideration of Refusal for Ancillary Accommodation – Lot 12 Reeds Road, Carmel, Shire of Kalamunda' and take no part in discussion or voting on the item.

Ms Burrows declared an impartiality interest due to having previously reported on Item 10.9 as an officer of the Department of Planning.

Ms Burrows declared that she requests permission to stay and discuss Item 10.9 'Section 31 (SAT ACT 2004) Reconsideration of Drovers Place Precinct Local Structure Plan No. 80- Amendment No.1' and would not vote on this item.

### **Resolved**

***Moved by Ms Taylor, seconded by Ms Bartle***

*In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Ms Burrows, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on Item 10.9 'Section 31 (SAT ACT 2004) Reconsideration of Drovers Place Precinct Local Structure Plan No. 80- Amendment No.1'.*

***The motion was put and carried.***

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### 7478.5 Declaration of Due Consideration

No declarations were made.

**Moved to item 10.7.**

### 7478.6 Deputations and Presentations

#### 7478.6.1 City of Subiaco Local Planning Strategy

Presenters Mr Chris Antill  
Mr Stephen Tindale

Mr Antill tabled 2 growth target maps and gave a power point presentation that addressed Subiaco's concerns regarding heritage issues:

- Residential character and heritage set Subiaco apart from neighbouring Council;
- Request that Modification 36 of the Schedule of Modifications be removed;
- Request stronger recognition by the Department of Planning of the heritage values of properties within the City of Subiaco.

A copy of the growth maps and powerpoint presentation has been placed on file.

#### 7478.6.2 City of Canning Local Planning Scheme Amendment 182 – For Final Approval

Presenter Mrs Judi Neal

Ms Neal advised Members that:

- the City of Canning required a Strategy Plan before a decision could be made;
- residents supported the proposal;
- increased residential density will not set an undesirable precedent as the proposal has similar developments within close proximity;
- the proposal is consistent with WAPC regional planning and objectives;
- she would appreciate if her application would be considered on its merits;
- the City of Canning had previously considered upcoding on other individual lots.

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### 7478.6.3 **Section 31 (Sat Act 2004) Reconsideration of Drovers Place Precinct Local Structure Plan No.80 – Amendment 1**

Presenters Mr Brian McMurdo  
Mr Paul McQueen

Mr McQueen addressed the Committee citing three issues:

1. Growers Mart definition – The SAT supported the previous definition under SP47 and the current definition in SP80 renders some existing uses non-conforming;
2. Large Format Liquor Store – The WAPC's planning consultant agreed that the LF Liquor Store will not have an economic conflict with the retail centre on Wanneroo Road opposite Drovers Place. Economic modelling shows that a LF Liquor Store at Drovers will not compromise any other activity centres. LF Liquor Store is an 'X' use at Banksia Grove shopping centre and is consistent with the objectives of SP80 and SPP;
3. Hairdresser with training facility - There is an undersupply of hairdressers in Wanneroo. Hairdressers are typically found outside activity centres and there was a large demand for apprenticeships in hairdressing and this demand would be met as there is no facility in the Wanneroo area.

### 7478.7 **Announcements by the Chairperson of the Board and communication from the WAPC**

Nil.

### 7478.8 **Confirmation of Minutes**

#### 7478.8.1 **Minutes of the Statutory Planning Committee meeting held on Tuesday 12 March 2013**

Ms Burrows requested that the minutes be amended to include her Declaration of Interest regarding “Town of Mosman Park Local Planning Strategy – For Final Endorsement” at Item 7477.4.

**Resolved**

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### ***Moved by Ms Taylor, seconded by Ms Bartle***

- 1. To amend the minutes to reflect that Ms Burrows' declaration of interest be entered at Item 7477.4;*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday 12 March 2013, as amended, be confirmed as a true and correct record of the proceedings.*

***The motion was put and carried.***

## **7478.9 Reports**

### **7478.9.1 Shire of Ashburton Local Planning Policy – Regional Residential Design Code Variations**

File 853/10/3/7PV4  
Report Number SPC/380  
Agenda Part A  
Reporting Officer Planning Officer – Northern Regions RP&S

#### **Resolved**

### ***Moved by Mr Farrar, seconded by Mayor Adams***

*That the Western Australian Planning Commission resolves to approve the Shire of Ashburton's Local Planning Policy – Regional Residential Design Code Variations subject to the attached schedule of modifications.*

***The motion was put and carried.***

### **7478.9.2 Lots 1 and 2 Flynn Drive Carramar – Adoption of Amendment No. 1 to City of Wanneroo Local Structure Plan No. 61**

File SPN/0452M  
Report Number SPC/381  
Agenda Part C  
Reporting Officer Senior Planning Officer  
Metropolitan Northwest

**Mr Holloway arrived at 10.06 am.**

#### **Resolved**

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***Moved by Mr Farrar, seconded by Ms Taylor***

*That the Western Australian Planning Commission resolves to:*

- 1. adopt Amendment 1 to the City of Wanneroo Local Structure Plan No. 61, subject to the schedule of modifications appended as Attachment 7:*
- 2. advise the City of Wanneroo of its decision accordingly.*

***The motion was put and carried.***

**Moved to Item 7478.9.4.**

<b>7478.9.3</b>	<b>Belmont Park Racecourse Development – Endorsement of Local Structure Plan</b>
File	SPN/0368/1
Report Number	SPC/394
Agenda Part	C
Reporting Officer	Senior Planner Metropolitan Planning Central

The Committee noted that this item was deferred at the SPC meeting of 12 March 2013 to await comment from the City of Perth and the Office of the Government Architect (OGA).

Members were provided with information from the City of Perth and the OGA prior to the meeting. The Department's officers, based on the above advice, modified its earlier recommendation, and submitted an Addendum which was provided to Members prior to the meeting.

Members were advised by the Department of Planning that the Addendum recommends removal of reductions of the height limit previously recommended in the report considered at the SPC meeting of 12 March 2013.

### **Officer's Recommendation**

1. endorse the Belmont Park Racecourse Redevelopment Structure Plan, subject to the following modifications and advice to the applicant:
  - 1.1 modification to the Regulatory Section of the Structure Plan by:

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- a) The maximum building height to be reduced to 30 storeys;
  - b) Site Access Operation and Implementation section to be modified to include the recommendations and agreements referred to in the correspondence from the Department of Transport to the Department of Planning dated 26 February 2013 (ATTACHMENT 1);
  - c) The Structure Plan Map to be modified to refer to a possible inlet (indicative only, subject to detailed area planning and receipt of environmental and planning approvals from State and Local Government).
- 1.2 insert the following provisions into the Regulatory Section of the Structure Plan:
- a) Detailed Area Plans to identify a mix of dwelling types;
  - b) A maximum dwelling yield of 4500 dwellings for the Structure Plan area;
  - c) Detailed Area Plans to implement the recommendations of the technical appendices to the Structure Plan;
  - d) A Parking Management Strategy to be prepared for the Structure Plan to the satisfaction of the Local Government and upon advice from the Western Australian Planning Commission;
  - e) Parking Management Plans to be prepared and implemented for individual development sites or as part of the Detailed Area Plans for individual Precincts to the satisfaction of the Local Government and in particular the Parking Management Plan for the Race Track Precinct shall stipulate that the racetrack parking is only available for activities associated with the use of the Race Track Precinct;
  - f) Precinct B to include a requirement for the preparation of a separate Detailed Area Plan for the proposed inlet and endorsement by the Local and the Western Australian Planning Commission;
  - g) Detailed Area Plans to further analyse and determine appropriate setbacks from the foreshore reserve.

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### Advice to the Applicant:

- i) The timing of the works required for the development will need to be closely aligned with the timings of the works required for the transport aspects of the Major Stadium project. The construction program for the Major Stadium will also need to be considered. As such all road works within the Graham Framer Freeway and Victoria Park Drive road reserves will need to be completed before the stadium is operational. GRD and the PTA/Main Roads will be required to work together to develop a staging and procurement plan for the road works that tie in within this timeframe and deliver minimum disruption to traffic.
  - ii) The Parking Management Plan should also address specialised parking, motorcycle parking, bicycle end of trip facilities, public parking, reciprocal parking if appropriate and the need for a mechanism to require landowners to change the parking management over time to respond to emerging needs and traffic conditions. In addition the Plan should include proposals for the management of on street parking.
  - iii) A table shall be included in each Detailed Area Plan to the satisfaction of the local authority and the WAPC that sets out the maximum parking allocations that will be permitted for the various non-residential land uses based on the Structure Plan proposals and Statement of Planning Policy 4.2.
  - iv) Section 18 (Aboriginal Heritage Act) consent to be obtained prior to subdivision or development commencing.
2. advise the Town of Victoria Park of its decision accordingly.

### Resolved

***Moved by Ms Bartle, seconded by Ms Taylor***

*That the Western Australian Planning Commission resolves to:*

1. *endorse the Belmont Park Racecourse Redevelopment Structure Plan, subject to the following modifications and advice to the applicant:*

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### 1.1 *modification to the Regulatory Section of the Structure Plan by:*

- a) *Site Access Operation and Implementation section to be modified to include the recommendations and agreements referred to in the correspondence from the Department of Transport to the Department of Planning dated 26 February 2013 (Attachment 1);*
- b) *The Structure Plan Map to be modified to refer to a possible inlet (indicative only, subject to detailed area planning and receipt of environmental and planning approvals from State and Local Government).*

### 1.2 *insert the following provisions into the Regulatory Section of the Structure Plan:*

- a) *Detailed Area Plans to identify a mix of dwelling types;*
- b) *A maximum dwelling yield of 4500 dwellings for the Structure Plan area;*
- c) *Detailed Area Plans to implement the recommendations of the technical appendices to the Structure Plan;*
- d) *A Parking Management Strategy to be prepared for the Structure Plan to the satisfaction of the Local Government and upon advice from the Western Australian Planning Commission;*
- e) *Parking Management Plans to be prepared and implemented for individual development sites or as part of the Detailed Area Plans for individual Precincts to the satisfaction of the Local Government and in particular the Parking Management Plan for the Race Track Precinct shall stipulate that the racetrack parking is only available for*

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- activities associated with the use of the Race Track Precinct;*
- f) Precinct B to include a requirement for the preparation of a separate Detailed Area Plan for the proposed inlet and endorsement by the Local Government and the Western Australian Planning Commission;*
  - g) Detailed Area Plans to further analyse and determine appropriate setbacks from the foreshore reserve.*

### *Advice to the Applicant:*

- i) The timing of the works required for the development will need to be closely aligned with the timings of the works required for the transport aspects of the Major Stadium project. The construction program for the Major Stadium will also need to be considered. As such all road works within the Graham Framer Freeway and Victoria Park Drive road reserves will need to be completed before the stadium is operational. GRD and the PTA/Main Roads will be required to work together to develop a staging and procurement plan for the road works that tie in within this timeframe and deliver minimum disruption to traffic.*
- ii) The Parking Management Plan should also address specialised parking, motorcycle parking, bicycle end of trip facilities, public parking, reciprocal parking if appropriate and the need for a mechanism to require landowners to change the parking management over time to respond to emerging needs and traffic conditions. In addition the Plan should include proposals for the management of on street parking.*
- iii) A table shall be included in each Detailed Area Plan to the satisfaction of the local authority and the WAPC that*

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*sets out the maximum parking allocations that will be permitted for the various non-residential land uses based on the Structure Plan proposals and Statement of Planning Policy 4.2.*

*iv) Section 18 (Aboriginal Heritage Act) consent to be obtained prior to subdivision or development commencing.*

*2. advise the Town of Victoria Park of its decision accordingly.*

**The motion was put and carried.**

### **Moved to Item 10.1**

#### **7478.9.4 Layout Plan Amendments – Mapping Data Conversion**

File DP/11/00058/1  
Report Number SPC/382  
Agenda Part D  
Reporting Officer Manager Planning – Aboriginal Communities

**Resolved**

***Moved by Mr Farrar, seconded by Ms Burrows***

*That the Western Australian Planning Commission resolves to endorse the Amendments to Layout Plans listed in Attachment 1.*

***The motion was put and carried.***

#### **7478.9.5 Shire of Ngaanyatjarraku Layout Plans – For Endorsement, Amendment and Ratification**

File DP/11/00058/1  
Report Number SPC/383  
Agenda Part D  
Reporting Officer Manager Planning – Aboriginal Communities

**Resolved**

***Moved by Mr Farrar, seconded by Ms Taylor***

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*That the Western Australian Planning Commission resolves to:*

- 1. endorse the Layout Plans listed at Attachment 1;*
- 2. endorse the amendments proposed to the Layout Plans listed at Attachment 2;*
- 3 ratify the draft Layout Plans listed at Attachment 3.*

***The motion was put and carried.***

### **7478.9.6**

#### **City of Subiaco Local Planning Strategy**

File DP/12/00457  
Report Number SPC/384  
Agenda Part D  
Reporting Officer Planning Manager – Schemes, Strategies and Amendments

Members discussed the concerns of the City of Subiaco raised in the deputation regarding the Schedule of Modifications and suggested that amendments be made to Modifications recommended by the Department of Planning.

#### **Officer's Recommendation**

That the Western Australian Planning Commission resolves to:

1. certify that the local planning strategy is consistent with Regulation 12A(3) of the Town Planning Regulations (as amended) subject to the modifications outlined in the attached Schedule of Modifications, being undertaken prior to advertising, and it to be advertised for not less than 21 days;
2. advise Council that with respect to modification point 36, the WAPC notes that the City will be undertaking character/heritage studies in the vicinity of the railway stations and acknowledges that the residential density may not be achievable in all situations in order to retain character/heritage. Appropriate densities within the walkable catchment of railway stations will be given further consideration as part of the Scheme review process and take into account such investigations and studies, however, should aim to achieve the stated density.

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Mr Farrar moved an amendment to the Officer's Recommendation that No. 36 of the Schedule of Modifications be removed; this motion was seconded by Mayor Adams.

### Resolved

***Moved by Mr Farrar, seconded by Mayor Adams***

*That the Western Australian Planning Committee resolves to adopt the Officer's Recommendation subject to removal of No.36 of the Schedule of Modifications.*

**FOR: Mayor Adams, Mr Farrar**

**AGAINST: Ms Bartle, Ms Burrows, Mr Holloway,  
Mr Lumsden, Ms Taylor**

**The motion was put and lost.**

The Chairman recommended that No. 41 of the Schedule of Modifications be removed, and that the wording of No. 36 of the Schedule of Modifications be amended to reflect the concerns raised by the City of Subiaco, as follows:

"36. Include a statement to reference the DC Policy No. 1.6 recommended residential density, as follows:

*The new Scheme should encourage, subject to having regard to the City's character/heritage studies, residential development at a minimum of 25 dwellings per hectare within 800 meters of railway stations, and substantially higher for those sites that have the advantage of close proximity to railway stations, as outlined in WAPC's operational policy – Development Control Policy No. 1.6.*

*(The City will be undertaking Character/Heritage studies in the vicinity of railway stations, and appropriate densities will be further considered as part of the Scheme review process taking into account such investigations and studies)."*

### Resolved

***Moved by Mr Lumsden, seconded by Ms Bartle***

## Statutory Planning Committee

Minutes  
of ordinary meeting 7478  
held on Tuesday 26 March 2013

*That the Western Australian Planning Commission resolves, subject to removal of No. 41 and amendment to No. 36 of the Schedule of Modifications as discussed by the Statutory Planning Committee at its meeting of 26 March 2013, to:*

- 1. certify that the local planning strategy is consistent with Regulation 12A(3) of the Town Planning Regulations (as amended) subject to the modifications outlined in the attached Schedule of Modifications being undertaken prior to advertising, and it to be advertised for not less than 21 days;*
- 2. advise Council that in regard to modification point 36, the WAPC notes that the City will be undertaking character/heritage studies in the vicinity of the railway stations and acknowledges that the residential density may not be achievable in all situations in order to retain character/heritage. Appropriate densities within the walkable catchment of railway stations will be given further consideration as part of the Scheme review process and take into account such investigations and studies, however, should aim to achieve the stated density.*

***The motion was put and carried.***

**Moved to Item 7478.9.3**

### **7478.10 Confidential Items**

**7478.10.1 City of Vincent Town Planning Scheme No.1  
Amendment No. 32 – For Final Approval**

File	TPS/0879/1
Report Number	SPC/385
Agenda Part	B
Reporting Officer	Manager, Schemes, Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL**

## Statutory Planning Committee

Minutes  
of ordinary meeting 7478  
held on Tuesday 26 March 2013

**7478.10.2 Shire of Serpentine Jarrahdale Local Planning Scheme  
Amendment – For Final Approval**

File TPS/0917/1  
Report Number SPC/386  
Agenda Part B  
Reporting Officer Planning Manager – Schemes,  
Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL**

**7478.10.3 City of Canning Local Planning Scheme Amendment  
182 – For Final Approval**

File TPS/0934/1  
Report Number SPC/387  
Agenda Part B  
Reporting Officer Planning Manager – Schemes and  
Amendments

**THIS ITEM IS CONFIDENTIAL**

**7478.10.4 Byford Town Centre Local Structure Plan – Final  
Approval**

File SPN/0098  
Report Number SPC/388  
Agenda Part C  
Reporting Officer Planning Manager, Metropolitan  
South-East

**THIS ITEM IS CONFIDENTIAL**

**7478.10.5 State Administrative Tribunal Review: Invitation to  
Reconsider Decision – Subdivision to Create 2 Survey  
Strata Lots for Residential Purposes – City of Stirling**

File 365-12  
Report Number SPC/389  
Agenda Part D  
Reporting Officer Senior Planning Officer – Appeals  
Unit

**THIS ITEM IS CONFIDENTIAL**

## Statutory Planning Committee

Minutes  
of ordinary meeting 7478  
held on Tuesday 26 March 2013

- 7478.10.6 Shire of Carnamah Local Planning Strategy and Local Planning Scheme No. 2 – For Consent to Advertise**  
File TPS/0963/1  
Report Number SPC/390  
Agenda Part E  
Reporting Officer Planning Manager

**THIS ITEM IS CONFIDENTIAL**

- 7478.10.7 Local Planning Scheme Amendment 303: City of Albany – Rural to Special Residential**  
File TPS/0770/1  
Report Number SPC/391  
Agenda Part E  
Reporting Officer A/Executive Director, Regional Planning and Strategy

**THIS ITEM IS CONFIDENTIAL**

- 7478.10.8 Section 31 (Sat Act 2004) Reconsideration of Refusal for Ancillary Accommodation - Lot 12 Reeds Road, Carmel Shire of Kalamunda**  
File 24-4928-3  
Report Number SPC/392  
Agenda Part G  
Reporting Officer A/Planning Manager Planning Appeals

**THIS ITEM IS CONFIDENTIAL**

- 7478.10.9 Section 31 (Sat Act 2004) Reconsideration of Drovers Place Precinct Local Structure Plan No.80 – Amendment 1**  
File SPN/0125  
Report Number SPC/393  
Agenda Part G  
Reporting Officer Acting Planning Manager Planning Appeals

**THIS ITEM IS CONFIDENTIAL**

## Statutory Planning Committee

Minutes  
of ordinary meeting 7478  
held on Tuesday 26 March 2013

### 7478.11 General Business

#### 7478.11.1 **Department Officers from outside the Perth Metropolitan Area in attendance at the SPC**

The Chairman recommended that in future, when Officers from outlying areas such as Albany, South West or Peel have a report on the SPC Agenda, they do not need to attend personally but can answer Members' questions via telephone conference, if appropriate.

#### 7478.11.2 **SAT APPEALS**

Members requested that the SAT judgement in relation to Item 7478.10.9 "Section 31 (Sat Act 2004) Reconsideration of Drovers Place Precinct Local Structure Plan No.80 – Amendment 1" be relayed back to the Committee to enable the Committee to consider whether:

1. modification to applicable policy documents will be necessary;
2. discuss appropriate model scheme text provisions which should be reflected in future local planning schemes.

#### 7478.11.3 **Certification of East Wanneroo Cell 9 – East Landsdale Local Structure Plan No. 57 and Adoption of Amendments 2 and 3 to the Structure Plan**

The item was deferred by SPC in December 2012 awaiting information from TELSTRA. Telstra has invited Members to visit the site. Members regarded a site visit unnecessary and requested that Telstra forward the previously requested information to the Committee at its next meeting on 9 April 2013.

### 7478.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7474.10.11	Development Application to construct ancillary dwelling – Lot 7 Mottram Road, Carmel	To request DoP to provide more information on bush fire control, access and management plan and maximum sizes of ancillary accommodation.	TBA (DoP currently awaiting information from applicant)

## Statutory Planning Committee

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7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah.	TBA
7477.11.1	The Wheatbelt – Towns of York and Toodyay	To request Committee Support to arrange a site visit with regard to water and bush fire issues and in relation to future approvals for rural living subdivisions due to lack of water resources, and a possible need for consolidation of the local towns.	TBA
7477.11.2	Avon Arc Study	To request Committee Support to invite Avon Arc to advise the Committee on issues such as sustainability, identifying priority areas, royalties for regions and capability.	TBA
7477.11.3	Private Arrangements for obtaining money for public open space by agreement	To request the Department to prepare a report to the WAPC regarding these types of arrangements.	TBA
7478.10.1		Clarification was requested regarding what was determined by the term 'Infrastructure' in the Commission's Development Contribution Policy 3.6.	Policy 3.6 to be forwarded to members.
747810.3	Certification of East Wanneroo Cell 9 – East Landsdale Local Structure Plan No. 57 and Adoption of Amendments 2 and 3 to the Structure Plan	Members request Telstra to provide previously requested information to the SPC at its next meeting of 9 April 2013.	9 April 2013

**Statutory Planning Committee**

Minutes  
of ordinary meeting 7478  
held on Tuesday 26 March 2013

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**7478.13 Closure**

The next ordinary meeting is scheduled for 9.00 am on 9 April 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.06 am.

**PRESIDING MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_

# INDEX OF REPORTS

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## ITEM NO: 9.1

### SHIRE OF DERBY-WEST KIMBERLEY LOCAL PLANNING STRATEGY - FOR FINAL ENDORSEMENT

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Planning, Kimberley
AUTHORISING OFFICER:	A/Executive Director Regional Planning and Strategy
AGENDA PART:	B
FILE NO:	DP/12/00010/1
DATE:	26 March 2013
ATTACHMENTS:	1. Schedule of Submissions 2. Schedule of Modifications 3. Shire of Derby-West Kimberley Locality Map
ADVERTISING:	7 March 2012 to 1 May 2012 (63 days)
SUBMISSIONS:	11
COUNCIL'S RESOLUTION:	Endorse with modifications

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to endorse the proposed Shire of Derby-West Kimberley Local Planning Strategy, as modified by Council and subject to further modifications as outlined in the Schedule of Modifications (refer Attachment 2).***

#### SUMMARY:

- The Shire of Derby-West Kimberley (The Shire) has prepared a Local Planning Strategy (LPS) to guide the planning for the municipality for a period of 10 to 15 years.
- The LPS has been submitted to the Western Australian Planning Commission (WAPC) for final endorsement.
- The LPS was advertised in accordance with Regulation 12B of the *Town Planning Regulations 1967*.
- It is recommended that the LPS be endorsed subject to minor modifications.

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## BACKGROUND:

The Shire is located in the north west of the Kimberley Planning Region and covers an area of 118, 560 km<sup>2</sup>. There are three gazetted townsites within the Shire (Derby, Fitzroy Crossing and Camballin) plus approximately 48 discrete remote Aboriginal communities (refer **Attachment 3**). The Shire comprises Crown land, pastoral stations and a small number of tourist accommodation and camping sites.

There is currently no LPS for Shire. Development within Derby townsite is controlled by way of Town Planning Schemes 5 & 7. Both Camballin and Fitzroy Crossing townsites have previously been subject to Interim Development Orders, however these are no longer current. The Fitzroy Futures Town Plan (FFTP) was prepared by the Department of Planning (DoP) and the Shire to guide development and make recommendations to the State on land tenure arrangements for the town. State government agencies have recently agreed that a review of the Plan is needed to assist with land tenure issues.

As the region continues to gain interest as a tourist destination, and with mining and other opportunities developing, it is timely for the Council to establish mechanisms that will provide a strategic direction to respond to these future demands.

The draft LPS was prepared by the DoP and the Shire and endorsed for advertising by Council on 29<sup>th</sup> April 2010. The purpose of the LPS is to prepare a plan to guide development within the Shire for the next 10-15 year period. The strategy will assist the Council, community and state government service providers to plan for future growth and investment decisions.

Consent to advertise was granted by WAPC on 16 December 2010, subject to minor textual modifications. The document was updated and released for public consultation on 29<sup>th</sup> March 2012.

## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section:

*Planning and Development Act 2005*

Part 5 Local Planning Schemes

### Legislation

*Town Planning Regulations 1967*

### Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned local communities developing a sense of place

Strategies:

Develop connected and accessible communities

Identify key infrastructure and development projects

### Policy

Number and / or Name:

SPP No.1 - State Planning Framework (Variation 2)

SPP No.2 - Environment and Natural Resources

SPP No.2.5 - Agriculture and Rural Land Use Planning

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SPP No.2.6 - State Coastal Planning Policy (Draft)  
SPP No.2.7 - Public Drinking Water Source Supply  
SPP No.2.9 - Water Resources  
SPP No.3 - Urban Growth and Settlement  
SPP No.3.1 - Residential Design Codes (Variation 1)  
SPP No.3.2 - Aboriginal Settlements

## DETAILS:

The LPS addresses the following issues:

- **Residential, commercial and industrial land:** as a result of rapid population growth, high demand for residential land is identified in Derby and Fitzroy Crossing. Due to increasing demand for goods and services arising from the growth of the resource sector and the construction of the regional prison, commercial land is sufficient in Derby but limited in Fitzroy Crossing. Demand for industrial land is expected to be strongest in and around Derby and possibly Point Torment.
- **Development timelines:** planning for the future needs to factor in long lead times for land assembly, particularly with complex Native Title processes.
- **Oil and gas sector:** exploration for oil and gas resources in the Browse Basin and subsequent production of LNG is expected to impact on Derby and the surrounding area. The LPS supports the development of this area and flow-on effects to the region.
- **Tourism:** this sector is an important and growing part of the Shire's economy and community. Environment and social impacts require better planning and management, which gives opportunity for identifying and mapping tourism opportunities for the region.
- **Airports:** the Derby airport has limited use (due to Curtin Aerodrome) and the size of the land and location to Derby gives opportunity to consider alternate land uses. Long term investigations for the future use of this land are identified as a priority.
- **Population drift:** 35% of the Shire's population currently lives outside the two main townsites. Over time, indigenous populations have been moving from remote settlements to townsites. This trend is expected to continue.
- **Construction workforces:** there is a potential for large construction workforces, linked to current infrastructure projects, to be located in or near Derby. Land has been identified for construction workforces.
- **Water source protection:** potable water source protection is critical for the major towns and communities. Recommendations have been made for the long term protection of water sources, within Water Source Protection Plans (DoW).
- **Coastal planning:** development is occurring in an ad-hoc manner and a management plan for the coast is needed to identify significant values and areas suitable for development. Climate change impact is an issue.
- **Derby Wharf:** alternative uses for the wharf would need to be considered if export facilities are established at Point Torment.
- **Waste management:** alternative sites for waste management facilities need to be identified as both facilities at Derby and Fitzroy Crossing are reaching capacity; therefore actions to identify new refuse sites have been presented.

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- **Reticulated sewer:** extension of reticulated sewer to areas not presently serviced would facilitate rationalisation of land and provide intensification opportunities. In anticipation of deep sewerage connection, redevelopment of lots on the western side of Derby Hwy has been proposed.

## **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The LPS will provide the strategic planning direction within the SDWK to:

- Incorporate the draft State Planning Strategy (2012) to provide state and regional strategic context and direction.
- Provide a framework for the coordination of development and infrastructure.
- Implement and apply SPP 2.6 (draft) as a means to mitigate and adapt to possible climate change impacts in the region.
- Undertake a review of Fitzroy Futures Town Plan (2009) to reflect the current needs of the Shire.
- Address the impact of future population growth and housing development.
- Identify strategies to address economic growth, environmental issues, transport, water resources, infrastructure and remote Aboriginal communities.

## **CONSULTATION:**

The draft version of the document was advertised in accordance with Regulation 12B of the *Town Planning Regulations 1967*.

The LPS was advertised from 29 February 2012 to 1 May 2012 and 11 submissions were received (**Attachment 1**), mainly from landowners and service providers.

The Shire made minor modifications to the LPS in response to the submissions. These modifications are supported.

## **OFFICER'S COMMENTS:**

### Statutory and strategic planning context

Regulation 12A(3) of the *Town Planning Regulations 1967* requires that a Local Planning Strategy shall:

- (a) *Set out the long-term planning directions for the local government;*
- (b) *Apply State and regional planning policies; and*
- (c) *Provide the rationale for the zones and other provisions of the Scheme.*

The statutory and strategic planning context is sound, and the strategies and actions reflect the objectives of the LPS. Minor modifications are recommended to update the LPS to reflect current State Planning Policy and the State Planning Framework. The key modifications are discussed below.

### *Draft State Planning Strategy (2012)*

The State planning context requires updating to reflect the draft State Planning Strategy (SPS). In addition, the regional context for the Kimberley has been updated in the SPS and this updated description and vision statement for the region should be

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updated in the LPS. These modifications are outlined in the Table of Modifications (**Attachment 2**).

#### *Coastal Planning and draft SPP 2.6 State Coastal Planning Policy*

Coastal planning has been identified in the LPS as an issue, with majority of the Derby townsite being low-lying. It is recommended that modifications are made to reflect draft State Planning Policy (SPP) No 2.6, State Coastal Planning Policy.

The updated information contained in draft SPP 2.6 presents guidance on the application of coastal hazard risk management and adaptation planning (CHRMAP) for existing low-lying areas, such as Derby. It is recommended that an action be included to undertake CHRMAP for the Shire, which would include risk assessment for storm surge inundation.

#### *Fitzroy Futures Town Plan*

The Fitzroy Futures Town Plan (FFTP) was prepared by the SDWK and the DoP. The Plan identifies opportunities for future growth and recommends land tenure adjustments to facilitate this growth. The Plan provides strategic guidance for development within the townsite. There is currently no town planning scheme or Interim Development Order in place for the town. The majority of the land holdings are Crown land with works undertaken by public authorities.

With mounting pressure for townsite expansion the issues of regulatory control and land tenure have been discussed by an inter-agency group over 2012 and 2013. The review of the FFTP will be fundamental in addressing these issues.

Buneba Incorporated is one of many Aboriginal groups with Native Title interests in Fitzroy Crossing. Buneba prepared a Fitzroy Futures Development Plan (Development Plan) in attempt to address and expedite the release of land and housing. The Development Plan was lodged as a submission in response to the LPS. The Shire recognised the importance of resolving the land planning issues facing Fitzroy Crossing and recommended a modification to include an action to review the FFTP. This action is supported and to this end the DoP will continue to discuss opportunities for collaboration with the Shire.

#### *State Planning Policy 3.2 – Aboriginal Settlements*

Since preparation of the LPS, SPP 3.2 has been updated. It is recommended that section 5.4 of the LPS be reworded to reflect these changes.

#### *Conclusion*

The draft LPS for the SDWK will provide a strategic framework for addressing growth and development over the next 10-15 years. It is recommended the WAPC endorses the LPS subject to minor modifications.

**Attachment 1: SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>NAME AND ADDRESS</b>	<b>DESCRIPTION OF AFFECTED PROPERTY</b>	<b>SUMMARY OF SUBMISSION</b>	<b>COUNCIL'S RECOMMENDATION</b>	<b>WAPC RECOMMENDATION</b>
1.	Blue Salt Property Group Level 2 Suite 5, 47 Havelock Street West Perth 6005.	Lot 61 Dampier Drive, Derby  Lot 650 Derby Hwy, Derby (UCL – Truck Bay).	Generally supports LPS as a comprehensive plan for future growth.  Supports Action 11 to rezone Lot 650 to mixed use commercial, express interest in progressing with SDWK.	Support noted.  Lot 650 is the old Truck Bay on Derby Hwy. Council proposes to seek acquisition of land as part of Hester Land Asset Management Report. Future acquisition subject to processes under LAA & subsequent development subject to process under LGA.	Noted.  Noted.
2.	RE Cowie.	126 Loch Street, Derby.	Supports Action 11 – amend zoning from R5 to R5/30.	Support noted.  Rezoning subject to provision of reticulated sewer by Water Corporation.	Noted.
3.	Department of Water PO Box 625 Kununurra 6743.	General.	<ul style="list-style-type: none"> <li>• s.3.6 Action 47 Designation of land for water catchment to be done in consultation with DoW;</li> <li>• s.5.12 administration of Fitzroy Floodplain Management strategy is undertaken within DoW – not DEC as noted in LPS;</li> <li>• s.5.4 – SPP 2.9: Clarifies</li> </ul>	Noted – subject of a separate future project.  Support. s.5.12 (page 30) modified to reflect DoW comment.  Noted.	Noted.  Modification supported.

			<p>process for Better Urban Water Management as to when various plans should be prepared and submitted to mitigate risks with subdivisions.</p> <ul style="list-style-type: none"> <li>• s.7.17.6 clarifies situations whereby a licence for use of groundwater is required to be obtained from DoW.</li> <li>• s.7.17.5 advice notes re operation of waste water facilities.</li> </ul>	<p>Noted.</p> <p>Noted.</p>	<p>Support. Remove reference to PB 92 in s.5.4, as <i>Better Urban Water Management</i> (WAPC 2008) now supersedes PB 92</p> <p>Noted.</p> <p>Noted.</p>
4.	Department of State Development. Level 6, 1 Adelaide Tce East Perth 6004.	General.	<ul style="list-style-type: none"> <li>• Generally supportive of strategy given planning and consideration of resource projects including Pt Torment.</li> <li>• The LPS considers potential demand for all land uses arising from resource projects and identifies suitable land that could be readily made available.</li> <li>• LPS should be upgraded to reflect current status of Rey Resources Project.</li> </ul>	<p>Noted.</p> <p>Noted.</p> <p>Support.s.7.16.2 has been updated to reflect current status of project (page 62).</p>	<p>Noted.</p> <p>Noted.</p> <p>Support modification.</p>
5.	Department of Education 151 Royal St East Perth 6004.	General.	Reviewed projected growth on education facilities within the Shire. The current school facilities will be sufficient to cater for expected increase in student yield for foreseeable future.	Noted.	Noted.
6.	M&D Griffin 154 Belmont	Lot 534 Derby Hwy Derby.	Seeks to have land rezoned from Rural to Light industrial in	Noted.	Supported. Modify to include on the Derby

	Avenue Belmont.		<p>conjunction with proposed Landcorp subdivision on adjacent land holdings. Rezoning would make land more functional and possibly support future resource projects.</p>	<p>Landcorp are proposing to submit scheme amendment documents that captures subject land. Future development proposals for that land subject to normal planning processes that sit outside the LPS process.</p>	Townsite Map, Figure 2.
7.	Dept of Defence Defence Support Group.	Derby & Curtin Airports.	<p>DoD identified some concerns raised by strategy as it relates to future of both airports and the implications for strategic fuel supplies being transferred to Pt Torment.</p> <p>Have interpreted comments that all activity will be transferred from Derby airport to Curtin airbase.</p> <ul style="list-style-type: none"> <li>S.7.17.3 refers to Derby airport as being constructed for F111's and a Joint User Facility. Descriptions not entirely accurate. Derby airport is a Bare Base that operates under a Civil Lease Agreement. Strategy should be amended to reflect proper description.</li> </ul>	<p>Noted – no decision on final composition or form of development at Point Torment. Any new development at that location would require construction of a new access road that would facilitate fuel transfer if that activity was to be established there.</p> <p>Planning Officer has met with RAAF to clarify. Comments re: alternative land uses at Derby airport does not infer all activities are to be transferred to Curtin airbase, rather refers to exploring options to develop alternative, complementary land uses at Derby airport. Noted – document to be amended (page 70).</p>	<p>Support. The certainty of Point Torment as a supply base and Port is uncertain. The issue of the future of the airports and the transfer of fuel supplies to Port Torment will require additional consideration and discussion with the DoD.</p> <p>Support modifications.</p>

8.	G Livingstone Via email.	General	Seeks that traffic control is by give-way signs or roundabouts rather than stop signs or traffic lights as they facilitate better traffic flow.	Noted – traffic management undertaken in accordance with regulatory controls.	Noted. This is a local issue that is outside of the scope of the LPS.
9.	Water Corporation PO Box 100 Leederville.	General – across Derby Fitzroy Crossing & Camballin townsites.	<u>Derby</u> <ul style="list-style-type: none"> <li>• LPS direction to have reticulated sewer to areas not serviced is noted.</li> <li>• Water planning for Lot 61 for 300 lots and Regional Prison indicates capacity constraints and further planning review is in progress.</li> <li>• Proposed developments will require a new confined aquifer bore which is proposed in 2015 and the allocation licences require increasing.</li> <li>• Water treatment is close to its storage capacity. The location of future ground storage tanks is yet to be determined. An upgrade is scheduled for 2019.</li> </ul>	<p>Noted.</p> <p>Noted – subdivision will be released in stages, developer working with Water Corporation.</p> <p>Support. Future land releases will need to be aware of possible servicing implications. Issue will be flagged in document (pg72).</p>	<p>Supported. Water planning for Derby, Fitzroy Crossing and many of the Aboriginal settlements is a priority.</p> <p>Noted.</p> <p>Support modification.</p> <p>Support modification.</p>

			<ul style="list-style-type: none"> <li>Wastewater planning is recent (2011), Pump Station 2 has been upgraded by the department (Pump station 4 and associated sewers need to be upgraded in capacity before further development can be accommodated, scheduled for 2014. Stage 2 Boab Estate is unable to be connected prior to completion. Wastewater treatment capacity will need to be upgraded to meet detention times recommended by Dept of Health. An upgrade to the wastewater treatment plant is scheduled for 2021. Until this work is completed, available capacity is a risk in the medium term.</li> </ul> <p><u>Fitzroy Crossing</u> There are high water and wastewater flows per head of population compared to other towns in the region.</p> <p>Water supply consumption is high, water efficiency measures need to be introduced. Low level water efficiency initiatives have been implemented with some positive results.</p>	<p>Support. Changes made to Pg 72.</p> <p>Noted.</p> <p>Noted.</p>	<p>Noted. Detailed water/wastewater planning will be further addressed in the review of FFTP.</p>
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			<p>A number of improvements to the bores and upgrade of the scheme are scheduled between late 2012 &amp; 2020. Projects for construction of a new bore with treatment processes and renewal of the elevated tank are scheduled for 2013.</p> <p>Wastewater planning (2009) indicated that the capacity at the wastewater treatment plant was becoming constrained and may not be sufficient to cope with future town growth. Alternative effluent disposal methods need to be investigated, including sprinkler systems and reuse options such as tree farming, oval watering and dual reticulation. The treatment plant is scheduled for an upgrade in 2019.</p> <p><u>Camballin</u> Water source review (2005) shows there are 2 bores supplying town. Water contamination is a potential risk with the land uses nearby. Abstraction is currently well within the allocation licence of 50000KL/annum, currently at 16,000kL annually. There are currently no projects scheduled for upgrade as the existing system is currently more than adequate and growth is expected to be low into foreseeable future.</p>	<p>Noted.</p> <p>Noted – may have implications for delivery of proposals contained within submission No.10 below.</p> <p>Noted.</p>	<p>Noted.</p>
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10.	Lankester Planning Services on behalf of Bunuba Inc. Fitzroy Crossing.	Fitzroy Crossing Townsite. – Various Locations	<p>The Fitzroy Futures Development Plan (FFDP) submitted to complement and expand upon strategies identified in the FFTP.</p> <p>The FFDP more specifically identifies a range of sites within the town and ranks them in priority to progress the subdivision and development of the land primarily for residential purposes and proposes subdivision concepts as a basis for further investigation.</p> <p>The plans indicate servicing and infrastructure issues that are relevant to each site and which require state government agencies to consider seriously. The land tenure of each site is detailed and this needs further assessment by state government.</p>	<p>Plan received and aspirations of the traditional owners are noted.</p> <p>The Fitzroy Futures Development Plan (FFDP) can be viewed as a logical progression to implement many of the strategies and objectives of the broader Fitzroy Futures Town Plan (FFTP).</p> <p>The implementation of the plan as proposed is contingent upon the resolution of complex land tenure and infrastructure issues which will require additional resources to be allocated by the state government to investigate and to resolve. These matters fall outside the scope of the LPS. The range of issues raised within the FFDP would necessitate a review of the FFTP. Accordingly, it is recommended that an additional action be added to the LPS under s.3.3 – add action No.36 – To review FFTP in consultation with Bunuba people, DPC, RD&amp;L,</p>	<p>Supported. The FFDP could be considered as part of a review of the Fitzroy Futures Town Plan in the future.</p> <p>The modification is supported.</p>
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			<p>Additional comments are made in specific matters identified in the LPS by reference to a page and a statement identified within the LPS followed by comment;</p> <p><i>I. Page 10 – Implement land tenure adjustments necessary to make further land available for development.</i>  <u>Comment –</u> Agree, FFDP directly identifies how Bunuba developments could effectively develop land if tenure resolved and land transferred to Bunuba Inc.</p> <p><i>II. Page 10 – action 33 Support Industrial lots on Forrest Rd north – Page 52 the main option for industrial land is further north on Scrivener Rd. An area for general industry uses available adjacent to power station.</i>  <u>Comment –</u> Consider it preferable that industrial land be relocated away from the area of Bunuba Hts to minimise land use conflict. Agree that general industry</p>	<p>DoP, W/Corp and DoW.(page 10).</p> <p>The implementation of the plan as proposed is contingent upon the resolution of complex land tenure and infrastructure issues which will require additional resources to be allocated by the state government to investigate and to resolve. These matters fall outside the scope of the LPS.</p> <p>Noted – agree, use more appropriate adjacent to power station and should be reflected in future review of FFTP.</p>	<p>Noted. As below.</p> <p>Noted. Issue to be considered in future review of FFTP.</p>
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			<p>more compatible adjacent to power station.</p> <p>III. Page 15 – <i>identify a suitable place for a tourist information bay for self drive tourists.</i>  <u>Comment</u> – consider site at western entry to town suitable, historically used for loading cattle, could provide historical entry statement. The FFTP also identifies site for tourism uses.</p> <p>IV. Page 41 – 7.3.1 <i>Projected number of new houses required - 17.</i>  <u>Comment</u> – housing demand considered an extreme under estimate – recent survey identified immediate demand for approx.90 dwellings to service demand.</p> <p>V. Page 42 – <i>LPS identifies a range of general planning strategies to address the need for additional residential land with FX. This includes infill, increasing housing density, assess reserves which are underutilised, provide greater choice housing stock, upgrade standard thru redevelopment.</i>  <u>Comment</u> – all strategies</p>	<p>Noted.</p> <p>Support. Survey was completed post finalisation of draft. Document updated (page 41).</p> <p>Noted – progress of these lots subject to resolution of tenure and servicing issues.</p>	<p>As above.</p> <p>Support modifications.</p> <p>Noted.</p>
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			<p>represent good examples of a flexible planning approach for a town that has serious development constraints. The FFDP supports these approaches and can be seen in proposals for Site 1- subdivision on health reserve/Site 2 residential subdivision on drainage reserve/Site 4 – modified subdivision concept plan demonstrating how to increase lot yield.</p> <p>VI. Page 51 – <i>LPS s.7.8 recognises limited commercial and business land currently centred on Forrest Rd – option to create additional areas within Bunuba Heights.</i>  <u>Comment</u> – Agree, land allocated for that purpose in FFTP – option to review areas</p>	<p>Support – proposal would be subject to future review of FFTP, to be listed in new action within LPS.</p>	<p>Support modification.</p>
11.	R Horner PO Box 10 Boonah QLD 4310	General	<p>Views West Kimberley as well placed to facilitate growth, employment through diversification of existing pastoral uses to include agricultural food production; irrigated cropping and investment in feed lots and establishment of a meat works to service Asian markets.</p>	<p>Noted.</p>	<p>Supported. The LPS and the Kimberley Planning and Infrastructure Framework (DoP) will assist in planning to address such issues.</p>

			<p>Strong growth in coming 10 year period will place enormous strain on local government to deliver affordable land, housing and associated infrastructure upgrades. Critical to plan in advance to avoid the issues that have affected Pilbara and create loss of lifestyle, sustainable communities.</p> <p>Generally supportive of LPS process</p>	<p>Noted.</p> <p>Noted.</p>	
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## Attachment 2 - Schedule of Modifications

Section	Recommended Modification	Rationale
Section 1.2	Re-order elements of LPS to reflect the order of the document	Not consistent with order of document
Section 1.4	Change wording to present tense	Consultation period has already occurred
Section 3.5.2	<p>Add in two actions for coastal planning issues:</p> <ol style="list-style-type: none"> <li>1. Prepare a land use and management plan for the coast to identify areas for development and protection; and a framework for coordinated management</li> <li>2. To plan for the current and future risk of erosion and storm surge inundation, coastal hazard risk management and adaptation planning is to be undertaken in accordance with draft SPP 2.6 and comprising as a minimum: <ul style="list-style-type: none"> <li>• vulnerability assessment as part of the risk assessment process</li> <li>• reduce risks to an acceptable level</li> </ul> </li> </ol>	<p>Coastal planning is a pertinent issue in the Shire, but there are no actions to address it.</p> <p>Coastal hazard risk management and adaptation planning is a measure to address vulnerability of low-lying areas to coastal hazards (eg Derby). This is in compliance with the draft SPP 2.6.</p>
Section 5.1	<p>State Planning Strategy (SPS) – released as Draft for Public Comment (Dec 2012)</p> <ul style="list-style-type: none"> <li>• SPS regional section has changed, and the Shire of Derby-West Kimberley is located within the North West Sector (end of 1<sup>st</sup> paragraph, pg 18)</li> <li>• Key principles have been updated and are as follows –</li> </ul> <p><u>Community</u> – enable diverse, affordable, accessible and safe communities  <u>Economy</u> - facilitate trade, investment, innovation, employment and community betterment  <u>Environment</u> – conserve the State’s natural assets through sustainable development  <u>Infrastructure</u> – ensure infrastructure supports development  <u>Regional development</u> – build the competitive and collaborative advantages of the regions  <u>Governance</u> – build community confidence in development processes and practices</p>	<p>Strategic planning for regional areas is now undertaken by the regional Planning and Infrastructure Frameworks (PIFs), even though the SPS still provides some visionary statements for the North West Sector (see below)</p> <p>Principles need updating to reflect the new Draft SPS (2012)</p>

<p>Section 5.1</p>	<p>SPS (2012) Regional sectors – North West Sector</p> <ul style="list-style-type: none"> <li>• Replace text stating the regional vision for the Kimberley on pg 19 with the following:</li> </ul> <p>The Strategy sets out the following statements for sustained prosperity for the North West Sector:</p> <p>Harmony needs to be achieved between conservation of the region’s unique environment and opportunities for economic development. This approach will celebrate Indigenous culture in a remote region including sense of place and community spirit.</p> <p>The State Government’s Royalty for Regions program has been funded to expand the North West Sector’s resident population and increase economic development opportunities. The Ord River irrigation area plays an increasingly important role in increasing the State’s food security and water resources. Under the Ord-East Kimberley Expansion Project, Kununurra will become a regional centre and the project will expand the size of the Ord irrigation area. This will provide major opportunities for growth for the region’s economy and social development.</p> <p>The State Government has endorsed the Kimberley Science and Conservation Strategy (KSCS) in May 2011. It aims to protect the region’s natural and cultural heritage while allowing fulfilment of economic potential and social development. The vision statement for the strategy is:</p> <p><i>The spectacular natural environments and rich and living cultural traditions of the Kimberley are conserved for their intrinsic values and in a way that contributes to the long term social, cultural, spiritual and economic wellbeing of the community.</i></p>	
<p>Section 5.2</p>	<p>Remove paragraph outlining the State Sustainability Strategy (2003)</p>	<p>The SPS (2012) is the most relevant state strategic planning guidance</p>
<p>Section 5.4</p>	<p>SPP 2.6 State Coastal Planning Policy (amended) Replace existing heading and paragraph with the following:</p> <p><b>Draft SPP 2.6 State Coastal Planning Policy</b></p> <p>The objectives of this Policy are to ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria, the identification of appropriate areas for sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities, provide for public coastal foreshore reserves and access to them, and to protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.</p>	<p>SPP 2.6 has been updated from Amended to Draft, and this reflects the most up-to-date information.</p> <p>It enables the direct application of SPP 2.6 to low-lying, high risk areas such as Derby through coastal hazard risk management and adaptation planning (for vulnerable localities).</p>

	<p>Section 5 policy measures requires the identification of coastal foreshore reserves including an allowance for coastal physical processes and an appropriate width to ensure a coastal foreshore reserve is available in public ownership should the impacts be realized over the planning time frame; foreshore management planning being formulated and implemented for care, control and maintenance of foreshore reserve works; and the formulation of coastal hazard risk management and adaptation planning for vulnerable localities to ensure that risk is assessed and management needs considered as part of the development decision, promoting the development of long-term adaptive capacity for managing coastal hazard risk.</p> <p>Schedule 1 provides guidance for calculating coastal physical processes allowances. The Schedule also includes the requirement for allowance for the current risk of storm surge inundation. Where identified inundation is not contained within a coastal foreshore reserve, coastal hazard risk management and adaptation should be undertaken. Given the variation of coastal environments in the state and range of development and use contexts that can be present, the policy is to be applied to each case under consideration on its merits using the best available information, common sense and a precautionary approach.</p>	
Section 5.4	<p>Reference to Better Urban Water Management (WAPC 2008) needs updating. Remove reference to PB 92, and change document reference to the above. Add in text submission (No.3) from DoW to reflect exact wording.</p>	<p>Gives more clarity to the process outlined in SPP 2.9 in reference to Better Urban Water Management document.</p>
Section 7.2	<p>Population census data to be updated from 2006 to 2011</p>	<p>More applicable and current data</p>
Section 7.15	<p><u>Natural Environment</u> Add in a description of the coastal environment of the Shire as it is missing from the Municipal Profile description</p>	<p>Coastal planning is an identified issue and the coastal environment of the area should be described</p>

# Western Australia PLANNING REGIONS

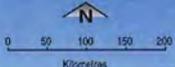


Department for  
Planning and Infrastructure



**LEGEND**

- State Border
- Planning Region Boundary
- Local Government Boundary
- Primary Road
- Other Road
- Railway



Produced by Project Mapping Section,  
Geographic & Planning Information Branch,  
Department for Planning and Infrastructure,  
Perth, W.A. September 2001  
  
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Topographic and Local Government Boundary  
Data supplied by Department of Land  
Administration, WA.

SHIRE OF  
DERBY-WEST KIMBERLEY



Refer to "SOUTH - WEST PLANNING REGIONS" Map for  
Local Government Boundary Detail within this area