



Statutory Planning Committee

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

**Tuesday 23 April 2013
9.00 am**

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



Neil Thomson
Secretary, Western Australian Planning Commission

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**
- 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 9 April 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
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. (to be combined with 7477.11.2)	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. (to be combined with 7477.11.1)	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. SPC noted the tabled email of 4/4/13 from Trevor Robb, Telstra. The Chair spoke to the proposal. Ms Burrows informed of discussions with Steve Allering, consultants. The Committee was informed that further information will be available for next scheduled meeting of the committee.	23/4/13

13. Closure - next meeting to be held on 14 May 2013

Statutory Planning Committee

Minutes
of ordinary meeting 7479
held on Tuesday 9 April 2013

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
Ms Elizabeth Taylor	Community representative

Officers

Ms Tara Cherrie	Department of Planning Senior Planning Officer, Regional Planning and Strategy (Items 9.1 and 10.1)
Ms Jackie Holm	Planning Manager, Regional Planning and Strategy (Items 9.1 and 10.1)

Committee Support

Ms Christina Sanders	Committee Support Officer - Department of Planning
----------------------	--

7479.1 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.

7479.2 Apologies

Nil.

7479.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

Statutory Planning Committee

Minutes
of ordinary meeting 7479
held on Tuesday 9 April 2013

7479.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Mr Ian Holloway	10.3	4	Impartiality

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 agree that the member listed above, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on the item as the Rural Building Company, which is building the dwelling, is a subsidiary of JWH Group, his employer.

The motion was put and carried.

7479.5 Declaration of Due Consideration

No declarations were made.

7479.6 Deputations and Presentations

Nil.

7479.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman advised that the Minister will make an announcement shortly regarding planning reform.

7479.8 Confirmation of Minutes

7479.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 26 March 2013

Ms Taylor drew attention to Item 10.3 of the Minutes and recommended that the explanation given by Mayor Adams for amending the Officer's Recommendation be inserted just prior to the committee's resolution. Members agreed that it was a more logical sequence.

Statutory Planning Committee

Minutes
of ordinary meeting 7479
held on Tuesday 9 April 2013

Resolved

Moved by Ms Taylor, seconded by Ms Bartle

1. *That the two paragraphs in Item 10.3 commencing "Mayor Adams moved" to "Mr Farrar supported the Officer's Recommendation." be moved and inserted just prior to the committee's resolution;*
2. *That the minutes of the Statutory Planning Committee meeting held on Tuesday 26 March 2013 as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

7479.9 Reports

7479.9.1

Shire of Derby-West Kimberley Local Planning Strategy - For Final Endorsement

File DP/12/00010/1
Report Number SPC/395
Agenda Part B
Reporting Officer Manager Planning, Kimberley

Officer's 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).

There was some discussion concerning Section 3.5.2 of Attachment 2 – Schedule of Modifications and the Chairman recommended that the word "draft" be removed from 2. "... draft SPP 2.6 ..." and the dot point "reduce risks to an acceptable level" be removed.

Resolved

Moved by Ms Burrows, seconded by Mr Holloway

Statutory Planning Committee

Minutes
of ordinary meeting 7479
held on Tuesday 9 April 2013

Subject to amending Section 3.5.2 of Attachment 2 – Schedule of Modifications by removing the word “draft” from 2. “... draft SPP 2.6 ...” and removing the dot point “reduce risks to an acceptable level”, 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).

The motion was put and carried.

7479.10 Confidential Items

7479.10.1 Broome Local Planning Strategy and Local Planning Scheme No. 6 - Consent to Advertise

File TPS/0915/1
Report Number SPC/396
Agenda Part B
Reporting Officer Manager Planning Kimberley

THIS ITEM IS CONFIDENTIAL

7479.10.2 City of Albany - Town Planning Scheme Amendment No 312 - For Final Approval

File TPS/0828/1
Report Number SPC/397
Agenda Part E
Reporting Officer Planning Officer

THIS ITEM IS CONFIDENTIAL

7479.10.3 Development Approval to Construct Ancillary Dwelling – Lot 7 Mottram Road, Carmel

File 24-50075-1
Report Number SPC/398
Agenda Part G
Reporting Officer A/Planning Manager, Metropolitan Planning North East, Perth and Peel Planning

THIS ITEM IS CONFIDENTIAL

7479.11 General Business

Nil.

Statutory Planning Committee

Minutes
of ordinary meeting 7479
held on Tuesday 9 April 2013

7479.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
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. (to be combined with 7477.11.2)	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. (to be combined with 7477.11.1)	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
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. SPC noted the tabled email of 4/4/13 from Trevor Robb, Telstra. The Chair spoke to the proposal. Ms Burrows informed of discussions with Steve Allering, consultants. The Committee was informed that further information	TBA

Statutory Planning Committee

Minutes
of ordinary meeting 7479
held on Tuesday 9 April 2013

will be available for next scheduled
meeting of the committee.

7479.13 Closure

The next ordinary meeting is scheduled for 9.00 am on Tuesday 23 April 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.32 am.

PRESIDING MEMBER _____

DATE _____

Unconfirmed

INDEX OF REPORTS

Item	Description
9	REPORTS
	C SUBDIVISIONS / AMALGAMATIONS
9.1	PROPOSED AMENDED PLAN OF SUBDIVISION TO SUBDIVIDE LOTS 1 AND 2316 NEAVES ROAD, MARIGINIUP TO CREATE 2 RURAL LOTS.
9.2	ADOPTION OF AMENDMENT 3 TO THE EAST WANNEROO CELL 9 - EAST LANDSDALE LOCAL STRUCTURE PLAN NO. 57
9.3	MODIFICATION OF CLAREMONT NORTH EAST PRECINCT LOCAL STRUCTURE PLAN
	D GENERAL ITEMS / OTHER MATTERS
9.4	LAYOUT PLAN AMENDMENTS – MAPPING DATA CONVERSION
9.5	LOT 6 NORTH EAST ROAD, GIDGEGANNUP: SUBDIVISION TO CREATE TWO LOTS FOR RURAL PURPOSE.
9.6	LOT 11 CHITTERING ROAD, BULLSBROOK SUBDIVISION TO CREATE TWO LOTS FOR RURAL PURPOSE.
9.7	LOCAL SUBDIVISION & INFRASTRUCTURE PLAN NO. 370 - ALICE ROAD, MOUNT HELENA
10	CONFIDENTIAL REPORTS
	D GENERAL ITEMS / OTHER MATTERS
10.1	STATE ADMINISTRATIVE TRIBUNAL REVIEW: INVITATION TO RECONSIDER CONDITIONS OF SUBDIVISION APPROVAL TO CREATE TWO LOTS FOR DEVELOPMENT AND PUBLIC OPEN SPACE PURPOSES

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

- 10.2 SHIRE OF NORTHAM TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 33 - FOR FINAL APPROVAL
- 10.3 SHIRE OF MT MARSHALL– LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME NO. 3 – FINAL APPROVAL
- 10.4 SHIRE OF YORK LOCAL PLANNING SCHEME 2 – AMENDMENT NO. 31 – FOR FINAL APPROVAL
- 10.5 AMENDMENT NO. 122, SHIRE OF DENMARK LOCAL PLANNING SCHEME NO. 3 – FOR FINAL APPROVAL



ITEM NO: 9.1

PROPOSED AMENDED PLAN OF SUBDIVISION TO SUBDIVIDE LOTS 1 AND 2316 NEAVES ROAD, MARIGINIUP TO CREATE 2 RURAL LOTS.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer Metropolitan Northwest
AUTHORISING OFFICER:	Director Planning Metropolitan Northwest
AGENDA PART:	C
FILE NO:	146448
DATE:	26 March 2013
ATTACHMENT(S):	1. Amended Plan of Subdivision 2. Original Plan of Subdivision 3. City of Wanneroo District Planning Scheme No. 2 4. East Wanneroo Structure Plan
REGION SCHEME ZONING:	Rural, Rural Water Protection
LOCAL GOVERNMENT:	City of Wanneroo
LOCAL SCHEME ZONING:	General Rural
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Metropolitan Northwest
RECEIPT DATE:	20 December 2012
PROCESS DAYS:	95
APPLICATION TYPE:	Subdivision - Amended Plan
CADASTRAL REFERENCE:	Lots 2316 and 1 Neaves Road, Mariginiup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the amended plan date stamped 20 December 2012 for subdivision of Lots 1 and 2316 Neaves Road, Mariginiup subject to the following conditions and advice:

CONDITIONS:

- 1. The plan of subdivision is to be modified to reflect the correct lot areas in accordance with the attached plan date stamped 15 March 2013. (Western Australian Planning Commission)***

-
2. ***The provision of easements for existing or planned 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)***
 3. ***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 to the lot(s) shown on the approved plan of subdivision. (Western Power)***
 4. ***The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of Lots 1 and 2 are notified on the contracts of sale that these lots may be affected by future regional road alignments as identified in the East Wanneroo Sub-Regional Structure Plan (January 2011) and the potential for traffic noise. (Western Australian Planning Commission)***

ADVICE:

1. ***In regard to Condition 3, Western Power provides only one underground point of electricity supply per freehold lot.***

ADVICE TO LOCAL GOVERNMENT

1. ***In considering any development proposal including a wastewater disposal system on the subject site, the City of Wanneroo is advised to consult with the Department of Water with respect to the protection of groundwater resources.***

SUMMARY:

An amended plan application has been received to amalgamate 2 rural lots and re-subdivide these into 2 lots of approximately 20ha each. The key issues are:

- implications for strategic regional road planning; and
- groundwater supply area protection.

The proposal is consistent with WAPC policy pertaining to rural land as it formalises an existing boundary alignment associated with a bore main and does not result in any additional lots.

The proposal is presented to the Statutory Planning Committee for determination as the proposal is not supported by the local government on the basis that it would prejudice the orderly and efficient planning of future urban areas and regional roads identified in the East Wanneroo Structure Plan.

The subdivision proposal does not significantly impact on the proposed future road network and conditional approval is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
Number and / or Name: State Planning Policy 2.5 Agricultural and Rural Land Use Planning
State Planning Policy 2.2 Gnamara Groundwater Protection
Development Control Policy 3.4 Rural Subdivision

INTRODUCTION:

The amended plan proposes to amalgamate Lot 1 (0.4933ha) and Lot 2316 (39.982ha) Neaves Road, Mariginiup then re-subdivide the land into two lots of 20.79ha and 19.69ha. It also proposes the creation of an easement benefiting the Water Corporation for the protection of and access to a bore main that currently lies within Lot 1. The initial amended plan did not provide accurate lot areas but these have since been corrected as shown on the plan dated 15 March 2013 (**Attachment 1**).

The original application proposed to subdivide the eastern portion of Lot 2316 into four lots (**Attachment 2**).

Lot 2316 is a rural landholding severed in two portions by Lot 1, each portion being approximately 20ha in area. The western portion has been cleared and contains a shed and other farming improvements. The eastern portion has been parkland cleared and contains pockets of remnant vegetation.

Lot 1 Neaves Road is owned by the Water Corporation and is 495m long by 10m wide and contains a groundwater bore main. An easement currently exists over Lot 1 granting a right of carriageway; and the right to lay water, sewer and electricity services for the benefit of Lot 2316.

The eastern portion of Lot 2316 is zoned Rural - Water Protection under the Metropolitan Region Scheme and the western portion is mostly zoned Rural, except for a portion of Rural - Water Protection in the north western corner. The whole site is zoned General Rural under the City of Wanneroo District Planning Scheme No. 2 (DPS 2) (**Attachment 3 - Local Scheme Zoning**).

CONSULTATION:

The City of Wanneroo (the City) does not support the proposal on the basis that it would prejudice the orderly and efficient planning of future urban areas and regional roads identified in the East Wanneroo Structure Plan.

Western Power supports the amended plan proposal subject to standard servicing conditions.

The Water Corporation makes no objection to the amended plan proposal and has confirmed that a condition of approval for the provision of an easement would be suitable for the management of the groundwater bore main.

The Department of Water made no objection to the original application on the basis that it is possible to locate any wastewater disposal system outside the wellhead protection zone. The amended plan has also been referred to the DoW and the above comments have been reaffirmed.

The Department of Environment and Conservation, Department of Mines and Petroleum, Department of Health and Atco Gas made no objection to the original application. Further referral of the amended plan was not considered necessary given the less intensive nature of the proposal.

The Department of Fire and Emergency Services has recommended a bushfire hazard assessment be undertaken.

The Department of Planning Infrastructure and Land Use Coordination branch makes no objection to the proposal and recommends Main Roads be consulted.

Main Roads advises that the proposal is acceptable subject to a condition requiring a notification on the Certificates of Title that the site may be affected by a future regional road alignment.

COMMENTS:

City of Wanneroo District Planning Scheme No. 2

Under the City of Wanneroo District Planning Scheme No. 2 no minimum lot size is stipulated, however applications for the subdivision of rural land are required to have regard to the objectives of the General Rural zone and the contents of any local rural strategy adopted by Council and the Western Australian Planning Commission (WAPC). The objectives of the General Rural zone seek to accommodate agricultural, horticultural and equestrian activities and to maintain rural character and protect groundwater and environmental assets. The proposed subdivision is generally consistent with these objectives.

The City does not have a local rural strategy that has been adopted by the WAPC. However an Interim Local Rural Strategy, adopted by Council identifies a minimum lot size of 4ha for the area subject of the application.

State Planning Policy 2.5 and Development Control Policy 3.4

State Planning Policy 2.5 *Agricultural and Rural Land Use Planning* (2.5) sets out that the Western Australian Planning Commission (WAPC) will use SPP 2.5 in conjunction with Development Control Policy 3.4 *Subdivision of Rural Land* (DC 3.4) as the basis for the determination of the subdivision of rural land.

A key policy objective of SPP 2.5 is to minimise the ad hoc fragmentation of rural land in order to protect agricultural land resources. DC 3.4 restates this policy objective and requires that the subdivision of rural land be properly planned for through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

DC 3.4 specifies certain forms of rural subdivision that are not regarded as fragmentation, including subdivision to realign lot boundaries for farming purposes. In the case of the subject site, the severance of the land by a Water Corporation bore main represents a logical planning boundary and no additional lots will be created. The proposed subdivision would provide frontage access to Neaves Road for the western portion of Lot 2316. The subdivision represents the formalisation of an existing arrangement and is therefore consistent with DC 3.4.

East Wanneroo Structure Plan

The East Wanneroo Structure Plan (EWSP) was adopted and published by the WAPC in January 2011 (**Attachment 4** - East Wanneroo Structure Plan). The structure plan identifies the western portion of the subject site for Potential Urban purposes and the eastern portion for Employment Purposes subject to further planning. A proposed Other Regional Roads reservation is identified within proposed Lot 1. A proposed Primary Regional Roads reservation is identified cutting diagonally over proposed Lot 2.

The proposed Other Regional Road is the northern extension of Sydney Road extending along the eastern boundary of Lake Jandabup and ultimately connecting into the westbound portion of Neaves Road. The preliminary road design through the subject site takes into account the alignment of the Water Corporation bore main which is proposed to be located within the eastern edge of the road reserve.

Main Roads (WA) is currently undertaking investigations in relation to the future alignment of the Primary Regional Road reserve.

In addition a joint agency investigation of the road network in the vicinity of Flynn Drive is being undertaken. The subject land is located south of this investigation area and it is unlikely that the planning of this road network will have a significant impact on the proposed subdivision.

Precedent for Rural Subdivision

The City has advised that the amended plan is considerably less significant than the initial application in terms of its effect on strategic planning. However, the City

remains concerned that the subdivision could be used as a precedent for other super lot subdivision in the East Wanneroo area. The severance of the subject site by a bore main does not apply to other rural zoned landholdings within the City except for Lot 7541 immediately to the south of the subject site. The eastern portion of Lot 7541 has no road frontage, unlike the eastern portion of Lot 2316, therefore the precedent would not apply to that lot. The proposed subdivision formalises the severance of Lot 2316 and provides constructed road frontage access to both new lots. Accordingly the proposal is not considered to set a precedent for further fragmentation of rural land in East Wanneroo.

Water Resource Protection

State Planning Policy 2.2 *Gnangara Groundwater Protection* (SPP 2.2) identifies the eastern portion of the subject site as a Priority 2 drinking water supply area and provides for a minimum lot size of 4ha (subject to other relevant town planning scheme provisions). The Department of Water and the Department of Health have made no objection to the proposed subdivision on the basis that the new lots can be serviced by an alternative effluent disposal system. The Department of Water recommends the location of the wastewater disposal system a minimum of 100m from the bore which would allow the majority of the eastern lot to be developed for single residential purposes. The proposal is, therefore, consistent with the policy provisions for subdivision in the Priority 2 drinking water supply area. The location of wastewater disposal systems is most appropriately addressed by the local government in consultation with the Department of Water at development stage. It is recommended that the City be advised accordingly.

Water Corporation Bore Main

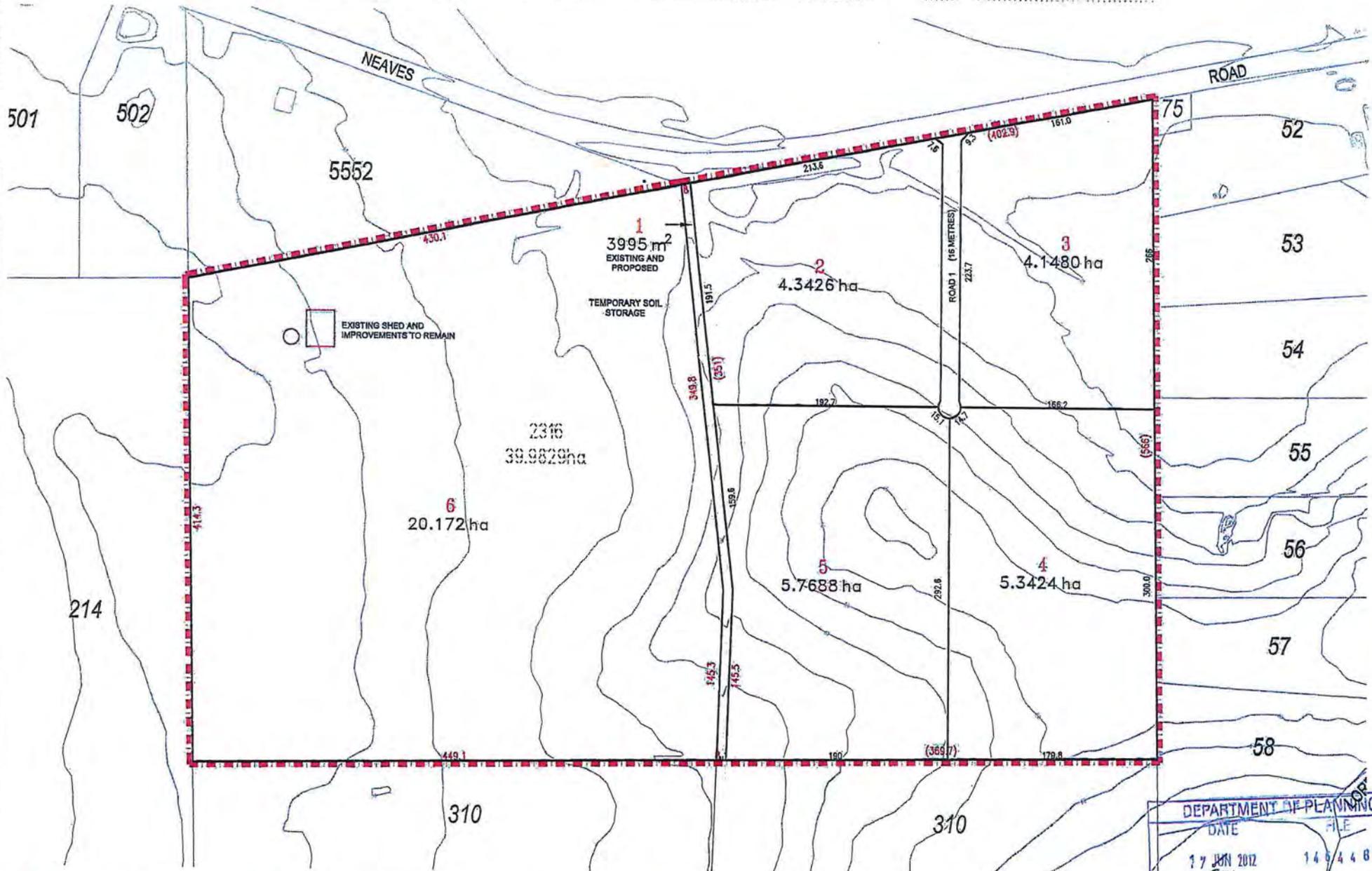
Amalgamating Lot 1 with Lot 2316 and imposing an easement to allow access to the water bore main would fulfil the requirements of the Water Corporation and is therefore supported. It is recommended a condition of approval to this effect be imposed.

Main Roads (WA)

Main Roads (WA) has requested the imposition of a condition requiring the placement of a 70A notification on the title of the lots advising that the lots may be affected by future regional road alignments as identified in the East Wanneroo Sub-Regional Structure Plan. A 70A notification on the title can be imposed by any local government or public body and is imposed where there is a factor affecting the "use or enjoyment" of the land. In this instance, the final alignments have not been defined and will ultimately be subject to an amendment to the Metropolitan Region Scheme. It is not, therefore, considered appropriate that encumbrances be placed on the titles at this time. However, it is recommended that a condition be imposed requiring that the subdivider provide a written undertaking to inform any prospective purchasers, on the contract of sale, of the proposed future regional roads. This is a similar approach undertaken by the WAPC in ensuring that prospective purchasers are made aware of potential impacts from nearby market gardens.

CONCLUSION:

The proposal is consistent with WAPC policy pertaining to rural subdivision and groundwater protection and is unlikely to impact upon future road network planning. Accordingly, conditional approval is recommended.



	SUBJECT SITE	430.1	PARENT LOT DIMENSIONS
	CONTOURS	430.1	PROPOSED LOT DIMENSIONS
	PROPOSED LOT BOUNDARIES	2316	PARENT LOT AREAS
		39.9829ha	

date 09 July 2012 job no. 0927A scale 1:2000 @ A3
 designer P Fitzgerald prepared by D McCulloch eef 071201
 client
 Level 3, 347 Macquarie Street, North Sydney, New South Wales, 1585
 email gregor@gregrowe.com.au web gregor.com.au tel +61 8 9221 1921 fax +61 8 9221 1917

title proposed subdivision plan
 address lot 360 neaves road, manly
 post / south west tel +61 8 9221 2800 email gregor@gregrowe.com
 mid west tel +61 8 9224 0831 email gregor@gregrowe.com
 peters tel +61 8 9 72 40 09 email peters@gregrowe.com

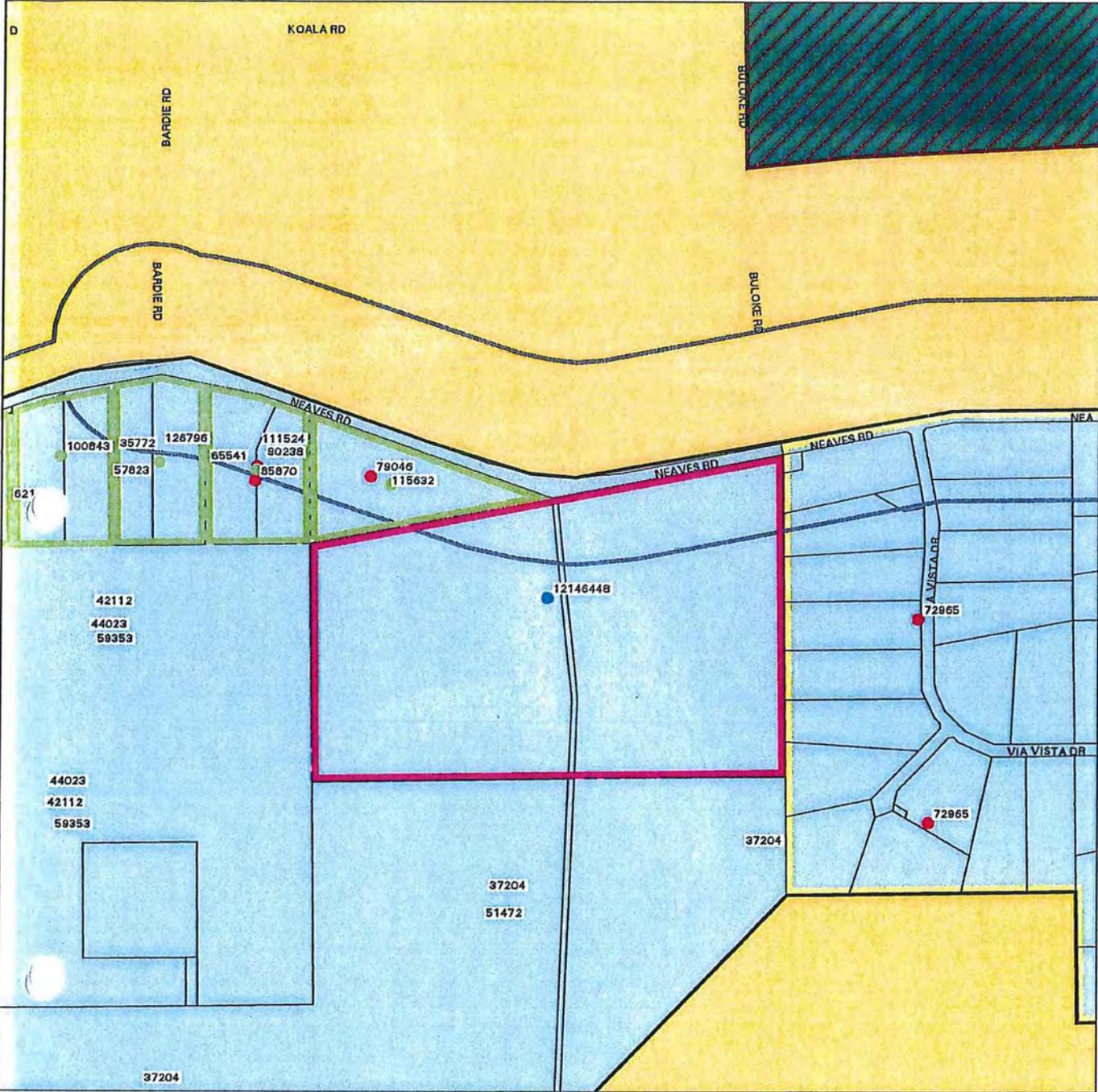
DEPARTMENT OF PLANNING
 DATE 17 JUN 2012
 FILE 146448
 JAL

GREG ROWE & associates
 FOCUSED ON ACHIEVEMENT



Although this file has been taken on the printed out of this document Greg Rowe and Associates and its staff are not responsible for any errors or omissions. The rights reserved to change the document at any time. This document does not constitute an offer, agreement or contract for any part thereof. It is to be used as a guide only. It is the responsibility of Greg Rowe and Associates for any loss or damage which may be sustained by any person acting on the basis of information contained herein.

PROJECT MANAGEMENT
 URBAN DESIGN
 MASTER PLANNING
 ATTACHMENT 2



Subdivision Application 146448 (MGA ref 391449mE 6492676mN Zone 50)

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

- | | | | |
|--|--------------------------------|--|---------------|
| | APPROX LOCATION OF APPLICATION | | REFUSED |
| | PARKS & RECREATION | | OUTSTANDING |
| | STATE FORESTS | | APPROVED |
| | CADASTRAL BOUNDARY | | REFUSED |
| | WESTNET ENERGY GAS PIPELINE | | SPECIAL RURAL |
| | BUSH FOREVER 2000 SITES | | GENERAL RURAL |
| | OUTSTANDING | | |
| | APPROVED | | |

138216S.eps

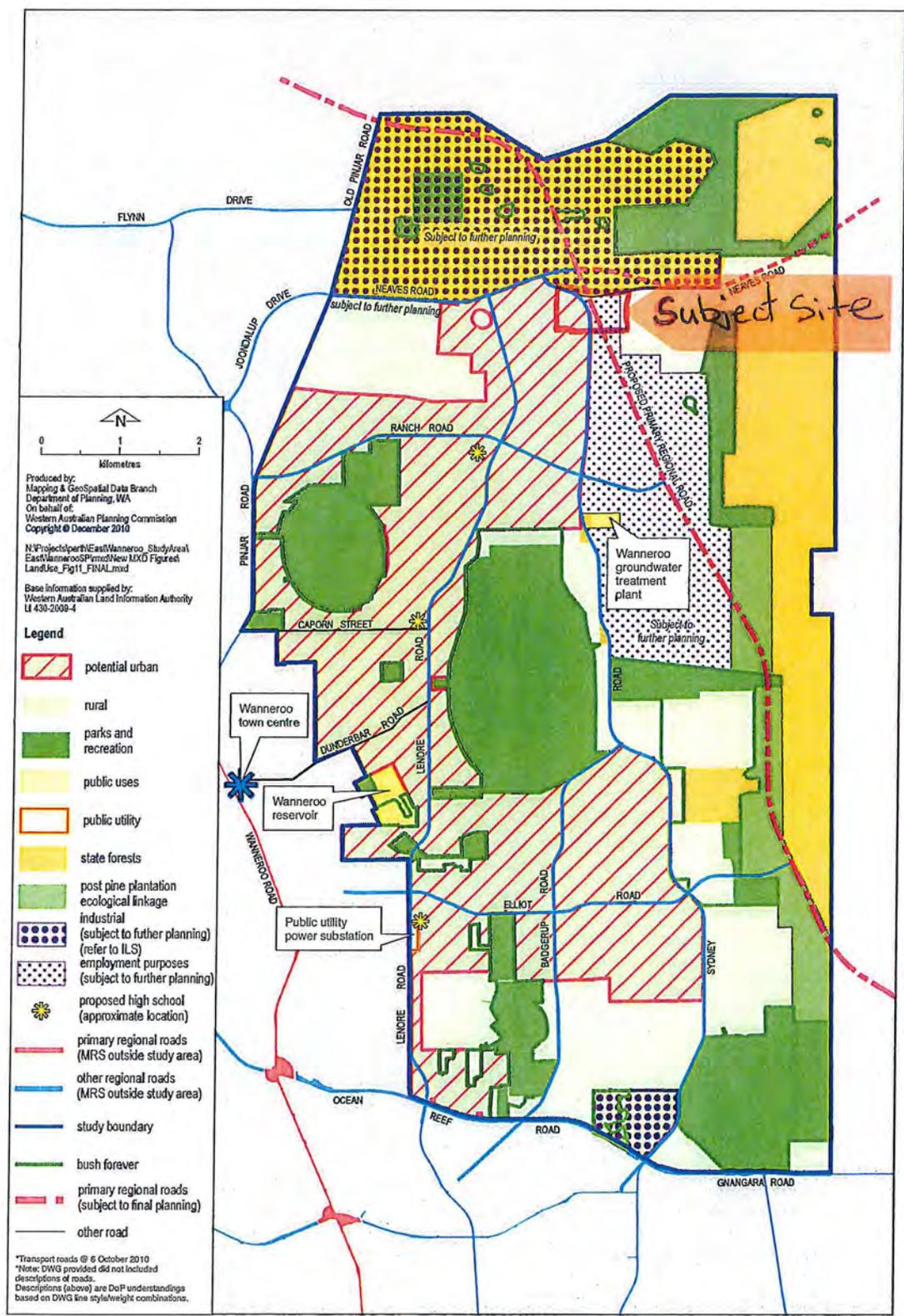


Figure 11: East Wanneroo Structure Plan

ITEM NO: 9.2

ADOPTION OF AMENDMENT 3 TO THE EAST WANNEROO CELL 9 - EAST LANDSDALE LOCAL STRUCTURE PLAN NO. 57

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Director Metropolitan Planning Northwest
AUTHORISING OFFICER:	Executive Director Perth Peel Planning
AGENDA PART:	C
FILE NO:	SPN/0124M-2
DATE:	3 April 2013
ATTACHMENT:	1. East Landsdale Local Structure Plan No. 57 2. Amendment 3 - Residential Coding Plan 3. Amendment 3 - Road Hierarchy Plan
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Wanneroo
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Adoption and Certification
REGION DESCRIPTOR:	North West
APPLICATION TYPE:	Structure Plan

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. *refuse to adopt proposed Amendment 3 to East Wanneroo Cell 9 - East Landsdale Structure Plan No. 57 for the following reasons:*
 - a) *the proposal may result in increased radio interference thereby compromising the operations of the Perth International Telecommunications Centre;*
 - b) *the proposal does not provide for an orderly and equitable distribution of residential density throughout the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 area;*
 - c) *the proposal to allocate residential density and control subdivision through Detailed Area Plans would fetter the role and authority of the Western Australian Planning Commission;*

-
2. ***advise Telstra that while the Western Australian Planning Commission has, in this instance, adopted a precautionary approach and determined not to support the proposed density increase within the East Wanneroo Cell 9 - East Landsdale Structure Plan No. 57 (LSP 57) area at this time, that Telstra be requested to provide scientific evidence which conclusively demonstrates the impacts of radio interference, resulting from increased densities within the LSP 57 area, on the operations of the Perth International Telecommunications Centre.***

SUMMARY:

In December 2012 the Statutory Planning Committee (SPC) resolved to defer consideration of Amendment 3 to the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 (LSP 57) pending further information being provided with respect to the impact of increased residential density on the Perth International Telecommunication Centre (PITC). Telstra has advised that data from monitoring of radio frequency interference has been collated and is being refined into a format that will allow analysis.

The proponents for Amendment 3 have expressed concern that it has now been four months since the SPC originally considered Amendment 3 and are aggrieved that a decision has not, to date, been made.

BACKGROUND:

The East Wanneroo Cell 9 (East Landsdale) Local Structure Plan No. 57 (LSP 57) (**Attachment 1**) covers an area of about 230ha and comprises bushland, market gardens and partially developed residential areas.

The area was zoned from Rural to Urban through Amendment 1089/33 to the Metropolitan Region Scheme (MRS) in April 2006. Telstra, the operator of the PITC, lodged a submission objecting to the amendment on the basis that there would be an increase in radiofrequency interference with the adjacent PITC. Telstra advised that sources of radiofrequency included kitchen appliances, garage doors and vehicle remote locking devices. At the time, Telstra and the major land developer, provided the Western Australian Planning Commission (WAPC) with technical information to support their respective cases and the WAPC commissioned an independent report, which found that the impact of urban development on the PITC was inconclusive. The WAPC recommended that the Minister approve Amendment 1089/33.

The Minister considered the issue and advised Parliament that a draft structure plan (LSP 57) had been prepared which illustrated how amelioration measures could be implemented in the amendment area. Following presentation to Parliament, the Minister approved Amendment 1089/33 on 2 May 2006.

During the preparation of LSP 57, the main developer at the time reached an agreement with Telstra on certain measures, including density restrictions, that could be incorporated into LSP 57 to mitigate the potential impacts on the PITC. These measures were incorporated into LSP 57 which was adopted by the WAPC (subject to modifications) in August 2010.

Amendment 3 to LSP 57 was adopted by the City of Wanneroo (the City) in June 2012 and forwarded to the Commission for adoption in September 2012. A report was prepared for the SPC's meeting on 11 December recommending the amendment be refused. The SPC subsequently resolved:-

"That the Western Australian Planning Commission resolves to defer this item to enable further information to be provided to the Statutory Planning Committee in respect of Amendment 3 to East Wanneroo Cell 9; and that discussions be held between the City of Wanneroo, Telstra and the Department of Planning."

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: *Planning and Development Act 2005*
Part 5 Local Planning Schemes; Section 69 General Objects of Schemes

Strategic Plan

Strategic Goal: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Develop Integrated Infrastructure and Land Use Plans for the State.

Policy

Number and / or Name: Liveable Neighbourhoods
State Planning Policy 5.2 Telecommunications Infrastructure
State Planning Policy 5.4 State Industrial Buffer Policy

DETAILS:

Amendment 3 (**refer Attachments 2 and 3**) proposes to:

- modify the approval process for the allocation of residential density in the LSP area by requiring subdivision and development to be in accordance with detailed area plans to demonstrate that lots in R20/30 coded areas have an average lot size of 500m² and a minimum lot size of 270m².
- include a requirement into the LSP that detailed area plans should not be geographically smaller than each individual parent lot, as shown on the structure plan.
- recode portions of Lots 71 and 72 Queensway Road from R20/30 to R30 and update the road hierarchy plan to reflect the approved subdivision design.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The impact of urban development on the PITC has been subject of Ministerial correspondence and Parliamentary consideration. The issue was considered as part of Amendment 1089/33 to the MRS and urbanisation of the area supported on the

basis that any adverse impacts could be mitigated through the structure planning process.

CONSULTATION:

The City advertised proposed Amendment 3 from January to March 2012 and received five submissions which supported the proposal and one submission from Telstra which objected to the proposal.

OFFICER'S COMMENTS:

Density and the Perth International Telecommunications Centre

LSP 57 currently requires an average R20 density to ensure that radiofrequency interference with the PITC is minimised. The applicant of proposed Amendment 3 has provided no new information to further support or dispute the technical information that was presented to the WAPC and the Minister in relation to MRS Amendment 1089/33.

Current measures that have incorporated into LSP 57 to mitigate the potential impact on the PITC include a 500m² average lot size, north-south lot orientation in the area, underground power cabling, double brick dwelling construction, garage orientation and by restrictions on antenna use. It is noted, however, that these mitigation measures are just precautionary, given the inconclusive nature of the technical information.

A key objective of State Planning Policy 5.2 *Telecommunication Infrastructure* is to facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs.

State Planning Policy 4.1 *State Industrial Buffer Policy* states that buffer areas should be planned for around industries, infrastructure and special uses. Telstra has previously advised that a buffer to the PITC should be 2km, however the technical information provided to the WAPC was inconclusive in respect to the size of a buffer area.

Directions 2031 and Beyond

The applicant contends that the proposed increase in density is consistent with the objectives of *Directions 2031 and Beyond* in that it provides for higher residential density in a greenfield area that would be served by public transport. In this regard, *Delivering Directions 2031* indicates a target of 15 dwellings per Urban zoned hectare and 26 dwellings per site hectare. LSP 57 currently does not meet the targets of *Directions 2031 and Beyond* with respect to residential density, however density is limited in the LSP 57 area to provide for the effective operation of the PTIC.

In relation to public transport, the Draft *Public Transport Plan for Perth in 2031* indicates future rapid transit infrastructure along Mirrabooka Avenue, which is approximately 1km from the subject site. However, this connection does not form part of the planned public transport infrastructure to 2020 and is outside the 400m

walkable catchment of the possible public transport corridor. It therefore does not provide a sound basis for the proposed density increase.

Surplus Density

The applicant has provided a breakdown of the approximately 580 single residential lots created within the LSP area and has found that the average lot size created thus far is 504m². This indicates that capacity is available to accommodate an additional four lots. Section 10.1(c) of LSP 57 requires residential density to comply with the average 500m² lot size across the whole LSP area. However, using surplus density from previously subdivided areas could not be administered in a way that would be equitable to future subdividers and could result in an average density across the LSP area less than 500m².

The applicant has also advised that more POS has been provided than has been planned in the LSP, which has reduced the residential lot yield. The applicant contends that the planned lot yield may be made up elsewhere in the LSP area by allowing higher density in those areas, including the applicant's land. However, this is not accepted, as under the R-Codes, the average lot size is the average site area per dwelling, which excludes POS in the calculation. POS cannot contribute to any calculation of the R20 average lot size across the LSP area.

Equity

Proposed Amendment 3 proposes a flat R30 density for a small 3ha portion of the 230ha LSP area. The balance of the residential area would remain at an R20/30 split coding, with an average lot size of 500m². The applicant has advised that this area should be identified as R30, as part of the site is within 450m of a shopping centre, within close proximity to public open space and is located on the western side of the LSP area, which is further away from the PITC than other parts of the LSP. However, these criteria would be applicable to most areas in the LSP area and the recoding of the 3ha portion would set a precedent for other recoding requests in other parts of the LSP area.

Since the Wanneroo City Council adopted Amendment 3, two further amendments (5 and 6) have been lodged with the City which request sites elsewhere in the LSP area to be recoded from R20/30 (500m²) to a flat R30 density code. The cumulative effect of such amendments would undermine the R20 average, thereby increasing potential radiofrequency interference with the operations of the PITC.

It is noted that the current wording of the LSP allows any developer within the LSP area to incorporate medium density in targeted areas in proximity to POS, commercial centres and public transport. This allows for housing diversity but maintains the R20 average.

Detailed Area Plans

Amendment 3 proposes a provision requiring all subdivisions and development to be in accordance with a detailed area plan approved by the City. The WAPC adopted the initial LSP 57 (August 2010), subject to a modification requiring the deletion of an

identical provision as this on the basis that the use of Detailed Area Plans in this manner is not appropriate. As Detailed Area Plans do not require approval of the WAPC but subdivision applications do, such a provision would fetter the authority of the WAPC and is contrary to orderly and proper planning. Accordingly, it is recommended that this provision be deleted.

Road Design

The amendment updates the road network map to reflect an approved subdivision for this site at an R20 density. It is recommended that the updated road network map be incorporated as a modification to LSP 57.

Current Status

On 6th February 2013, representatives from the City, Department of Planning and Telstra met to discuss the issue of potential impacts on the PITC. At this meeting it was noted that no monitoring of radio interference had been undertaken, to date, and it was agreed that Telstra would undertake some monitoring with a view to providing quantitative information in relation to any impacts arising from residential construction since the urbanisation of the LSP 57 area.

Consultants acting on behalf of Telstra advised on 26 March 2013 that Telstra is proactively engaging in a process to investigate radio interference impacts and that monitoring of radio frequency interference has been collated and is currently being refined into a format that will allow further analysis and modelling. The applicant is unable to provide a timeframe for the assessment of this refined data. Due to the considerable and sophisticated scientific analysis that is required in order to prepare this material, it has been requested that the SPC defers from making any decisions which would allow for increased densities within the area until such time as this information is available.

The applicant is aggrieved that four months has passed and no decision has been made. In this respect, the applicant is concerned that the request for Telstra to provide additional information is inconsistent with the SPC's resolution which merely required that discussions be facilitated.

In considering the MRS Amendment which rezoned the land to Urban, the WAPC noted that although Telstra has been afforded numerous opportunities since 1994 to provide the WAPC with technical information to support its claim for a buffer, the information has been inconclusive. Notwithstanding, the strategic importance of the PITC in the provision of various telecommunications services was acknowledged.

While the WAPC supported the finalisation of the MRS Amendment, in adopting LSP 57 the WAPC was mindful that it incorporated provisions requiring various measures, including density restrictions, which sought to mitigate any adverse impacts on the telecommunications facility.

CONCLUSION

The services provided by the PITC include universal service obligations for telecommunications of State, National and International significance and involve maritime safety, telephony, remote area communications, telemetry, tracking command and monitoring of satellites and spacecraft for the European Space Agency's (ESA) scientific and deep space missions and other global satellite communications. Importantly, the Australian Federal Government entered in a treaty with the European Space Agency (ESA) in 1979, which imposes an obligation upon the Government to prevent radio interference with the ESA's equipment from occurring.

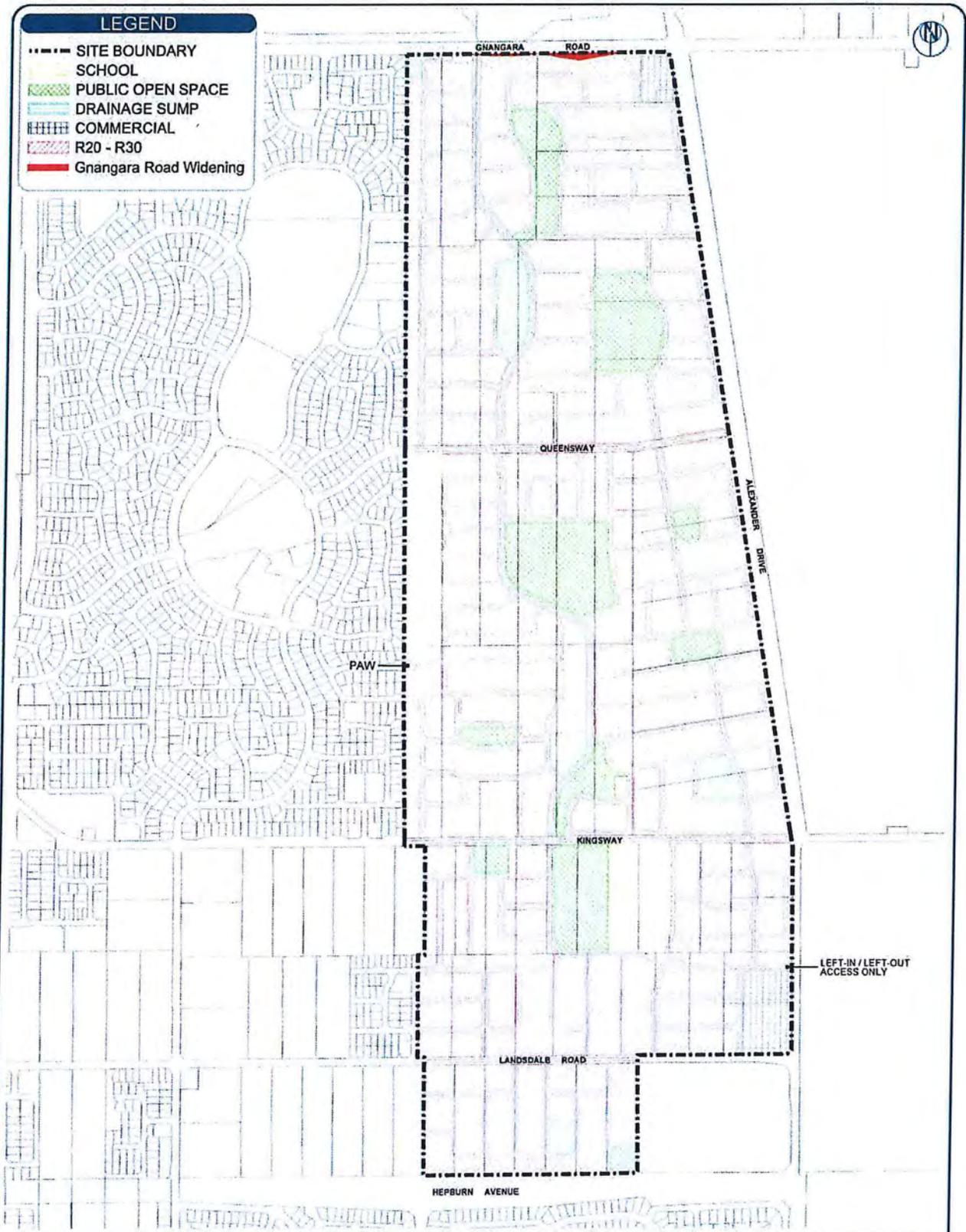
While the precautionary principle is generally applied where an action or policy has a suspected risk of causing harm to the public or to the environment, it establishes the concept that the lack of full scientific certainty should not be used as a reason for postponing cost effective measures that prevent the harm from occurring provided that such measures are proportionate to the threat. In this instance, the WAPC has previously resolved, in recognition of the lack of conclusive scientific evidence, that the LSP 57 area should be urbanised but that the potential for interference from household appliances should be limited through, *inter alia*, restrictions on density.

In this respect the State Administrative Tribunal (SAT) has endorsed the precautionary principle as part of the Western Australian planning jurisprudence (*Wattleup Road Development Company Pty. Ltd v Western Australian Planning Commission* [2011] WASAT 160). In making its decision the SAT determined that the precautionary principle warranted refusal of the proposed subdivision until adequate air quality monitoring at the site, demonstrating acceptable health impacts, was undertaken. The SAT further determined that this represented a response that was proportionate to the threat, appropriate and cost-effective.

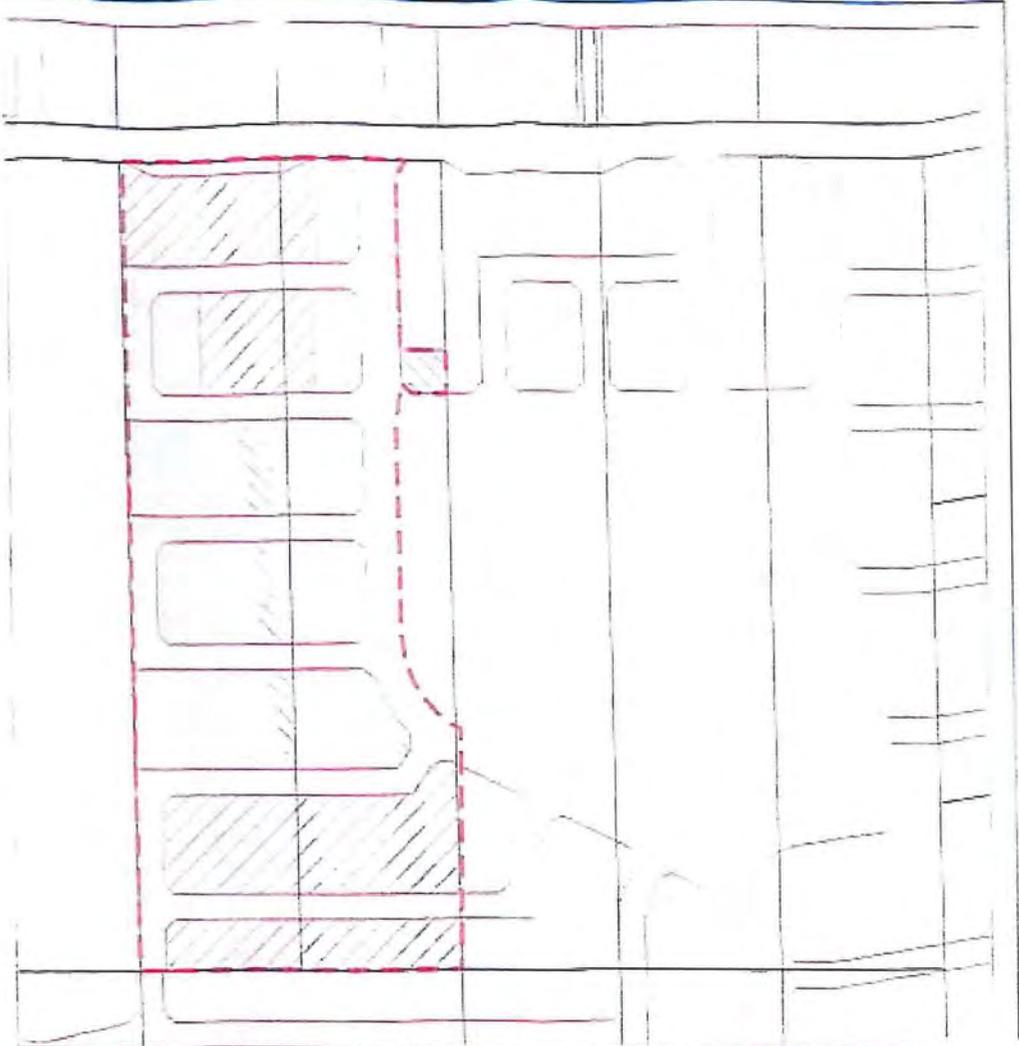
Notwithstanding the inconclusiveness of previous data and studies in demonstrating any adverse impacts of increased densities on the operations of the PITC, taking a risk based approach, the consequences of supporting the amendment proposal could be significant and, apart from operational impacts, may result in the Federal Government breaching its obligations under an international treaty.

It is understood that the City has recently adopted a further two amendments to LSP 57 which similarly seek to increase residential densities within the LSP 57 area. While in isolation the amendment proposal may not appear significant, on an incremental and accumulative basis such proposals have the potential to significantly impact the ongoing operations of the PITC.

In view of the above it is recommended that a precautionary approach be applied and that further increases in densities with the LSP 57 area not be supported at this time.



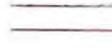
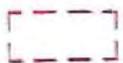
MAP 1 - Structure Plan
EAST LANDSDALE
Plan No. ST001415 • Date: 3/9/2015 • Scale: 1:80000



EXISTING RESIDENTIAL CODING PLAN

PROPOSED RESIDENTIAL CODING PLAN

LEGEND

-  R20/R30
-  R30
-  Amendment Area

CITY OF WANNEROO
 AMENDMENT No. 3
 EAST LANDSDALE LSP No.57

MGA
 TOWN PLANNERS

Ph: (08) 9321 3011
 Fax: (08) 9324 1661



EXISTING ROAD HIERARCHY PLAN

PROPOSED ROAD HIERARCHY PLAN

LEGEND



Neighbourhood Connector
18-23m Reservation



Lower Order Access Street
15m Reservation



Amendment Area

MGA
TOWN PLANNERS

Ph: 08 9321 2011
Fax: 08 9324 1051

CITY OF WANNEROO
AMENDMENT No.3
EAST LANDSDALE LSP No.57



ITEM NO: 9.3

MODIFICATION OF CLAREMONT NORTH EAST PRECINCT LOCAL STRUCTURE PLAN

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Metropolitan Planning Central
AUTHORISING OFFICER:	Planning Director, Metropolitan Planning Central
AGENDA PART:	C
FILE NO:	DP/10/02163
DATE:	11 April 2013
ATTACHMENT(S):	1. Location & Zoning Plan 2. Endorsed Structure Plan 3. Consultation Summary 4. Council resolution 5. Revised Structure Plan 6. Revised Building Heights & Setback Plan 7. Revised POS Plan
REGION SCHEME ZONING:	Parks & Recreation, Railways and Urban
LOCAL GOVERNMENT:	Town of Claremont
LOCAL SCHEME ZONING:	Development
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	
RECEIPT DATE:	18 January 2013
PROCESS DAYS:	83 days
APPLICATION TYPE:	Local Structure Plan
CADASTRAL REFERENCE:	

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the following modifications to the Claremont North East Structure Plan in accordance with clause 750(4) of the Town of Claremont Town Planning Scheme No.3:***
 - a) Reconfiguration of roads, lot boundaries and public open space along with deletion of the mixed use site at the eastern end of Shenton Road as detailed on the revised Claremont North East Precinct Structure Plan (figure 18).***

-
- b) ***Redistribution of heights and increase in heights in select locations as detailed on the revised Building Heights and Setbacks Plan (figure 19).***
 - c) ***Increase in the target dwelling yield to 754 dwellings.***
 - d) ***Reduce the area of public open space from 17.4% to 15.54% as detailed on the revised Public Open Space Plan (figure 20).***
 - e) ***Where inconsistencies arise between the Detailed Area Plans and Design Guidelines relative to the Structure Plan, the requirements of the Detailed Area Plans and Design Guidelines prevail.***
 - f) ***Extend the North East Precinct boundary to include the intersection of Lapsley and Graylands Roads and provide for directional intersection treatment to discourage through movement to north along Graylands Road.***
 - g) ***Vary the public open space to reflect the current subdivision approvals for the development site;***
- 2. not endorse the following modifications to the Claremont North East Structure Plan in accordance with clause 75O(4) of the Town of Claremont Town Planning Scheme No.3:**
- a) ***The creation of additional public open space at the intersection of Davies and Shenton Roads.***
 - b) ***Modification of Lot 509 to convert the endorsed signalised 'T' intersection to a roundabout with constant flashing amber lights.***
 - c) ***The reduction in height of development on Lots 508 and 509 to six storeys.***
 - d) ***An average apartment size of 93m² be set as a minimum in each Detailed Area Plan lot within the Structure Plan.***
 - e) ***Provision being made in the Structure Plan for the necessary studies to be undertaken and, if required, implementation or rectification measures as a Development cost to address the Department of Minerals and Energy concerns relative to buffer distances for the chlorination system installed at the Town of Claremont pool.***
 - f) ***Modify the Structure Plan to include parking for at least 400 vehicles, or alternatively the Developer be required to build and fund the building of a multi storey car park adjacent to the station precinct.***

SUMMARY:

The applicant seeks endorsement from the Western Australian Planning Commission (WAPC) for a number of proposed modifications to the Claremont North East Structure Plan (CNESP), which was granted final approval on 22 December 2010.

Although the modifications have not been formally referred to the WAPC by the Town of Claremont as required by clause 75O(3) of Town Planning Scheme No.3 (TPS 3), the proponent has requested the WAPC consider the modifications to the CNESP for endorsement.

BACKGROUND:

The CNESP provides for the redevelopment of 7.19 hectares of land in the north east precinct of Claremont, including the train station precinct, and land bound by Davies, Shenton, Graylands and Lapsley Roads. The subject land includes Claremont Oval and the Claremont Football Club (**Attachment 1 - Location and Zoning Plan**).

The Town of Claremont resolved to adopt the CNESP on 2 December 2008. On 16 June 2010, the WAPC resolved to endorse the CNESP subject to a number of modifications. The CNESP was amended by the Town of Claremont with the updated CNESP being endorsed by the WAPC on 22 December 2010 pursuant to clause 75K of TPS 3 (**Attachment 2 - Endorsed CNESP**).

Since the 2010 adoption of the CNESP, the WAPC has approved three (3) separate subdivision applications (WAPC refs: 145976, 145090 and 145738). Through consultation between LandCorp (the applicant), the Town of Claremont and the Department of Planning (DoP) it was accepted that the subdivision approvals contain minor refinements to the CNESP including realignment of roads, lot configurations and refinement of public open space (POS) calculations. These refinements are considered normal when progressing from structure planning to subdivision planning.

On 18 December 2012, the Town of Claremont resolved to approve Detailed Area Plans and Design Guidelines for the site, whilst also supporting a number of modifications to the CNESP. Whilst the CNESP modifications as proposed by LandCorp were supported, Council included a number of additional modifications that are not supported by LandCorp. The purpose of this report is to present the proposed CNESP modifications to the WAPC for consideration and endorsement in accordance with clause 75O(4) of TPS 3.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Town of Claremont Town Planning Scheme No.3
Section:	Section 75O, clause 4
Strategic Plan	
Strategic Goal:	Planning
Outcomes:	Effective Delivery of Integrated Plans
Strategies:	Implement State and Regional Planning Priorities
Policy	
Number and / or Name:	Proposal complies with WAPC policies unless discussed in Planning Assessment section

PLANNING FRAMEWORK:

Metropolitan Region Scheme (MRS) & TPS 3

Under the MRS, the land is reserved 'Parks and Recreation - Restricted' and 'Railways', and zoned 'Urban'. The land identified as 'Urban' under the MRS is zoned 'Development' under TPS 3.

In respect to modifications to Structure Plans, TPS 3 contains the following provisions:

750 VARIATION TO STRUCTURE PLAN

- (1) *The Town may vary a Structure Plan:*

 - (a) *by resolution, if in the opinion of the Town, the variation does not materially alter the intent of the Structure Plan;*
 - (b) *otherwise, in accordance with the procedures set out in clause 75F onwards.*

- (2) *If the Town varies a structure plan by resolution, and the variation does not propose the subdivision of land, the Town is to forward a copy of the variation to the Commission within 10 days of making the resolution.*
- (3) *If the Town varies a structure plan by resolution, and the variation proposes the subdivision of land, the Town is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.*
- (4) *As soon as practicable after receiving a copy of the variation referred to in clause (3), the Commission is to determine whether to endorse the proposed variation.*
- (5) *The Commission is to notify the Town of its determination under clause (4).*

Legal Advice

Currently, there are differing legal opinions as to whether the proposed modifications require formal endorsement by the WAPC.

The Town of Claremont is of the view that the WAPC endorsement of these modifications is not required as the documents are consistent with the intent of the WAPC endorsed CNESP. As part of their justification, the Town have raised the following points:

- *The final CNESP documents will be referred to the WAPC for information, not adoption as this is not required by TPS 3.*
- *Clause 750(6) of TPS 3 only requires WAPC endorsement to variations involving subdivision - these have all technically been done via the various subdivisions approved by the WAPC. Clause 750(6)(b) allows Council to make variations to the CNESP under clause 1(a) by resolution if, in the opinion of the Town, the variation does not materially alter the intent of the CNESP.*
- *With regard to the DAPs, clause 75P(6) provides for the Town to approve the DAPs and once approved part (8) indicates that the DAP constitutes a variation to the CNESP.*

LandCorp do not support all of the modifications as endorsed by Council and therefore seek the WAPC's consideration of the modifications. It is considered that the CNESP, including the proposal to vary it, clearly contemplates the subdivision of land and is therefore entirely within the discretion of the WAPC. The position remains that the CNESP, once varied, will continue to guide subdivision and may as a consequence necessitate LandCorp obtaining fresh subdivision approvals, thereby necessitating endorsement by the WAPC.

CONSULTATION:

The proposed modifications to the CNESP were advertised concurrently with the DAPs and Design Guidelines by the Town of Claremont for a period of 28 days. A total of 725 submissions were received from a range of submitters including servicing agencies, government departments and residents. A summary of the submissions and Council's response to the issues raised in the submissions is attached (**Attachment 3 - Consultation Summary**). A copy of the full 95 page submission schedule can be provided at the WAPC's request.

OFFICER'S COMMENTS:

Proposed Modifications

In August 2012, LandCorp submitted a request to the Town of Claremont to consider four (4) key modifications to the adopted CNESP.

At the Ordinary Meeting held 18 December 2012, Council considered the DAPs, Design Guidelines and the applicant's proposed modifications to the endorsed CNESP. At this meeting it was resolved to support the four (4) modifications subject to eight (8) additional changes (**Attachment 4 - Council Resolution**).

The combined 12 modifications are detailed below. For ease of reference, the applicant's original proposed modifications are included as modifications 1 to 4, with Council's additional modifications included as modifications 5 to 12.

Following Council's resolution, LandCorp lodged a submission with the DoP advising of their concerns with respect to a number of the additional modifications as imposed by Council. The modifications that are not supported by LandCorp are modifications 6, 8, 9, 10, 11 and 12.

PROPOSED MODIFICATION 1

Reconfiguration of roads, lot boundaries and POS along with deletion of the mixed use site at the eastern end of Shenton Road.

The deletion of the mixed use at the eastern end of Shenton Road is based on the idea of consolidating active commercial uses at the south west corner of the site to promote greater potential for integration with the existing town centre. Unless significant redevelopment of the Claremont Showgrounds occurs, it is considered

that there is little need for commercial uses towards the eastern end of Shenton Road as it is not a regular pedestrian route.

The Park and Ride facility originally suggested within the CNESP to be located on Lot 506 has been relocated within the revised CNESP to Lot 510 beneath the Claremont Football Club (CFC) facilities for the following reasons:

- Closer proximity to train station;
- Encourage greater use after hours; and
- Shorter delivery timeframe due to project staging.

The revised CNESP includes changes to lot, road and POS layout and land uses. The permitted land uses generally remains as depicted in the adopted CNESP apart from the following:

- Deletion of mixed use from eastern end of Shenton Road;
- Reconfiguration of lot boundaries and POS; and
- Inclusion of commercial uses on CFC site.

Whilst the area of mixed use is proposed to be deleted from the eastern end of Shenton Road, should the Claremont Showgrounds be redeveloped and market forces provide a need for this mixed use component to be re-established, then this can be addressed via a further modification to the CNESP.

Accordingly, it is recommended that proposed modification 1 be endorsed by the WAPC.

(Attachment 5 - Modified CNESP)

PROPOSED MODIFICATION 2

Redistribution of heights and increase in heights in select locations

The proposed redistribution of permissible height reflects a desire to create an urban outcome that is befitting of the project's location. For some small sections of the site, focussed on Shenton Road, the proposal is to increase height from 6 storeys as permitted under the adopted CNESP to 6-8 storeys.

The following outlines the intent of heights across the precinct.

Perimeter Block Development

The adopted CNESP building envelopes have been reviewed as to their ability to effectively provide for the level of development envisaged.

A key outcome of the review has been to propose more efficient design parameters and to establish a strong street presence. This means allowing buildings to front directly onto the street, without the minimum setbacks as described within Figure 19 of the adopted CNESP. Detailed Area Plans (DAPs) allow for setback variance to

achieve appropriate architectural articulation which in turn encourages development to the perimeter of the block. This perimeter block form provides:

- A sense of enclosure to the street;
- The ability to ensure that all residences have high levels of light penetration and cross ventilation; and
- The opportunity to create internal amenity through communal landscaped areas.

In light of the above, the perimeter block development form and location of height to the street is supported and is recommended to be endorsed by the WAPC.

Corner Opportunities for Height

Another design intention for the precinct is to provide opportunities for heights from 6 to 8 storeys on key corner sites. Beyond the design justification of these corners forming a 'gateway' to the project, it is important to note that:

- These corners represent the only two opportunities for height and may not necessarily be built to the permissible eight storeys;
- These two opportunities comprise only 1.6% of the total residential net lettable area (NLA) for the project;
- The opportunity areas are located towards the most urban, southern end of the site and on the southern corners of their respective lots;
- Solar access to nearby buildings is still provided due to the limited extent of the higher elements.

The proposal to increase the height of development on these key corner sites is supported as it will strengthen the architectural presence of corner sites and key public spaces. It is recommended that the proposed modifications to height be endorsed by the WAPC.

Encouraging Variable Setbacks

The Design Guidelines and DAPs encourage considerable variation, both horizontal and vertical in the facade of buildings. This variation will enable the introduction of wide balconies, facade reveals, clear building entrances and character shopfronts on the ground level.

To support this outcome, the DAPs state:

"Unless otherwise stated, all buildings shall have a zero setback to the boundary for a minimum of 70% of the building facade. Small setbacks to a maximum of 3.0 metres are permitted to allow for architectural articulation of the facade and the provision of recessed building entries and landscape elements".

(Attachment 6 - Revised Heights & Setbacks Plan)

The revised Heights and Setbacks Plan as proposed to be included within the CNESP (figure 19) have removed the minimum setback requirements from the plan

but included a notation that the building setbacks are to be in accordance with the adopted DAPs and Design Guidelines.

The proposed modifications relating to perimeter block development, increased heights for corner sites and setbacks will help to achieve a quality urban design outcome for the project. Accordingly, it is recommended that proposed modification 2 be endorsed by the WAPC.

PROPOSED MODIFICATION 3

Proposed increase in the target dwelling yield of 630 dwellings as established in the adopted CNESP to 754 dwellings

The endorsed CNESP required an increased variety in apartment types and establishes a target yield of 630 dwellings, which included 12 townhouses in the northernmost area of the site.

Consideration to amend the target dwelling yield to 754 is being sought for the following reasons:

- The WAPC in endorsing the CNESP in 2010 required changes to the variety in apartment types (by imposing minimum percentages of 1 and 2 bedroom apartments) establishing 630 dwellings. Subsequent amendments to the R-Codes, which further increased the minimum percentages of 1 and 2 bedroom dwellings, resulted in the development yielding approximately 663 apartments;
- The apartment market has changed considerably in the last 5 years and the average size of apartments in new buildings in the western suburbs is now between 75m² and 95m², down some 30-40m² per apartment from the mid to late 2000's; and
- The proposed built form generates additional floor space in part from increases in height but also through further definition of the building envelopes to increase efficiency of the buildings.

A key assumption within the endorsed CNESP included a net apartment size of 125m², which was an average used to derive the target yield of 630 dwellings. The applicant has stated that current market research suggests that well designed dwelling sizes generally fall within the range of 55m² to 115m², with the apartment buyer market leaning towards the lower end of this range.

All of the above circumstances and proposed changes have resulted in the approved Design Guidelines and DAPs promoting an increase of the target yield of 754 dwellings, an increase of approximately 19% over the target established in the endorsed CNESP (630 dwellings) and 12% over the revised R-Code target of 675 as outlined above.

It is important to note that these figures represent the 'target yield' only and are therefore subject to change as the development progresses and as a direct response to market demand. The target dwelling sizes are not and should not be mandated, rather they are identified only to set out key assumptions. Actual dwelling size remains flexible to allow appropriate market response at the time of development, as

recognised within the endorsed CNESP. The modified target yield of 754 is reflected within the revised CNESP map (figure 18).

It is recommended that proposed modification 3 be endorsed by the WAPC.

PROPOSED MODIFICATION 4

Reduction in POS from 17.4% to 15.54%

It was always the applicant's intention that the POS proposed within the CNESP would be appropriately defined during the detailed design process. Upon review by the applicant, some of these spaces required reconfiguration to promote the level of activation required to look and feel attractive to users, resulting in:

- The revised size of these spaces will result in greater activation, higher levels of surveillance and improved safety;
- The proposed level of provision will result in more manageable urban spaces, a higher quality of finish and a reduction in on-going maintenance costs;
- In addition to the 6,689m² of open space, the site includes a 20,768m² oval. Although at times its use will be restricted to exclusively accommodate CFC activities, the oval will be accessible to the public for passive and active recreational uses outside event times;
- Therefore a total of over 27,457m² of open space is provided within the project area, which equates to 38.18% of the gross residential area - significantly more than the minimum provision of 10%;
- Significant areas of POS are located within the broader precinct which provides recreational opportunities including organised sports, active and passive recreation.

The revised POS provision is considered appropriate given the context of the site in proximity to the extensive open space areas, the additional regional open space provision of the Claremont oval and its location within an activity area.

The WAPC has approved a number of subdivisions across the site, including the POS areas, thereby supporting the minor reductions to POS. Accordingly, the reduction in POS is supported and is recommended that proposed modification 4 be endorsed by the WAPC.

(Attachment 7 - Revised POS plan)

PROPOSED MODIFICATION 5 (COUNCIL MODIFICATION 6A)

Where inconsistencies arise between the Detailed Area Plans and Design Guidelines relative to the Structure Plan, the requirements of the Detailed Area Plans and Design Guidelines prevail.

The applicant has advised that whilst they generally support this modification, they do not support the enforcement of minimum average dwellings sizes as referred to within the Design Guidelines and DAPs.

The applicant's position is supported in this instance, however a minimum average dwelling size should not be mandated. Further comment regarding the proposed dwelling size is provided under proposed modification 10.

It is recommended that proposed modification 5 be endorsed by the WAPC.

PROPOSED MODIFICATION 6 (COUNCIL MODIFICATION 6B)

Modify Lot 509 to convert the endorsed signalised 'T' intersection to a roundabout with constant flashing amber lights at a suitable location (constructed at the cost of the developer as part of this project).

As a result of issues raised during the public advertising of the DAPs, Design Guidelines and modifications to the CNESP, Council resolved that the previously endorsed 'T' intersection at Davies and Shenton Roads be modified. Whilst Council acknowledged that a signalised 'T' intersection would achieve the necessary standards of pedestrian safety and traffic movement efficiency, it was determined that a roundabout will provide the best level of service for traffic. However, a traffic assessment has not been provided by Council to support this change.

It is considered that this modification will adversely impact on the transit orientated development (TOD) principles on which the CNESP was developed and endorsed. The modification will prioritise vehicle movements over pedestrians, creating potential confusion and pedestrian safety issues whilst reducing walkability within the precinct.

The recommendation from the traffic modelling underpinning the endorsed CNESP, to help promote the best balance between pedestrian and vehicle movements at the Davies Road and Shenton Road intersection was for a signalised intersection along with other intersection modifications. A signalised intersection was therefore endorsed within the CNESP.

As LandCorp proposes to increase dwelling yields, additional traffic modelling has been undertaken which confirms that the signalised intersection remains the optimal intersection treatment in the context of this development to ensure the efficient and safe movement of vehicles (including buses), cyclists and pedestrians.

Due to the function of roundabouts as providing for a continuous flow of traffic, pedestrians are consequently afforded a lower priority to vehicles. The creation of a vibrant precinct, including successful retail, will rely on clear and safe pedestrian access across Shenton Road. It is considered that a roundabout will adversely impact on pedestrian movement between the existing Claremont town centre and the North East Precinct.

Accordingly, it is recommended that proposed modification 6 not be endorsed by the WAPC.

PROPOSED MODIFICATION 7 (COUNCIL MODIFICATION 6C)

To extend the North East Precinct boundary to include the intersection of Lapsley and Graylands Roads and provide for directional intersection treatment to discourage

through movement to north along Graylands Road (at the cost of the developer as part of this project).

The applicant has advised that although the modification to the boundary of the CNESP was not included in previous discussions with the Town of Claremont, they are willing to work with Council to address this modification.

Accordingly, it is recommended that proposed modification 7 be endorsed by the WAPC.

PROPOSED MODIFICATION 8 (COUNCIL MODIFICATION 6D)

Vary the POS to reflect current subdivision approvals for the development site in addition to the additional POS to be created from Lot 509 at the intersection of Davies and Shenton Roads for the protection of significant trees in this location as detailed in part 5(f).

During the public advertising period, concerns were raised regarding the potential loss of existing vegetation along Shenton Road and Davies Road, specifically the Norfolk Island Pines on the corner of the site. However, whilst these concerns were noted in the Council report it was also acknowledged that a number of arborist assessments have been undertaken since endorsement of the CNESP recommending that the Norfolk Island Pines be removed.

Whilst LandCorp supports the resolution to vary the POS under the CNESP to reflect the current subdivision approvals, the provision of additional POS as a means of retaining the existing Norfolk Island Pines is not supported for the following reasons:

- The 15.54% local POS as approved under the WAPC conditional approvals is well in excess of the 10% required under the WAPC's policies;
- The additional POS is proposed on a development lot with conditional subdivision approval from the WAPC;
- The Development Principles Plan contained within the endorsed CNESP already indicates the removal of these existing Norfolk Island Pines within the development lot. The proposed modification to retain these trees will significantly impact on the planning and design of this lot and the precinct as they are setback from the intersection and will impact on site layout, earthworks, servicing and infrastructure and impacts on the urban design ethos and vision for the precinct;
- Setting the building back further on the subject lot will adversely impact on the integration of the CNESP with the existing town centre and railway station by widening the gap between built edges and extending walking distances between commercial frontages;
- Designing development around these trees may only serve a short-term purpose as built form around existing trees can drastically reduce their lifespan due to root disturbance, ground water level changes and heat reflectivity.

It is considered that the retention of the existing trees will likely be to the detriment of good urban design and is therefore recommended that proposed modification 8 partly be endorsed by the WAPC.

PROPOSED MODIFICATION 9 (COUNCIL MODIFICATION 6E)

Should the retention of the Norfolk Pines at the intersection of Davies and Shenton Road not prove feasible following arboricultural assessment as detailed in Part 5(f), the height of development on Lots 508 and 509 is to be reduced to six storeys with a feature corner element/s to raise the scale of the development at the road interface behind the remaining/supplemented significant vegetation.

Issues regarding changes to the proposed height limits have previously been discussed under modification 2, relating to the revised height plan. It is considered that an allowance to permit development up to 8 storeys at this corner site will provide the opportunity for a better urban design and built form outcome in the context of this priority infill development.

It is therefore recommended that proposed modification 9, to reduce the height of development to 6 storeys, not be endorsed by the WAPC.

PROPOSED MODIFICATION 10 (COUNCIL MODIFICATION 6F)

An average apartment size of 93m² be set as a minimum in each Detailed Area Plan lot within the Structure Plan.

In support of their modification to increase the target dwelling yield to 754, LandCorp provided information to demonstrate that, due to market trends, an average dwelling size of 93m² is more appropriate than the 125m² as detailed within the endorsed CNESP. However, this new average size was only provided as a means of demonstrating how the new yield can be achieved and was not intended to be imposed as a minimum average dwelling size.

Through the requirement of setting a minimum apartment size, this modification will prevent development from responding to current market demand which is favouring smaller apartment sizes. The imposition of a minimum size has the potential to increase development costs thereby restricting the creation of an affordable and market related development product.

The process of endorsing the CNESP did not take into account policy changes or the rapidly evolving market, which impacted the target dwelling yield and assumed dwelling sizes. At the point of its final endorsement in December 2010, the CNESP was already out of date with Directions 2031 and the revised R-Codes, which included the Multi Unit Codes. These documents aim to promote density and optimise yield, each of which will be undermined by placing limitations on minimum average apartment sizes.

One of the modifications proposed by LandCorp was to increase the development yield. In providing supporting information, a conservative calculation was provided to Council demonstrating that 93m² was a more realistic average size than the 125m² as detailed within the endorsed CNESP. The indicative dwelling sizes provided to the Town were identified only to set out the key assumptions and to ascertain a likely revised 'target yield' within the proposed building envelopes. It was not intended that the 93m² would be imposed as a minimum average dwelling size. This average size

should not be mandated and actual dwelling size must remain flexible to allow appropriate market response at the time of development, as recognised within the endorsed CNESP, which addresses land uses and yields as follows:

"Consideration has also been given to providing a degree of flexibility in the Structure Plan, given that the yield will ultimately depend on the type of apartments built, which are likely to range from one to three bedrooms. The target yields are therefore minimum yields and a percentage of flexibility will be afforded to the dwelling targets, with greater flexibility being granted to increasing rather than decreasing yields".

In light of the above, it is recommended that the minimum average of 93m² not be included within the CNESP and therefore that proposed modification 10 not be endorsed by the WAPC.

PROPOSED MODIFICATION 11 (COUNCIL MODIFICATION 6G)

Provision being made in the Structure Plan for the necessary studies to be undertaken and, if required, implementation or rectification measures as a Development cost to address the Department of Minerals and Energy concerns relative to buffer distances for the chlorination system installed at the Town of Claremont pool.

It is the Town of Claremont's responsibility to ensure that its chlorination system satisfies the relevant storage and safety requirements as there is no nexus between the development and this proposed modification.

Chlorination buffers are not contained within Town Planning Schemes and are therefore not a valid consideration in respect to the proposed modifications.

It is therefore recommended that proposed modification 11 not be endorsed by the WAPC.

PROPOSED MODIFICATION 12 (COUNCIL MODIFICATION 6H)

Modify the Structure Plan to include parking for at least 400 vehicles, or alternatively the Developer be required to build and fund the building of a multi storey car park adjacent to the station precinct.

Council's requirement to increase the number of parking bays from 200 to 400 is considered to be unreasonable as there appears to be no clear technical advice from the Town of Claremont assessing the impact of an increase in the number of parking bays on the local road network or any indication as to where the additional bays could reasonably be accommodated.

The only variation proposed by LandCorp in respect to parking provision is the proposed relocation of the 200 Public Transport Authority (PTA) car parking bays, at the park and ride facility, from Lot 506 to Lot 510, beneath the CFC. This relocation is supported by the PTA. The provision of the 200 PTA car parking bays was determined as part of the original CNESP in consultation with the PTA and the Town of Claremont. Section 7.5.2.3 of the endorsed CNESP proposed that the Park and

Ride facility would be provided within a basement level car park. No at grade or above ground deck parking was proposed. At the time, PTA determined that 200 bays were sufficient to accommodate its long term park and ride requirements.

It is acknowledged that concerns regarding the number of parking bays were raised during the public advertising of the proposed modifications. However, whilst the issues were noted, the officer report considered by Council clearly advised that the concerns in relation to the number of parking bays and rates of provision cannot be entertained as part of the matters currently under consideration. In addition, the officer report states:

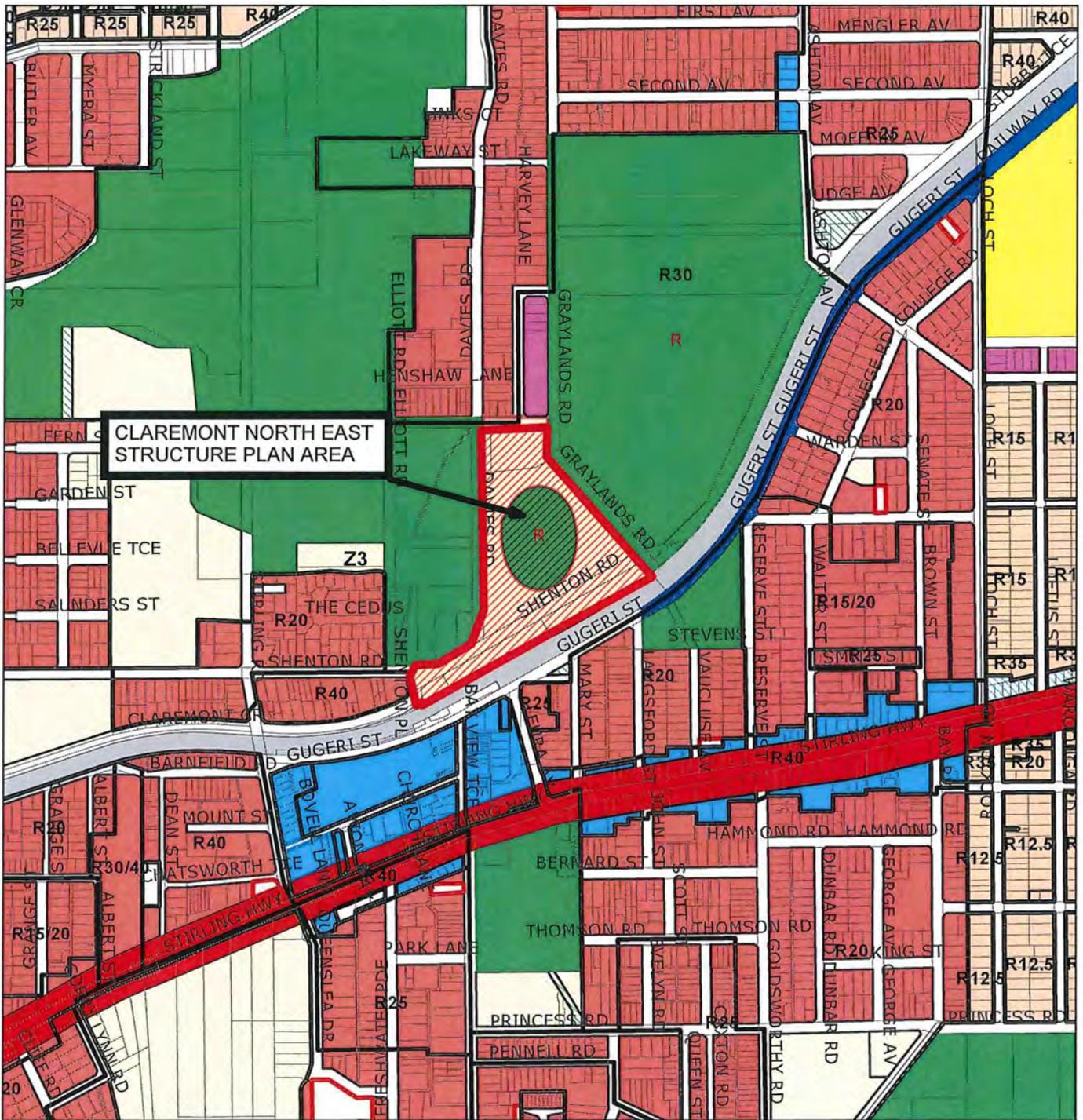
"It should be noted that the Town of Claremont is currently developing a Parking Strategy to more comprehensively consider the amount and location of parking provision throughout the locality. This can be expected to address concerns raised with regards to parking in the CNESP and the Town Centre more generally..... Accordingly submissions raised in relation to parking concerns are not supported".

The provision of an additional 200 car bays, to provide a total of 400 bays, is considered excessive and unwarranted in this instance. Council previously supported the provision of 200 bays for the site, which in turn was approved by the WAPC as part of the endorsement of the CNESP. There is no nexus between the modification as proposed by LandCorp and Council requirement for an additional 200 bays. It is considered that Council is using the modification process to revisit issues which has previously been addressed and endorsed by the WAPC.

Accordingly, it is recommended that proposed modification 12 not be endorsed by the WAPC.

CONCLUSION

The endorsed CNESP provides an orderly pattern of land use and a statutory mechanism for subdivision and development to roll out. Whilst the modifications as proposed by LandCorp relating to land use, buildings heights and dwelling yields are supported, the additional modifications imposed by Council are not. It is considered that a number of modifications would have a detrimental impact on the project being able to deliver upon the core objectives of this important TOD development.



**CLAREMONT NORTH EAST
STRUCTURE PLAN AREA**

Cadastre with Lot Numbers	PRIMARY REGIONAL ROADS	LIGHT INDUSTRIAL
TPS - R Code Boundaries	OTHER REGIONAL ROADS	LIGHT INDUSTRY
SPECIAL 10	PARKS & RECREATION	LOCAL CENTRE
RESIDENTIAL DESIGN GUIDELINES AND DAP APPENDIX V SHOPPING POLICY AREA	PARKS & RECREATION RESTRICTED	LOCAL RESERVES - RECREATION
CLAUSE 40 (5)	RAILWAYS	OFFICE/SHOWROOM
TOWN CENTRE POLICY AREA	PP - SPECIAL USES	RESIDENTIAL
TPS - Scheme Boundaries	DEVELOPMENT	RESIDENTIAL
TPS - R Code Boundaries	EDUCATIONAL	SPECIAL ZONE - RESTRICTED USE
	HIGHWAY	TOWN CENTRE

Scale 1:10,909
0 250 m

Prepared by: mdaymond
Prepared for:
Date: Thursday, April 11, 2013 09:12
Plot identifier: P20130411_0911



Government of Western Australia
Department of Planning

ATTACHMENT 1

DP INTERNAL USE ONLY

AGENDA PAGE 51



LEGEND

- NORTH EAST PRECINCT BOUNDARY
- SUB-PRECINCT BOUNDARY

LAND USES

- RESIDENTIAL
- MIXED USE
- RETAIL COMMERCIAL
- CLAREMONT FOOTBALL CLUB

- MAXIMUM TOTAL RETAIL FLOORSPACE 2600m²
- MAXIMUM 800m² SUPERMARKET

REGIONAL RESERVES

- PUBLIC OPEN SPACE

REGIONAL RESERVE

- PARKS AND RECREATION

PRECINCT TARGET DWELLING YIELDS

	TARGET DWELLING YIELD	MINIMUM DWELLING YIELD
A	137 DWELLINGS	130 DWELLINGS
B	157 DWELLINGS	149 DWELLINGS
C	58 DWELLINGS	55 DWELLINGS
D	163 DWELLINGS	154 DWELLINGS
E	12 DWELLINGS	11 DWELLINGS
F	N/A	N/A
G	N/A	N/A
TOTAL	527 DWELLINGS	499 DWELLINGS

requirements of the Development zone. Clause 75O details processes required for variations to SPs, dependant on whether the variations are considered to materially alter the intent of the SP. A SP is therefore a living document which will evolve over time through various approval and variation processes, inclusive of approval (and possible modification) by the WAPC (if involving subdivision). It is noted that WAPC approval is not required relative to changes to the Structure plan which do not result from subdivision.

As detailed above, an amendment is required to TPS3 in relation to the insertion of Schedule 1 and preparation of a DCA. This amendment is required to be progressed to advertising, following which more recently considered alternative options inclusive of private contribution plans and contributions to community infrastructure may be considered as a variation to the amendment. (These matters are of no consequence to the applications on hand and will be addressed as part of separate measures considered under the amendment process to TPS3.)

Clause 75P of TPS3 details requirements relative to inclusions and processes in relation to preparation, consultation, adoption and variation of a DAP. Clause 75P(8) specifies that an approved DAP constitutes a variation to a SP, however, as noted in clause 75O, a variation to the Structure Plan is to be endorsed by the WAPC.

Clause 82 provides details in regard to the preparation, consultation and adoption of a Council Planning Policy (CPP).

Should the applicant be concerned over Council's determination of these matters, they would have the opportunity of seeking a review of the decision by the State Administrative Tribunal (SAT).

Consultation

TPS3 provides for a minimum 21 day consultation period to apply to variations to SPs and proposed DAPs and CPP. The proposals were initially advertised for a period of 21 days concluding on 22 October. However, in view of delays in formulating the Summary of Key Structure Plan Amendments which was specifically requested by Council to form part of the consultation documentation, the period was extended to 28 days expiring 29 October 2012. Consultation consisted of letters to all property owners in the Town posted 28 September 2012, servicing authorities posted 28 September 2012, an information page and Public Notice in the Post newspaper on 29 September 2012 (and secondary Public Notice in the Post newspaper on 6 and 16 October 2012), signs erected on site and an Open Day conducted by LandCorp on 14 October 2012.

Public Submissions

A total of 672 submissions (plus four from servicing authority detailed below) were received from landowners, members of the wider community, not for profit and government agencies during the advertising period. A further 53 submissions were received after the advertising period closed (as at close of business 13 November 2012).

Details of the submissions are tabulated in the attached NEP Submission Schedule. Comments and recommendation raised in the Schedule have been prepared by RPS Planning Consultants on behalf of the Town and in consultation with LandCorp and Council officers. All submissions received are available for Council viewing on the extranet.

Of the submissions received during the official advertising period:

- 566 (84%) supported the proposal;
- 89 (13%) objected to the proposal; and
- 17 (3%) did not object to the proposal, but provided comment for consideration.

Of the 53 late submissions received outside the official advertising period:

- 30 (56%) supported the proposal;
- 22 (42%) objected to the proposal; and
- 1 (2%) did not object to the proposal, but provided comment for consideration.

Of the 725 total submissions:

- 596 (82%) supported the proposal;
- 111 (15%) objected to the proposal; and
- 18 (3%) did not object to the proposal, but provided comment for consideration.

Submissions in Support

Key reasons provided for submissions supporting the proposal include:

- Will rejuvenate and transform the site, and address many issues that wouldn't be rectified without a return from development investment.
- Better integration of the football club with the community
- Additional office uses at northern end of Lot 510 will provide opportunities for the Football Club to gain additional revenue outside of normal operations, thereby ensuring its financial sustainability.
- Will help establish a more sustainable and visually appealing development to the benefit of the club and wider community.
- Consistent with heights of nearby Claremont Quarter, and will result in a strong street presence/gateway element and integration with the existing Town Centre.
- Increased dwelling numbers will result in greater activation of public places to the benefit of residents both within the development and in the wider community.
- Being located adjacent to train station and near the existing Town Centre, the development will reduce reliance on vehicles and increase economic benefit to the existing Town Centre.

- Relocation of the PTA carpark will provide more convenient access to the train station and encourage greater rail patronage.
- Can / will be an exemplary of Transit Oriented Design (TOD) in a strategic location.

Response

The submissions received in support of the proposal recognise the benefits of rejuvenation of a strategically situated development area. The comments received are supported accordingly.

Objections and Additional Comments – Key Themes

Objections and additional comments provided during advertising were primarily concerned with a number of key themes/topics, as summarised below:

Key Submission Themes / Issues Raised	Number of Submissions Received During Advertising Period
Traffic and Parking – Increased traffic generation and resultant impacts on immediate and surrounding road network. – Due Consideration of parking requirements both for development itself and rail users.	100 (15% of submissions)
Loss of Trees – Concerned at the potential loss of existing mature trees, both in terms of local amenity/character and associated environmental values/impacts (loss of biodiversity, urban heat islands etc).	86 (13% of submissions)
Built Form – Proposed building heights considered too high and incompatible with existing character of the area. – Wind tunnel effects and visual aesthetic of consistent building heights. – Comments made suggesting adjustments to height, bulk, setbacks etc.	95 (14% of submissions)
Development Scale and Density – Scale of proposed development is too large for the site and this location. – Density too high, out of character with surrounding suburbs. – Concern at reduction in dwelling sizes.	94 (14% of submissions)
Public Open Space – Object to reduction in amount of POS originally provided for in previous Structure Plan (and perceived increase in private courtyards). – Prefer to see more open space around outside of oval for spectators. Concern at loss of embankment areas. – Clarification around 'sense of ownership' of oval (what	12 (2% of submissions)

<p>is its status as a public space?)</p> <ul style="list-style-type: none"> - Desire to see greater use of roof areas as paved outdoor gardens, entertainment spaces etc. - Desire to see greater emphasis on quality open space and community function. 	
--	--

Traffic and Parking

Key Issues include:

- Pre-existing traffic concerns/issues relating to immediate and wider road networks (e.g. Davies Road, Graylands Road, Guger Street, Shenton Road, Alfred Road, Vauclose Avenue, Langsford Street, etc). Any form of development/additional demand will further impact on the road networks/capacity.
- Traffic generated by development will be significant, with local road infrastructure insufficient to cater for this new demand.
- Such a proposal represents an opportunity to address wider traffic issues in locality.
- The lack of a comprehensive traffic report within the advertised documentation makes it difficult to assess the implications or imagine scenarios that such a high density development is going to have on traffic in the overall area. A more comprehensive level of reporting and evidence is required to demonstrate the appropriateness of such a proposal.
- Some concerns that the proposed traffic lights will create further congestion. Some submissions want to see lights installed at an early stage for pedestrian safety, another suggests roundabouts would be a better solution and more in keeping with contemporary traffic management practices.
- Pedestrian safety concerns re: movements to/from Claremont Quarter.
- Concern at loss of 400-500 parking spaces, to be replaced with 200 spaces under the proposed Football Club premises. Who will these new spaces be serving, and what about parking provision for new residents and weekend football visitors?
- Want to see a traffic and management plan/strategy implemented prior to NEP completion.

Response

Traffic Management and Pedestrian Safety

Council has a number of options to consider in this regard. It is clear that there is a strong preference for a roundabout and pedestrian underpass. The application promotes however a signalised intersection which achieves a similar level of service and provides for improved pedestrian crossing options which are considered of paramount importance for a Transit Orientated Development (TOD). Concern has been raised from LandCorp that any proposal for a pedestrian underpass would not be well used and accordingly be a significant over investment in public resources. Specifically LandCorp have advised as follows on this matter:

- *One of if not the most important principle of this TOD project is for quality, safe and interesting ground level pedestrianisation of the public realm and activation of the local retail and commercial businesses. Funnelling pedestrians underground does not align with the overall objectives of this TOD structure plan and town centre development. A signalised intersection as identified in the technical Arup reports and discussed Monday night accommodates both an acceptable level of serviceability of vehicles and safe and efficient movement of pedestrians.*
- *The Scotch College example has a different objective within a different urban setting, it is simply to channel pedestrian movement (predominantly children) from A to B as opposed to keeping the pedestrian at the street level to activate and make interesting that space.*
- *This underpass does have to navigate a 600mm water main in Shenton Rd however an underpass under Shenton within the NEP would need to contend with a 535mm water main, underground high voltage power (132kV) and regional sewer below Lot 512 which would make any proposed underpass structure below Shenton Rd within the NEP a logistical engineering challenge (i.e. would need to be at least 6m+ deep).*
- *For an underpass at such a depth and required to meet Australian Standard disability access requirements via a ramp formation, the length of the tunnel would become excessive and create challenges with points of entry co-ordination with built form not to mention potential for anti-social safety and security concerns.*
- *To date and as confirmed at the recent SRG Meeting, PTA has not confirmed it will 100% be constructing an underpass, they are still seeking strategic business case funding approvals.*

LandCorp has supplied the findings of technical analysis (conducted by Arup) considering the key intersection of Davies and Shenton Roads. This analysis examines existing traffic volumes, along with the forecast number of trips expected to be generated by the proposed development. The assessment has regard for peak hour movements (both commercial trips and school trips), directional flow and distribution of vehicles across the street network. The study also assessed two alternative intersection types, being a roundabout and a signalized 'T' intersection.

The acceptability of traffic levels for road and intersection types is measured in terms of 'levels of service'. The level of service is substantially a measure of traffic delay and queuing within the road network.

The Arup analysis finds that the intersection of Davies and Shenton Roads will retain a satisfactory level of service under the proposed development scenario, and that this is maintained with either a roundabout or a signalized 'T' intersection, but not an un-signalised 'T' intersection.

On review of this analysis, the Town's Engineering Services has confirmed that the assumptions and inputs utilised by Arup, along with the conclusions reached on the levels of traffic serviceability, are acceptable. It is therefore considered that the

levels of traffic that will be generated by the proposed development scenario are not so great as to warrant refusal of the proposed changes to the Structure Plan.

Engineering Services have advised that a roundabout, designed with appropriate treatments, will provide the best level of service for traffic. It is not the best option for pedestrians and an underpass is preferred, however safe and efficient movement of pedestrians across the intersection could be achieved by the provision of a pedestrian crossing that has constant flashing amber lights (at a suitable location – subject to Main Roads WA approval). Engineering Services have also accepted that a signalised ‘T’ intersection would achieve the necessary standards of pedestrian safety and (although not optimum) traffic movement efficiency.

At the Forum between Council and LandCorp on 10 December 2012, traffic matters raised included the provision of bus bays on Shenton Road. The existing SP provides for two embayments (one either side of Shenton Road) opposite the current railway station platform and historic goods shed. The Illustrative Master Plan contained in the Introduction to the Design Guidelines dated 15 August 2012 indicates the retention of the southern embayment, however the northern embayment appears to form part of the dual lane approach to the intersection with Davies Road. Detailed Engineering drawings submitted for the road confirm the location of the bus embayment in this area.

One submission raised traffic management concerns for Davies and Graylands Roads. These matters have been assessed by Council’s Engineering Services and it is considered that other than modifications to the intersection of Lapsley and Graylands Roads to discourage through movement to the north (at the cost of the developer as part of this project), no further changes to the road network are required at present.

Whilst it is noted that there are public concerns regarding pre-existing traffic capacity issues on the wider road network, these are not directly linked to the NEP and require a more strategic assessment of regional traffic movements, with involvement from both local and state government agencies given the scope of issues faced. Impact on local roads directly resulting from the proposed development may require the provision of traffic management devices and the developer will be expected to contribute to the satisfactory resolution of these matters through the process of contributions to infrastructure sharing arrangements. It is noted however that traffic comments through the broader area, relative to Reserve and Vaucluse Streets should not be impacted directly by the proposed development. Accordingly, resolution of these issues are to be addressed as a separate matter by Council in consideration of the proposals for the Stirling Highway Activity Corridor Study (SHACS) and the comments Council has made to the WAPC on the Metropolitan Region Scheme Amendment dealing with SHACS relative to traffic management in the locality of Vaucluse Avenue and Walter Street.

It is noted also that there may be some concern relative to the proposed location of a crossover on Lot 509. This crossover is presently proposed to be located 75m from the proposed “T” intersection (or roundabout). Engineering Services advise that traffic analysis based on the morning peak (which was identified as the busiest compared to the school peak and the afternoon peak), the calculated queue length

for Davies Road is 67m. At a distance of 75m from the intersection, the crossover would achieve an acceptable level of service at this moment in time. Access during peak periods may be more difficult when traffic in the area increases in future, but this should only be confined to peak periods and freely accessible for times outside this period. It is noted that the proposed crossover is located at a distance of 15m from the northern boundary. In order to address future potential peak traffic conditions, it is recommended that the crossover be relocated to the northern extremity of the site to achieve a 90m distance from the intersection.

Accordingly, submissions raised in relation to traffic matters directly impacted by the NEP Structure Plan at the intersection of Davies and Shenton Roads are supported by required modifications to the Structure Plan to convert the endorsed signalised 'T' intersection to a roundabout with constant flashing amber lights (at a suitable location), however those relating to broader regional transport issues are not supported.

Car Parking

In considering this matter, it is noted that a determination is required to be made in respect to the proposed DGs, DAPs and consequential amendments to the SP itself. When the original SP was adopted by Council in 2008, 200 Public Transport Authority (PTA) parking bays was adopted by Council. It is understood that this is a minimum number of bays from the PTA perspective which reflects current Department of Planning (DoP) objectives of reducing the park and ride emphasis at the station and shifting towards a TOD development where walk-on access from adjacent dwellings is encouraged. Whilst Council could request PTA to provide for additional parking in the locality and seek a variation to the SP accordingly through this process, it is noted that opportunity exists for Council to address this matter through its proposals for parking in the Town Centre as detailed below.

The proposals presently under consideration do not amend the adopted and endorsed SP as it relates to rates of parking provision and the number of park and ride bays provided for train station users. The only variation in terms of parking provision is the proposed relocation of the 200 PTA bay park and ride facility from Lot 506 to Lot 510 (beneath the Claremont Football Club facility as previously endorsed by State Cabinet separate to the SP process). As such, concerns raised in relation to the number of parking bays and rates of provision cannot be entertained in relation to the matters currently under consideration. LandCorp have advised of the following in relation to the relocation of the 200 park and ride bays from Lot 506 under the 2010 Structure Plan:

I can confirm that the park and ride was always proposed to be provided within a basement level car park (refer 7.5 2.3 of the Structure Plan) on what is now referred to as Lot 506 on corner of Shenton and Graylands Rd. Lot 506 was never just a car park site, it was always planned to be developed for primarily residential purposes with below ground parking. As such the relocation of the park and ride is relocating a 200 bay basement structure from Lot 506 to Lot 510 (CFC) The CFC location is considered a preferred location being within closer walking distance to the station, having greater active ground floor uses on its streetscape alignment to the train station along

Davies The ARUP traffic modelling factors in a park and ride within Lot 510 (CFC).

It should be noted that the Town of Claremont is currently developing a Parking Strategy to more comprehensively consider the amount and location of parking provision throughout the locality. This can be expected to address concerns raised with regard to parking in the NEP and the Town Centre more generally. In this regard, Council's Manager Special Projects advises:

A forum with Councillors was held 16 April 2012 to establish the parameters for a Town of Claremont Parking Strategy to be implemented progressively over a five year period. The Council forum indicated broad support for the implementation of a Parking Strategy which includes the introduction of pay parking. The thrust of the Strategy is to be cognisant of the requirements of commuters, shoppers, visitors within the Town Centre and any impact the Strategy may have on business viability/stimulation that are located in the Town Centre.

The discussion paper presented to the forum indentified three potential sites on the north side of the railway line that offer opportunities for additional parking and the implementation of pay parking; Claremont Tennis Club car park east of Shenton Place, the un-surfaced area west of Davies Road adjacent to the Tennis Club and the area on the corner of Lapsley Road and Davies Road adjacent to the Claremont Pool and Golf Course.

At the 5 June 2012 OCM, Council requested the Chief Executive Officer to prepare business plans on the merits of the three sites as parking stations constructed at grade or deck parking configuration and the implementation of long term pay parking fees to the sites. The Town engaged consultants (Team Architects and Luxmoore) to investigate and provide concepts plans and feasibility of the three indentified sites.

Initial investigations have indicated;

- Claremont Tennis Club car park east of Shenton Place can provide 61 bays utilising the current ground level footprint and one level of deck parking.*
- The un-surfaced area west of Davies Road adjacent to the Tennis Club can provide at least 100 bays at grade.*
- The Lapsley Road and Davies Road site adjacent to the Claremont Pool and Golf Course can provide 500 bays over three levels.*

The construction cost range from \$25,000-\$27,000 per car bay is estimated for deck parking station. Therefore to construct a 500 bay station on the corner of Lapsley and Davies Roads would be in the order of \$13 million.

The three sites have capacity to provide commuters and employees with all day parking within reasonable walking distance of the train station or their place of employment.

A staged approach in provision of parking stations is most likely. This will allow paid parking to be introduced and tested, in turn giving confidence for a business case to further examine a multi level parking station. All feasibilities,

concepts and business cases for each of the sites will be presented to Council for consideration when completed.

Accordingly submissions raised in relation to parking concerns are not supported.

Loss of Trees

Key issues include concern over the potential loss of existing mature trees around the site, particularly along Shenton Road and Davies Road, and concerns that they won't be incorporated into the design where possible. Some submissions specifically refer to the existing Norfolk Island Pines on the corner, and a desire to keep these.

Response

The existing Structure Plan makes a number of references to the existing trees on and surrounding the site:

- Several mature trees within the NEP study area have been assessed for heritage significance and the two Washington (Cotton) Palms and two Norfolk Island Pines at the intersection of Davies and Shenton Roads, plus two Peppermint trees in the south-west corner of the site and one Lemon Scented Gum along the western boundary outside the R J Kyle Pavilion are assessed as culturally significant as they appear to date from the time of construction in 1927. The study does however identify that these trees may be relocated.
- The area contains many significant mature trees which are both culturally (inclusive of above trees) and visually significant (including the two Canary Island (Date) Palms at the intersection of Davies and Shenton Roads (adjacent the culturally significant trees) which are visually significant.
- Reference is made to the Norfolk Island Pines along Davies Road being a *dominant visual element that defines the western boundary and directs views and movement to the Town Centre as well as providing a valuable streetscape amenity in the form of shade.* Opportunity is also identified for the transplanting of numerous Coral (Flame) Trees within the site if they are unable to be retained in their current position and for a significant Fig Tree to be retained in the open space and Camphor Laurel tree that will be retained within the north side of the station precinct.
- It is noted that whilst the significant trees within the site create great opportunities, their retention is an issue in the planning and design of the area, as they will impact on site layout, earthworks, servicing and infrastructure. Several species present on site are suitable for relocation (including palms, Norfolk Island Pines and Coral Trees), and this should be considered as an option for maintaining the site character while allowing greater planning and flexibility.
- The Development Principles Plan (Figure 13) indicates the Retention of existing landmark trees at the intersection of Davies and Shenton Roads, however the Norfolk Island Pines are shown to be removed (buildings placed

on top) and the remaining tree (Canary Island Date Palms and Cotton Palms) are proposed to be retained in a forecourt to the proposed six storey building.

- Of these significant trees, there are several that are deemed to be in poor or declining health and not worthy of retention.
- Appendix 6 of the SP (Arbor Logic Report) indicates that the trees at the intersection of Davies and Shenton Roads are in good condition.

It is noted that although the existing SP identifies trees of cultural significance, there are no trees included in the Town's Municipal Heritage Inventory or Schedule of Historic and other buildings and Places under TPS3.

A number of arborist assessments have been prepared since the approval of the existing SP. These assessments generally support removal of most trees, with relocation rarely considered a viable option for various technical reasons and excessive cost. Specifically it is proposed that the Canary Island (Date) Palms be transplanted and the Norfolk Island Pines removed. In consideration of these matters, the following comments have been provided by Council's Parks and Environment Services.

- Estimated life spans can be wrong

A tree may be assessed as having 40 or 50 years left in it and therefore worthy of retention and making design concessions to keep it, however the very act of changing the built form around it can drastically reduce that life span due to many factors. These include the potential impacts of built development and level changes in proximity to root structures, the type of surface treatment within the Tree Protection Zone (TPZ) (Australian Standard AS 4970-2009 Protection of trees on development sites), changes to ground water levels as a result of development works, provision of underground services which may cut through root structures and impacts of heat reflectivity from both paving and buildings and (to a lesser degree) shading from the encroaching development.

- Consider the time frames

It is good to keep existing large trees where we can but beware of designing a development that is going to be there for 100+ years around trees that may be gone in 10 – 20 years.

- You can't generalize

Every tree in every situation is a separate "business case" with its own unique set of factors to consider.

- You usually can't replace like for like

If a retained mature tree dies, it is often not a case of simply replacing it with another specimen of the same species in the same location because:

- *The space to plant into is often very limited due to remnants of stump / old roots;*

- *You can't "just move 10m away" because by now there's buildings, walls, paving and other infrastructure all around;*
 - *The mature tree is often of a type that you wouldn't put back into an environment near buildings (e.g. large Ficus, Eucalypts etc); and*
 - *Even if you could put the same one back it won't perform the same due to the new set of circumstances*
- *Sometimes better to start again*
It sometimes has to be recognised that existing vegetation is not in the right place for the longer term and it may be better to have new vegetation planted as part of a comprehensive landscaping concept for the development site.

The submissions seeking retention of the large Norfolk Island Pines and associated two Washington (Cotton) Palms (to a lesser extent) and the two Canary Island (Date) Palms at the intersection of Davies and Shenton Roads are supported in principle. It is noted that the significance of these trees are recognised both in terms of local character and identity (see comments above), as well as presenting important opportunities to provide context for the NEP (and in particular the eight storey building proposed to be located at the intersection) in terms of vertical scale and entry status for the NEP, together with a resultant benefit of redressing concerns raised about the loss of POS under the SP (see details below).

Council's Parks and Environment Services advise there are a number of caveats that must be considered for the retention of these trees:

- Details on the proposed finished ground levels are not provided, therefore it cannot be established whether modification of ground levels for the site will have an impact on the surface root structures
- Any encroachment into the TPZ will require careful management by a qualified arborist, both in terms of actual work and ongoing care.
- In order to retain the Norfolk Island Pines, the area of the TPZ may need to be retained at a higher level.
- There is potential for fungal infection (e.g. - *Botryosphaeria sp.*) known to be currently affecting Norfolk Island Pines throughout Perth, especially when under stress
- The Two Washington (Cotton) Palms have a reduced amenity value and may be sacrificed as part of the forecourt to the development. The area of these trees (if removed) provide the opportunity for planting of new trees (e.g. transplanted Canary Island (Date) Palms) which will provide for a continued sense of scale and natural entry statement for the development into the longer term should the condition of the retained trees decline.
- The two Canary Island (Date) Palms closest the intersection of Davies and Shenton Roads may need to be slightly relocated, however, these trees transplant well.

The changes contemplated under the proposed DAPs to bring the forecourt of the eight storey buildings to the street and will result in the removal of these trees. Whilst the intent to provide an urban cornerstone to the development and improve

pedestrian linkages to the Railway Station and Town Centre are acknowledged, the removal of the trees and the forecourt plaza is a significant change to the SP.

Whilst it is noted that the Development Principles Plan (Figure 13) of the current SP does not identify the retention of the Norfolk Island Pines at the intersection of Davies and Shenton Roads and it is acknowledged that LandCorp has raised concerns over the impact of the retention of these trees on the developable area of Lot 509, the benefits of the retention of these trees are numerous.

It is noted that the Development Principles Plan (Figure 13) also indicates an extensive area of POS at the rear of the corner lot (Lot 509) which has been significantly reduced (halved in width) as a result of an earlier subdivision (145090). Although this subdivision was supported by Council for the purpose of facilitating the infrastructure negotiations, it was noted that Council did not support any variation to the SP in this regard and indicated that re-subdivision of this property may be required. Although the subdivision was approved by the WAPC, the SP currently shows the area of POS behind Lot 509 as being 25m wide. The proposed changes to the POS area as delineated by the subdivision approval effectively reduce the width of the POS (by half) to approximately 12.5m. Accordingly, the comparative developable areas for Lot 509 (when comparing the current SP and the proposed SP with provision for the retention of the Norfolk Island Pines) remain constant.

The benefits therefore to be gained by retaining these trees include creation of the forecourt area (approx. 1,660m²) as POS (requiring re-subdivision) to redress the Council and public comment issues on POS reduction, saving the trees as significant landmarks in favourable response to concerns raised on tree loss and provision of natural entry statement providing the context for the proposed 8 storey building at intersection.

Providing the above caveats on the retention of these trees (or portions thereof can be overcome), linkages between the development and the Railway Station can be complemented by pedestrian shelters through this area. Options for this are for either suspended or self standing shelters to be constructed through the area as currently being constructed at the Perth Zoo and outside the QV1 building in Perth.

In addition to the above, Council's Parks and Environment Services advise there is opportunity for the retention or transplanting of other significant trees on and surrounding the site:

- Street trees proposed for retention along Davies Road are not located within the subject site, but in the Davies Road reservation, with many trees immediately abutting the road pavement. The key design change proposed by the SP amendments and DGs/DAPs which potentially impact on Davies Road street trees relates to reduced setbacks which encroach on the TPZ.

Notwithstanding the encroachment, controlled building works (under guidance of an arborist) and ongoing management while the trees re-establish their root structures should provide the best opportunity for these trees to be retained over the longer period.

- There are a number (20) existing *Erythrina* (Coral or Flame Trees) located adjacent power lines along Shenton Avenue. These trees are not suitable for

transplanting within the development as they have been significantly pruned due to their location relative to the power lines. They are presently proposed to be removed from the site.

Discussions between Council's Parks and Environment Services and Arborcentre have identified an opportunity for these trees to be pollarded (heavily lopped – not a standard arborcultural practice, but necessary in this case for tree removal) and transplanted to Lake Claremont Parkland into a 1m high mound along the eastern edge of the Dog Exercise area. Council has been requested to fence the area to stop dogs running out onto Alfred Road and this proposal would address the situation, especially with appropriate dog-detering understory planting.

The proposal is for Council to build the mound and pollard the trees and for the developer to pay for the relocation. This option should be able to be achieved at a significantly reduced cost (preliminary estimates at \$2,000 per tree compared to \$16,000 per tree) The trees are a very forgiving species and the re-growth from the pollarding will actually provide a very good source of extra large "cuttings" from which to propagate new trees for the Town (e.g. Victoria Avenue where a major tree replacement program is due to commence in the next few years. Also, by planting all the trees close together at Lake Claremont will provide the trees with stability whilst re-growth establishes. Council's contribution of creating the earthworks mound, pre-pruning of the trees and modifications to the Lake Claremont Parkland reticulation to support the new trees would be absorbed in normal operational costs of maintaining the Lake Claremont Parkland.

Importantly, the above proposals provide an opportunity to significantly address vegetation concerns raised in submissions, whilst at the same time acknowledging that there are major constraints on the development resulting from the existing vegetation. Whilst it is considered that the above proposal provide a suitable compromise, they also form part of a landscaping package for the development as presented in a comprehensive Landscaping Plan proposed to address the streetscape and public open space amenity.

The Landscaping Plan proposes the following elements:

- Shenton Road / Railway Buffer - Melaleuca and Callistemon consistent with the native theme for the rail corridor adopted by the western suburb Councils
- Shenton Road / Graylands Road - mixed *Eucalyptus rudis* and *E. maculata*.
- Davies Road east - Supplementary Norfolk Island Pines to build on existing streetscape.
- Oval perimeter – fast growing *Pyrus* / *Populus* sp.
- Durack Mews towards PCYC – *Pyrus* sp. and *Eucalyptus maculata*.
- Public Open Space links – *Fraxinus* and *Eucalyptus rudis*.

The Landscaping Plan has been reviewed by Council's Parks and Environment Services and Infrastructure Services. Some of the selected planting is not

considered suitable to the site. The Landscaping Plan is however supported with the following changes:

- Driveway on POS link to be relocated to the northern road frontage of Lot 509 and POS landscaping to be redesigned to provide for pedestrian movement with additional planting.
- The paving and landscaping proposed for the corner of Durack Way adjacent the oval to be designed to accommodate emergency and parking access to the oval.
- Details to be provided on play equipment.
- Demountable netting to be shown behind goals on oval.
- High quality paving details to be provided (e.g. Absolute Stone (Granite) and/or Urban Stone).
- Paving treatments / materials / colours for street parking bays in Davies Road.
- Graylands Road planting substituted with large deciduous trees (e.g. London Plane Trees).
- Link road (south of PCYC) planting substituted with large deciduous trees (e.g. London Plane Trees).
- POS Link planting substituted with deciduous trees.

Upon satisfactory resubmission of a revised Landscaping Plan to address the above matters, it is proposed that the plan be incorporated into the Design Guidelines.

Built Form - Building Height and Perimeter vs. Podium Design

A wide range of views were expressed with regard to proposed building heights, with some submissions supporting the heights (even suggesting they should be higher), and others objecting to the proposal. Some seek to revert back to originally agreed heights (max. six storey), whilst others are seeking more significant reductions (down to two storey) in some instances. The primary rationale for building height reduction is to maintain character of area and consistency with surrounding residential areas. Some further comments received suggest that 'wind tunnel' issues may arise in between the larger buildings, and that staggering building heights (along with landscaping improvements) would allow more sunlight and gentle breezes. Other comments were raised with regard to energy efficiency ratings, use of roof spaces and use of quality construction materials (a preference against tilt up concrete construction).

Response

The revisions to the Structure Plan involve a re-distribution of elevated residential development. The revisions provide for up to eight storeys at two locations. Building heights are reduced from six storeys to four-five storeys in some locations, while providing elevation around the oval itself. Accordingly, submissions which seek to reduce the built form from that already approved under the SP should be automatically discounted.

Council has a number of options available relative to the final built form of the development. Council could support the view expressed in a number of submissions to retain the existing built form arrangements in terms of height and podium style development, however it is noted that there are design constraints inherent in this concept relative to the placing of the towers above the internal open space areas also featured in the endorsed Structure Plan. Alternatively, Council could support the other positive views expressed about the built form and approve the proposed modifications in height and perimeter design; or consider a compromise arrangement which takes into account one or more of the following options:

1. Reduce the height dropped by one storey (or more) throughout the entire development (or just on the corner of Davies and Shenton Road) with the proposed setbacks (with or without modifications to retain the trees at the intersection of Davies and Shenton Roads as detailed above).
2. Allow the proposed heights and setbacks (with or without modifications to retain the trees at the intersection of Davies and Shenton Roads but require articulation of roof height within each development site so as to avoid a constant height outcome.

Anticipating the retention of the Norfolk Island Pine trees (or in the event of further arborcultural investigation, a reduced forecourt with retention of the other existing / supplementary trees) at the intersection of Davies and Shenton Roads, the configuration and placement of the two sites containing the highest elevations represent an appropriate scale and reinforce the visual relationship to the Town Centre. Should the retention of the Norfolk Island Pines at this intersection not prove feasible following arborcultural assessment, it would be appropriate to reduce the height of the development in this location to six storeys with a feature corner element/s to raise the scale of the development at the road interface behind the remaining significant trees to be retained / supplemented in this location.

The plan provides appropriate height graduation, stepping away from the oval perimeter and interfacing with existing surrounding development. The higher elevation at the intersection of Shenton and Davies Roads responded to a typical design trait of urban redevelopments where the cornerstone development demarcates and provides a focal point for the entrance / gateway to the development.

It is significant to note that when viewed from inside the development, the proposed heights provide for an appropriate scale of development relative to the vast expanse of the oval itself.

The proposals for articulation and varying heights will improve the built form and the requirements in the Design Guidelines which seek to *incorporate architectural features that promote a cohesive urban form and promote facades to be designed with a variety of materials, textures and articulation to produce a contemporary architectural response that creates a greater sense of depth and visual diversity* to ensure a high quality built form which provides a sense of scale to the development relative to the public spaces.

With regard to construction material concerns raised, the DGs require materials and colours are to be *selected to complement the local Claremont character which is defined as exemplifying quality design, craftsmanship and finesse*. Concerns raised against tilt-up concrete construction are supported where the construction is not embellished to a higher visual quality finish (e.g. polished/ground concrete with post-form or pre-form design).

It is noted that the heights proposed for the buildings in each DAP vary and accordingly across the site, heights will vary to reduce the potential for a constant height. There is however the capacity for the lower and higher levels of adjoining sites to be the same which will provide for a constant height outcome along the Oval interface, resulting in what has been previously termed a “colosseum effect”. An option (as indicated above) would be to require variety in height within each development site to avoid this outcome.

Some comments were raised in relation to environmental design and use of roof spaces for gardens, balconies and solar collectors. Comments were also made with regard to the environmental design standards being set by the DGs. Whereas the DG's encourage the use of paved outdoor terraces and gardens with associated climatic protection elements, energy efficiency requirements provide for at least an average 5 star rating. Energy efficiency ratings are continually improving under the National Construction Codes (NCC). It is recommended that in order to encourage exemplar development, that the DG's be reviewed to require a “plus 1” rating relevant to the NCC standards.

With regards to concerns over wind concentration, the design guidelines require building designs that encourage articulation and cross ventilation, allowing south-westerly summer breezes to provide passive cooling. These elements will have the effect of reducing wind tunnel potential.

Any impact on the visual amenity of the area is not considered to be so great as to warrant refusal of the proposed SP amendments. In consideration of the above matters, it is appropriate to support the proposals with modifications to set the eight storey building proposed for the corner of Davies and Shenton Roads back behind the significant trees (together with the provision of appropriately designed pedestrian covers linking the building to the intersection) and for the top level of each building to be articulated within each lot (relative also to adjoining lots) to ensure that a constant height roof line does not eventuate. Submissions raising concern in relation to this issue are therefore generally (other than in respect to the minor alterations raised above) not supported accordingly.

Development Scale and Density

Concern were raised that the scale / number and density of dwellings (and other uses) proposed are not in keeping with the scale and character of the surrounding area, and will generate demand far in excess of the local infrastructure capacity (transport in particular). Concern was also raised at the proposed reduction in average dwelling sizes (from approx. 125m² to 93m²) and there was a desire to see more variety in dwelling types and sizes, particularly in supporting ‘ageing in place’ and catering for ‘downsizers’ and retirees. Conversely, there was also significant support for the scale of development and density from the majority of respondents.

It is noted that two specific submissions sought modifications to the Structure Plan which could potentially impact on the development yield of the project:

- The Federation of WA Police and Community Youth Centres (PCYC) has requested a variation which would reduce their approved development yield from 12 single house lots plus 26 apartments (as approved by the WAPC - total dwellings – 38) to 28 single house lots.
- Another submission was received from consultants acting for the owners of Lot 28 Graylands Road (directly north of the PCYC land). The submission seeks the inclusion of Lot 28 into the Structure Plan and development options for the NEP.

Response

Significantly the DAP proposals (see attached Apartment Yield Analysis) increase the dwelling yield from 630 (618 apartments plus 12 single houses as initially approved by WAPC, following Council's approval of 515 apartments – plus 12 single house lots – 527 dwellings) to 754 dwellings (740 apartments and 14 single house lots). The total increase of 124 dwellings (19.68%) based on an unit size of 93m² (in response to market demands) plus an increase in the height of the apartments from 3 - 6 storeys to 4 - 8 storeys (together with modification to the proposed built form – podium style to perimeter block development). Although unit yield calculations have evolved over time, the proposed modifications are clearly not minor and are considered significant. Directions 2031 and Beyond is a WAPC document that sets the spatial framework for how the metropolitan region will grow. It seeks to ensure urban growth is managed, and to make the most efficient use of available land and infrastructure, particularly prioritising the development and use of land that is already zoned urban. Directions 2031 and Beyond recognises the benefits of a more consolidated city to accommodate future population growth. It sets out housing targets, and seeks to achieve innovative infill development.

The target for the provision of additional housing within the Town of Claremont under Directions 2031 has recently been reduced from 2,200 to 1,390 (760 dwellings over the 630 presently provided for under the WAPC approval of the Structure Plan). The proposed amendments to the Structure Plan will result in a yield in the order of 754 dwellings.

Whilst it may be considered that the reduced housing target will take the pressure off Council to support the proposed development the benefit will be that at 754 dwellings (and therefore provide opportunity for the Council to respond to concerns raised over the development yield), the development will reduce the remaining dwelling target by 124 dwellings down to 636 dwellings. In the context of the Town as a whole and the housing growth target, the NEP provides an outstanding opportunity to accommodate demand for new housing. As such, it is advisable to optimize the development potential of the NEP as the provision of additional dwellings in a strategic TOD location will further reduce the number of dwellings needing to be provided elsewhere, potentially in established residential neighbourhoods where there are much greater constraints in terms of heritage and local character/amenity and a possible lack of supporting infrastructure. Any reduction from the proposed yield will result in other, potentially more sensitive areas having to take up the growth

margin. In these circumstances, the development scale and density is considered to be appropriate, and submissions raising concern in relation to this matter are not supported

It is noted that the current proposal provides for 14 single houses plus 29 apartments (43 dwellings proposed) on the PCYC land. The PCYC submission would seek to reduce the dwelling yield to 28 single houses resulting in a reduction of 15 dwellings and 10 dwellings relative to the WAPC approval. Based on the current proposal, this submission would seek to reduce the overall development yield by 15 dwellings from 754 to 739. With regard to the proposal to include Lot 28 Graylands Road within the Structure Plan, it is noted that this proposal warranted a separate and fully detailed submission. The property represents approximately two thirds of the land involving five properties which are presently zoned Light Industry. Details on development form and yield need to be formulated in a fully comprehensive planning justification (which will also address the general nature of land-use in the locality) for the proposal which will need to be considered as part of a separate rezoning proposal. Depending on the desired development form, a decision with regard to the PCYC submission may be premature as it may significantly limit development options for the Lot 28 proposals. Both these properties provide significant opportunity to allow for improved dwelling yields which work towards the WAPC housing target for the Town. Accordingly, it is considered premature to support either proposal at this point, with both necessitating lodgement of a coordinated and fully comprehensive proposal for either rezoning or changes to the Structure plan and Detailed Area Plan.

Whilst Council could insist on varying apartment sizes, it is well established that Council should not overtly interfere with market forces. It is appreciated that much of the additional development yield results from modifications to the types and sizes of apartments which would ordinarily be subject to state requirements through the application of Acceptable Development and Performance Criteria requirements of the Residential Design Codes. Noting that Council wishes to maintain a "Claremont" quality in the development, it would be open to Council to pursue variations to the SP which set an absolute minimum unit size, and cap development within each development site. Council could apply a minimum unit size and place constraints within each DAP to limit the development yield to the maximum which can be achieved through the application of the proposed average apartment size of 93m² (i.e there could be no more than a set number at the minimum size). Careful consideration to an appropriate minimum size is required. Inspections of some apartments makes it clear that with good design smaller apartments can be a much better outcome than a poorly designed larger unit.

It is noted that to a degree the acceptability of internal living space of a unit relates also to the external living space. It is reasonable to have a smaller unit where larger balconies are present. The proposal in the DGs is for a minimum balcony width of 2.5m adjacent the main living areas. The RDC requires balconies to have a minimum dimension of 2.4m and an area of 10m². It is noted that an emerging trend in the eastern states is for balconies to become transitional indoor / outdoor spaces ("loggias"). It is recommended that to encourage a higher standard of development, a minimum width of 3.0m and 15m² area be required and that this area may be design as a "loggia".

Whilst some submissions call for a reduction in the unit yield (referred to most often in the submissions as density), it is important to note that the yield is a function of both unit size and development form/height. It is established that the development form, with minor alteration as detailed above is appropriate within the context of the site and location as a TOD development. In addition, the impacts on traffic are suitably addressed. Accordingly, it is recommended that Council accept the ultimate development yield which is achieved through the combined build form floor space (resulting from the above changes) and development yields which provide for a maximum within each lot based on the average of 93m² per unit and note specifically that the resultant unit yield will make significant inroads into the provision of Housing Capacity in the Town as required by Directions 2031, whilst protecting the general single residential character of the locality.

Public Open Space (POS)

Objections were raised to the proposed reduction in overall POS provision (from 17.4% to 15.54%). Concern was raised at the perceived loss of public 'green spaces', and increased provision of private spaces (e.g. courtyards). There was an expressed desire to create a community/village feel, rather than encourage more private areas. A number of specific objections or comments sought retention of particular public open space areas previously approved (e.g. the 'embankment'), particularly in catering for game day spectators. A number of requests were received for rooftop gardens and other community spaces on the rooftops, and a greater emphasis on quality open space and integration with other community functions, retail and commercial uses. Some submissions sought clarification around the status of the playing field and the 'sense of public ownership'.

Response

The WAPC's typical requirement for the provision of POS in residential areas is that, where practicable, 10% of the gross subdivisible area be given up free of cost by the subdivider (as required by Development Control Policy 2.3 and Liveable Neighbourhoods operational policy). The proposed Design Guidelines, DAPs and Structure Plan amendments seek to provide 15.54% of the gross subdivisible area as POS (down from 17.4% provided in the previously approved Structure Plan), with further areas of Private Open Space provided internally within development cells for the exclusive use of residents.

Whilst the proposal seeks to reduce the total POS allocation by approximately 1.86%, it remains well in excess of the minimum standard required, and is further enhanced / complemented by the presence of the oval (classified as a Regional Parks and Recreation Reserve and in excess of the 15.54% local POS) and adjacent Regional Parks and Recreation Reserves. The proposal provides for variety of open spaces in the locality, offering a range of active and passive spaces for use of new residents and the wider community in a high amenity setting. The amendments currently subject to consideration do not substantially reduce the quantity of POS provided, and seek to put further mechanisms in place (through the DAPS and Design Guidelines) to achieve a high standard of amenity.

The Operational and Management Agreements endorsed by the Town of Claremont in 2011, along with the proposed DAPs and Design Guidelines, will ensure that the oval's use on game days is managed. This will allow for active use of an oval in

close proximity to residential apartments. Prospective purchasers will be made aware of the intended use of the oval. The Claremont Football Club is supportive of the proposed POS layout and spectator arrangements.

Management of the oval in terms of vehicular access was raised in the Forum between Council and LandCorp on 10 December 2012. Comments from LandCorp in relation to this matter include:

This is managed by the CFC and Town in accordance with the 2011 Council approved Oval Management Plan and any other required approvals the Council see fit. This is event specific and the traffic management for this will need to be agreed upon with the approval of the Town of Claremont (assume traffic management for this event currently goes through this traffic management process). We have requested additional traffic advice from ARUP, with their professional advice attached, however in summary:

If LandCorp, the CFC and Council agree that the Oval can be made available for events parking, then an appropriate access to this parking should be defined. Ideally, two points of access would be provided, but this will be dictated by built form considerations. Whatever access(es) is selected, the surface between the road network and the Oval should be trafficable (but not necessarily paved)

It is unreasonable to try to design the road network and intersections to accommodate ultra-peak traffic flows associated with events parking. This would create redundant capacity for 99% of the year. Accordingly, as with any large event within a constrained road context, event traffic management will be required. This should be to the satisfaction of Council.

Note must also be taken of the comments from the WAPC (detailed above) in relation to the subdivision approval for application 145976. It is also noted that:

- The Australian trend (probably catching from the world) is to blur the line between public and private open space (in this type of development particularly).
- The push is also about the purpose and quality of open space and not so much about the quantity.
- The Town's officers have supported both these trends. Good quality spaces that people will use will be great additions to the Town.

It is noted that changes proposed above with regard to the protection of the significant trees at the intersection of Davies and Shenton Road could provide for the potential increase of POS by approximately 1,660m². If this eventuates, the POS provision would rise to 8,349m² (19.3%) which equates to approximately 495m² (1.89%) more than the originally endorsed Structure Plan. Should the arborist report result in the removal of the Norfolk Island Pines, then the area of forecourt may accordingly be reduced with associated reductions in the POS area available. In either outcome, the increase in POS presents as a more than suitable measure to

address concerns raised with regard to the provision of POS, loss of trees and provide a natural forecourt context to the built form proposed.

Notwithstanding the stance made by the WAPC with regard to the provision of POS within the Structure Plan it is recommended that the forecourt of Lot 509 be created as POS to address the issues raised above and redress the loss of POS within the NEP previously resulting from decisions of the WAPC in relation to previous subdivision approvals.

State Government/Servicing Agency Submissions

Department / Agency	Comment
Department of Education (DoE)	No objection
Department of Health (DoH)	<p>All developments shall be connected to scheme water and reticulated sewerage in accordance with the Government Sewerage Policy - Perth Metropolitan Region.</p> <p>Public Health is recommended to be incorporated into the various documents and associated guides. This should include consideration of issues such as disability access, disaster preparedness, and issues related to the wellbeing of residents, workforce and visitors.</p> <p>Recommends consideration of DoH scoping tool and Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles.</p>
Main Roads WA (MRWA)	No objection
Water Corporation	<p>The Water Corporation does not object in principle, but notes that the capacity to serve this development with water and wastewater services was initially assessed in 2006 and since then this development has upsized at least twice.</p> <p>The following concerns are raised:</p> <ol style="list-style-type: none"> <li data-bbox="799 1778 1342 2024">i. Time elapsed since previous advice on water and wastewater service capacities Whilst new/higher yields may be able to be catered for it should be noted that there is not unlimited capacity within these systems.

	<p>ii. Although the developer has submitted drawings shifting a 535mm diameter steel water main in the realigned part of Shenton Road, it has unfortunately failed to address the widening of the existing section opposite Davies Road, and this is to be widened leaving the existing water main constructed in 1950 under the carriageway of the widened Shenton Road.</p> <p>iii. It appears that an existing 535mm diameter reinforced concrete sewer main 10 metres deep which crosses the Railway Reserve is proposed to be built over. This sewer serves the area south of the railway line to the Swan River. This will need to be replaced and or amplified sometime in the future. Previously we indicated that this sewer can't be built over and would require a 15 metre easement. This sewer can be moved to a new position but would still require a 15 metre easement.</p> <p>iv. Furthermore the subdivision associated with the proposed new Police Station WAPC 145097 will effectively reduce the width of the road reserve of Shenton Road to approximately 17 metres. This will leave very little room for services particularly on the Southern side and will be further impacted by the fact that it is intended to construct a retaining wall on the northern boundary of this site to create an underground car park, as well as the construction of 132Kv power cables around this corner into Claremont Crescent. This may create induced current into the existing 535mm diameter water main especially as it may</p>
--	---

	<p>be require to be shifted closer to these electrical cables and there may be cathode protection required on this steel water main.</p>
--	--

It is significant to note that despite changes impacting on Department of Transport land, no comment was received from the Department of Transport. It may therefore be worthy to note that further changes relative to this land may be necessary in the future.

Response

Comments received from the Department of Health (DoH) are broad in nature and provide little specific guidance with regard to the NEP proposals (aside from the requirement for connection to scheme water and reticulated sewerage, which is a standard requirement for all urban development in the Perth Metropolitan Region).

A number of DoH publications (including a scoping tool and various guidelines for health assessments) are recommended for consideration, and identify issues for assessment including air quality (e.g. spray drift, dust, buffers, light etc), water quality (e.g. wastewater disposal, drinking water supply), land and hazard management (e.g. contaminated sites). Importantly however, these issues are already the subject of state planning policies and guidelines adopted by the WAPC and other State Government agencies. In addition to the original SP, these policies and guidelines will continue to be applied through subsequent stages of the planning and development process (e.g. subdivision, development and building applications). Separate assessment against DoH guidelines/scoping tools at this stage is not considered warranted, as it would largely duplicate existing regulatory mechanisms to identify and mitigate public health impacts.

It is noted also that the Department of Minerals and Energy has identified a possible issue relative to buffer distances to the chlorination system installed at the Town of Claremont Pool. This matter will need to be addressed as a Development cost of the project as it is the NEP development (and change of health requirements since the adoption of the NEP SP) that has raised this issue, which would not be present if not for the propose development.

The advice received from MRWA (no objection) offers no commentary with regard to wider traffic impacts and the operation of the strategic road network, which many other submissions have identified issues with. Whilst not required as part of the NEP assessment, greater consideration of regional traffic movements and their impacts on local road networks (beyond the wok of SHACS) is required to address pre-existing issues which will worsen without intervention. The assessment in regard to traffic issues however, should be confined to the direct impacts anticipated from the development as assessed above.

Comments received from the Water Corporation identify a number of detailed design matters that will require resolution as part of the typical planning and development process (e.g. confirmation of network capacity, retention or relocation of existing infrastructure etc). It is through the subdivision, development and building

approvals processes that these detailed issues can be further investigated and addressed with the Water Corporation, within the frameworks and parameters established by the SP and other documents. Importantly, determination of the SP amendments, DAPs and DGs will provide the required level of certainty for the Water Corporation to assess its network capacity and identify any upgrades if necessary. It should also be noted that the WAPC has applied conditions to recent subdivision approvals for the site, requiring water and sewer infrastructure designs to be approved by the Water Corporation, hence providing a further mechanism for these matters to be controlled and resolved.

Accordingly, the submissions from the servicing agencies are noted, however no changes to the Structure or Detailed Area Plans are considered necessary.

LandCorp Open Day

The Open Day conducted by LandCorp at Claremont Oval on 14 October was attended by 248 visitors (86% were 45 plus, 86% were local residents, 64% lived less than 1km from the development and 41% were couples with no children at home). A self-completion feedback survey was handed to visitors and 48 (19%) responses were received. The survey results are detailed in the Claremont Open Day Feedback Survey Summary attached to this report and summarised as follows.

- 96 positive and 81 negative comments were received
- The top positive comments related to how the development will improve an under-utilised piece of land.
- Other positive comments related to more vibrancy, good use of space, positive for the Football Club, encourages recreation, increase for local business, residential opportunities improvements to traffic and pedestrian friendly, community emphasis, increase in density, height good and good access to public transport.
- The top negative comments were largely concentrated around height, traffic and parking.
- Other negative comments related to density and population increase, loss of trees, integration with surrounding area, price, change of character, loss of POS and aesthetics.
- Eateries were popular requests for the development of commercial floor space.

Council Forum with LandCorp

A Forum between Council and LandCorp was conducted on 10 December 2012. The Forum was facilitated by Charles Johnston from Planning Context. The purpose of the Forum was to provide LandCorp with the opportunity to inform Council of the results of the Open Day and to work through the key questions from issues raised to date. Consultants (RPS) who reviewed in detail the submissions made comment on specific comments received, Council officers outlined a preliminary response and Elected Members raised questions for the response of LandCorp (and their respective consultants) and Council officers.

Against the Amendment: Mayor Barker and Crs Browne, Goetze, Kelly, Tulloch, Mews and Wood.

THE ALTERNATIVE MOTION WAS PUT

6. That Council resolve to vary the Claremont North East Precinct Structure Plan as provided by the approved Detailed Area Plans and Design Guidelines and consequential Amendments as detailed on the Summary of Key Structure Plan Amendments as submitted by LandCorp as part of the consultation procedures for the current proposals subject to the following changes:

- a) Where inconsistencies arise between the Detailed Area Plans and Design Guidelines relative to the Structure Plan, the requirements of the Detailed Area Plans and Design Guidelines prevail.
- b) Modify Lot 509 to convert the endorsed signalised "T" intersection to a roundabout with constant flashing amber lights at a suitable location (constructed at the cost of the developer as part of this project).
- c) To extend the North East Precinct boundary to include the intersection of Lapsley and Graylands Roads and provide for directional intersection treatment to discourage through movement to north along Graylands Road (at the cost of the developer as part of this project).
- d) Vary the Public Open Space to reflect current subdivision approval for the development site in addition to the additional Public Open Space to be created from Lot 509 at the intersection of Davies and Shenton Roads for the protection of the significant trees in this location as detailed in Part 5 f) (above).
- e) Should the retention of the Norfolk Island Pines at the intersection of Davies and Shenton Roads not prove feasible following arborcultural assessment as detailed in Part 5 f) (above), the height of the development on Lots 508 and 509 is to be reduced to six storeys with a feature corner element/s to raise the scale of the development at the road interface behind the remaining / supplemented significant vegetation.
- f) An average apartment size of 93m² be set as a minimum in each Detailed Area Plan lot within the Structure Plan.
- g) Provision being made in the Structure Plan for the necessary studies to be undertaken and, if required, implementation of rectification measures as a Development cost to address the Department of Minerals and Energy concerns relative to buffer distances for the chlorination system installed at the Town of Claremont Pool.
- (h) Modify the Structure Plan to include parking for at least 400 vehicles, or alternatively the Developer be required to build and fund the building of a multi storey car park adjacent to the station precinct.

CARRIED(250/12)

For the Motion: Mayor Barker and Crs Browne, Haynes, Edwards Goetze, Kelly, Tulloch, and Mews.

Against the Motion: Cr Wood.

ATTACHMENT 4

STRUCTURE PLAN - FIGURE 18 PROPOSED VARIATION

Proposed Variation

Reconfiguration of roads, lot boundaries, POS along with deletion of mixed use at the eastern end of Shenton Road.

Justification

The deletion of mixed use at the eastern end of Shenton Road is based on the idea of consolidating active commercial uses at the south west corner of the site to promote greater potential for integration with the existing town centre. Unless significant redevelopment of the Showgrounds occurs, it is considered that there is little need for commercial uses towards the eastern end of Shenton Road as it is not a regular pedestrian desire line.

The Park and Ride facility originally suggested within the Structure Plan to be located on Lot 506 has been relocated within the revised proposal to Lot 510 beneath the Claremont Football Club (CFC) facilities for the following reasons:

- + Closer proximity to train station;
- + Encourage greater use after hours; and
- + Shorter delivery timeframe due to project staging.

Specific Impact of Variation to Structure Plan

Update Figure 18 to include changes to lot, road, POS layout and land uses. The permitted land uses generally remains as depicted in structure plan apart from the following:

- + Deletion of mixed use from the eastern end of Shenton Road.
- + Reconfiguration of lot boundaries and POS.
- + Inclusion of commercial uses on CFC site.

STRUCTURE PLAN - FIGURE 18



Target Dwelling Yields
Council adopted Structure Plan (December 2008) - 527
WAPC endorsed Structure Plan with requirement for Detailed Area Plans (June 2010) - 630

	NORTH EAST PRECINCT BOUNDARY		* MAXIMUM TOTAL RETAIL FLOORSPACE 2000m ²
	SUB-PRECINCT BOUNDARY		* MAXIMUM 800m ² SUPERMARKET
	LAND USES		REGIONAL RESERVES
	RESIDENTIAL		PUBLIC OPEN SPACE
	MIXED USE		REGIONAL RESERVE
	RETAIL COMMERCIAL		PARKS AND RECREATION
	CLAREMONT FOOTBALL CLUB		

Endorsed structure plan (figure 18)

STRUCTURE PLAN - FIGURE 18: PROPOSED VARIATION

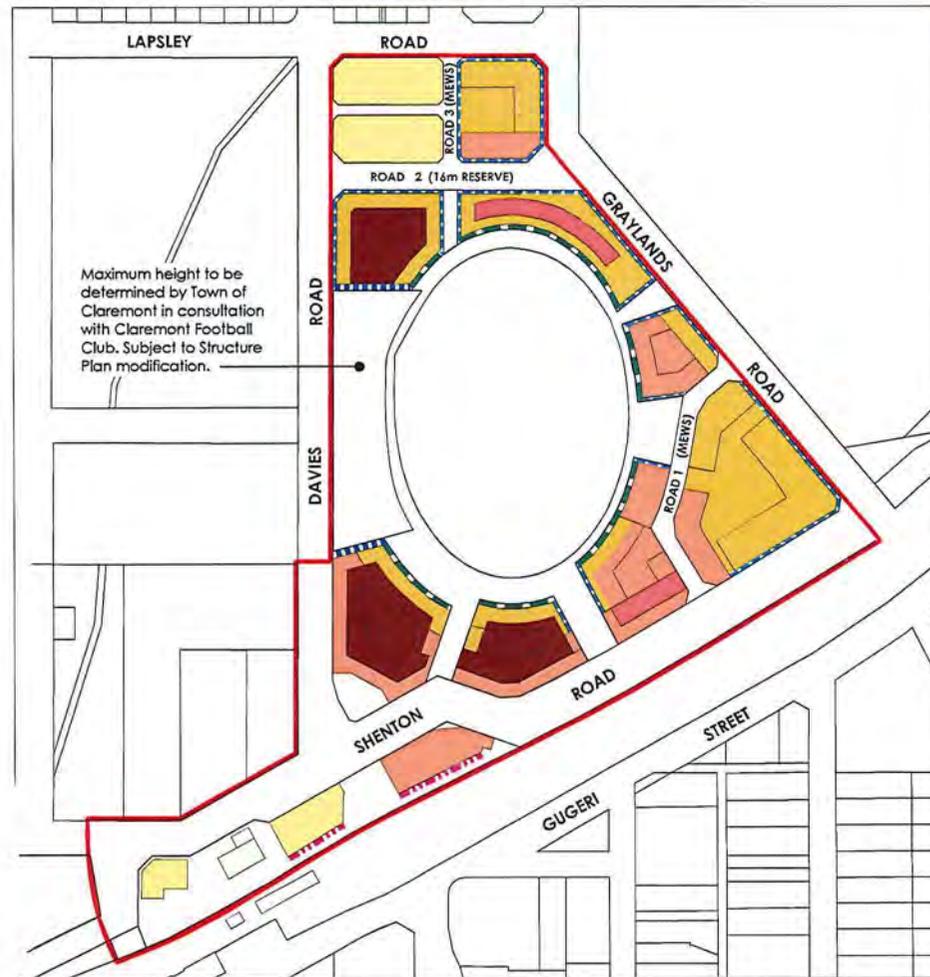


	NORTH EAST PRECINCT BOUNDARY		* MAXIMUM TOTAL RETAIL FLOORSPACE 2000m ²
	SUB-PRECINCT BOUNDARY		* MAXIMUM 800m ² SUPERMARKET
	LAND USES		REGIONAL RESERVES
	RESIDENTIAL		PUBLIC OPEN SPACE
	MIXED USE		REGIONAL RESERVE
	RETAIL COMMERCIAL		PARKS AND RECREATION
	CLAREMONT FOOTBALL CLUB		

Target Dwelling Yield	
Lot	Yield
502	56
503	77
504	97
505	81
506	129
508	174
509	120
500,501,515-526	14
Total	754

Revised structure plan (figure 18)

STRUCTURE PLAN - FIGURE 19: BUILDING HEIGHTS AND SETBACKS PLAN



LEGEND

- NORTH EAST PRECINCT BOUNDARY
- SUB-PRECINCT BOUNDARY

MAXIMUM HEIGHTS

- 1 STOREY
- 2 STOREY
- 3 STOREY
- 4 STOREY
- 5 STOREY
- 6 STOREY

MINIMUM SETBACKS

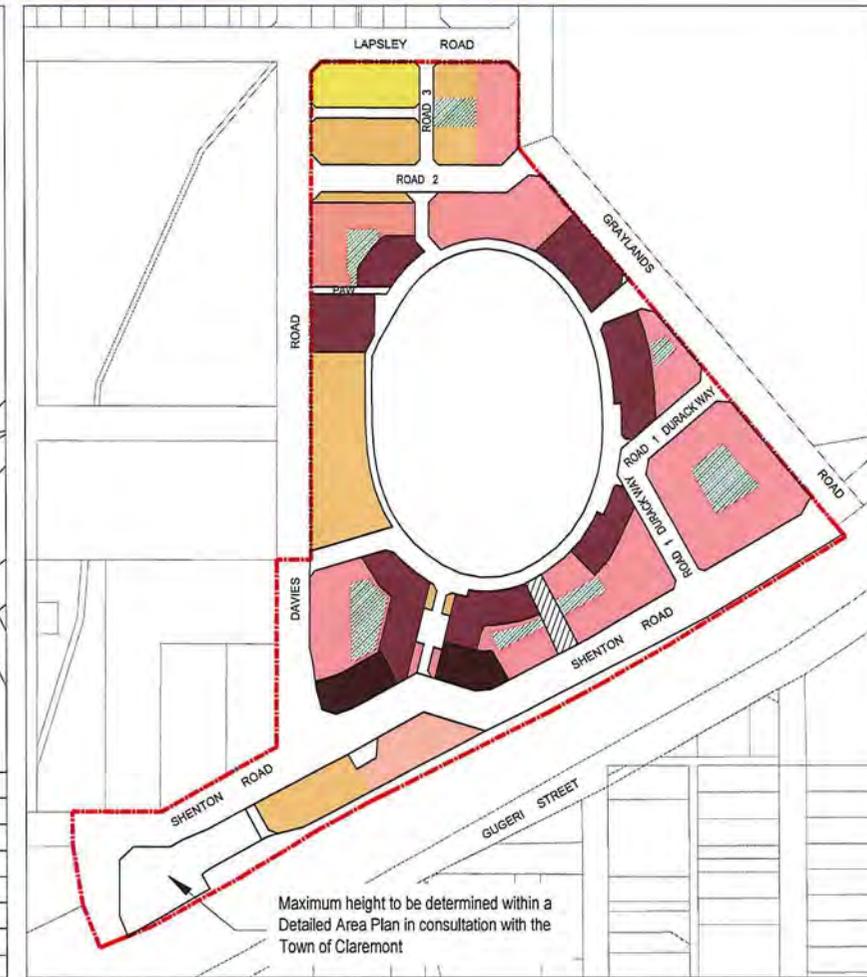
- minimum 2m setback to dwelling (balconies not incl; no black facades to POS)
- minimum 3m setback to dwelling (balconies not incl.)
- minimum 4m setback to dwelling to incorporate public access
- minimum 2m setback to dwelling from PSP

NOTE:

- This plan shall be read in conjunction with the Development Principles Plan and section 7.0 of the Structure Plan Report, which designates the proportion of high building elements permissible.
- The building setbacks shall be in accordance with this plan except where detailed area planning and design guidelines determine alternative interface requirements with public realm.

Endorsed Figure 19 - Building Heights and Setbacks Plan

REVISED - FIGURE 19: BUILDING HEIGHTS AND SETBACKS PLAN



LEGEND

- NORTH EAST PRECINCT BOUNDARY
- SUB-PRECINCT BOUNDARY

BUILDING HEIGHTS - STOREYS

- 2 STOREYS
- 2-3 STOREYS
- 3-4 STOREYS
- 4-5 STOREYS
- 5-6 STOREYS
- 6-8 STOREYS

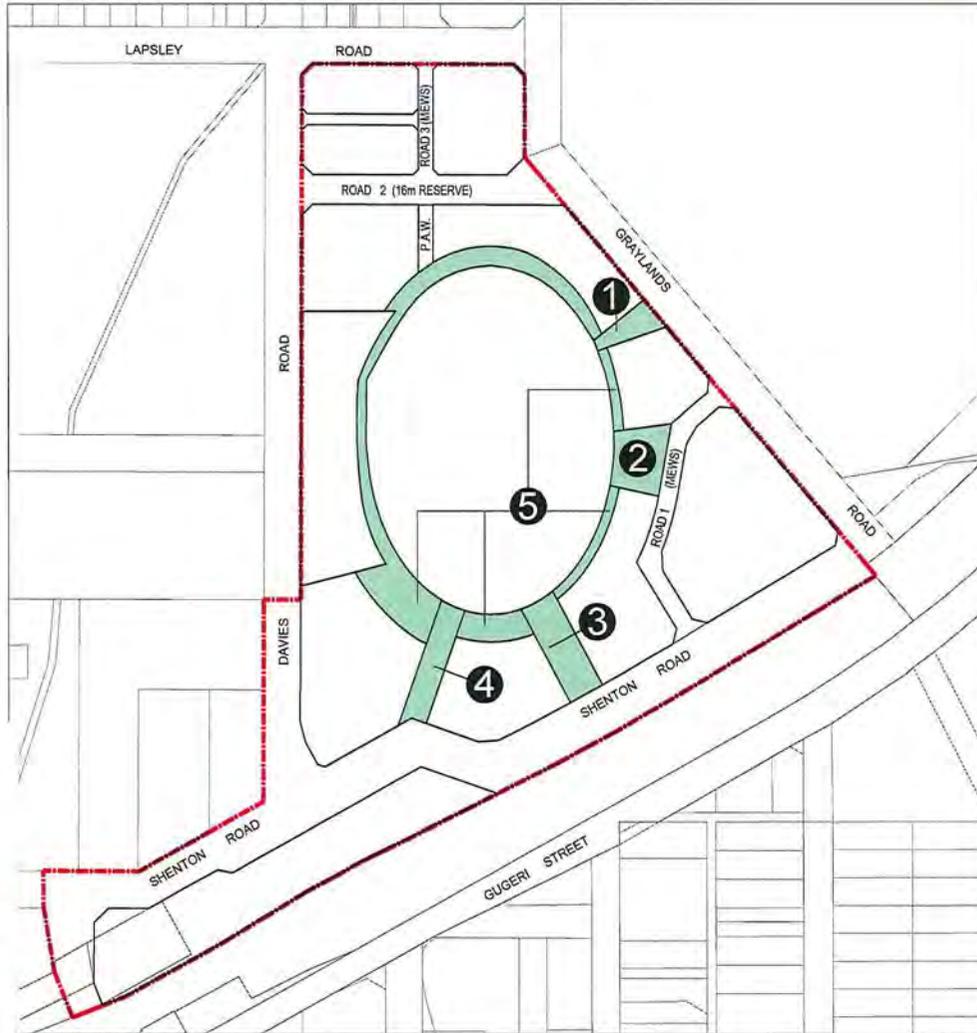
BUILDING SETBACKS

- VIEW CORRIDOR OVER CARPARK LEVEL
- COMMUNAL PRIVATE OPEN SPACE LOCATION

THE BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE ADOPTED DETAILED AREA PLAN AND DESIGN GUIDELINES.

Revised Figure 19 - Building Heights and Setbacks Plan

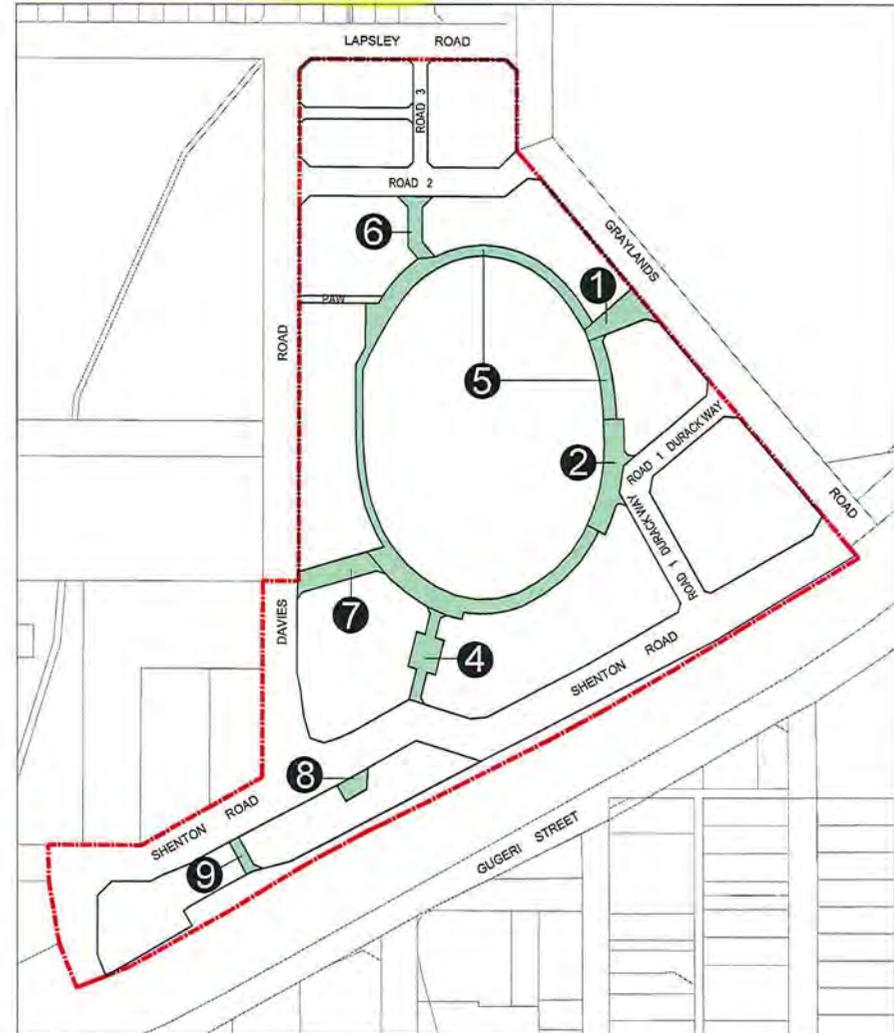
STRUCTURE PLAN - FIGURE 20: PUBLIC OPEN SPACE PLAN



Proposed public open space plan (figure 20)

- POS AREA 1 (Part Lot 8001): 'THE RACE' 450m²
- POS AREA 2 (Part Lot 8001): 'THE EMBANKMENT' 930m²
- POS AREA 3 (Part Lot 8001) ' FIG TREE LINK' 1140m²
- POS AREA 4 (Part Lot 8001) ' TIGER WALK' 925m²
- POS AREA 5 (Lot 8006, 8007 Part Lot 8001 & 8003): 'THE OUTER' 4410m²

REVISED - FIGURE 20: PUBLIC OPEN SPACE PLAN



Revised public open space plan (figure 20)

- POS AREA 1: 'THE RACE' 520m²
- POS AREA 2: 'THE EMBANKMENT' 759m²
- POS AREA 3: 'TIGER WALK' 526m²
- POS AREA 4: 'THE OUTER' 3664m²
- POS AREA 5: 330m²
- POS AREA 6: 552m²
- POS AREA 7: 168m²
- POS AREA 8: 130m²
- POS AREA 9: 130m²



ITEM NO: 9.4

LAYOUT PLAN AMENDMENTS – MAPPING DATA CONVERSION

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager – Aboriginal Communities
AUTHORISING OFFICER: Executive Director – Regional Planning and Strategy
AGENDA PART: D
FILE NO:
DATE: 9 April 2013
ATTACHMENTS:
1. Layout Plan Amendment Schedule
2. Layout Plan Ratified Draft Schedule
3. Layout Plan Living Area Plans

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the Amendments to Layout Plans listed in Attachment 1;*
- 2. ratify the draft Layout Plans listed in Attachment 2.*

SUMMARY:

The map-sets for Layout Plans for Aboriginal communities are being converted from computer-aided-design (CAD) to geographic information systems (GIS). This has resulted in a myriad of technical changes to content and illustration of Layout Plan map-sets, which are effectively an amendment to that plan.

In the case of endorsed Layout Plans, these changes are amendments that accordingly require the consideration of the Western Australian Planning Commission (WAPC) to endorse. Given the technical nature of the amendments they are characterised as minor. State Planning Policy 3.2 (SPP3.2) provides that if an amendment to a Layout Plan is of a minor nature the WAPC is the only endorsement required. Endorsement of all Layout Plans listed at Attachment 1 as minor amendments is recommended.

In the case of draft Layout Plans, these changes represent a new version, that accordingly requires the consideration of the WAPC to ratify the draft. Planning Bulletin 108/2013 provides that the WAPC may ratify Layout Plans that are a suitable spatial framework for the coordination of housing and infrastructure. Ratification of all draft Layout Plans listed at Attachment 2 is recommended.

BACKGROUND:

The Department of Planning, on behalf of the WAPC and the Department of Housing, is the custodian of a suite of 150 Layout Plans prepared under SPP 3.2.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Part 3 – State Planning Policies

Strategic Plan

Strategic Goal: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Develop integrated infrastructure and land use plans for the State.

Policy

Number / Name: State Planning Policy 3.2 – Aboriginal Settlements

DETAILS:

Since the publication of SPP3.2 in August 2000 all Layout Plan map-sets have been prepared using a variety of CAD formats. All Layout Plan map-sets are currently being converted to a common user GIS format.

This conversion process requires a comprehensive re-development of the map-set and includes a number of data and content upgrades, including the establishment of new Settlement Layout lots (SL-lots), the inclusion of recommended settlement zones, modification to ensure land-use areas accord with Aboriginal Settlements Guideline 1, inclusion of drinking water source protection areas, incorporation of updated cadastre, and many other general improvements.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Layout Plans guide housing, infrastructure and enterprise development on Aboriginal Settlements. Converting the Layout Plan map-sets to a GIS format will enable Shared Land Information Platform (SLIP) functionality. This means that agencies and authorities that use the Layout Plans will be able to access digital versions for analysis and design use. Layout Plans will be the first suite of WAPC statutory plans to be comprehensively established and maintained in GIS.

The development and maintenance of the Layout Plan database is critical to a range of government business, including activities undertaken by the Department of Housing, Department of the Premier and Cabinet, Department of Indigenous Affairs and Department of Regional Development and Lands.

CONSULTATION:

None required or undertaken.

OFFICER'S COMMENTS:

The map-sets for Aboriginal settlement Layout Plans are being converted from CAD to GIS. This has resulted in a myriad of technical changes to content and illustration of Layout Plan map-sets, which are effectively an amendment to that plan.

In the case of amendments, the CAD to GIS changes are considered to be minor amendments as the myriad changes made to content and illustration are of a technical nature. As such, under provision 6.14 the endorsement of the WAPC only is required.

Establishing the Layout Plan suite in GIS will improve the functionality of those plans when used by associated agencies and authorities and endorsement of the consequent amendments is recommended.

Endorsement of all Layout Plans listed at Attachment 1 as minor amendments is recommended.

Ratification of all draft Layout Plans listed at Attachment 2 is recommended.

Attachment 1**Endorsed Layout Plan Amendments**

Layout Plan	Layout Plan Number	Amendment Number(s)
Guda Guda	1	3
Gulgagulgageng	1	1
Kiwirrkurra	1	4
Kunawarritji	1	1
Mingalkala	1	1
Moongardie	1	1
Pia Wadjeri	1	2
Warralong	1	1
Wurrenraginy	1	1
Yulga Jinna	1	1

Attachment 2**Draft Layout Plan Ratification**

Draft Layout Plan	Layout Plan Number	Version Number(s)
Barrell Well	1	2
Mulan	2	4
Wandanooka	1	2



MGA Zone 52, GDA94
 Top left: 413035, 6283030
 Bottom right: 413725, 6282175

Layout plan prepared by Department of Planning
 Existing cadastral data supplied by the Western Australian Land Information Authority. (License LI 430-2012-7)

Extraction date of cadastral 28/05/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 15/01/2007, updated 14/03/2007.

2004 aerial image provided by Landgate

Guda Guda LP1 - Living Area.mxd

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

Layout Plan 1 endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	15 April 2003
Amendment 3 endorsement	
WAPC	-

Land Use

	community
	industrial
	open space
	pedestrian access way
	recreation
	residential
	road reserve
	rural
	waterway

LEGEND

Land Administration

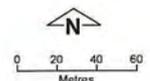
	cadastre
	recommended settlement zone
	settlement layout (SL)
67	SL-lot number

Exclusion Boundary

	Industry
	no go boundary

Features

	electricity pole
	hydrant
	public telephone
	telephone pole
	water tank
	electricity network
	telecommunications cable



Guda Guda Layout Plan 1 - Living Area

Amendment 3



Government of Western Australia
Department of Housing



0 25 50 75
Metres

Legend

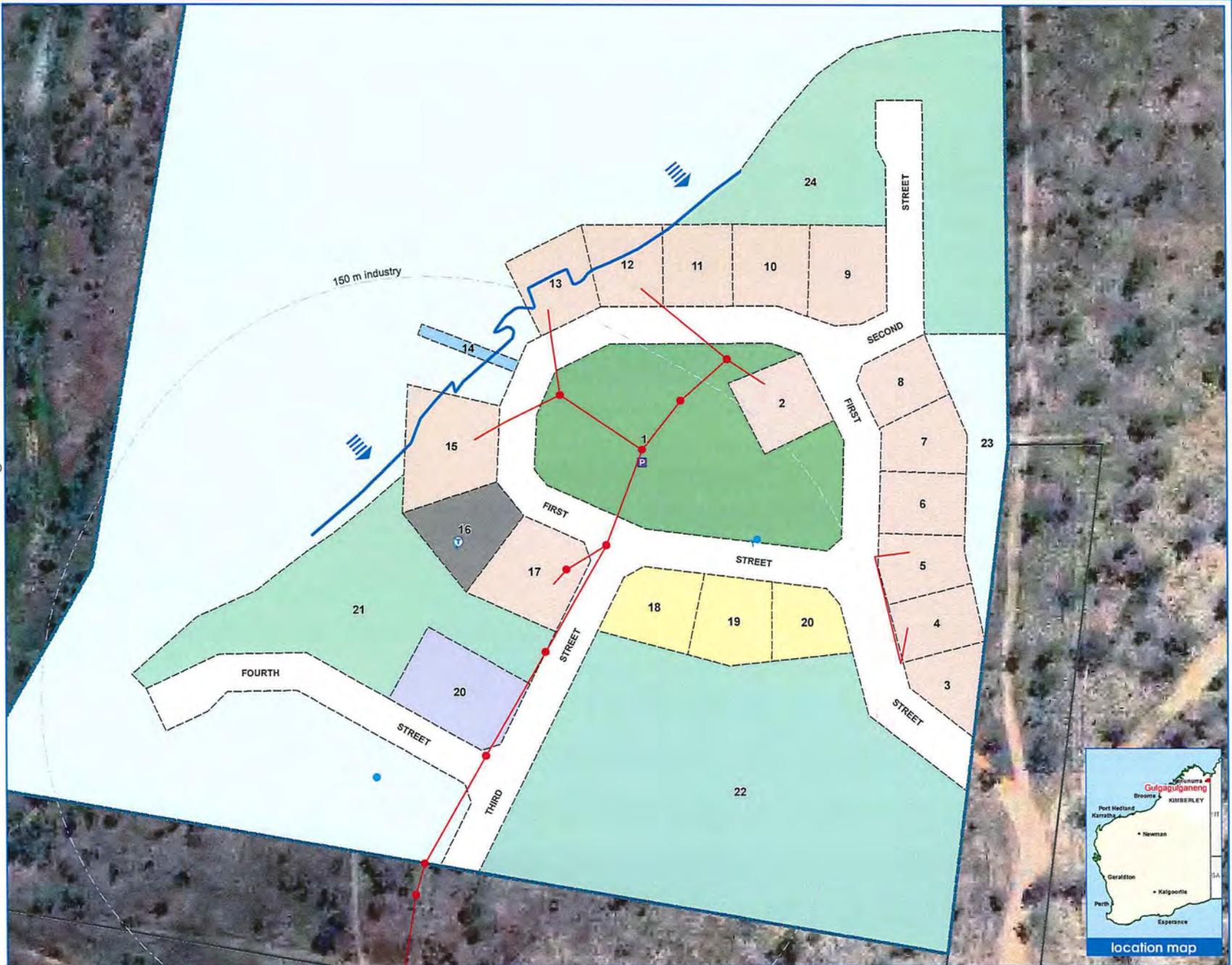
- Land Use**
- community
 - residential
 - industrial
 - road reserve
 - open space
 - rural
 - public utility
 - waterway
 - recreation
- Exclusion Boundary**
- Industry
- Land Administration**
- cadastre
 - settlement layout (SL)
 - recommended settlement zone
 - 21** SL-lot numbers
- Features**
- bore
 - public telephone
 - electricity pole
 - water tank
 - drainage arrow
 - flooding boundary
 - electricity network
 - water pipe

MGA Zone 52, GDA 94
 Top left: 477250, 8251780
 Bottom right: 477775, 8251370
 Layout plan prepared by Department of Planning
 Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)
 Extraction date of cadastre 3/02/2012.
 Features derived from as-constructed survey data provided by Sinclair Knight Merz.
 Last completed survey date 12/10/2006, updated 26/07/2007.
 2009 aerial image provided by Landgate.
 Gulgagulaneng LP1 - Living Area.mxd
 Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

Layout Plan 1 endorsement	
Community	26 February 2003
Local Government	27 January 2003
Traditional Owners	-
WAPC	15 April 2003
Amendment 1 endorsement	
WAPC	-

This layout plan does not constitute development approval
 It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



Gulgagulaneng Layout Plan 1 - Living Area

Amendment 1



Government of Western Australia
Department of Housing



0 50 100 150
Metres

Legend

- Land Use**
- commercial
 - community
 - drinking water source protection area
 - industrial
 - open space
 - public utility
 - recreation
 - residential
 - road reserve
 - rural
 - visitor camping

- Exclusion Boundary**
- fuel storage
 - industry
 - no go boundary
 - power station
 - utility

- Land Administration**
- settlement layout (SL) 21
 - SL lot numbers

- Features**
- electricity pole
 - fuel tank
 - electricity network
 - telecommunications cable
 - public telephone
 - water tank
 - water pipe

MGA Zone 52, GDA 94
Top left: 372565, 7476735
Bottom right: 373615, 7475755

Layout plan prepared by consultants Hames Sharley.

Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)

Extraction date of cadastre 3/02/2012.

Features derived from as-constructed survey data provided by Department of Housing.

Last completed survey date 19/05/2004, updated 1/02/2007.

August 2008 aerial image provided by Landgate.

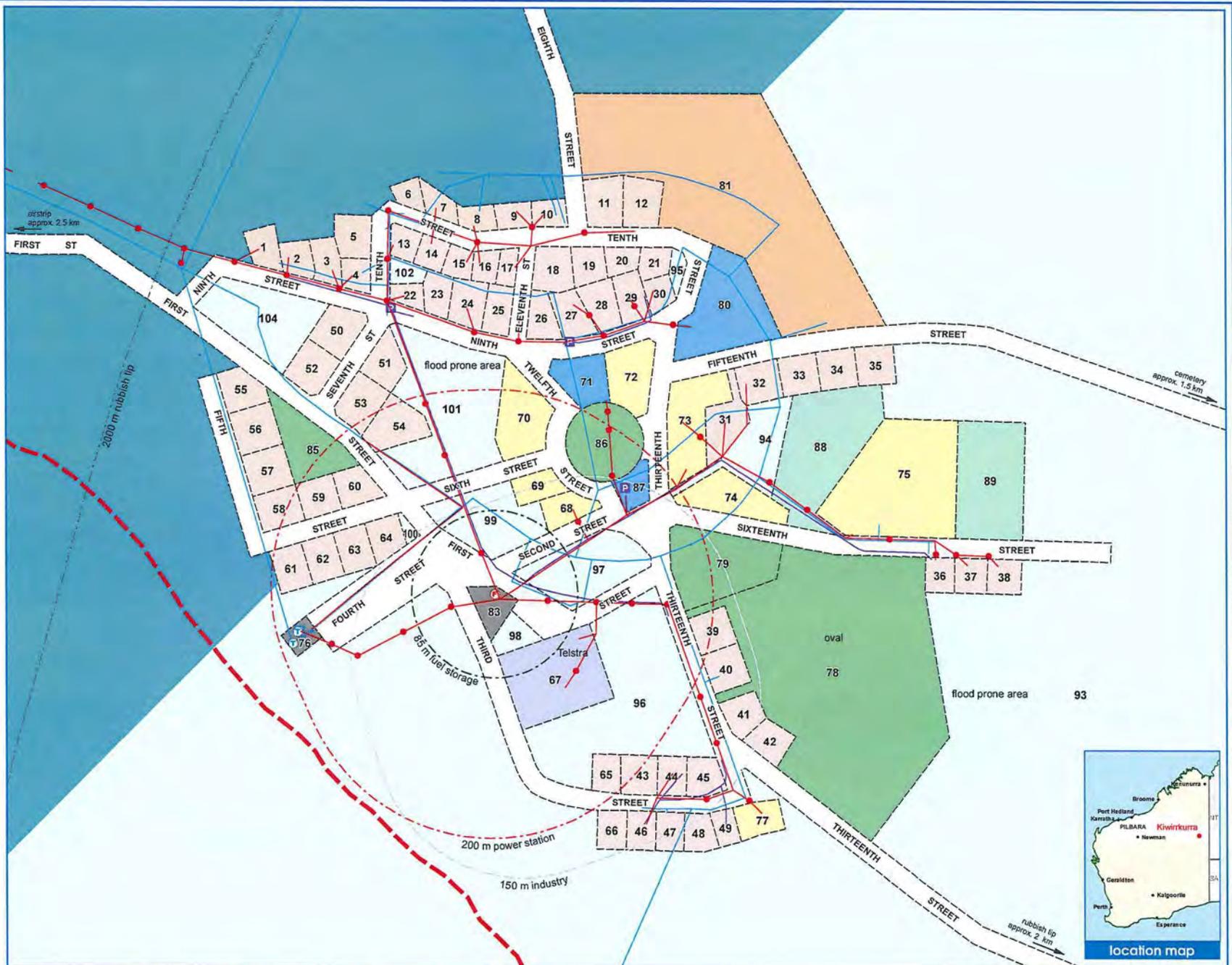
Kiwirrkurra LP1 - Living Area.mxd

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

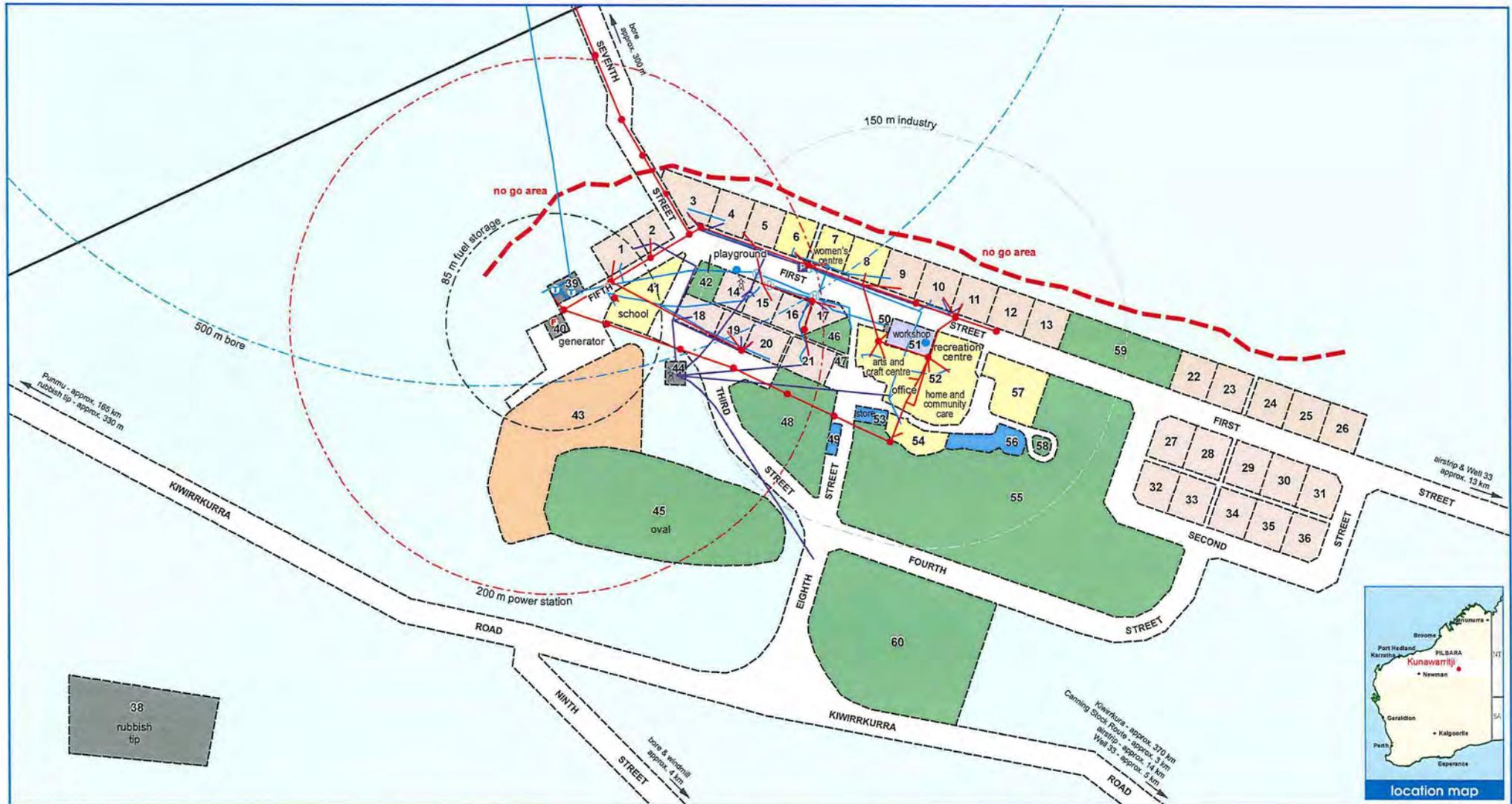
Layout Plan 1 endorsement	
Community	21 February 2004
Local Government	14 April 2004
Traditional Owners	-
WAPC	29 June 2004
Amendment 4 endorsement	
WAPC	-

This layout plan does not constitute development approval
It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



Kiwirrkurra Layout Plan 1 - Living Area

Amendment 4



MGA Zone 51, GDA 94
 Top left: 671175, 753025
 Bottom right: 676360, 752995

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority. (License LI 430-2012-7)

Extraction date of cadastre 29/06/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz
 Last completed survey date 14/05/2003, updated 1/11/2007.

Kunawarritji LP1 - Living Area.mxd

Western Australian Planning Commission Copyright © 2013
 Settlement layout not derived from calculated dimensions.

This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

Features

- bore
- electricity pole
- fuel tank
- hydrant
- public telephone
- telecommunications tower
- water tank
- electricity network
- telecommunications cable
- water pipe

Land Use

- commercial
- community
- industrial
- open space
- public utility
- recreation
- residential
- road reserve
- visitor camping

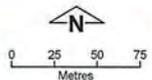
Legend

Land Administration

- cadastre
- settlement layout (SL)
- 62 SL-lot numbers

Exclusion Boundary

- drinking water source wellhead protection zone
- fuel storage
- industry
- no go boundary
- power station



Layout Plan 1 endorsement	
Community	19 March 2004
Local Government	18 May 2004
Traditional Owners	-
WAPC	4 May 2004
Amendment 1 endorsement	
WAPC	-

Kunawarritji Layout Plan 1 - Living Area

Amendment 1



MGA Zone 52, GDA 84
 Top left: 200445, 7930805
 Bottom right: 201110, 7929980

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority (License LJ 430-2012-7)

Extraction date of cadastre 29/08/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 19/09/2003, updated 13/04/2005

July 2010 aerial image provided by Landgate

Mingalkala LP1 - Living Area and

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions

This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

Layout Plan 1 endorsement	
Community	25 July 2005
Local Government	25 August 2005
Traditional Owners	-
WAPC	27 September 2005
Amendment 1 endorsement	
WAPC	-

Land Use

- commercial
- community
- industrial
- open space
- pedestrian access way
- public utility
- recreation
- residential
- road reserve
- waterway

Land Administration

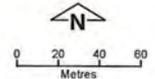
- settlement layout (SL)
- 67 SL-lot number

Exclusion Boundary

- drinking water source
- wellhead protection zone
- fuel storage
- industry
- power station

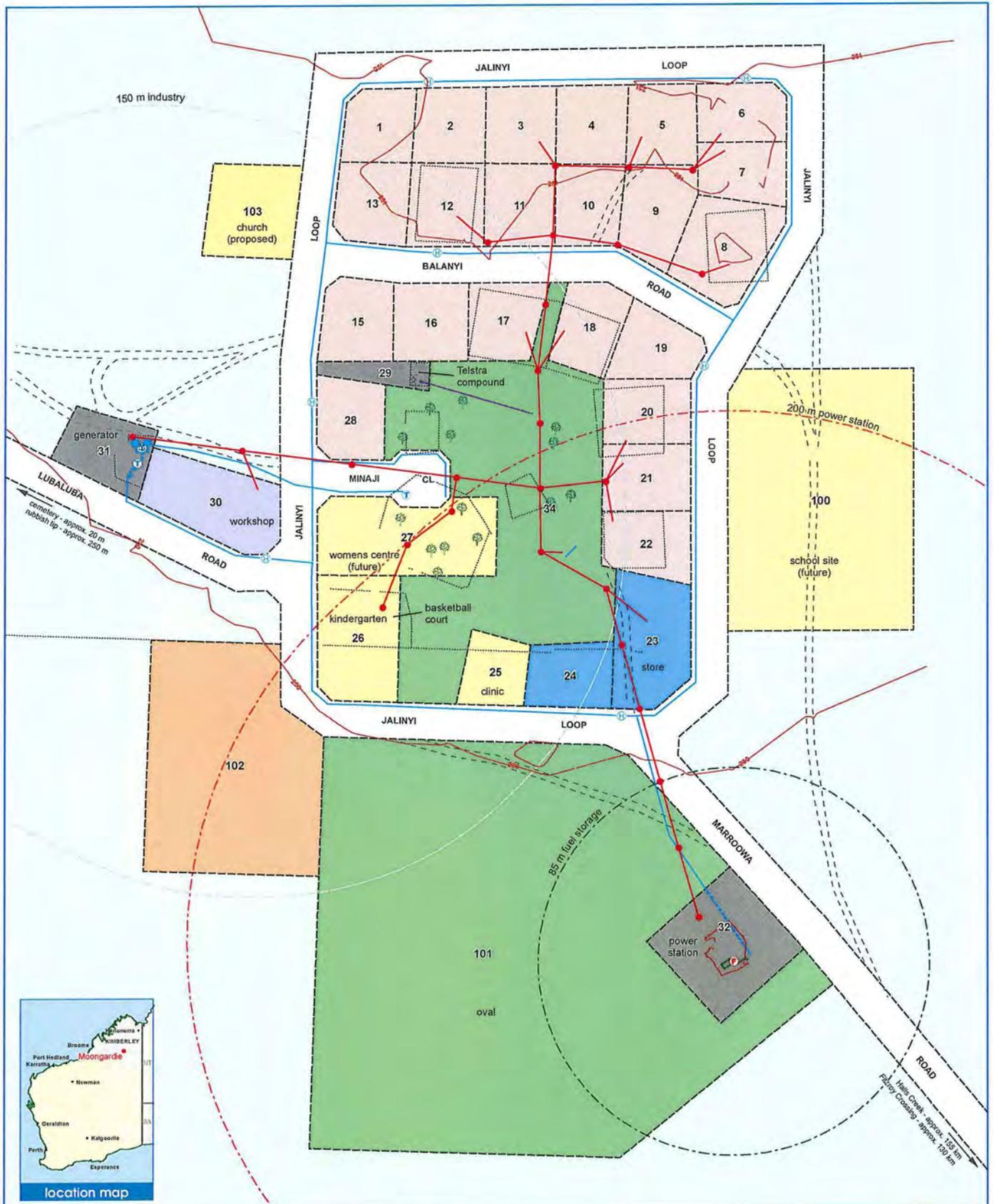
Features

- electricity pole
- fuel tank
- public telephone
- significant trees
- water tank
- contour
- electricity network
- fence
- water pipe



Mingalkala Layout Plan 1 - Living Area

Amendment 1



MGA Zone 52, GDA 94
 Top left: 230745, 7921675
 Bottom right: 231170, 7921150

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority (License U 430-2012.7)

Extraction date of cadastre 30/02/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 11/03/2002, updated 1/06/2006

August 2005 aerial image provided by Landgate

Moongardie LP1 - Living Area site

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

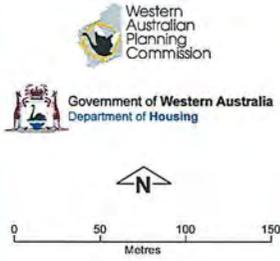
Layout Plan 1 endorsement	
Community	2 September 1999
Local Government	23 September 1999
Traditional Owners	-
WAPC	1 January 2001

Amendment 1 endorsement	
WAPC	-

<p>Land Use</p> <ul style="list-style-type: none"> commercial community industrial open space public utility recreation residential road reserve visitor camping 	<p>Exclusion Boundary</p> <ul style="list-style-type: none"> fuel storage industry power station <p>Land Administration</p> <ul style="list-style-type: none"> settlement layout (SL) 67 SL-lot number 	<p>Features</p> <ul style="list-style-type: none"> ● bore ● electricity pole fuel tank ⊕ hydrant ⊕ significant trees ⊕ telecommunications tower ⊕ water tank 	<ul style="list-style-type: none"> contour electricity network fence fuel pipe telecommunications cable track water pipe 	<p style="text-align: center;">N</p> <p style="text-align: center;">0 20 40 60 Metres</p> <p style="text-align: center;">Western Australian Planning Commission</p> <p style="text-align: center;">Government of Western Australia Department of Housing</p>
--	---	--	--	--

Moongardie Layout Plan 1 - Living Area

Amendment 1



- Legend**
- Land Use**
- commercial
 - community
 - industrial
 - open space
 - public utility
 - recreation
 - residential
 - road reserve
 - visitor camping
 - waterway
- Exclusion Boundary**
- fuel storage
 - industry
 - no go boundary
 - power station
- Land Administration**
- cadastre
 - recommended settlement zone
 - settlement layout (SL)
 - SL-lot numbers
- Features**
- electricity pole
 - fuel tank
 - public telephone
 - electricity network
 - telecommunications cable
 - telecommunications tower
 - water tank
 - water pipe

MGA Zone 50, GDA 94
 Top left: 439285, 7000020
 Bottom right: 440275, 699245

Layout plan prepared by consultants Corneli Wagner

Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)

Extraction date of cadastre 29/06/2012.

Features derived from as-constructed survey data provided by Sindal Knight Merz.
 Last completed survey date 4/05/2004, updated 1/11/2007.

October 2012 aerial image provided by Landgate.

Pia Wadjari LP1 - Living Area.mxd

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

Layout Plan 1 endorsement	
Community	2 September 2002
Local Government	26 September 2002
Traditional Owners	-
WAPC	1 July 2003
Amendment 2 endorsement	
WAPC	13 March 2007

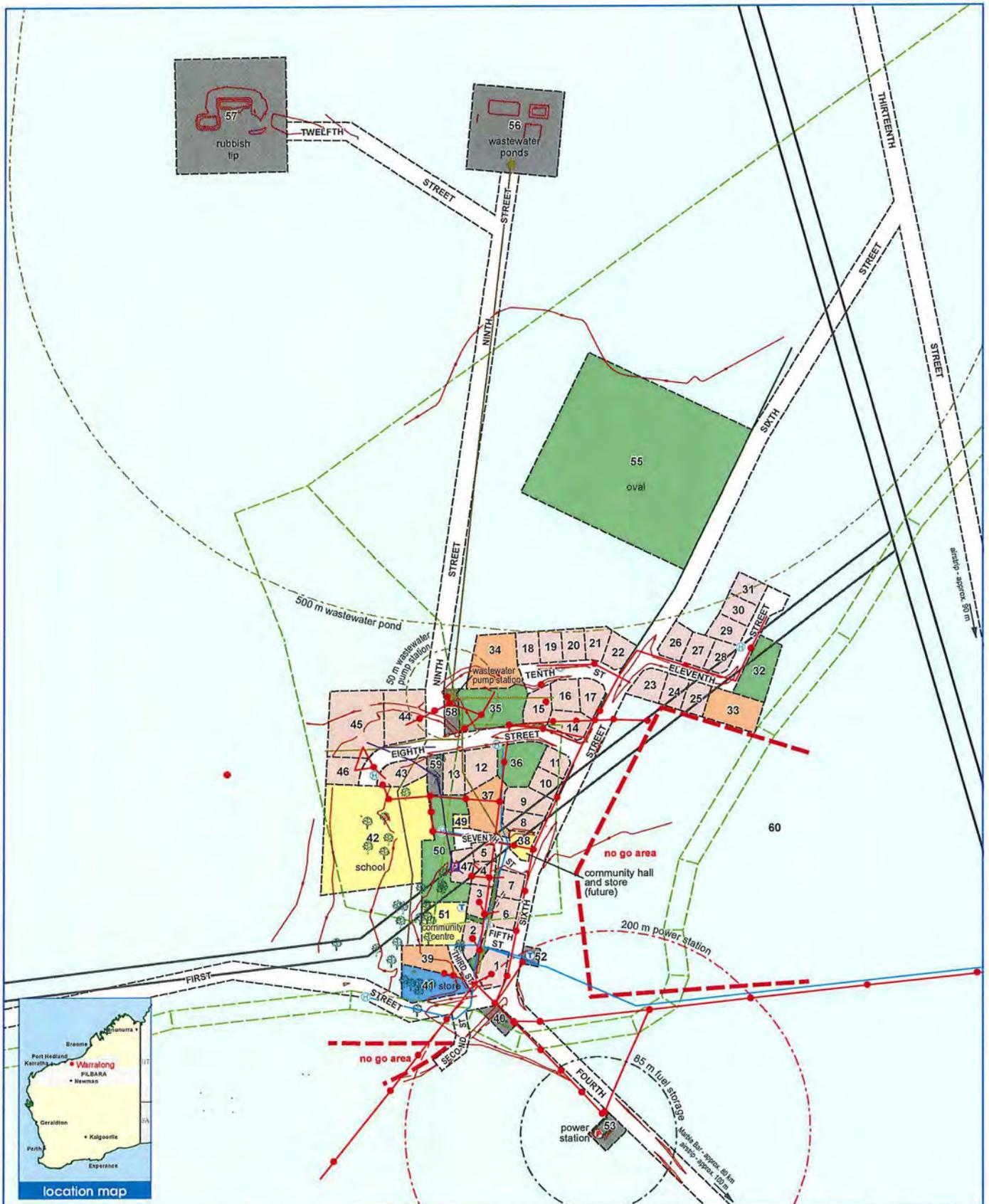
This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



Pia Wadjari Layout Plan 1 - Living Area

Amendment 2



MGA Zone 50, GDA 94
 Top left: 769425, 7715510
 Bottom right: 770450, 7714190

Layout plan prepared by Department of Planning
 Existing cadastral data supplied by the Western Australian Land Information Authority (License PA 23-2003)

Extraction date of cadastral 29/05/2012
 Features derived from as-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 6/11/2001, updated 10/2/2007.
 May 1996 aerial image provided by Landgate.

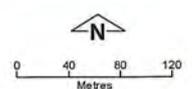
Warralong LPI - Living Area mid
 Western Australian Planning Commission Copyright © 2013
 Settlement layout not derived from calculated dimensions.

This layout plan does not constitute development approval
 It is the responsibility of the developer to ensure that all relevant consents, approvals, licenses and clearances are in place prior to commencing physical works on this site. Organizations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

Layout Plan 1 endorsement	
Community	1 March 2006
Local Government	5 May 2006
Traditional Owners	-
WAPC	31 October 2006
Amendment 1 endorsement	
WAPC	-

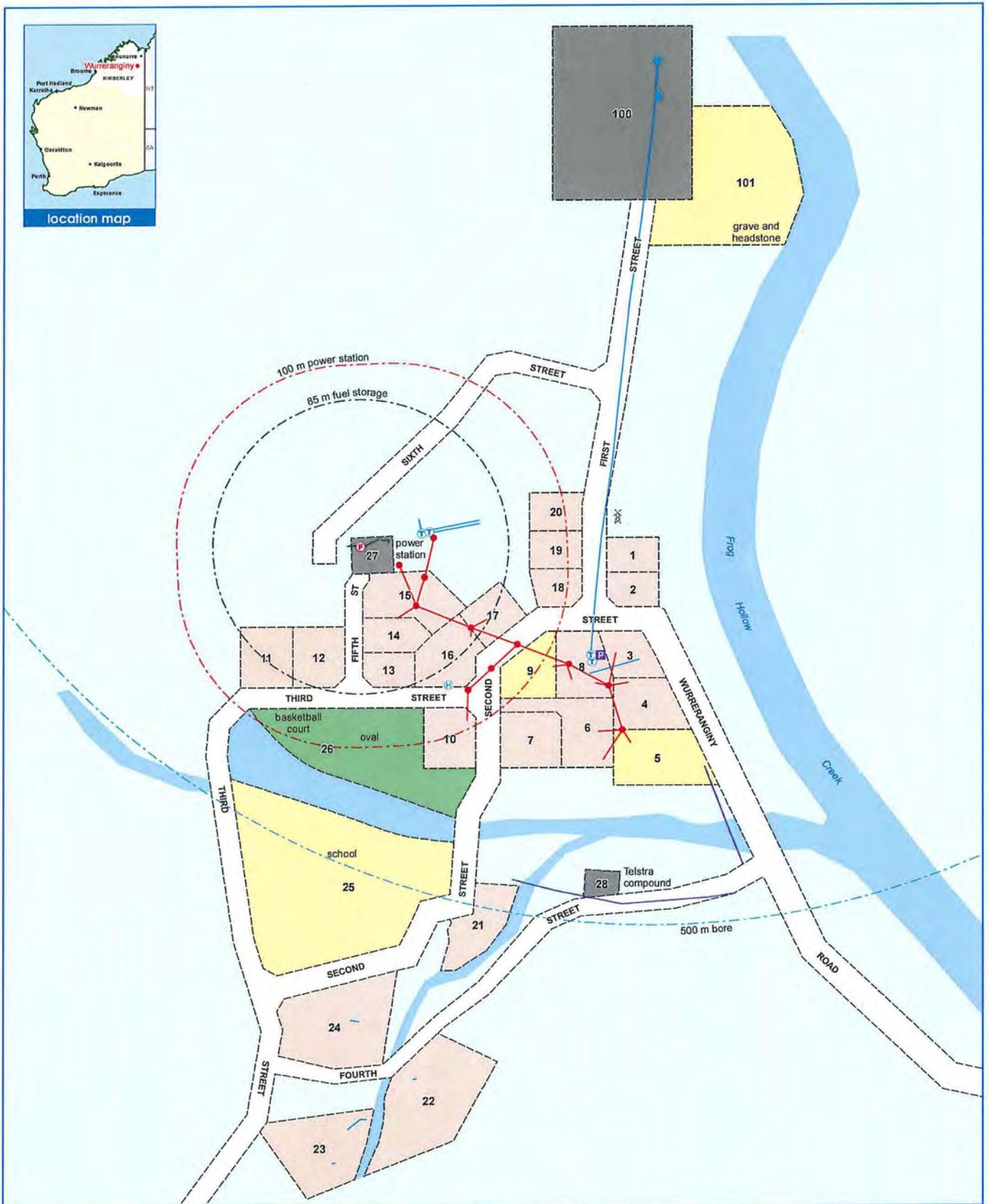
- | | |
|-----------------------|----------------------------|
| Land Use | Land Administration |
| commercial | cadastre |
| community | lodged cadastre |
| open space | settlement layout (SL) |
| pedestrian access way | 67 SL-lot number |
| public utility | Exclusion Boundary |
| recreation | no go boundary |
| residential | power station |
| road reserve | wastewater |
| visitor camping | |

- | | | |
|--------------------------|--------------------------|--------------------------|
| Features | electricity pole | contour |
| fuel tank | electricity network | fuel pipe |
| hydrant | fuel pipe | telecommunications cable |
| public telephone | telecommunications tower | track |
| significant trees | telecommunications tower | wastewater pipe |
| telecommunications tower | wastewater pump | water pipe |
| wastewater pump | water tank | |
| water tank | | |



Warralong Layout Plan 1 - Living Area

Amendment 1



MGA Zone 52, GDA94
 Top left : 398820, 8090180
 Bottom right : 399375, 8089485

Layout plan prepared by Department of Planning
 Existing cadastral data supplied by the Western Australian Land Information Authority. (License L1 430-2012-7)
 Features derived from as-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 12/09/2003, updated 19/09/2003.
 Wurreranginy LP1 - Living Area.mxd
 Western Australian Planning Commission Copyright © 2013

This layout plan does not constitute development approval
 It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

Layout Plan 1 endorsement	
Community	8 July 2005
Local Government	8 August 2005
Traditional Owners	-
WAPC	15 November 2005
Amendment 1 endorsement	
WAPC	-

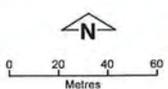
Land Use	Color
community	Yellow
open space	Light Green
public utility	Light Blue
recreation	Green
residential	Light Orange
road reserve	White
waterway	Blue

Exclusion Boundary	Line Style
drinking water source wellhead protection zone	Blue dashed
fuel storage	Red dashed
power station	Red dashed

Land Administration	Symbol
cadastre	Black outline
settlement layout (SL)	Black outline
67 SL-lot number	Black outline

Features	Symbol
bore	Blue circle
electricity pole	Red circle
fuel tank	Red circle with 'F'
hydrant	Blue circle with 'H'
public telephone	Blue square with 'P'
telecommunications tower	Black 'X'
water tank	Blue circle with 'T'

Features	Line Style
electricity network	Red solid
fuel pipe	Red dashed
telecommunications cable	Black dashed
water pipe	Blue dashed

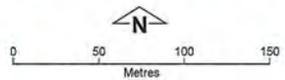


Wurreranginy Layout Plan 1 - Living Area

Amendment 1



Government of Western Australia
Department of Housing



Legend

- Land Use**
- commercial
 - community
 - industrial
 - open space
 - public utility
 - recreation
 - residential
 - road reserve
 - rural
 - visitor camping
- Exclusion Boundary**
- drinking water
 - source wellhead protection zone
 - fuel storage
 - industry
 - no go boundary
 - power station
 - utility
 - wastewater
- Land Administration**
- cadastre
 - settlement layout (SL)
 - 21 SL-lot numbers
- Features**
- bore
 - electricity pole
 - fuel tank
 - hydrant
 - public telephone
 - significant trees
 - wastewater pump
 - water tank
 - windmill
 - contour
 - drainage arrow
 - electricity network
 - fuel pipe
 - telecommunications cable
 - track
 - wastewater pipe
 - water pipe

MGA Zone 50, GDA 94
 Top left: 655005, 7186225
 Bottom right: 655995, 7185450

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)

Extraction date of cadastre 29/06/2012.

Features derived from as-constructed survey data provided by Sindair Knight Merz.
 Last completed survey date 16/07/2008, updated 1/09/2008.

August 2012 aerial image provided by Landgate.

Yulga Jinna LP1 - Living Area.mxd

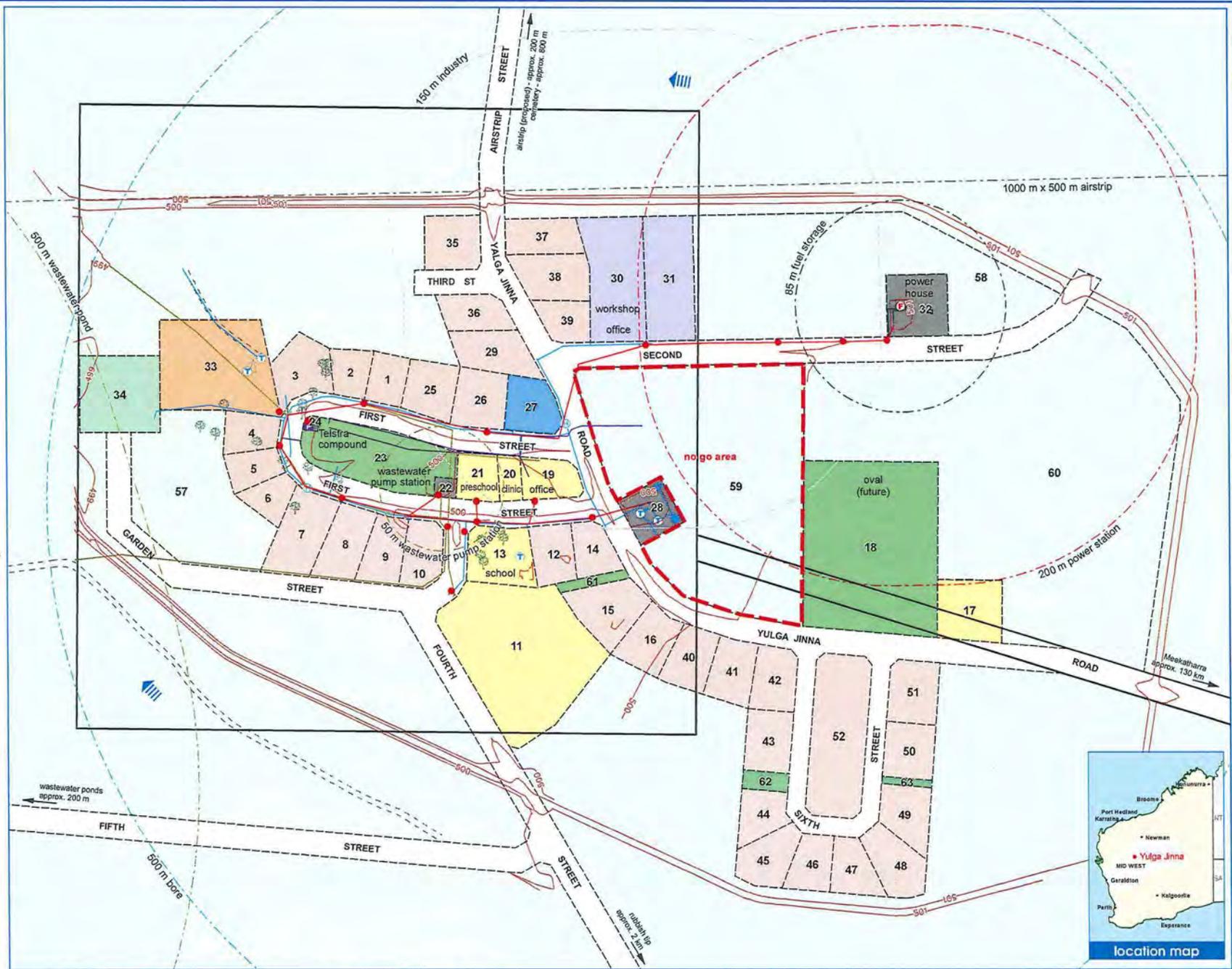
Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

Layout Plan 1 endorsement	
Community	2 April 2007
Local Government	21 July 2007
Traditional Owners	-
WAPC	13 November 2007
Amendment 1 endorsement	
WAPC	-

This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



Yulga Jinna Layout Plan 1 - Living Area

Amendment 1



MGA Zone 50, GDA 94
 Top left : 263665, 6904825
 Bottom right : 265030, 6904100

Layout plan prepared by Department of Planning.

Existing cadastral data supplied by the Western Australian Land Information Authority. (License LI 430-2012-7)

Extraction date of cadastre 29/09/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz.
 Last completed survey date 15/11/2005, updated 1/05/2008

Barrel Well LP1 - Living Area.mxd

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

Features

- bore
- electricity pole
- Ⓟ public telephone
- Ⓜ water tank
- Ⓜ well
- ➡ drainage arrow
- electricity network
- fence
- wastewater pipe
- water pipe

Land Use

- community
- industrial
- open space
- public utility
- recreation
- residential
- road reserve
- rural
- waterway

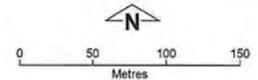
Legend

Land Administration

- cadastre
- recommended settlement zone
- settlement layout (SL)
- 62 SL-lot numbers

Exclusion Boundary

- drinking water source wellhead protection zone
- industry
- wastewater



Layout Plan 1 endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	-
Amendment 1 endorsement	
WAPC	-



Barrel Well Layout Plan 1 - Living Area

Draft Version 2



MGA Zone 52, GDA 94
 Top left: 352470, 7777235
 Bottom right: 353410, 7776075

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority (License LI 430-2012-7)

Extraction date of cadastral 3/02/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 1/05/2007, updated 1/05/2007

August 2004 aerial image provided by Landgate

Mulan LP2 - Living Area road

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions

This layout plan does not constitute development approval
 It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organizations responsible for such matters may include land owner, local government, incorporated community control, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

Layout Plan 2 endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	-
Amendment 1 endorsement	
WAPC	-

<p>Land Use</p> <ul style="list-style-type: none"> commercial community drinking water source protection area industry open space public utility recreation residential road reserve 	<p>Land Administration</p> <ul style="list-style-type: none"> cadastral settlement layout (SL) <p>67 SL-lot number</p> <p>Exclusion Boundary</p> <ul style="list-style-type: none"> chlorine gas storage fuel storage industry no go boundary power station utility wastewater 	<p>Features</p> <ul style="list-style-type: none"> bore chlorine storage electricity pole electricity storage fuel tank hydrant public telephone significant trees telecommunications tower wastewater pump water pump water tank 	<p>Features</p> <ul style="list-style-type: none"> contour electricity network electricity pole fence fuel pipe telecommunications cable track wastewater pipe water pipe
--	--	---	--

0 25 50 75 Metres

Western Australian Planning Commission

Government of Western Australia
 Department of Housing

Mulan Layout Plan 2 - Living Area

Draft Version 4



Government of Western Australia
Department of Housing



0 20 40 60
Metres



Legend

- Land Use**
- community
 - industrial
 - open space
 - public utility
 - recreation
 - residential
 - road reserve
 - visitor camping
 - waterway

Exclusion Boundary

- Industry

Land Administration

- cadastre
- settlement layout (SL)
- recommended settlement zone
- 21 SL-lot numbers

Features

- electricity pole
- ⊕ hydrant
- Ⓜ public telephone
- contour
- drainage arrow
- electricity network
- fence
- significant trees
- ⊕ water tank
- ⊕ windmill
- telecommunications cable
- track
- water pipe

MGA Zone 50, GDA 94
Top left: 363380, 64859670
Bottom right: 363985, 9859225

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)

Extraction date of cadastre 29/06/2012.

Features derived from as-constructed survey data provided by Sindair Knight Merz.

Last completed survey date 15/11/2005, updated 1/05/2008.

August 2012 aerial image provided by Landgate.

Wandanooka LP1 - Living Area.mxd

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

Layout Plan 1 endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	-
Amendment 1 endorsement	
WAPC	-

This layout plan does not constitute development approval
It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



Wandanooka Layout Plan 1 - Living Area

Draft Version 2



ITEM NO: 9.5

LOT 6 NORTH EAST ROAD, GIDGEGANNUP: SUBDIVISION TO CREATE TWO LOTS FOR RURAL PURPOSE.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Perth and Peel Planning
AUTHORISING OFFICER:	A/Planning Director, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	147311
DATE:	19 April 2013
ATTACHMENT(S):	1. Subdivision Plan 2. Location Plan/Zoning Map 3. GRS Map
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	General Rural
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	Gidgegannup
RECEIPT DATE:	14 January 2013
PROCESS DAYS:	81
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 6 North East Road, Gidgegannup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 6 North East Road, Gidgegannup subject to the following conditions:

CONDITIONS:

- 1. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)***
- 2. Satisfactory arrangements being made with the local government for the partial cost of upgrading and/or construction of North Road. (Local Government)***
- 3. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with***

the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Department of Fire and Emergency Services. (Local Government)

4. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)*
5. *Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
6.
 - a) *Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and*
 - b) *In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).*
7. *A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'The lot(s) is/are subject to a fire management plan.' (Local Government)
8. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)*

ADVICE:

1. *With regard to Condition 2, the City of Swan advises the applicant that the estimated cost of the North Road upgrading/construction is \$2200.*
2. *In regard to Condition 5, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
3. *In regard to 8, Western Power provides only one underground point of electricity supply per freehold lot.*

SUMMARY:

This application proposes to subdivide a 42.6582 hectare lot to create two lots of 20.2736 hectares and 22.3564 hectares for rural purposes. The application is referred to the Statutory Planning Committee (SPC) for determination as approval is recommended, however the proposal does not comply with Element 2: Vehicular Access (A2.3 Cul-de-sacs) of the *Planning for Bushfire Protection Guidelines*.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
Number and / or Name: SPP 2.5 Agricultural and Rural Land Use Planning
Development Control Policy 3.4 Subdivision of Rural Land
Planning for Bushfire Protection Guidelines Edition 2

INTRODUCTION:

This application proposes to subdivide a 42.6582 hectare lot to create two lots of 20.2726 hectares and 22.3564 hectares for rural purposes. An existing dwelling and associated outbuildings are proposed to be retained within proposed Lot 61 and proposed Lot 62 contains a dam. Access is gained via North East Road, a dedicated and constructed road. (**Attachment 1** - Subdivision Plan)

The subject site is zoned 'General Rural' under the City of Swan Local Planning Scheme No. 17 (LPS 17) and 'Rural' under the Metropolitan Region Scheme. The subject site is identified within the 'General Rural 1 Precinct' under the City of Swan's Gidgegannup Rural Strategy (GRS). (**Attachment 2** - Location Plan/Zoning Map and **Attachment 3** - GRS Map)

CONSULTATION:

The City of Swan (the Shire) supports the proposed subdivision subject to conditions. The City advised that the subject land is located within an extreme bushfire risk area and the City would not generally support subdivision without the ability to enforce a higher construction standard (AS 3959-2009). As a previous approval has been granted for subdivision the City does not recommend that this application be refused and has recommended condition related to bushfire planning.

Western Power has raised no objections subject to servicing conditions.

The Department of Fire and Emergency Services (DFES) has raised no objections to the proposal subject to compliance with the *Planning for Bushfire Protection Guidelines Edition 2* (PBFP Guidelines)

The Water Corporation, Department of Health and the Department of Environment and Conservation have raised no objections to the proposal.

COMMENTS:

WAPC's Development Control Policy 3.4 'Subdivision of Rural Land'

The Western Australian Planning Committee's (WAPC) Development Control Policy DC 3.4 - *Subdivision of Rural Land* provides for the subdivision of rural land where properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

City of Swan Local Planning Scheme No. 17

The objectives of the 'General Rural' zone within LPS 17 include:

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

Gidgegannup Rural Strategy

The GRS was endorsed by the WAPC on 10 July 2006 and the subject land is located within the 'General Rural 1 Precinct'. The proposed lots meet the minimum (20 hectares required, 20.2767 hectares provided) lot size requirement under the General Rural 1 Precinct of the GRS.

Planning for Bushfire Protection Guidelines

The *Planning Guidelines: Planning for Bushfire Protection* (May 2010) (PBFP Guidelines) have been jointly prepared by FESA and the WAPC in accordance with Clause 6 of *State Planning Policy 3.4 Natural Hazards and Disasters*. The subject land is identified as having a "high" fire hazard by the City of Swan.

The PBFP Guidelines: Element 2 Vehicle Access is aimed at ensuring that vehicular access serving a subdivision/development is safe in the event of a bushfire. A2.3

Cul-de-sacs states that cul-de-sacs are generally not encouraged in bushfire prone areas and the maximum permitted length of a cul-de-sac is 200 metres or 600 metres where emergency access is provided between cul-de-sac lengths. The subject land is accessed via a cul-de-sac of approximately 2 kilometres which does not comply with the PBFP Guidelines.

A2.4 *Battle axes* states that the maximum permitted length for battleaxe access legs is 600 metres with a minimum width of 6 metres. Proposed Lot 62 is accessed via a 10 metre wide 452.88 metre long battle axe leg which accords with the PBFP Guidelines.

The PBFP Guidelines: Element 4 Siting of Development aims to ensure that development is sited to minimise bushfire impact. Proposed Lot 52 contains an existing dwelling and proposed Lot 51 is predominantly cleared and considered to be able to accommodate a new dwelling which meets the required 100 metre separation distance.

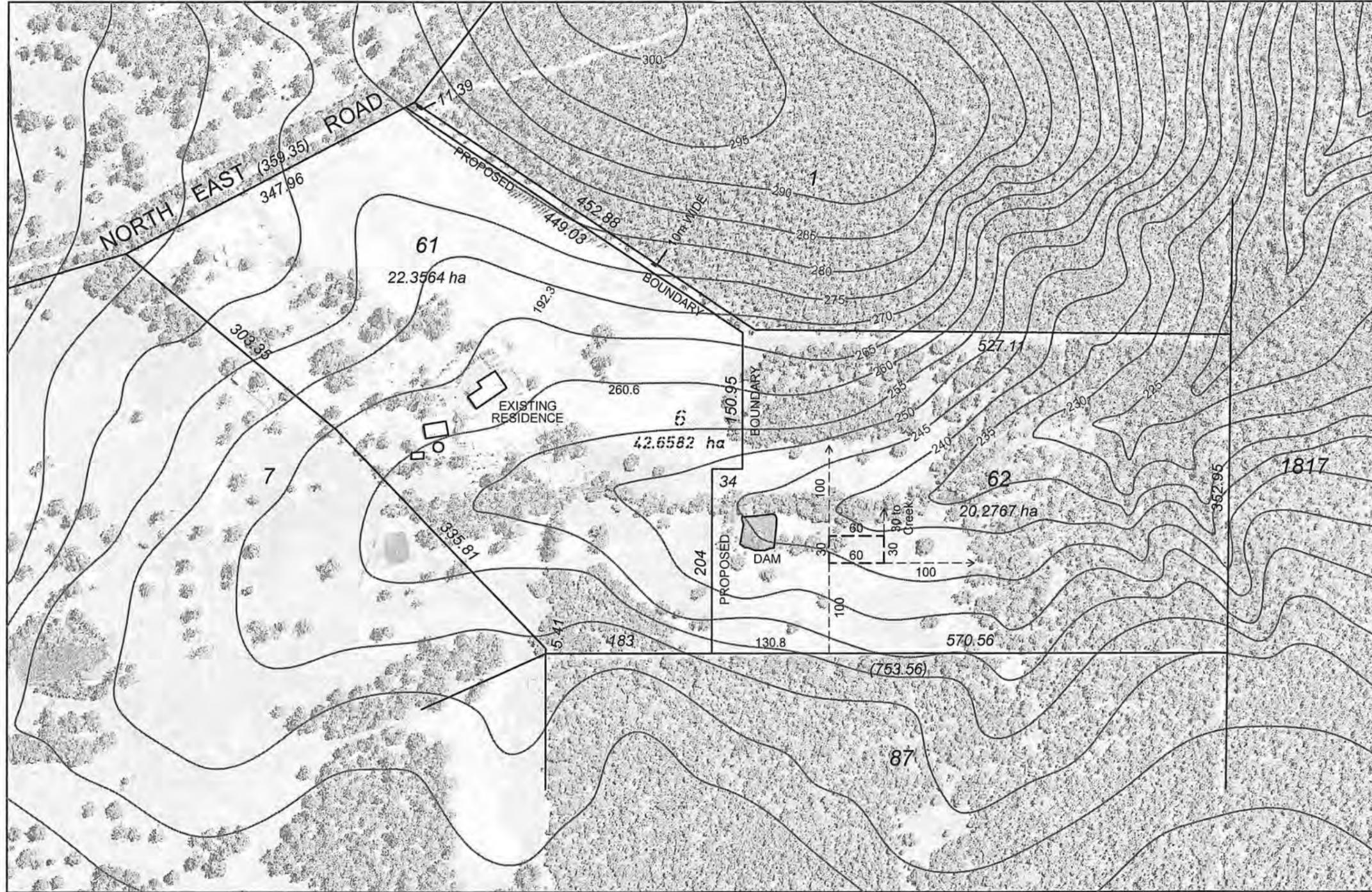
The City has recommended a Fire Management Plan is required as a condition of subdivision approval to address bushfire attack levels (BAL), Building Protection Zones and Hazard Separation Zones. It is recommended this condition is imposed.

Previous Application WAPC Ref: 141211

On June 2010, the WAPC granted conditional approval to subdivide the subject site to create two lots of 20.2726 hectares and 22.3564 hectares. This approval has since lapsed and this application reflects that approval (WAPC Ref: 141121). With regards to bush fire planning, a condition was imposed requiring the preparation of a Fire Management Plan. A similar application (WAPC Ref: 142019) in close proximity to the subject site was granted conditional approval for two rural lots on 5 August 2010, where access to the site is gained via an approximately 500 metre long cul-de-sac. Given the planning framework has not changed since the previous approval, it is recommended the application be conditionally approved. It is recommended a condition is included requiring the preparation and implementation of a Fire Management Plan.

CONCLUSION:

This application is referred to the SPC given that approval is recommended, however the access to the subject land via a cul-de-sac exceeds the minimum permitted length under the PBFP Guidelines.



WARNINGS:

1. LOT NUMBERS, DIMENSIONS AND AREAS SUBJECT TO WAPC APPROVAL, SURVEY AND TITLES OFFICE AUDIT.
2. POSITION OF BUILDINGS IS APPROXIMATE ONLY - MEASURED FROM AERIAL PHOTO.
3. ALL ABOVE & BELOW GROUND SERVICES MAY NOT HAVE BEEN LOCATED - CHECK WITH RELEVANT AUTHORITIES BEFORE COMMENCING ANY WORKS.

LOT	DESCRIPTION	AREA
6	ORIGINAL LOT	42.6582ha
61	PROPOSED LOT	22.3564ha
62	PROPOSED LOT	20.2767ha

$\begin{matrix} 60 \\ \square \\ 60 \end{matrix}$ DENOTES PROPOSED BUILDING ENVELOPE.

0m 50m 100m 150m 200m 250m

DEPARTMENT OF PLANNING
 FILE
 DATE
 16 JAN 2013 147311

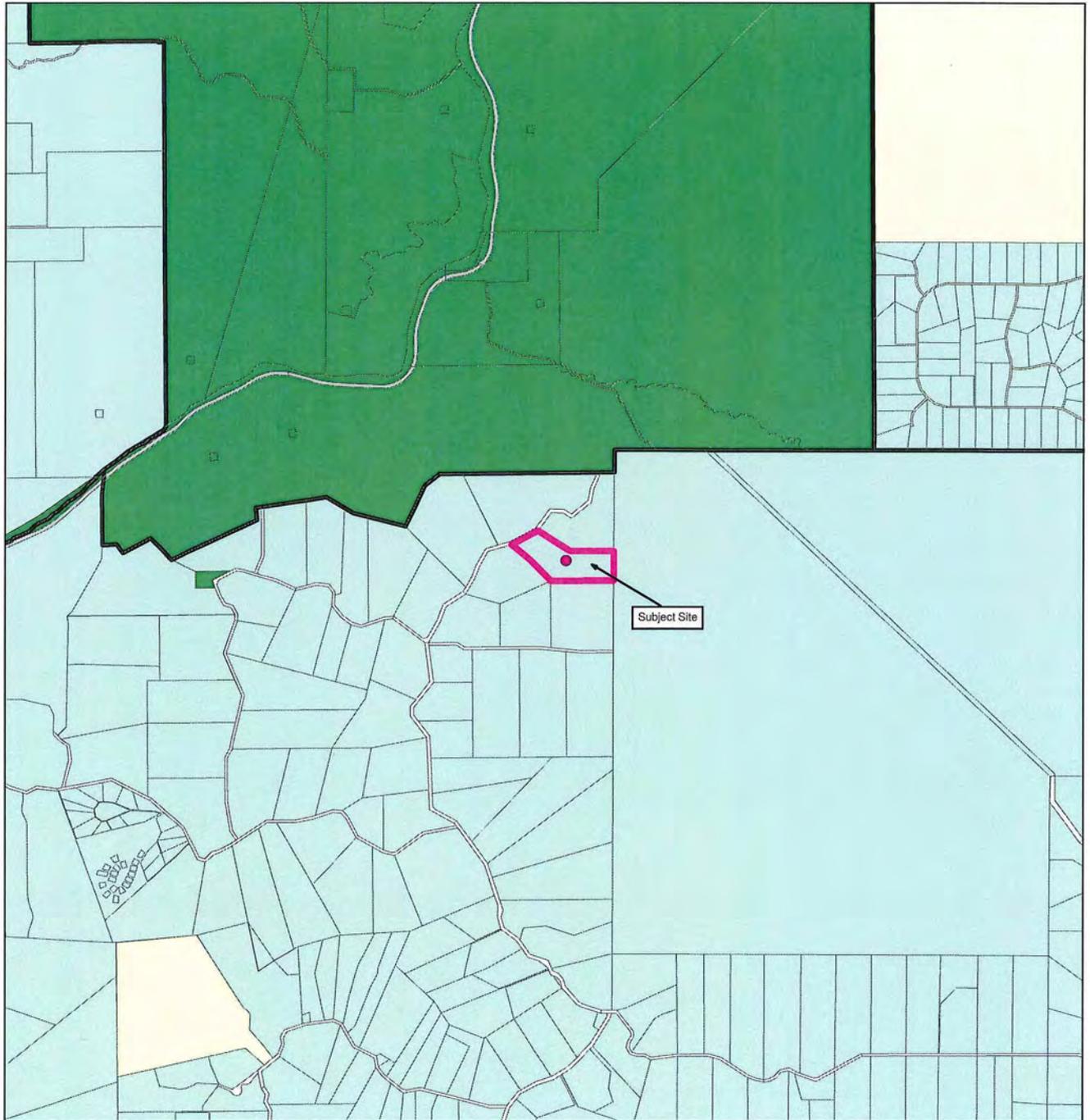
REV.	DESCRIPTION	BY	DATE
A	BUILDING ENVELOPE RELOCATED TO CLEARED AREA.	GC	20/5/2010
B	BATTLE AXE WIDTH INCREASED TO 10M	RS	2/7/2010

PROPOSED SUBDIVISION OF
 LOT 6 ON PLAN 24119
 180 NORTH EAST ROAD,
 GIDGEGANNUP

SCALE 1:5000
 NOVEMBER 2009
 DAVIS
 DATUM : AHD

SCANLAN SURVEYS PTY LTD
 LICENSED SURVEYORS
 P O BOX 429 MIDLAND 6936
 PH: 08 9250 2261 FAX: 08 9274 6206
 Email : bill@scanlansurveys.com.au

DRAWING (A3)	REVISION
6483/09/1	B
DRAWN BY :	GC
APPROVED :	WS



- | | |
|---|--|
|  Cadastre with Lot Numbers |  RAILWAYS |
|  Townsites |  RURAL |
|  SPECIAL 10 |  LOCAL AUTHORITY RESERVES |
|  MUNICIPAL BOUNDARY | |
|  TPS - Scheme Boundaries | |
|  PARKS & RECREATION | |

Scale 1:71,694
0 2.5 km

Prepared by: egroser
Prepared for:
Date: Tuesday, April 09, 2013 14:59
Plot identifier: P20130409_1459



Government of Western Australia
Department of Planning

DP INTERNAL USE ONLY

GIDGEGANNUP RURAL STRATEGY

Policy C - Pol - 087

Council Adoption
24 November 2004
Version 1

Figure 1

PRECINCTS

-  AGRICULTURE
-  FFARRINGTON
-  GENERAL RURAL 1
-  GENERAL RURAL 2
-  LANDSCAPE
-  RESOURCE
-  RURAL RESIDENTIAL
-  RURAL SMALL HOLDINGS
-  SPECIAL PURPOSE - RED HILL WASTE MANAGEMENT
-  TOWNSITE (subject to future planning)

RESERVES

-  LOCAL RESERVE - RECREATION
-  MRS - PRIMARY REGIONAL ROADS
-  MRS - PARKS AND RECREATION
-  MRS - RAILWAYS

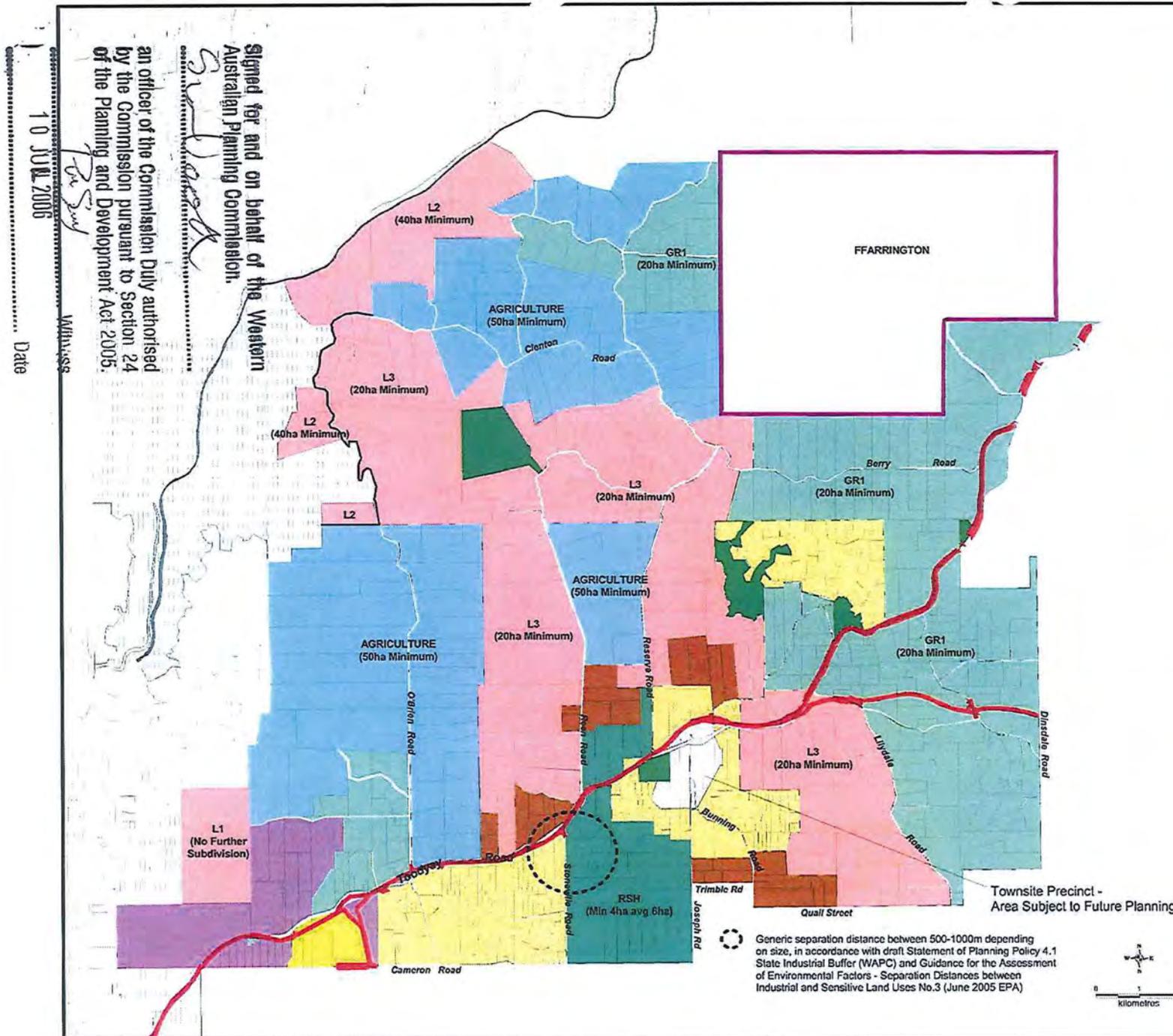
DISCLAIMER :
Information shown on this plan, whilst believed to be correct at the time of compilation, must be verified with the relevant data source and the City of Swan accepts no responsibility for its accuracy or any matter arising from its use.

CITY of SWAN



DATE:
Feb 2006

FILE:
P:\Data\PlacePlanning\Gidgogannup\GidgoRuralPolicy087 - February 2006.WOR



Signed for and on behalf of the Western Australian Planning Commission.

an officer of the Commission duly authorised by the Commission pursuant to Section 24 of the Planning and Development Act 2005.

10 JUL 2006

Date



ITEM NO: 9.6

LOT 11 CHITTERING ROAD, BULLSBROOK: SUBDIVISION TO CREATE TWO LOTS FOR RURAL PURPOSE.

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Perth and Peel Planning
AUTHORISING OFFICER: A/Planning Director, Perth and Peel Planning
AGENDA PART: G
FILE NO: 147114
DATE: 12 February 2013
ATTACHMENT(S):
1. Subdivision Plan
2. Location Plan/Zoning Map
3. draft BTRS Map
4. draft BTRS Precinct Plan
REGION SCHEME ZONING: Rural
LOCAL GOVERNMENT: City of Swan
LOCAL SCHEME ZONING: Landscape
LGA RECOMMENDATION(S): Deferral
REGION DESCRIPTOR: Bullsbrook
RECEIPT DATE: 29 November 2012
PROCESS DAYS: 74
APPLICATION TYPE: Subdivision
CADASTRAL REFERENCE: Lot 11 Chittering Road, Bullsbrook

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 11 Chittering Road, Bullsbrook subject to the following conditions:

CONDITION(S):

- 1. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Department of Fire and Emergency Services. (Local Government)***
- 2. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice***

of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot(s) is/are subject to a fire management plan.' (Local Government)

3. *Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
4. *A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:*

'No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government.' (Local Government)
5. *Satisfactory arrangements being made with the local government for the partial of upgrading and/or construction Chittering Road. (Local Government)*
6. *Prior to the commencement of subdivision works a foreshore management plan for the unnamed creek on the Chittering Road boundary is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)*
7. *Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government).*
8. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)*

ADVICE:

1. *With regards to Condition 5, the City of Swan advises the applicant that the estimated partial upgrade cost for Chittering Road is \$2200.*
2. *In regard to 8, Western Power provides only one underground point of electricity supply per freehold lot.*

SUMMARY:

This application proposes to subdivide a 39.7928 hectare lot to create two lots of 19.7928 hectares and 20 hectares for rural purposes. The application is referred to the Statutory Planning Committee (SPC) for determination as approval is recommended, however the proposal does not comply with the Bullsbrook Rural Strategy and draft Bullsbrook Townsite and Rural Strategy which specifies a minimum lot size of 20 hectares.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
Number and / or Name: SPP 2.5 Agricultural and Rural Land Use Planning
SPP 2.4 Basic Raw Materials
Development Control Policy 3.4 Subdivision of Rural Land
Planning for Bushfire Protection Guidelines Edition 2

INTRODUCTION:

This application proposes to subdivide a 39.7928 hectare lot to create two lots of 19.7928 hectares and 20 hectares for rural purposes. An existing dwelling and associated sheds are proposed to be retained within proposed Lot 52 and proposed Lot 51 is currently vacant. Both lots gain direct frontage to Chittering Road, a dedicated and constructed road. (**Attachment 1** - Subdivision Plan)

The subject site is zoned 'Landscape' under the City of Swan Local Planning Scheme No. 17 (LPS 17) and 'Rural' under the Metropolitan Region Scheme. The subject site is identified as 'Landscape' under the City of Swan's draft Bullsbrook Townsite and Rural Strategy (BTRS) (**Attachment 2** - Location Plan/Zoning Map and **Attachment 3** - BTRS Map).

CONSULTATION:

The City of Swan (the City) recommends the proposed subdivision is deferred subject to the finalisation of bushfire planning currently being undertaken within the City or the provision of a Fire Management Plan by the applicant/owner.

Western Power has raised no objections subject to servicing conditions.

The Water Corporation and the Department of Health have raised no objections to the proposal.

The Department of Mines and Petroleum (DMP) does not support the proposal. DMP has further advised that the proposal was not supported due to the future development proposed for the subject site being an 'Eco Equestrian Retreat' comprising 12 tourism chalets and not the proposed subdivision to create two lots.

COMMENTS:

City of Swan Local Planning Scheme No. 17

The subject site is zoned 'Landscape' under LPS 17. The objectives of the Landscape zone includes to:

- *Provide for low density rural residential development and associated rural residential activities recognising the visual character of the landscape;*
- *Ensure as far as practicable, that the environment and landscape characteristics of the area are not compromised by development and use of the land for either rural or residential purposes; and*
- *Encourage the rehabilitation of degraded areas through selected replanting of indigenous flora.*

LPS 17 requires subdivision within the 'Landscape' zone to be in accordance with an approved structure plan which outlines comprehensive planning for the area. The subject site is surrounded by lots of a size which are unable to accommodate any further subdivision in accordance with the minimum 20 hectare lot size requirement of the BTRS.

The proposed subdivision generally meets the objectives of the 'Landscape' zone and it is considered that the proposed subdivision would not prejudice the use and development of the land for rural uses, or compromise the rural character of the surrounding area. It is recommended the requirement for a structure plan is waived in this instance.

Western Australian Planning Committee (WAPC) State Planning Policy 2.5 & Development Control Policy 3.4

A key objective of State Planning Policy 2.5 *Agriculture and Rural Land Use Planning* (SPP 2.5) is to protect agricultural land resources wherever possible by *minimising the ad hoc fragmentation of rural land*. WAPC Policy DC 3.4 *Subdivision of Rural Land* Clause 3.1 states that the subdivision of rural land:

should be properly planned through the preparation of regional and local planning strategies and provided for in local planning scheme prior to subdivision.

City of Swan draft Bullsbrook Townsite and Rural Strategy & Bullsbrook Rural Strategy

The subject site is located within the 'Landscape 2 Precinct' of the draft Bullsbrook Townsite and Rural Strategy (BTRS) and the 'Landscape 3 Precinct' of the approved Bullsbrook Rural Strategy which both provide the subdivision to create a minimum lot size of 20 hectares subject to land capability. Proposed Lot 52 complies with the minimum 20 hectare lot size requirement, however proposed Lot 51 is 19.7928 hectares, a shortfall of 2072m². In this instance, the lot size variation is supported as both lots gain frontage to a dedicated road and there is limited further subdivision potential in the surrounding area. (**Attachment 4** - BTRS Precinct Plan)

The proposed plan of subdivision does not designate building envelopes to address future development with regard to the creek bed, visual amenity scarp and the provision of services. The City has recommended a condition be imposed requiring a plan demonstrating building envelopes. It is recommended this condition be imposed.

Planning for Bushfire Protection Guidelines

The *Planning Guidelines: Planning for Bushfire Protection* (PBFP Guidelines) have been jointly prepared by the Department of Fire and Emergency Services (DFES) and the WAPC in accordance with Clause 6 of *State Planning Policy 3.4 Natural Hazards and Disasters*. The subject land is identified as having a "high" fire hazard in the draft Bush Fire Hazard Assessment Map prepared by the City.

The PBFP Guidelines: Element 2 Vehicle Access is aimed at ensuring that vehicular access serving a subdivision/development is safe in the event of a bushfire. The proposed lots have direct road frontage to Chittering Road, connecting to the broader road network.

The PBFP Guidelines: Element 4 Siting of Development aims to ensure that development is sited to minimise bushfire impact. Proposed Lot 52 contains an existing dwelling and proposed Lot 51 is predominantly cleared and considered to be able to accommodate a new dwelling which meets the required 100 metre separation distance.

The City has recommended a Fire Management Plan is required as a condition of subdivision approval to address bushfire attack levels (BAL), Building Protection Zones and Hazard Separation Zones. It is recommended this condition is imposed.

WAPC State Planning Policy 2.4 Basic Raw Materials

State Planning Policy 2.4 *Basic Raw Materials* (SPP 2.4) identifies regionally significant sites for basic raw materials extraction, outlining the requirements for the consideration of zoning, subdivision and development applications for extractive industries and in the vicinity of extractive industries.

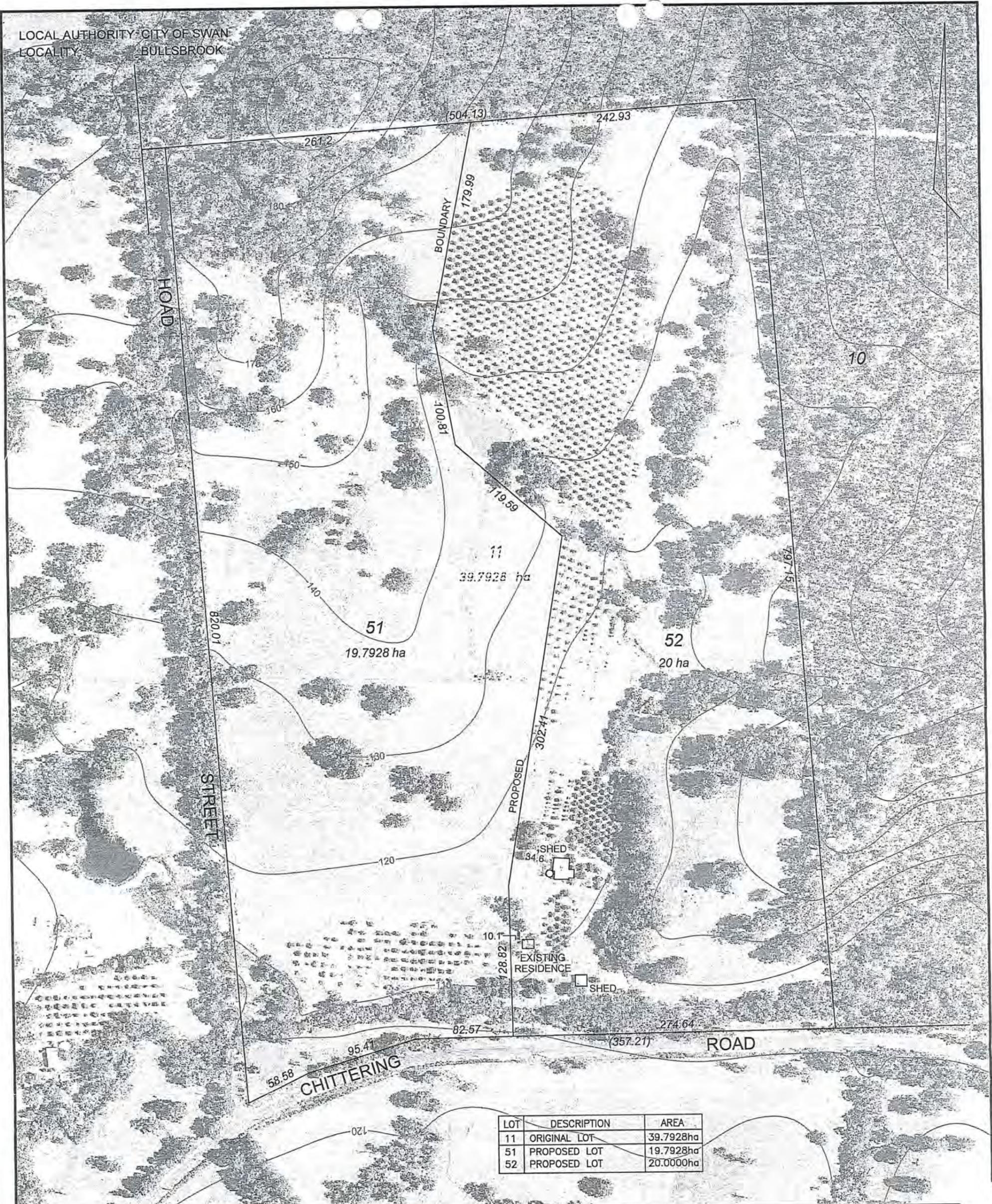
The subject site is located in close proximity to a Primary Resource - clay and is affected by a 500 metre separation buffer. This application proposes the creation of two rural lifestyle lots which is considered appropriate within the buffer. Further, DMP

have raised no objection to the proposed subdivision, however had requested that any future development application is referred for comment.

CONCLUSION:

The application is referred to the SPC given that approval is recommended, however the proposed Lot 51 does not comply with the minimum 20 hectare lot size requirement of the draft BTRS.

LOCAL AUTHORITY: CITY OF SWAN
 LOCALITY: BULLSBROOK



REV	DESCRIPTION	BY	DATE
	DEPARTMENT OF PLANNING		
	DATE	FII F	
	29 NOV 2012	147114	

WARNINGS:

1. LOT NUMBERS, DIMENSIONS AND AREAS SUBJECT TO WAPC APPROVAL, SURVEY AND TITLES OFFICE AUDIT.
2. POSITION OF BUILDINGS IS APPROXIMATE ONLY - MEASURED FROM AERIAL PHOTO.
3. ALL ABOVE & BELOW GROUND SERVICES MAY NOT HAVE BEEN LOCATED - CHECK WITH RELEVANT AUTHORITIES BEFORE COMMENCING ANY WORKS.

0m 30m 60m 90m 120m 15

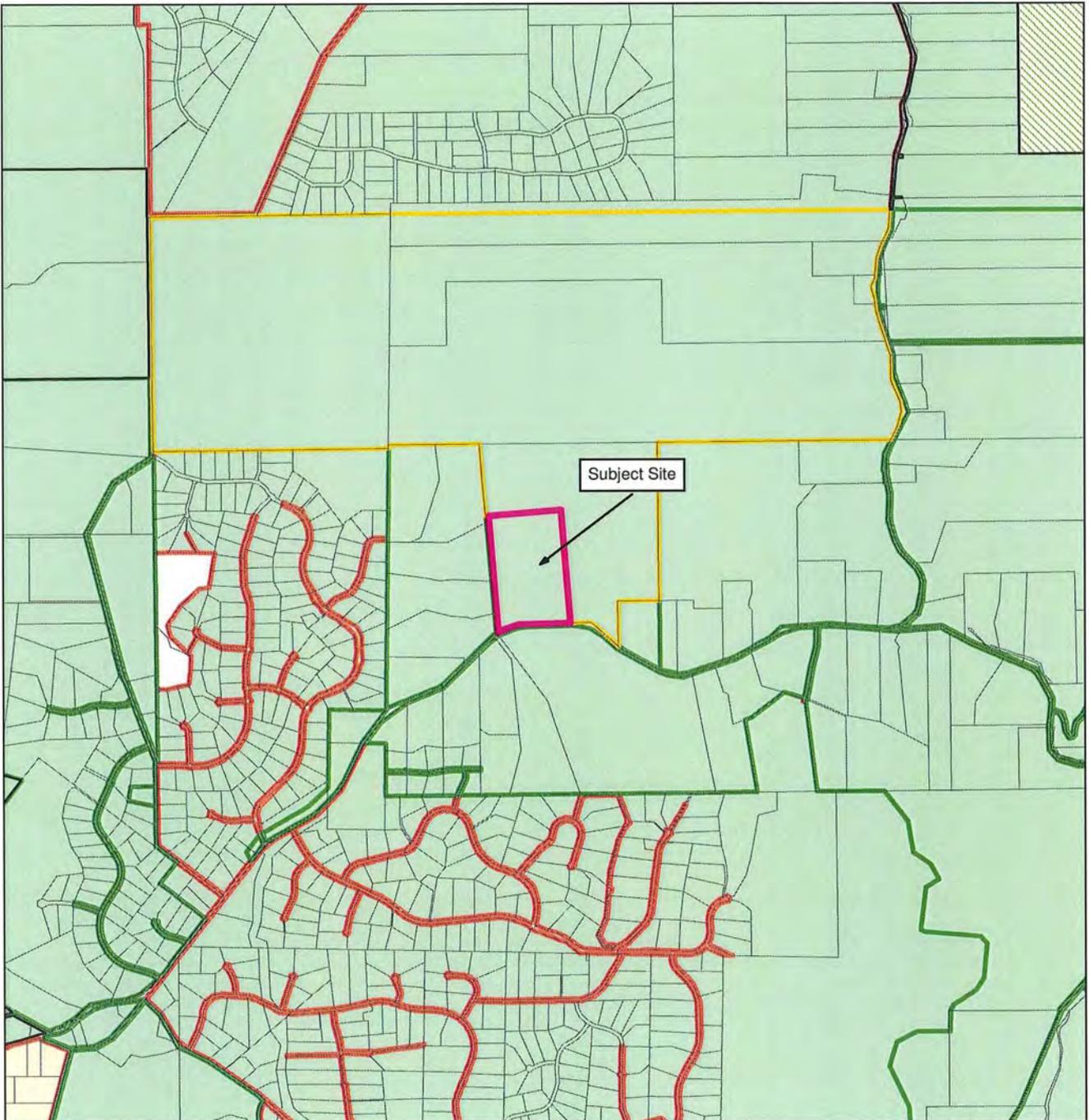
PROPOSED SUBDIVISION OF
 LOT 11 ON DIAGRAM 4558
 737 CHITTERING ROAD,
 CNR HOAD STREET, BULLSBROOK

SCALE 1:3000
 NOVEMBER 2009
 TAN
 DATUM : AHD

SCANLAN SURVEYS PTY LTD
 LICENSED SURVEYORS
 P O BOX 429 MIDLAND 6936
 PH: 08 9250 2261 FAX: 08 9274 6206
 Email : bill@scanlansurveys.com.au

DRAWING (A3)	RE
6489/09/1	
DRAWN BY :	GC
APPROVED :	WS

ATTACHMENT 1



- | | |
|---|---|
|  Cadastre |  RESIDENTIAL DEVELOPMENT |
|  AGRICULTURAL RESOURCE |  RESOURCE |
|  CONSERVATION |  RURAL RESIDENTIAL |
|  GENERAL RURAL | |
|  LANDSCAPE | |
|  MAJOR ROAD | |

Scale 1:41,783
0 1.25 km

Prepared by: egroser
Prepared for:
Date: Wednesday, February 13, 2013 11:26
Plot identifier: P20130213_1126



Government of Western Australia
Department of Planning

Attachment 2
Location Plan/Zoning Map

DP INTERNAL USE ONLY

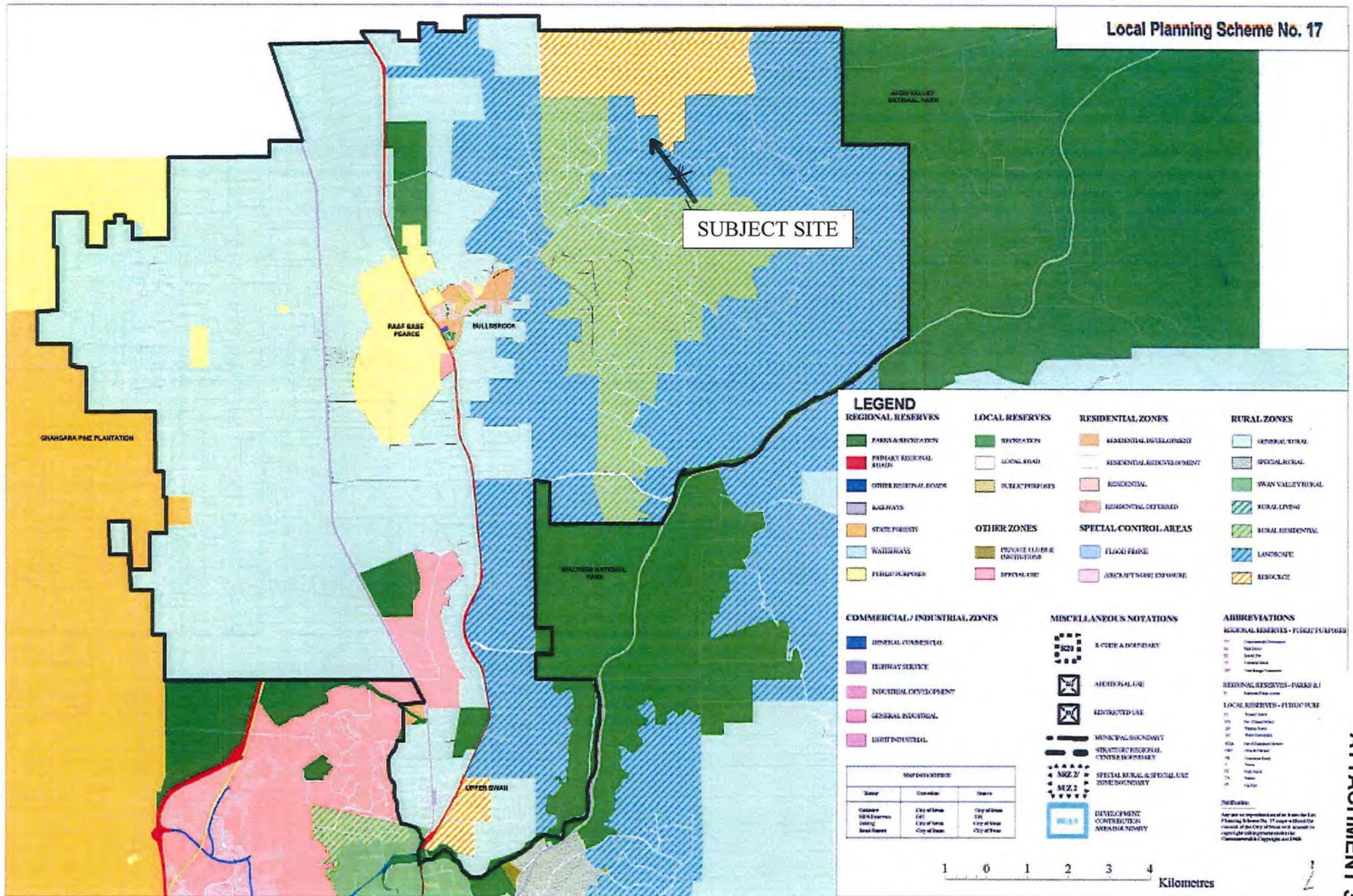


Figure A 8: Local Planning Scheme No.17 Zoning for Study Area

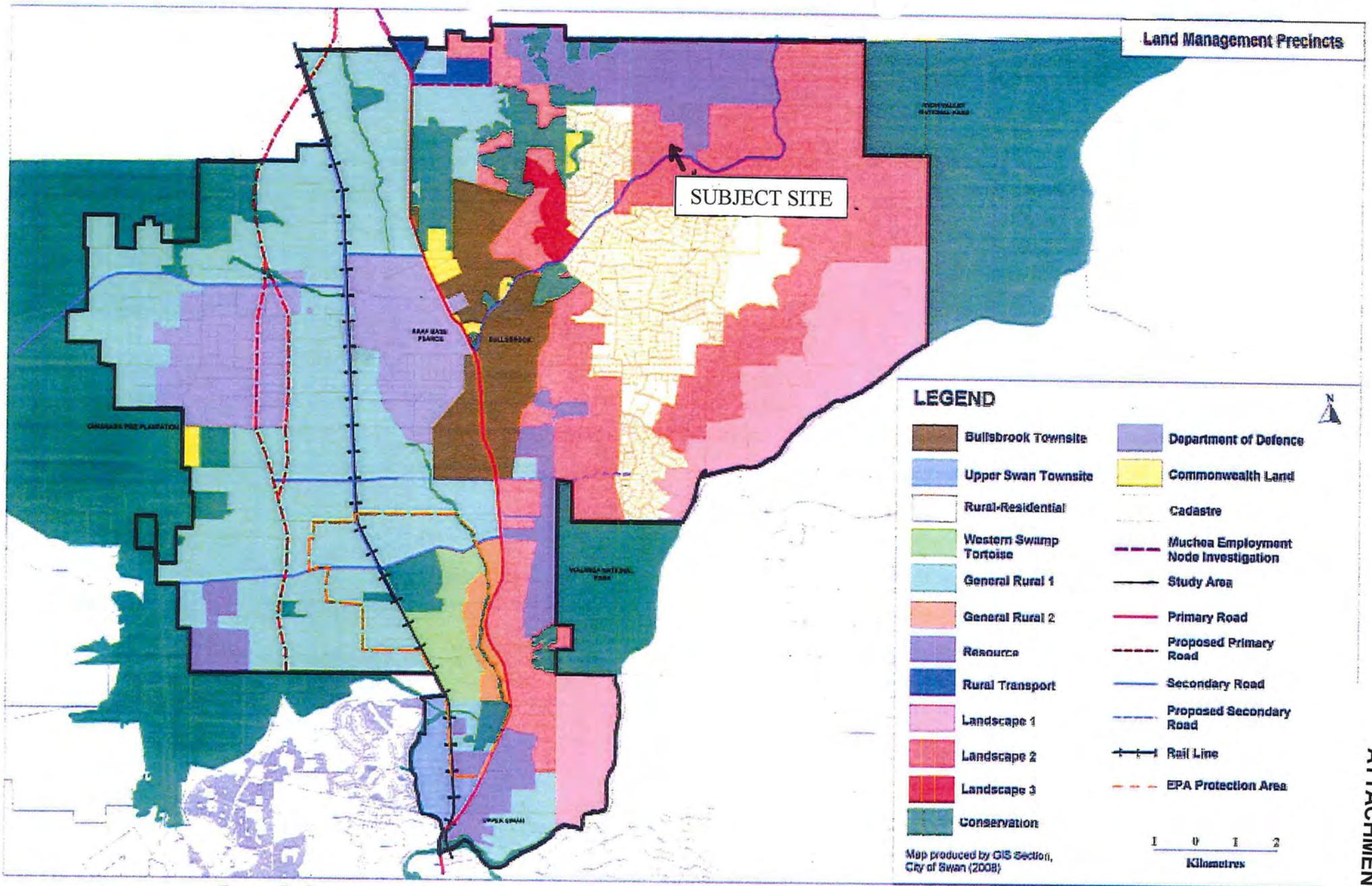


Figure A 44: Land Management Precincts



ITEM NO: 9.7

LOCAL SUBDIVISION & INFRASTRUCTURE PLAN NO. 370 - ALICE ROAD, MOUNT HELENA

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Perth and Peel Planning
AUTHORISING OFFICER: A/Planning Director, Perth and Peel Planning
AGENDA PART: G
FILE NO: SPN/0481
DATE: 8 April 2013
ATTACHMENT(S): 1. Adopted LSIP 370
2. Subdivision Plan
3. Location Plan/Zoning Map
REGION SCHEME ZONING: Rural
LOCAL GOVERNMENT: Shire of Mundaring
LOCAL SCHEME ZONING: Rural Landscape Living (1 to 2 hectare)
LGA RECOMMENDATION(S): Endorse
REGION DESCRIPTOR: Mundaring
RECEIPT DATE: 27 November 2012
PROCESS DAYS: 132
APPLICATION TYPE: Local Subdivision & Infrastructure Plan
CADASTRAL REFERENCE: Alice Road, Mount Helena

RECOMMENDATION:

That the Western Australian Planning Commission resolves to adopt Local Subdivision and Infrastructure Plan (LSIP) No. 370 adopted by the Shire of Mundaring on 22 November 2011 in accordance with Clause 4.49(8) of the Shire of Mundaring Local Planning Scheme No. 3, subject to the following modifications:

- i. The LSIP being modified to depict the subdivision of two lots in accordance with the minimum lot size requirement of the Rural Landscape Living (1 to 2 ha) zone.***
- ii. The LSIP being modified to state the following:***
 - 1. Notwithstanding any statement to the contrary within AS 3959-2009 (or relevant equivalent), any buildings to be erected on lots within the Local Subdivision and***

Infrastructure Plan area shall comply with the requirements on AS 3959-2009, or equivalent Australian Standard; and

- 2. A notification shall be inserted on the Certificate of Title in accordance with Section 70A of the Transfer of Land Act 1893 advising of the increased building construction standards in accordance with AS 3959-2009 or equivalent Australian Standard.'**

SUMMARY:

Local Subdivision and Infrastructure Plan No. 370 (LSIP) proposes to subdivide a 2.9390 hectare lot to create three rural landscape living lots of 9501m², 9512m² and 1.0340 hectares. The LSIP is referred to the Statutory Planning Committee (SPC) for determination as the proposed lots do not meet the minimum lot size requirement of the Rural Landscape Living zone and the site is located in a high bushfire risk area.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
Number and / or Name: Planning for Bushfire Protection Guidelines Edition 2

INTRODUCTION:

On 22 November 2012 the Shire of Mundaring (the Shire) resolved to adopt Local Subdivision and Infrastructure Plan No. 370 (LSIP) and forward it to the Western Australian Planning Commission (WAPC) for endorsement. The WAPC is also currently progressing subdivision application (WAPC Ref: 145968) relating to the subject land. (**Attachment 1** - adopted LSIP 370, **Attachment 2** - Subdivision Plan)

The LSIP area is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Rural Landscape Living 1 to 2 ha' under the Shire of Mundaring Local Planning Scheme No. 3 (LPS 3). (**Attachment 3** - Location Plan/Zoning Map)

DETAILS:

The LSIP has a total area of 2.9390 hectares and proposes the creation of three rural landscape living lots of 9501m², 9512m² and 1.0340 hectares. Access is gained via Alice Road a dedicated and constructed road and Dibble Street, which is only partially constructed. The LSIP is supported by a Fire Management Plan.

CONSULTATION:

On submission of the related subdivision application the applicant was advised of the Shire's and WAPC's requirement to prepare a LSIP in accordance with the requirements of LPS 3 and the requirement to upgrade/construct Dibble Street to provide two access routes to the proposed lots in accordance with the *Planning for Bushfire Protection Guidelines* (PBFP Guidelines). Further consultation with the Shire has determined the slope of the Dibble Street road reservation is too steep to be constructed. The LSIP has been adopted by the Shire depicts a 6 metre wide emergency access way from Alice Road to the Dibble Street cul-de-sac head.

The Shire's resolution to adopt the LSIP was subject to a number of conditions which relate to standard conditions of subdivision. These requirements will be addressed through the WAPC's assessment and determination of the related subdivision application currently lodged with the WAPC (WAPC Ref: 145968) through the standard referral process.

COMMENTS:

Shire of Mundaring Local Planning Scheme No. 3

The proposed lots do not achieve the minimum (1 hectare required, 9501m² provided) lot size requirement of the Rural Landscape Living (1 to 2 hectare) zone under Clause 4.53 (4) of LPS 3.

Shire of Mundaring Minimum Lot Size Relaxations Policy

The Shire's *Minimum Lot Size Relaxations Policy* states that the Shire may consider a lot size variation within the Rural Landscape Living zone of up to 5 % where:

- *The relaxation is caused by the creation of a road or drainage reserve or Pedestrian Access Way on the subject lot that is provided:*
 - *to enable the subdivision of another lot;*
 - *to provide better alternative road access in the case of a lot that has existing road frontage; or*
 - *to provide standard road frontage where a battleaxe subdivision would achieve minimum lot sizes.*
- *The relaxation provide for better subdivision design and lot configurations due to constraints such as existing lot boundaries or improvements on site that could not reasonably be relocated or removed.*
- *Rural/Residential infill.*

The proposed lot size variation equates to a 4.99% variation for Lot B and a 4.88% variation for Lot C. Rural landscape living zoned properties in the surrounding area range predominantly from 1 hectare to 2 hectares, where subdivision has recently occurred this has been in accordance with the 1 hectare minimum lot size (WAPC Ref: 126266).

In this instance, it is recommended the proposed three lots are not supported as they would create a new pattern of subdivision in an extreme bushfire area and the application is not providing improved access through the construction of Dibble

Street. It is recommended that this is addressed through a modification requiring the LSIP to depict two lots.

Planning for Bushfire Protection

The PBFP Guidelines were prepared jointly by the WAPC and FESA under *State Planning Policy 3.4 Natural Hazards and Disasters* (SPP 3.4) and outline a range of matters that need to be addressed at various stages of the planning process, to provide an appropriate level of protection to life and property from bush fires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified. The Fire Management Plan (FMP) prepared for the LSIP, assigns a moderate to extreme bushfire hazard level to the LSIP.

It is the general intent of the PBFP Guidelines that the intensification of land uses in high bushfire risk areas is not supported, however the guidelines cannot be enforced retrospectively. The rural landscape living zoning of the subject site stipulates a minimum lot size of 1 to 2 hectares (potential for two lots to be created).

Element 2: Two Vehicular Access Routes

The PBFP Guidelines require the provision of two vehicular access routes, both of which connect to the public road network, being available to all residents and the public at all times. Lot A and Lot C achieve direct road frontage to Alice Road and Dibble Street respectively, Lot B achieves access to Dibble Street via the north east portion of the lot. The LSIP includes a 6 metre wide Emergency Access Way to either Dibble Street or Alice Road, providing all proposed lots with two access routes.

A2.3 *Cul-de-sacs* states that cul-de-sacs are generally not encouraged in bushfire prone areas and the maximum permitted length is 200 metres or 600 metres where emergency access is provided between cul-de-sac lengths. As Dibble Street is unable to be constructed to connect to Alice Road it has become a cul-de-sac. The distance between the subject land and the closest street/intersection is less than 100 metres, which accords with the requirements of the PBFP Guidelines.

Element 4: Siting of Development

The PBFP Guidelines Element 4: *Siting of Development* aims to ensure that '*the siting of development minimises the level of bushfire impact*'. A4.1 *Hazard Separation* requires that every building located within a moderate to extreme hazard area is to provide a 20 metre building protection zone and a 100 metre hazard separation zone from the predominant vegetation. However, Element 4, Acceptable Solution (A4.1) provides for a reduction in the 100 metre setback, subject to development being constructed in accordance with AS 3959.

The FMP provides the required 20 metre setback for the building protection zone, however proposes to increase the building construction standard in accordance with AS 3959, resulting in a reduced hazard separation zone and not the 100 metres identified in PBFP Guidelines. Accordingly, achieving compliance with the PBFP Guidelines is reliant on dwellings being constructed to a higher standard in accordance with AS 3959.

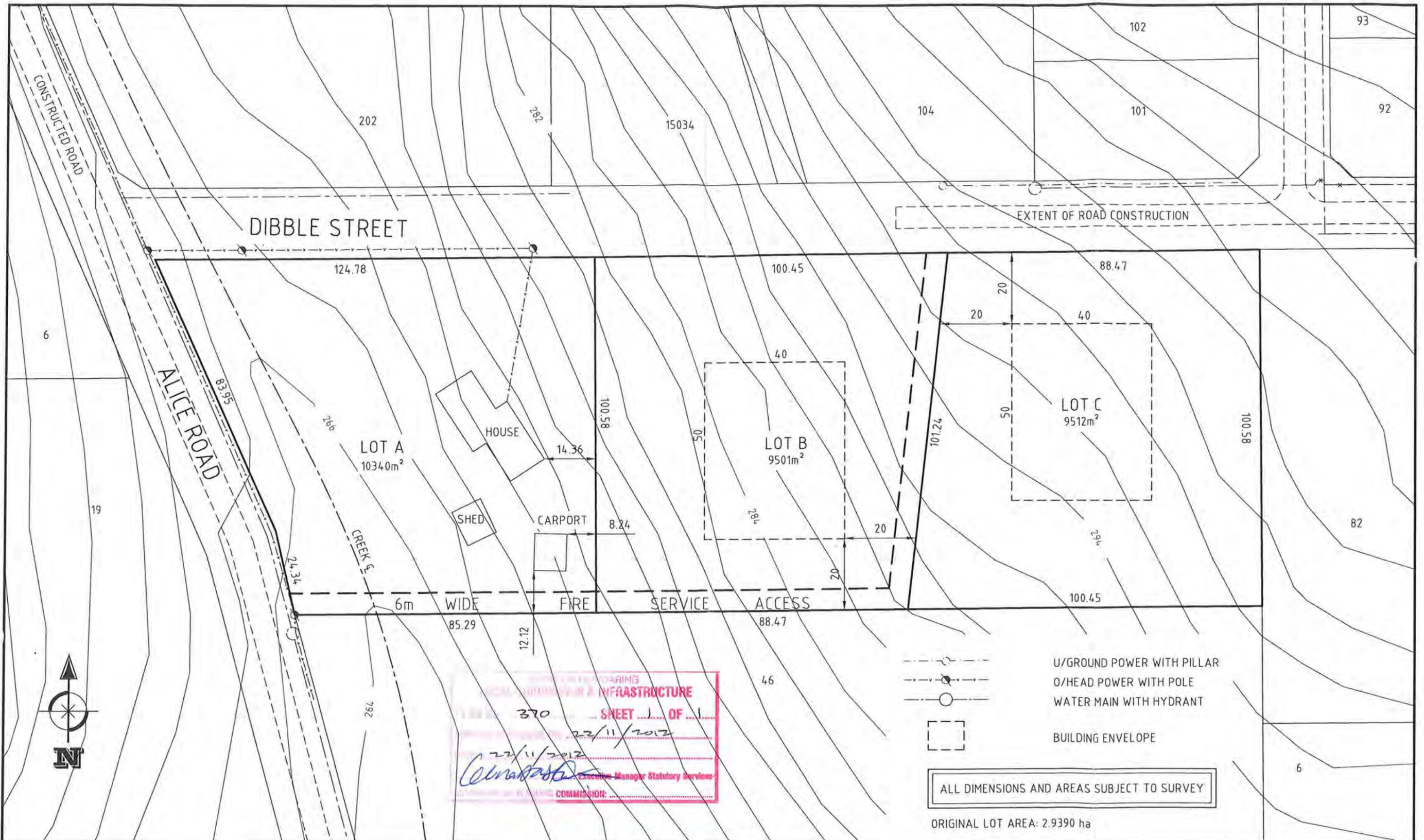
Recent advice from the State Solicitors Office (SSO) has concluded that a structure plan, prepared under a local planning scheme, can lawfully enforce AS 3959. The WAPC has now accepted that the increased building construction standards under AS 3959 can be imposed under an approved structure plan. Further, SSO advice recommended the imposition of a s70A Notification under the Transfer of Land Act 1893 on lots affected by the increased building standard to ensure prospective purchasers are made aware of the construction requirement.

The FMP refers to the requirement for dwellings to be constructed in accordance with AS 3959 and the Bushfire Attack Level ratings, however these are not annotated on the LSIP itself. It is considered that these changes are appropriate to be required as modifications to the LSIP.

The LSIP meets the access and siting of development requirements as discussed above, however the three lots proposed require a variation to the minimum lot size permitted under the Rural Landscape Living zone which does not meet the general intention of the PBFP Guidelines. As such it is recommended the LSIP is reduced to two lots through a modification.

CONCLUSION:

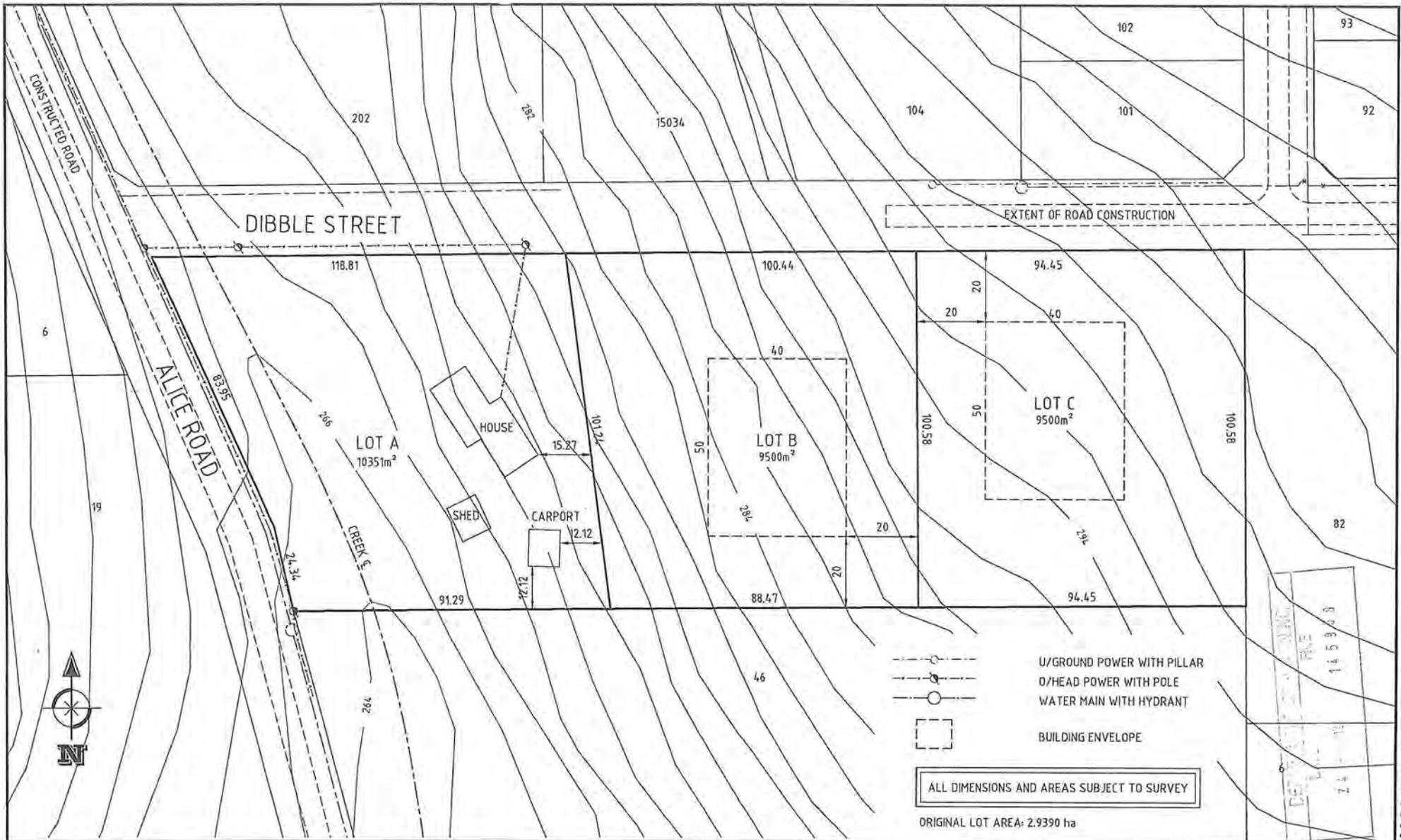
Based on the above, it is recommended that the proposed structure plan be endorsed subject to modifications to ensure compliance with WAPC policy and to address the matters outlined above.



STATEWEST PLANNING

Director S.E.O'Hara
 Midland House P.O. Box 1377, Midland W.A. 6936
 69 Great Northern Highway, Midland
 Telephone (08) 9274 1363 Email simon.ohara@statewestplanning.com.au

Reference Number		Revision		Client	
02.MOUNALIC.12		D		J. CREGAN	
A3	Scale 1:1000	Drawn MW	Checked SO	Date SEP 2012	Project PROPOSED SUBDIVISION LOT 45 ALICE ROAD MOUNT HELENA
					Title OVERALL SITE PLAN AGENDA PAGE 122

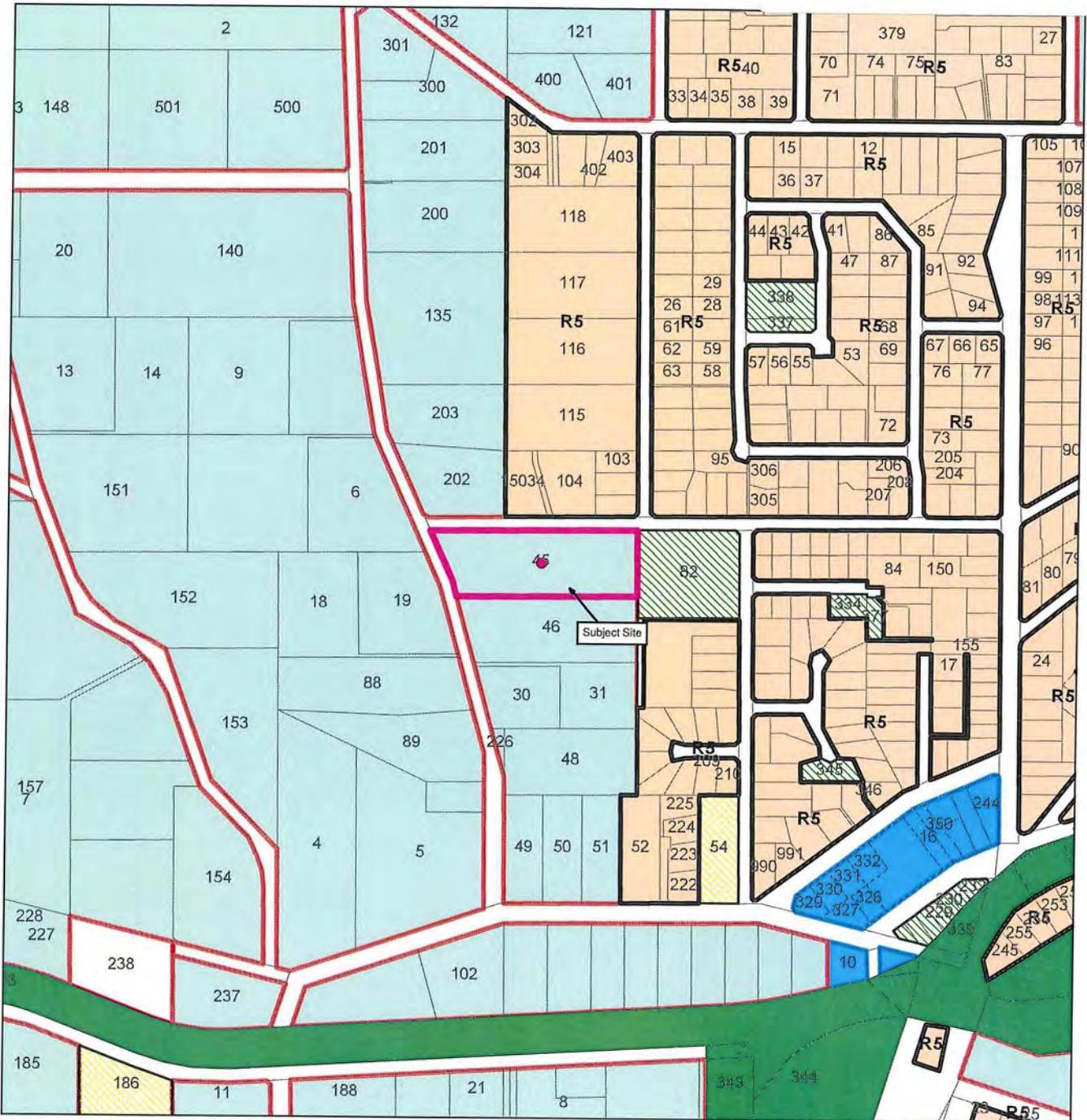


STATEWEST PLANNING

Director S.E.O'Hara
 Midland House P.O. Box 1377, Midland W.A. 6936
 69 Great Northern Highway, Midland
 Telephone (08) 9274 1363 Email simon.ohara@statewestplanning.com.au

Reference Number		Revision		Client	
02.MOUNALIC.12		C		J. CREGAN	
A3	Scale 1:1000	Drawn MW	Checked SO	Date FEB 2012	Project PROPOSED SUBDIVISION LOT 45 ALICE ROAD MOUNT HELENA
					Title OVERALL SITE PLAN

ATTACHMENT 2



	Cadastre with Lot Numbers		LOCAL CENTRE		SPECIAL PURPOSE
	Townsites		NO ZONE		PUBLIC OPEN SPACE
	SPECIAL 10		PUBLIC PURPOSES		RESIDENTIAL
	TPS - Scheme Boundaries		RURAL LANDSCAPE LIVING		PARKS & RECREATION
	TPS - R Code Boundaries				

Scale 1:8,962
 0 250 m

Prepared by: egrosier
 Prepared for:
 Date: Tuesday, April 09, 2013 13:49
 Plot Identifier: P20130409_1349

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning