



## Statutory Planning Committee

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

**Tuesday 28 May 2013  
9.00 am**

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



Neil Thomson  
Secretary, Western Australian Planning Commission

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Please convey apologies to Christina Sanders on 6551-9053 or email  
[christina.sanders@planning.wa.gov.au](mailto:christina.sanders@planning.wa.gov.au)

# Statutory Planning Committee

## Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	30/04/2013
Mr Eric LUMSDEN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Henty FARRAR	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	5/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	5/11/2014
Mayor Carol ADAMS	Local government representative Schedule 2 clause 4(2)(f)	1/02/2012
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014

## Quorum: 4

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

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

## Role:

The Statutory Planning Committee is one of four committees set up by the WAPC on 1 March 1995 upon proclamation of the *Planning Legislation Amendment Act (No. 2) 1994*.

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 14 May 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**

<b>Item No</b>	<b>Report</b>	<b>Request</b>	<b>Report Required by</b>
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

**13. Closure - next meeting to be held on 11 June 2013**

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

### Attendance

#### Members

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

#### Officers

Mr Jason Bouwhuis	<b>Department of Planning</b> Senior Planning Officer – Appeals, Schemes and Appeals (Item 10.10)
Mr Matthew Cuthbert	Senior Project Planner, South West Statutory Planning
Ms Jackie Holm	Planning Manager, Regional Planning and Strategy (Item 10.3)
Ms Nicole Lucas-Smith	Principal Planner, Operational Policy Coordination (Item 10.1)
Ms Cath Meaghan	Planning Director, Regional Planning & Strategy
Ms Kym Petani	Director Metro North West / Acting Director Metro North East Perth and Peel Planning (Item 10.1)
Ms Jacquie Stone	Principal Planning Officer, Regional Planning and Strategy (Item 10.5)

#### Observers

Ms Jacky Jurmann	Shire of York (Item 6.3 – refers Item 10.8)
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#### Presenters

Mr Allan Erceg	Erceg Management & Realview (Item 6.1 – refers Item 10.5)
Mr Brian Haratsis	MacroPlan Diamasi (Item 6.1 – refers Item 10.5)
Mr Paul Kotsoglo	Planning Solutions (Item 6.1 – refers Item 10.5)
Mr Mike Archer	City of Busselton (Items 6.1 and 6.2 refers Item 10.5)
Mr Anthony Rowe	City of Busselton (Items 6.1 and 6.2 refers Item 10.5)
Mr Peter Webb	Peter Webb & Associates (Item 6.3– refers Item 10.8)
Mr Brian Woolcock	Landowner's Consultant (Item 6.3 – refers Item 10.8)

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

### Committee Support

Ms Leah Carr  
Ms Christina Sanders

Committee Support Officer – Department of Planning  
Committee Support Officer - Department of Planning

#### 7481.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.02 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

#### 7481.2 Apologies

Nil.

#### 7481.3 Members on Leave of Absence and Applications for Leave of Absence

Ms Megan Bartle has previously been granted a leave of absence for the Statutory Planning Committee meeting scheduled for 14 May 2013.

#### 7481.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Elizabeth Taylor	10.8	13	Impartiality

**Resolved**

***Moved by Mr Holloway, seconded by Mr Lumsden***

*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 item 10.8 due to the consultant being a friend of her ex-husband and she has made enquiries in the past regarding this item on behalf of Mr Woolcock.*

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

#### 7481.5 Declaration of Due Consideration

Mr Farrar noted that he had not had sufficient time to read the additional information relating to Item 10.8 which had been forwarded by email to members.

**Moved to item 6.2.**

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

### 7481.6 Deputations and Presentations

#### 7481.6.1 **City of Busselton - Local Planning Scheme Amendment 181 - For Final Approval**

Presenters Mr Anthony Rowe  
Mr Mike Archer

Messrs Rowe and Archer attended to answer questions only and this deputation was therefore combined with Item 6.2.

The Chair outlined his concerns with the proposal, which were supported by Statutory Planning Committee members. He noted that justification for this Amendment needs to be put into a 15-20 year retail plan: a broader strategic context is needed as this type of proposal will undoubtedly have an impact on retail outlets in the existing central business district.

**Moved to item 6.3.**

#### 7481.6.2 **City of Busselton - Local Planning Scheme Amendment 181 - For Final Approval**

Presenters Mr Paul Kotsoglo  
Mr Brian Haratsis  
Mr Allan Erceg

Mr Kotsoglo spoke to a powerpoint presentation in support of the Amendment and Messrs Kotsoglo, Haratsis and Erceg answered questions from members.

Copies of the presentation were circulated to members and a copy has been placed on file.

The Chair invited Mr Archer to comment on the City's position on this matter.

**Moved to item 6.1.**

#### 7481.6.3 **Shire of York Local Planning Scheme 2 – Amendment No. 31 – For Final Approval**

Presenters Mr Peter Webb  
Mr Brian Woolcock

Mr Webb spoke to a powerpoint presentation in favour of the Amendment and he and Mr Woolcock answered questions from members.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

A copy of the presentation has been placed on file.

### 7481.7 Announcements by the Chairperson of the Board and communication from the WAPC

There were no announcements.

### 7481.8 Confirmation of Minutes

#### 7481.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 23 April 2013

Mr Farrar requested a change to item 7480.4 of the Minutes. He had been contacted by Mr Peter Goff and not Professor Baumwol as indicated in the Minutes and had not responded to Mr Goff's email.

#### Resolved

#### ***Moved by Mr Farrar seconded by Mr Holloway***

- 1. That Item 7480.4 of the minutes of the Statutory Planning Committee meeting held on Tuesday 23 April 2013 be amended to show that Mr Farrar had been contacted by Mr Peter Goff and not Professor Baumwol as indicated in the Minutes.*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday 23 April 2013 as amended, be confirmed as a true and correct record of the proceedings.*

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

**Moved to item 10.8.**

### 7481.9 Reports

#### 7481.9.1 Estuary Hideaway Caravan Park, Bouvard: Foreshore Management Plan

Files 862/6/13/8PV2, 004-6-13-7PV  
Report Number SPC/411  
Agenda Part A  
Reporting Officer Senior Planning Officer, Perth and Peel Planning

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

### Resolved

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

*That the Western Australian Planning Commission resolves to endorse the Estuary Hideaway Caravan Park Foreshore Management Plan, subject to the following modifications:*

- a. *modify the Foreshore Management Plan Implementation Schedule at 2.2.2 to state that a management order for Reserve 41827 is intended to be vested in the City of Mandurah; and*
- b. *replace references at 2.2.2, 3.6.7 and 3.7 to the 'Department of Regional Development and Lands' taking over responsibility for on-going maintenance of the reserve and Unallocated Crown Land with the 'City of Mandurah'.*

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

#### **7481.9.2 Subdivision to Create 3 Lots for Residential Purpose - Lots 213-216 Sundercombe Loop, Waroona**

File 147627  
Report Number SPC/412  
Agenda Part G  
Reporting Officer Planning Officer, Perth and Peel Planning

This item had been withdrawn from the Agenda prior to the meeting and has been determined under Delegated Authority.

### **7481.10 Confidential Items**

#### **7481.10.1 City of Wanneroo - District Planning Scheme No.2 Amendment No.115 - For Final Approval**

File TPS0615V3  
Report Number SPC/413  
Agenda Part B  
Reporting Officer Principal Planner, Operational Policy Coordination

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

### THIS ITEM IS CONFIDENTIAL

**7481.10.2 City of Swan Local Planning Scheme Amendment No.67  
- For Final Approval.**

File TPS/0844  
Report Number SPC/414  
Agenda Part B  
Reporting Officer Planning Manager - Schemes,  
Strategies & Amendments

### THIS ITEM WAS DEFERRED TO THE NEXT MEETING OF THE STATUTORY PLANNING COMMITTEE

**7481.10.3 Draft Improvement Scheme - Browse Liquefied Natural  
Gas Precinct – Consent To Advertise**

File DP/12/01091/1  
Report Number SPC/415  
Agenda Part B  
Reporting Officer Planning Manager, Kimberley Planning

### THIS ITEM IS CONFIDENTIAL

**7481.10.4 Shire of Denmark Resolution to Prepare a New Local  
Planning Scheme No. 4**

File TPS/1105/1  
Report Number SPC/416  
Agenda Part B  
Reporting Officer Regional Manager - Great Southern  
Planning

### THIS ITEM IS CONFIDENTIAL

**7481.10.5 City of Busselton - Local Planning Scheme Amendment  
181 - For Final Approval**

File TPS/0796/1  
Report Number SPC/417  
Agenda Part B  
Reporting Officer Senior Project Planner

### THIS ITEM IS CONFIDENTIAL

**7481.10.6 Shire of Mount Magnet Local Planning Strategy and  
Local Planning Scheme No. 2 - For Final Approval**

File 853/9/5/3  
Report Number SPC/418  
Agenda Part E  
Reporting Officer Statutory Planning Manager

### THIS ITEM IS CONFIDENTIAL

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

- 7481.10.7 City of Greater Geraldton South Greenough to Cape Burney Coastal Planning Strategy For Final Approval**  
File DP/12/00317/1  
Report Number SPC/419  
Agenda Part E  
Reporting Officer Senior Planning Officer, Central Regions

**THIS ITEM IS CONFIDENTIAL**

Moved to Item 10.9.

- 7481.10.8 Shire of York Local Planning Scheme 2 – Amendment No. 31 – For Final Approval**  
File 853/4/34/2P31V  
Report Number SPC/420  
Agenda Part E  
Reporting Officer Principal Planner, Wheatbelt Region

**THIS ITEM IS CONFIDENTIAL**

Moved to Item 9.1.

- 7481.10.9 Shire of Three Springs Draft Local Planning Scheme - Consent to Advertise**  
File 853/03/16/0002  
Report Number SPC/421  
Agenda Part E  
Reporting Officer Statutory Planning Manager, Central Regions

**THIS ITEM IS CONFIDENTIAL**

- 7481.10.10 Section 31 Reconsideration (SAT Act 2004) for Conditions 1, 3, 6, 7, 8, 9 and 13 Regarding Lot 23 Francis Road, Port Denison**  
File 146461  
Report Number SPC/422  
Agenda Part G  
Reporting Officer Senior Planning Officer - Schemes and Appeals

**THIS ITEM IS CONFIDENTIAL**

### 7481.11 General Business

Nil.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

### 7481.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
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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

### 7481.13 Closure

The next ordinary meeting is scheduled for 9.00 am on Tuesday 11 June 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.55 am.

**Statutory Planning Committee**

Minutes  
of ordinary meeting 7481  
held on Tuesday 14 May 2013

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

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

Unconfirmed

# INDEX OF REPORTS

<b>Item</b>	<b>Description</b>
<b>9</b>	<b>REPORTS</b>
	<b>A POLICY</b>
9.1	UPDATE OF PLANNING BULLETIN 67: GUIDELINES FOR WIND FARM DEVELOPMENT
	<b>C SUBDIVISIONS / AMALGAMATIONS</b>
9.2	SURVEY STRATA APPLICATION: LOT 63 (NO. 5) SYDNEY STREET, NORTH PERTH
	<b>D GENERAL ITEMS / OTHER MATTERS</b>
9.3	LAYOUT PLAN AMENDMENTS – MAPPING DATA CONVERSION
9.4	BEAGLE BAY LAYOUT PLAN 1 – FOR ENDORSEMENT
9.5	BIDYADANGA LAYOUT PLAN 3 – FOR ENDORSEMENT
<b>10</b>	<b>CONFIDENTIAL REPORTS</b>
	<b>A POLICY</b>
10.1	AMENDMENTS TO STATE PLANNING POLICY 5.1 – LAND USE PLANNING IN THE VICINITY OF PERTH AIRPORT
10.2	DELEGATION OF BUILT STRATA APPLICATIONS TO LOCAL GOVERNMENT: PLANNING BULLETIN (XX/2013) AND LOCAL GOVERNMENT REPORTING
10.3	AMENDMENTS AND READVERTISING OF STATE PLANNING POLICY 5.3 – LAND USE PLANNING IN THE VICINITY OF JANDAKOT AIRPORT
10.4	LIVEABLE NEIGHBOURHOODS (LN) REVIEW – UPDATE

**B LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS**

- 10.5 CITY OF CANNING TOWN PLANNING SCHEME NO.40 AMENDMENT NO.195 - FOR FINAL APPROVAL
- 10.6 CITY OF VINCENT – DRAFT LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME NO. 2 - FOR CONSENT TO ADVERTISE
- 10.7 SHIRE OF MUNDARING DRAFT LOCAL PLANNING STRATEGY AND DRAFT LOCAL PLANNING SCHEME NO. 4 - FOR FINAL APPROVAL
- 10.8 SHIRE OF KATANNING RESOLUTION TO PREPARE A NEW LOCAL PLANNING SCHEME NO 5
- 10.9 CITY OF SWAN LOCAL PLANNING SCHEME AMENDMENT NO.67 - FOR FINAL APPROVAL

**D GENERAL ITEMS / OTHER MATTERS**

- 10.10 STATE ADMINISTRATIVE TRIBUNAL REVIEW: INVITATION TO RECONSIDER DECISION - BOUNDARY REALIGNMENT OF TWO LOTS FOR RESIDENTIAL/RURAL PURPOSE.

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

- 10.11 SHIRE OF CARNARVON TOWN PLANNING SCHEME NO 10 AMENDMENT 63 - FOR FINAL APPROVAL
- 10.12 TOWN OF BASSENDEAN - REVISED LOCAL PLANNING STRATEGY - FOR CONSENT TO ADVERTISE

**G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA ITEMS**

- 10.13 SINGLE HOUSE, STABLES, SINGLE SHED FOR RURAL PURPOSES AND KEEPING OF ANIMALS- LOT 4 PERRY ROAD, PINJAR

## ITEM NO: 9.1

### UPDATE OF PLANNING BULLETIN 67: GUIDELINES FOR WIND FARM DEVELOPMENT

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Manager, Policy Coordination  
AUTHORISING OFFICER: Director, Strategy and Policy  
AGENDA PART: A  
FILE NO: 553/01/01/0008  
DATE: 26 April 2013  
ATTACHMENT(S):  
1. Proposed changes to PB 67 (in strike out edit form, showing new text in red, deleted text in red strike out and moved text in green)  
2. Draft PB 67

**RECOMMENDATION:**

***That the Western Australian Planning Commission resolves to approve the updated Planning Bulletin 67: Guidelines for Wind Farm Development.***

**SUMMARY:**

This proposed update to Planning Bulletin 67 is a strike out edit of the existing bulletin (of May 2004) which updates document references, provides further guidance on information required from applicants, and the stakeholder referral process.

**BACKGROUND:**

Following community concern regarding noise buffers the Minister for Planning requested an update of Planning Bulletin 67 to better reflect current guidance, planning processes and research.

Planning Bulletin 67 was originally published in May 2004. The technology and knowledge of potential issues have advanced considerably since 2004.

Most concern has been about land use compatibility in regard to noise, landscape and environmental impacts, perceived health impacts, and their associated buffer distances.

On 26 February 2013 the Great Southern Joint Development Assessment Panel considered an application for a wind farm development in the Shire of Broomehill-Tambellup. It was refused by the DAP as the use was considered to be inconsistent



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Additionally, a statement has been added to clarify that the bulletin applies only to commercial energy production.

## Background

### *Policy Context*

Discussion regarding policy context has been moved from the “Purpose” section to a sub-section of “Background”. The Commonwealth Government’s Large-scale Renewable Energy Target, the State Strategic Energy Initiative: Energy 2031 (2012) and the draft State Planning Strategy (2012) have been added.

### *Basics of wind turbine structures*

The section “technical Issues” is proposed to be renamed “Basics of wind turbine structures”, as the bulletin is not a technical document regarding the engineering aspects of wind turbines. Most information in this section remains the same with the addition of a basic diagram of the structure of a typical wind turbine to assist in the interpretation of the text. Some text referring to the “typical’ size and structure of Australian wind farms has been removed to improve the applicability of the document as each wind farm proposal is assessed on its own merits.

## Issues

### *Site Selection*

This new paragraph has been added to ensure that a proponent or local government fully considers fundamental constraints and requirements very early on in the project, whilst selecting potential sites either in strategic planning by local governments or prior to selection as a potential development site by a developer.

### *Public and Aircraft Safety*

The Civil Aviation Safety Authority (CASA), the Commonwealth Department of Defence and the Royal Australian Air Force (RAAF) have an interest in wind farm developments in the vicinity of airfields and flight paths. It is important they are contacted during the planning process for advice and to allow them to adjust navigation charts as appropriate.

### *Socio-economic Impacts*

An additional statement was added to highlight the possibility of providing public facilities such as walk trails and/or educational signage in order to increase the value of the development to the community.

The Albany Wind Farm and Grasmere addition is considered a socio-economic success as it has become a popular tourist attraction for WA.

## Construction, Infrastructure and Utilities

As many wind farm approvals are typically issued for a finite period (for example 25 years) the decommissioning of the infrastructure once this period is complete is an important planning consideration. A statement has been added to ensure that it is clear that the proponent/wind farm owner, and not the host land owner, is responsible for the decommissioning costs, to ensure communities are not left with derelict structures.

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### *Landscape and Visual Impact*

This section has been updated, and reference to the *Visual Landscape Planning in WA manual* (WAPC, 2007) added.

### *Vegetation and Fauna*

The statement “Field surveys will help avoid highly sensitive areas of vegetation, including remnant native vegetation and enable roads and services to be placed appropriately” has been replaced with “a thorough environmental survey of the site should be conducted prior to the commencement of structure design” to ensure that the applicant is not led to believe that environmental assessment will only involve a field survey, allowing determination of what is required on a case by case basis. It is important this is conducted as the first step so this is made clearer.

The statement suggesting consideration of vegetation and fauna during construction has been enhanced to recommend a site work management plan to address these issues.

### *Noise*

To avoid adverse noise impacts on the surrounding community, wind farm developments are sited with a buffer between them and noise-sensitive premises. *Environmental Protection (Noise) Regulations 1997* are in place to determine the width of this buffer.

Recently there has been an increase in concern regarding low frequency noise and infrasound emanating from wind farms and its effect on human health. Low frequency noise is inaudible but causes vibrations, producing symptoms which have been likened to motion sickness and chronic sleep disturbance, symptoms as a group known as “wind turbine syndrome”. Currently there are no peer reviewed papers describing a causative relationship between wind farms and the “wind turbine syndrome” symptoms, but many organisations are currently conducting studies. Despite the lack of high quality scientific literature on the issue, a precautionary approach should be taken to ensure that should evidence exist in the future that the advice is still appropriate.

The following statement has been added in this section:

“Because of concerns regarding the possible impacts of low frequency noise and infrasound from wind farms, the developer should carry out noise impact assessments that show predictions of low frequency and infrasound noise emissions”.

Buffers are required between wind farms and sensitive development. The requirement for the buffer to be in line with the 35dba noise contour has not changed.

The update of the Bulletin proposes removing the 1km suggested buffer. The 1km buffer was included as an example of a possible distance but was not intended to be a definitive requirement nor to be used to determine compliance. The relevant distance determined in relation to the 35dba noise contour may in fact be more or less.

It is important that each application is evaluated by a noise impact assessment, on a case by case basis, and that proponents obtain accurate information to determine

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measures to reduce predicted noise levels at affected dwellings. Characteristics of the landscape such as topography, rocky outcrops, wind direction, vegetation density and structure, are all factors. Should more information regarding the effect of low frequency noise become available this should also be considered when conducting noise impact assessments to determine the appropriate buffer from sensitive developments.

### Planning Controls

#### *Wind Farms in Reserves*

A reference to the policy measures of *Development Control Policy 5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space*, has been added to highlight the importance of considering the intended purpose of land and to ensure that proposals for the use of land reserved for Parks and Recreation fully consider the public benefit versus the desired character of the reserved land.

#### *Application Assessment/Referral Process*

A statement regarding Development Assessment Panels to update the document on new procedures for major development proposals has been added to the "Planning Controls" section.

A new flow chart describing the process for submission of an application, consultation requirements and decision making authority will provide clarity for both the community and applicants.

A statement has been added reminding applicants that development approvals run with the land and not an individual, to avoid confusion regarding responsibility of compliance with conditions placed on any approvals. This is especially important given that some conditions on wind farm developments are required to be enacted more than 25 years in the future.

The statement "It is sometimes possible for the agricultural use of land to continue after installation of a wind farm" has been removed as this is considered unnecessary and counterproductive. Applicants should consider the current use of the land and the effect on surrounding land uses on a case by case basis. Agricultural land uses vary drastically in their requirements. As seen in the recent refusal for a proposal in the Shire of Broomehill-Tambellup (as above), the issue of whether the proposed wind farm is an appropriate land use in the agricultural zone was the basis of the refusal.

An expanded list of the referral agencies and their respective considerations relating to wind farms will aid in the identification of responsibilities. This new section (including some information moved from other sections of the bulletin) lists the major referral agencies and what information should be expected from each, to be used as a guide for planners and applicants. This will ensure consistent expectations throughout the state.

### Information Requirements

#### *Impact assessment and mitigation measures*

The following additional information is provided in this list to make requirements clearer:

- 
- Landscape and visual impact assessment (simulations of views of the wind farm as seen from potentially affected residences, urban settlements and significant public viewpoints) consistent with *Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design* (WAPC, 2007).
  - Noise impact assessment – requesting modelling, and assessment including low frequency noise, and proposed buffers and amelioration measures.
  - A decommissioning and rehabilitation plan (rather than a simple proposal).

### Consultation

There is a significant increase in the focus on community consultation, especially in the very early stages of the development proposal. The expectation of what is considered to be a relevant stakeholder; and what is meant by community consultation is made clearer.

### References

The reference list has been updated and a “further reading” list added to provide a contemporary guide to best practice.

### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

This planning bulletin supports the *Draft State Planning Strategy* (2012) objective: “to enable secure, reliable, competitive and clean energy that meets the state’s growing demand’ by providing clarity in respect of the application and decision making processes and the key matters to be taken into consideration for wind farm proposals.

This is an update of an existing planning bulletin with updated guidelines and does not change policy position.

There are no financial or other resource implications.

### **CONSULTATION:**

Consultation was conducted with:

- the Department of Environment and Conservation (Climate Change, Environmental Management, Noise and Native Vegetation branch)
- Environmental Protection Authority (Strategic Policy and Planning)
- Department of Health (Environmental Health), and

### **OFFICER’S COMMENTS:**

The proposed revised Planning Bulletin 67 will better guide decision making by clarifying roles and responsibilities and highlighting issues which need specific attention by proponents and decision making authorities.

The updated bulletin will ensure decision makers can be flexible enough to assess each application on a case by case basis, in light of the most up to date scientific information available without sacrificing consistency.

# Planning Bulletin 67

## Guidelines for Wind Farm Development

DRAFT April 2013

### 1.0 Purpose

This Planning Bulletin is intended to provide local government, State government, other relevant approval authorities, ~~and~~ wind farm developers, proponents and communities with a guide to the planning framework for the ~~balanced~~ assessment of land-based wind farm developments, throughout the State of Western Australia.

For land use planning purposes, a wind farm or wind energy facility, can be defined as any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force.

This bulletin applies only to commercial energy production including wind farms and the turbines supporting industrial infrastructure and Planning Bulletin is not intended to apply to turbines used principally to supply electricity for a domestic property or, rural use of the land or anemometers.

~~This Planning Bulletin replaces Planning Bulletin No. 59 Draft Guidelines for Wind Farm Development, released in draft form in September 2003. This Planning Bulletin incorporates a number of changes in response to the submissions received during the consultation period.~~

Planning Bulletin No. 67 was originally published in May 2004 and was updated in May 2013.

~~The Western Australian Government's State Sustainability Strategy reflects on the imperative of ensuring land use and development are consistent with the efficient use of energy and minimisation of greenhouse gas emissions. Wind energy is a renewable energy technology, which fits closely with the ideals of the strategy. Electricity generation from wind energy is considered a mature technology and is economically feasible, particularly in remote areas. Worldwide, the wind energy industry is a multibillion dollar enterprise with some major companies employing up to 5,000 people.~~

~~The climatic conditions in Western Australia and incentives through State and Commonwealth energy policy are likely to make wind turbines an attractive source of renewable energy for a variety of purposes, from the isolated rural station to regional towns and cities.~~

Planning has an important role in the development of renewable energy through by facilitating the appropriate siting, establishment and operation of wind farms in a way that balances the environmental, social and economic benefits with any demonstrated environmental, landscape and amenity impacts.

These guidelines identify the planning issues relevant to wind farm developments, and provide guidance on the planning process to be followed when such developments are proposed. The discussion of these issues is intended to assist proponents in their design and siting, as well as assisting the responsible authorities in their assessments. Measures to reduce the impact of wind farm development are also suggested. The full range of issues and measures may not always apply equally to every proposal to install a wind energy facility. Each proposal should be considered on its merits having regard to the scale and location of the operation.

## 2.0 Objectives

The objectives of these guidelines are to:

- ~~• Facilitate the development of wind farms in an efficient, cost-effective and environmentally responsible manner that meets community needs while taking into account the needs of developers, and State and national imperatives.~~
- ~~Promote community understanding of the~~ Identify issues involved in the design and installation of wind farm infrastructure and provide opportunities for community input to decision-making.
- Promote a consistent approach in the preparation, assessment and determination of applications for planning approval for wind farm developments.
- Minimise disturbance to the environment (including landscape) and loss of public amenity in the establishment, operation, maintenance and decommissioning of wind farms.

## 3.0 Background

~~This Planning Bulletin has been prepared in the context of existing international agreements on limiting greenhouse gas emissions, such as the Kyoto Protocol and the State Government's commitment to a sustainable, secure, affordable electricity supply. A move towards sustainable development has also been witnessed with a number of State policy initiatives already finalised or in progress, including the draft State Greenhouse Strategy, State Sustainability Strategy and State Planning Strategy, while at a national level, a number of strategic initiatives are under way.~~

~~The Commonwealth Mandatory Renewable Energy (Electricity) Target (MRET) requires that 9500GWh (gigawatt-hours) of electricity must be generated from new renewable sources by the year 2010 for Australia. Western Australia currently has more than 28Mw (megawatts) of installed wind generation capacity, with potential for significantly more. This equates to an annual energy supply for about 15,000 homes.~~

Wind farm developments have the following advantages:

- Contribute to national and international efforts to reduce emissions of greenhouse gases and other air pollutants through the potential displacement of those created by fossil fuel power sources;
- Improve sustainable production of electricity in Western Australia;
- Assists Western Australia in meeting its Large-scale Renewable Energy Target; MRET obligations
- Increase energy supply, diversity and security;
- Provide greater electricity distribution network efficiency, through reduced transmission losses;
- Have the potential to reduce the ~~reduces~~ cost and increase the reliability of electricity supply in ~~certain circumstances such as~~ remote, off-grid and fringe of grid rural communities by deferring requirements for investment in high cost transmission infrastructure;
- Provide a source of income, and employment and tourism in regional areas;
- Encourage redevelopment and niche ancillary industries that manufacture energy technologies; and

- Reduces regional community and government dependence on fossil fuels.

The key issues concerning wind farm developments include:

- Land use and planning controls;
- Visual impact on landscape;
- Location, siting and design of wind farms in proximity to residences;
- Other amenity issues, such as noise, “shadow flicker”, blade glint, overshadowing and minor electromagnetic interference.

Environmental considerations include:

- Potential impact on fauna, ~~such as birds~~, vegetation, soil drainage, erosion and water quality;
- Construction issues, including provision of infrastructure and utilities to these facilities;
- Public ~~health and~~ safety, including airfield and aircraft safety;
- Socio-economic considerations; and
- Impact on ~~sites~~~~items~~ of Aboriginal significance.

### 3.1 Policy Context

Electricity generation from wind energy is considered a mature and commercial renewable energy source, particularly in remote areas. Worldwide, the wind energy industry is a multi-billion-dollar enterprise with some major companies employing up to 5,000 people.

Western Australia has excellent wind energy resources. Over the short to medium term, the Commonwealth Government's Large-scale Renewable Energy Target will be the primary driver of investment in commercial renewable energy project developments, including wind power in Western Australia. The Renewable Energy Target places an obligation on all electricity retailers and other liable parties to purchase an increasing proportion of their supplies from renewable energy sources. More information on these requirements is available from the Commonwealth Government's Clean Energy Regulator.

The national Large-scale Renewable Energy Target requires that 41,000 GWh (gigawatt-hours) of electricity must be generated from new large scale renewable sources by the year 2020. In 2011/12 approximately 1,200 GWh of electricity in Western Australia was generated from large scale wind generators, enough to supply about 200,000 homes.

The Strategic Energy Initiative: *Energy2031* (2012) outlines potential strategies for the Western Australian energy sector to accomplish the goals of affordable, secure, reliable and cleaner energy supplies. Greater diversification of the State's energy supply sources, including the use of clean energy supplies, such as wind technologies, is included as part of the vision of *Energy2031*.

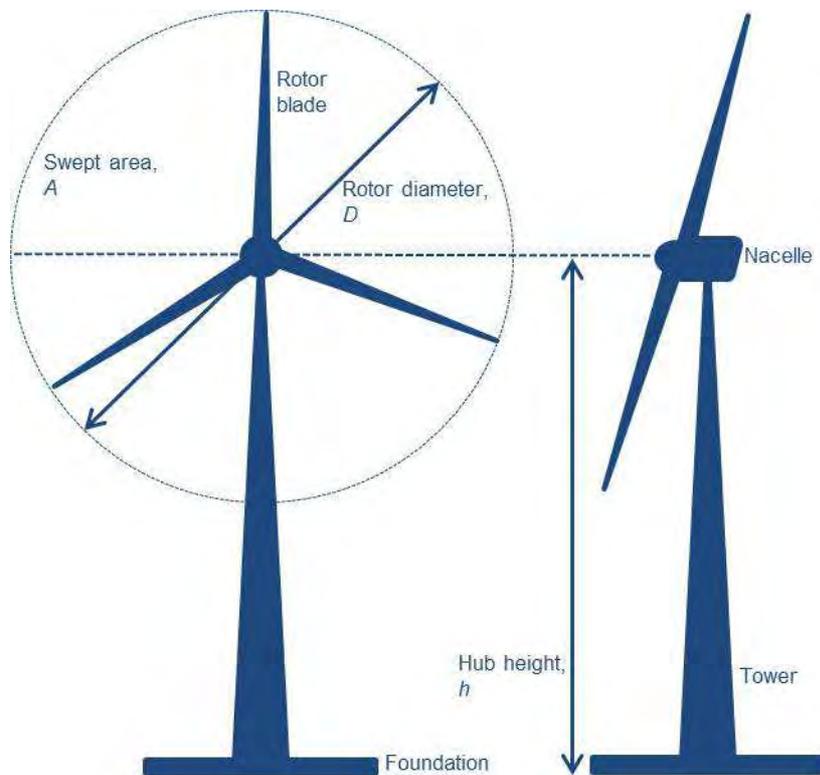
The draft State Planning Strategy (WAPC, 2012) provides an overarching planning context and identifies the need to provide for opportunities to sustainably utilise abundant renewable energy resources in Western Australia.

The strategic objective for energy use is 'to enable secure, reliable, competitive and clean energy that meets the state's growing demand'. The strategy aligns with the Strategic Energy Initiative *Energy2031*, to provide strategies to meet the objective for energy use at a state-wide level, in the long term.

### 3.2 Basics of wind turbine structures ~~Technical Issues~~

~~Wind turbines can be deployed singly, in clusters or in larger groups.~~

Wind turbines convert the kinetic energy of the wind into mechanical energy by using the wind to turn blades attached to a rotor and generator. The wind passing over the blades creates differences in pressure, which cause the rotor to turn. As the rotor turns, the generator attached to the rotor converts mechanical energy into electrical energy.



**Figure 1: Wind Turbine Components**

~~A typical~~ Each turbine comprises of a rotor, nacelle, tower and concrete footings. Footings on large turbines can be up to 15m in diameter, are about 2.5m thick and invariably are below ground. The towers can be steel or concrete and typically are between 3m and 5m in base diameter and taper to about 2m at the top. The total height varies and is increasing with advances in technology. ~~Some towers may be as high as 100m but a common size in Australia is about 70m.~~ On top of the tower are the nacelle and rotor. The nacelle is a weatherproof cover which contains the gearbox, generator and other ancillary equipment. The turbine blades, normally three, up to ~~50 metres~~ 45m long (made of reinforced plastic, fibreglass reinforced epoxy and carbon fibres, or wood epoxy); attach to the hub and together, this assembly is known as the rotor. The rotor sits in front of the nacelle and a shaft passes through it to connect the large bearings and the generator inside. The whole nacelle and rotor assembly turns on top of the tower to face the wind as it changes direction, an action called yawing. Wind turbines can be deployed singly, in clusters or in larger groups.

A small substation or transformer is required at each turbine to step up the voltage of the electricity produced by the wind turbine and this equipment may be housed inside the tower. The output is distributed from each tower, usually via underground cables, to a central substation located at the nearest suitable point of connection to the electricity network.

Modern wind turbines have a life span of approximately 20 years, although certain parts may need to be replaced and serviced during this time. Turbines may be re-powered with new equipment at the end of their design life.

The energy produced by wind turbines depends upon:

- The strength of the wind. A turbine located on a site which has an annual mean wind speed of 6m/s will produce less than half as much energy as the same machine on a site where the annual wind speed is 8m/s. Sites with a mean wind speed above 7.5m/s are favoured;
- How well the turbines are micro sited. Turbines have to be arranged so that they sit on the windiest locations in an area but avoid the wakes behind other turbines;
- The area swept by the rotor, which can be up to 100m in diameter. ~~A turbine with a 15m- rotor will only produce a quarter of the energy is produced; of a machine with a 30m rotor.~~
- Obstacles in the wind area such as trees, houses and cliffs, which can cause turbulence and lower the amount of energy produced;
- The capacity of the local electricity distribution network. The ability to connect wind turbines to a system will depend on the configuration of the network and generators. There will be less ability to connect wind turbines to some systems than others. Problems may occur in balancing the network system and this may restrict the output of a wind farm; and
- The organisation undertaking the development. Larger organisations are investing in larger, more expensive, more efficient machines.

Proponents assessing the potential of sites to harness wind power use historical meteorological data and information derived from anemometry masts. These masts, sometimes called wind monitoring masts or wind prospecting masts, monitor wind speed at the tower height for at least 12 months in order to help determine the suitability of the site.

It is important to note that the price paid for wind-generated electricity also can determine the location of wind farms. If ~~legislation~~ the regulatory framework makes extra subsidies available for renewable energy, less windy, inland sites with lower output could become more attractive to proponents. Locations close to high-voltage transmission lines or power stations reduce costs and therefore are favoured in the selection process.

## **4.0 Planning Issues**

The following matters should be considered by decision-making authorities in assessing wind farm proposals. An assessment of the impact of a wind farm development in relation to these matters should be weighed against the environmental, social and economic benefits of wind energy.

### **4.1 Site Selection**

An initial technical assessment into the fundamental suitability of the site (in the context of other potential sites in the area) should be undertaken to assess factors such as wind data, landscape significance, ground and water conditions, access to the electricity network and to address possibility of other wind turbines in proximity to the site (cumulative effects). An investigation into the tenure of the proposed site should be undertaken, particularly in regard to land ownership, mining tenements, easements, management orders and other land administration instruments.

## 4.2 ~~Public Health and Aircraft Safety~~

~~The Civil Aviation Safety Authority (Manual of Standards 139), Air Services Australia, the Commonwealth Department of Defence, and the Royal Australian Air Force (RAAF), should be consulted on wind farm proposals proposed in the vicinity of airfields and flight paths to determine specific requirements for structures to~~ The wind farm development should be highlighted on navigational maps and/or be equipped with tower safety lighting or marking to minimise any impact upon the safety of aircraft and the operation of airfields. ~~The Civil Aviation Safety Authority (Manual of Standards 139), Air Services Australia and the RAAF, should be consulted, as appropriate, on wind farm proposals, in the vicinity of airfields and flight paths.~~

Public access to the site during construction should be prohibited and the perimeter visitor traffic should be carefully managed.

## 4.3 ~~Socio-economic Benefits-Impacts~~

Wind farm developments may have direct and indirect benefits for the community and its economy, for example; increasing the sustainability of energy supply in Western Australia and to contribute to efforts to address global climate change. The assessment and consultation process should allow ~~for~~ any potential negative impacts of wind farm developments, such as visual impact, to be considered in the context of their benefits.

Wind farms can be designed to stimulate of considerable positive local and visitor/public interest, and a tourist attraction. A management plan for visitors should be considered if the wind farm is to be accessible or visible to the public. Facilities such as walk trails and/or educational signage should be considered to provide amenity, additional benefit to the community and potentially ease the impact of the development.

## 4.3 ~~Construction, Infrastructure and Utilities~~

The transport of equipment and freight to the site should be carefully managed and may need to be co-ordinated with adjacent local governments. If ongoing disruption to traffic is likely to occur, police escorts may be required for the transport of large turbines.

Towers and foundations should be designed and constructed in accordance with the manufacturer's specifications. Site clearance works, earth moving, cutting, filling and stockpiling of topsoil should be kept to a minimum wherever possible.

Once turbines are in operation, there may be one or two utility vehicles based continuously at the site. The need to replace machine components will generate heavier commercial vehicle movements, but these are likely to be infrequent.

Infrastructure, such as a substation maintenance building and service roads required for the operation of the wind farm development, should be designed with care, having regard to any environmental and landscape impacts. This infrastructure will need the same consideration, in terms of siting and design, as the turbine towers. It is recommended that equipment with minimal visible support be selected and that power cables should be installed underground where possible.

If visitor facilities are planned as part of the development, additional services may be required, including gas, water, telecommunications and on-site or off-site sewage treatment.

When a site is decommissioned, the demolition work ~~should~~will need to be carefully managed to avoid detrimental environmental impact and the site should be reinstated to its original use and condition, or other agreed use. The proponent/wind farm owner, rather than the "host" land owner should retain responsibility for the decommissioning.

## 4.4 ~~Landscape and Visual Impact~~

Visual impact is based on a number of factors which affect the perceived visual quality. The degree to which a wind farm development will impact on the landscape will depend upon:

- The scale of the proposal:

- Siting, layout and design of the turbines, infrastructure, signage, access roads and ancillary facilities, including provision for tourism;
- The rotational speed, number, colour, shape, height and surface reflectivity of the towers and blades;
- Visibility of the development, having regard to the location, distance from which the development is visible, skyline and view sheds; and
- Significance and sensitivity of the landscape, having regard to topography, the extent and type of vegetation, natural features, land use patterns, built form character and community values.

Methods to ameliorate visual impact include:

- Ensuring all turbines are uniform in design and look alike, have a clean, sleek appearance; ~~and that the blades rotate in the same direction.~~
- Minimising the number of turbines, as appropriate, by using the largest possible model (subject to the visual absorption capabilities and environmental considerations of the site) rather than numerous small ones;
- Siting of the wind farm, ancillary buildings, access roads and transmission infrastructure, by following to complement the ~~natural~~ landform contours; ~~and landform backdrop, including ridgelines.~~
- Ensuring the choice of materials and colour (for example, e.g. off-white ) complement the and grey for turbines, low contrast for roads for the development ~~complements the~~ skyline and the backdrop of the view sheds;
- Minimising removal of vegetation and ensuring using advanced planting of vegetation screens as visual buffers where appropriate. Ensuring good quality ~~vegetation and landform~~ rehabilitation; on-site and off-site, where appropriate;
- Locating turbines to take into account existing visual reflect landscape character and topographical features (e.g. a random pattern may suit a rolling, varied landform and a linear pattern may suit a ~~coastal edge~~, farm or industrial site); and
- Avoiding clutter, such as advertisements and apparatus.

Further guidance should be sought from *Visual Landscape Planning in WA: a manual for evaluation, assessment, siting and design* (Part 1, 2 and 3) (WAPC, 2007).

#### **4.5 Vegetation and Fauna**

A thorough environmental survey of the site should be conducted prior to the commencement of structure design. The types, locations and significance of flora and fauna, particularly endangered or threatened species in the development area, should be described and mapped. Sensitive areas including important habitat areas, remnant native vegetation and migration routes should be avoided. ~~Field surveys will help avoid highly sensitive areas of vegetation, including remnant native vegetation and enable roads and services to be placed appropriately.~~

During construction site disturbance should be kept to a minimum through careful siting and consideration of issues such as erosion, drainage run-off, maintaining water quality, protecting existing vegetation, stabilisation of top soil, weed and disease hygiene, and introduction of feral animals. Sensitive sites should have a site works management plan in place prior to the commencement of works which addresses these issues and contractor guidelines, responsibilities and/or penalties. ~~During construction, disturbance and vegetation clearance can be avoided or minimised, through careful siting and consideration of issues~~

~~such as erosion, drainage run-off, habitat or food source destruction, dieback, weed hygiene, introduction of feral animals~~

Where a proposed wind farm involves the clearing of remnant vegetation, the proposal should be examined against the EPA's *Position Statement No. 2, Environmental Protection of Native Vegetation in Western Australia*. The applicant should seek advice from the Department of Environment and Conservation – Native Vegetation Protection Branch and the Local Government in the first instance.

~~Development issues to be addressed include controlling run-off, maintaining water quality, stabilising topsoil and retaining existing vegetation, particularly in coastal areas where vegetation can be hard to re-establish.~~ Any construction, particularly on slopes, should not cause degradation and careful attention will be required, especially in sensitive areas. As a general principle, steep slopes and ridgelines should be avoided.

The impact of wind farms upon birds and bats should be considered. The cumulative effects of wind farms may have an impact on the migratory routes of certain bird species. A full avian study is recommended when a large wind farm is proposed. Solid towers and round nacelles prevent birds from nesting in the structure. The positioning of turbines away from migratory routes and the use of larger, slower turning turbines, may reduce the risk of avian strikes. Proponents should seek advice from DEC regarding the appropriate level of survey required for the assessment of impact on birds and bats.

#### **4.6 Noise**

~~A wind energy facility can create noise from the turbine gearbox (if used) or generator (mechanical noise), movement of the blades (aerodynamic noise) and during construction. Mechanical noise has been analysed and reduced in modern machines and usually is similar to, or less than, aerodynamic noise. Aerodynamic noise generally is unobtrusive, broadband in nature and similar to the noise of wind in trees. The noise characteristics of machines vary according to the make and model. Turbines with dual wind speed blades reduce noise emission when wind speeds are lower, however this may not be less than that generated by fixed speed machines. Some turbines have the ability to reduce their sound output at night.~~

The main noise source from a wind farm is aerodynamic noise as the turbine blades pass through the air, which is louder than the mechanical noise from the turbine gearbox. Aerodynamic noise increases with wind speed as the turbine speed increases, and is commonly described as a 'swish-swish' sound.

To avoid adverse noise impacts on the surrounding community, wind farm developments should include sufficient buffers to noise-sensitive premises. These buffers are determined initially by prediction of noise emissions from the wind farm and comparison with the assigned noise levels in the *Environmental Protection (Noise) Regulations 1997*. The regulations specify an  $L_{A10}$  noise level (noise level not to be exceeded for more than 10% of a period of up to 4 hours) of 35dB(A) for a rural homestead during the night period. The preliminary prediction should identify any existing or potential future dwellings (or other sensitive sites such as schools or residential institutions) within the 35dB(A) noise contour. If no such buildings are identified, the noise emissions are likely to be manageable to meet acceptable levels.

~~-As a guide, the distance between the nearest turbine and a noise-sensitive building not associated with the wind farm, is likely to be 1km. The ultimate distance between sensitive uses and the wind turbine, may be determined on the basis of acoustical studies. It is expected that the proponent will undertake noise monitoring and acoustical modelling against the relevant criteria, to enable the relevant planning authority to determine the acceptability of the development and the merits of a lesser separation distance. Until such time as a formal policy is adopted in Western Australia, the Department of Environment (DoE) endorses the criteria and approach of assessing wind farms based on background~~

~~noise levels, as described in the South Australian guidelines *Environmental Protection Authority—Wind Farms Environmental Noise Guidelines*. These guidelines provide that wind farm developments should be constructed and designed to ensure that noise generated will not exceed 5dB(A) above the background sound level or 35dB(A) using a 10-minute  $L_A$  eq, whichever is the greater, at surrounding noise-sensitive premises.~~

~~Acoustical consultants are encouraged to discuss the noise modelling methodology with the DoE Noise Section within the Response and Audit Branch, in the first instance.~~

~~Where existing or potential future dwellings are identified within the 35dB(A) contour, further investigation is needed. It is recognized that noise from other sources, such as wind in trees, will also increase with wind speed and may potentially 'mask' the noise from the wind farm. The developer may thus elect to use the methodology in Australian Standard 4959-2010, or other similar method, in order to assess the likely masking effects of background noise.~~

~~These approaches involve measurement of background noise levels over a range of wind speeds and comparison with predicted noise levels at these wind speeds, using a 'base' level of 35dB(A). The assessment should also include dwellings of residents who are financially involved in the wind farm (noting that the noise regulations do not apply to noise received on the premises on which it is generated). Where these methods are proposed to be employed, the developer or their consultant is advised to contact DEC Noise Regulation Branch in the first instance.~~

~~Because of recent concerns about the possible impacts of low frequency noise and infrasound from wind farms, the developer should carry out predictions of low frequency and infrasound noise emissions.~~

~~In relation to noise amelioration, the developer should consider a noise impact assessment to provide –~~

- ~~• Measures to reduce predicted noise levels at affected dwellings, including siting and operation of turbines; and~~
- ~~• Measures to reduce the risk to future noise-sensitive buildings constructed in the noise-affected area.~~

#### **4.7 Other Possible Amenity Effects**

A wind ~~farm energy facility~~ can ~~affect impact~~ local amenity ~~due to~~ as a result of:

- Shadow flicker, which occurs when the sun passes behind the blades and the shadow flicks on and off, although in Australia this is uncommon;
- Glint, which occurs when the sun's light is at low angles and is reflected off the blades; and
- Overshadowing which affects adjacent developments.

Modelling can determine areas where these issues require further consideration. Careful siting and design, including the use of low-reflectivity materials, can minimise or avoid any impact.

Electromagnetic interference caused by wind turbines – which may ~~affect~~ ~~effect~~ home appliances (such as televisions and radios) is likely to be limited. ~~Its~~ ~~The~~ effects can be minimised through appropriate turbine siting, avoiding the line of sight of telecommunications transmitters and receivers or through technical modifications to turbines, repeater station or receivers.

## 5.0 ~~Land Use and Planning Controls~~

The *Model Scheme Text* set out in the *Town Planning Regulations 1967* does not include a definition of wind farms or wind energy facilities; hence these developments are usually “a use not listed” in ~~town~~ local planning schemes. In rural, non-urban and similar zones, local government should consider wind farm proposals under the provisions of Clause 4.4.2 (b) *Model Scheme Text*, that is, the use is considered as a discretionary use for which the approval of local government is required and the public advertising procedures of Clause 9.4 apply.

Alternatively the following definition could be inserted into a scheme by way of an amendment:

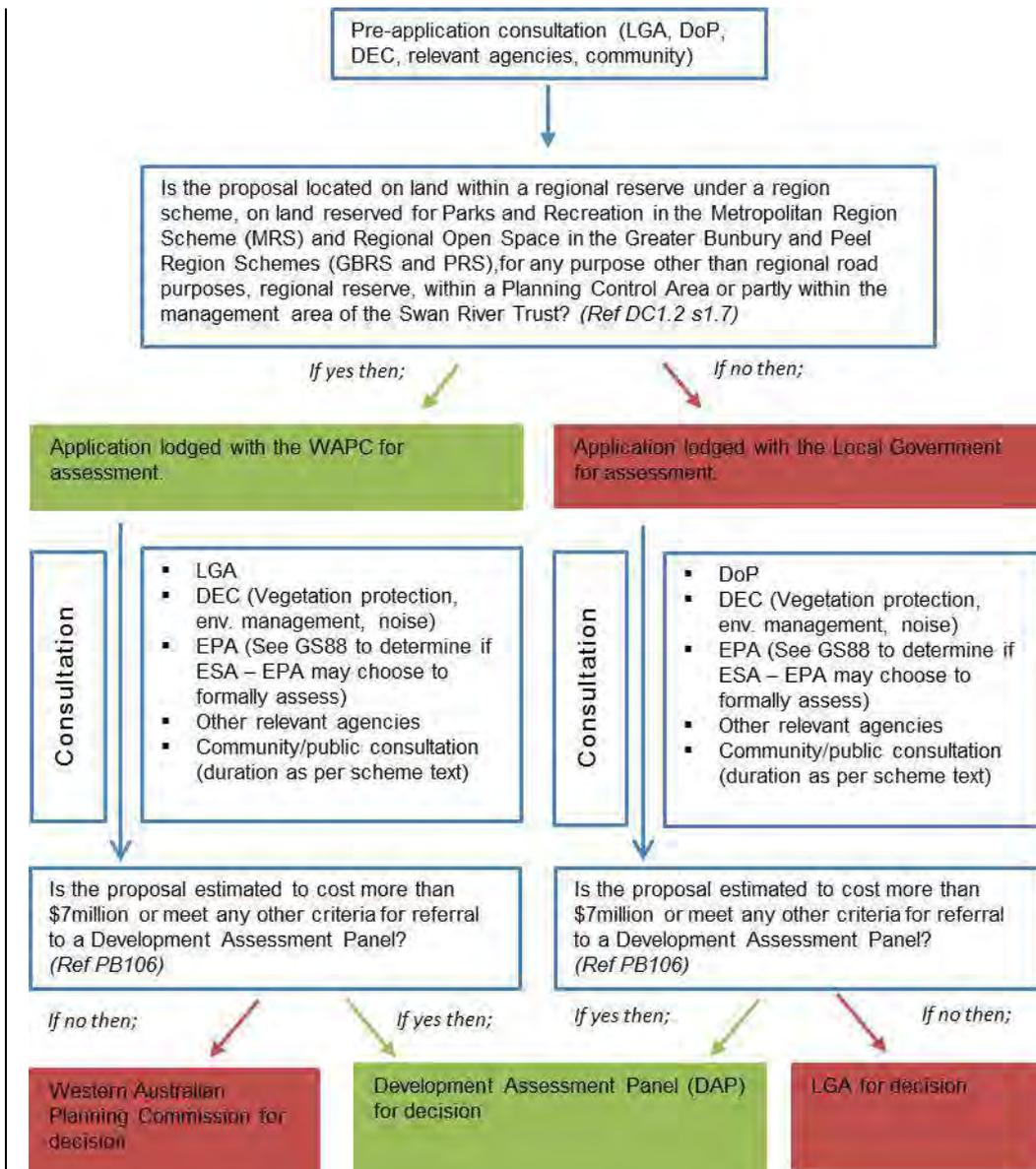
**“wind farm or wind energy facility”** means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property, rural use of the land or anemometers.

In this case, wind farms should be considered as an AA or SA in rural, non-urban and similar zones.

The Western Australian Planning Commission (WAPC) is the responsible authority for determining development applications for wind farms within regional reserves under a region scheme, on land reserved for Parks and Recreation in the Metropolitan Region Scheme (MRS) and Regional Open Space in the Greater Bunbury and Peel Region Schemes (GBRS and PRS). Applications for a wind farm proposal in a Reserve would need to demonstrate that the use is compatible with the intended purpose of the land.

~~Where a proposal would have a significant effect on the environment, it must be referred to the Environmental Protection Authority (EPA) by the decision-making authority. The proponent, or any individual, may also choose to refer a proposal to the EPA. The EPA will then decide if the proposal should be subject to an environmental impact assessment. Referral to Environment Australia, under the *Environmental Protection and Biodiversity and Conservation Act* (Cwlth), may also be required.~~

Applications for development consent may be required to be determined by a Development Assessment Panel (‘DAP’). Applicants and local governments should refer to Planning Bulletin 106/2011 (March 2011), *the Planning and Development (Development Assessment Panels) Regulations 2011* or to [www.daps.planning.wa.gov.au](http://www.daps.planning.wa.gov.au) for further information concerning the operation of DAPs.



**Figure 2: Application process**

A development approval, whether issued by the local government, the Western Australian Planning Commission or a Development Assessment Panel, runs with the land and if the development is carried out, any conditions of that approval are enforceable against subsequent owners and operators of the wind farm.

In addition, a local government may decide to strategically plan for future development of wind farm facilities by considering appropriate optimum locations for wind farms as part in the preparation of the its Local Planning Strategy.

It is sometimes possible for the agricultural use of land to continue after installation of a wind farm.

Where an area is particularly well suited to wind energy production, there may be a cumulative effect, as multiple proposals for wind farms are generated. Each proposal must be determined on its merits, having regard to the overall context of the area and its ability to accommodate future development.

The responsible planning authority should take into account:

- Relevant local and region scheme provisions;
- Relevant State planning policies;
- Relevant local planning strategies;
- Outcomes of consultation with agencies, stakeholders and the community;
- Outcome of the impact assessments, including:
  - effect of the proposal on significant landscapes, views, visual characteristics and skyline;
  - noise/acoustic assessments undertaken on a case-by-case basis;
  - impact of the proposal on local amenity, including shadow flicker, blade glint, etc.;
  - impact of the proposal on the local flora and fauna, effects on avian safety and environmental values;
  - economic benefits to local and regional areas;
  - criteria for decommissioning and reinstatement of the site to its original use and condition or other agreed use; and
  - the potential for cumulative impacts.

When assessing the application the approval authority should seek from, and have due regard to, advice provided by the following agencies (and any other agency relevant to the proposal);

The local government authority (LGA), in regard to;

- The consistency of the wind farm proposal in the context of the LGAs strategic planning objectives for the area including the likely compatibility of the wind farm with planned future land use changes guided by the local planning strategy or other strategic documents;
- The compatibility of the wind farm with the existing surrounding land use and proposed land use on the host land holding into the future;
- The potential for multiple energy technologies to be integrated on site between the turbines, such as solar.
- Any likely local road or bridge transport constraints during construction or maintenance; and
- Socio-economic impact on the community, tourism, and the local economy.

Department of Environment and Conservation (DEC) – Noise Regulation Branch, in regard to;

- Appropriate determination, through acoustic assessment, of expected noise impacts;
- Compliance with relevant noise guidelines; and
- Management and monitoring of noise throughout the life of the wind farm.

The Department of Environment and Conservation – Native Vegetation Protection Branch, in regard to;

- Appropriate surveying and mapping undertaken to determine the impact of flora and fauna; and
- Acceptable environmental impact.

The Department of Planning (DoP), in regard to;

- Compliance with all relevant state planning policies and guidelines including *Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design* (WAPC, 2007) and State Planning Policy 2.5 Agricultural and Rural Land Use Planning.

The Environmental Protection Authority (EPA) - where a proposal would have a significant effect on the environment (refer to *EPA Guidance Statement No.33 Environmental Guidance for Planning and Development to determine "significance"*) the proponent, or any individual, may also choose to refer a proposal to the EPA. The EPA will then decide if the proposal should be subject to an environmental impact assessment. Referral to Environment Australia, under the (Commonwealth) *Environmental Protection and Biodiversity and Conservation Act 1999*, may also be required. Refer to EPA Environmental Protection Bulletin on Wind Farm Assessment and Regulation (2012) for specific information.

## **6.0 Information Requirements**

The following "check list" is recommended for applicants and decision-making authorities considering wind farm proposals:

### **6.1 Site Analysis**

A site analysis or audit will be required, including plans, photographs and any other material, which describes the site and matters that influence the proposal. Applications for wind farms should include:

- A context statement for the locality including current planning framework, significant features, sites of cultural significance, characteristics, contours, existing land uses and ownership, management orders, easements, mining tenements etc.;
- A technical assessment on the suitability of the site having regard to alternative potential sites in the area (to address possible cumulative impact) including wind information, landscape significance, ground conditions, erosion factors, surface and groundwater conditions; and
- Access to the electricity network.

### **6.2 Wind Farm Design Statement**

The design statement should be in written and illustrative form, including details of:

- Turbine design, including dimensions, height, colour and materials;
- Layout, orientation and siting arrangements; road design;
- Site works required;
- Topsoil, overburden, vegetation clearing and rehabilitation areas;
- Small-scale plans and cross-sections showing the layout of the turbines, infrastructure, ancillary buildings and equipment;
- Power output and description of electrical specifications and connections; and
- Operational and maintenance arrangements, including tourist-management facilities and amenities.

### **6.3 Impact Assessment and Mitigation Measures**

The application should be supported by various impact assessments of the proposal, a design response to the site analysis and methodology statements on how any adverse impacts will be managed. The latter can be made through an environmental management

plan. Expert advice on these matters should be sought. The assessments should be presented using best practice techniques and should include:

- A landscape and visual impact statement to address specific issues outlined in Section 6.1, and the *Visual Landscape Planning in WA* manual (WAPC, 2007) as well as using (where appropriate), ~~computer visualisation/simulations~~ of views of the proposed wind farm as seen from potentially affected residences, urban settlements and significant public viewpoints, view shed analysis, ~~static~~ seen area ~~diagram~~ mapping and other modelling data;
- Noise impact assessment, including details of noise modelling, background noise measurements, low frequency/infrasound noise assessment, proposed management of noise buffers and relevant ameliorative measures;
- ~~Noise impacts including the sound power level of the turbine and sound propagation modelling for the expected range of wind speeds and directions.~~
- Environmental impacts on vegetation, fauna/avifauna, biodiversity, ground erosion/stability, surface water/groundwater and aquifers;
- Amenity impacts including blade glint, shadow flicker, overshadowing and electromagnetic interference;
- Aboriginal artefacts, heritage and /archaeology;
- ~~Electromagnetic interference,~~
- Social and economic benefits, tourism potential, relationship to other similar developments and design life span;
- Vehicular and non-vehicular access and transport corridors, aviation flight paths and air fields, railways;
- Construction impacts, including staging, phasing and freight transportation proposals;
- Power network connection and transmission line infrastructure;
- A decommissioning and rehabilitation plan; and
- Any cumulative effects of multiple wind farms in close proximity.

#### 6.4 Consultation

Proponents are strongly encouraged to consult with the community – particularly those residents located within 2km of a proposed turbine – early in the site selection and preliminary design stages.

Applications ~~also~~ should include proposals for, or evidence of:

- Consultation with the relevant local government, the Office of the Environmental Protection Authority, Department of Environment and Conservation, Department of Planning, and Infrastructure, Department of Health Conservation and Land Management EPA, DOE, WAPC, Civil Aviation Safety Authority, Air Services Australia, Commonwealth Department of Defence, electricity network provider, Landgate, Department of Land Information, Department for Industry and Resources and Main Roads WA;
- Stakeholder meetings with, for example, the community, neighbours along transport routes, community organisations, local business and tourism organisations, Indigenous organisations (local land councils and elders groups); and
- A comprehensive community consultation and engagement process which ensures that the community is informed of the proposal, is actively engaged in issues of concern to them, and is given ample opportunity to provide its views on the proposal.

Sufficient information must be provided to the community so that it has a good understanding of what is being proposed and of the likely impacts. Consultation should be genuine and aimed at identifying and considering options for reducing impacts, not merely informing communities.

## **9. ~~Relevant Considerations~~**

~~The full range of issues and measures may not always apply equally to every proposal to install a wind energy facility and each should be considered on its merits, having regard to the scale of the operation.~~

~~In determining an application, the responsible planning authority should take into account:~~

- ~~• Relevant local and region scheme provisions;~~
- ~~• Relevant local planning strategies; relevant statements of planning policy;~~
- ~~• Outcomes of consultation with agencies, stakeholders and the community;~~
- ~~• Outcome of the impact assessments including:~~
- ~~• Effect of the proposal on significant landscapes, views, visual characteristics and skyline;~~
- ~~————— Impact of the proposal on local amenity including shadow flicker, blade glint and noise;~~
- ~~————— Impact of the proposal on the local flora and fauna, effects on avian safety and environmental values;~~
- ~~————— Economic benefits to local and regional areas; and~~
- ~~————— Criteria for decommissioning and reinstatement of the site to its original use and condition or other agreed use;~~
- ~~————— The environmental and social benefits of wind farm development, in particular their ability to increase the sustainability of energy supply in western australia and to contribute to efforts to address global climate change.~~

## **7.0 References and Further Reading**

### **7.1 References**

~~Auswind, 2006 Australian Wind Energy Association, 2002, Best Practice Guidelines for Implementation of Wind Energy Projects in Australia, Australian Wind Energy Association Greenhouse Office~~

~~Coppin P.A. , Ayotte K.A. , Steggel N. , 2003, Wind Resource Assessment in Australia – A Planners Guide, Wind Energy Research Unit, CSIRO Land and Water~~

~~Department of Health, 2012, Public Health Brochure – Wind Farms, Government of Western Australia~~

~~Commonwealth Government of Western Australia, 2000, National Greenhouse Strategy~~

~~Commonwealth Government of Australia, Australian Greenhouse Office, 2000, Commonwealth Mandatory Renewable Energy (Electricity) Act~~

~~City of Albany, 2003, Albany Wind Farm Presentation~~

~~Department for Planning and Infrastructure Landscape, Environment and Natural Resources Branch, 2003, *Utilities, Land Use Guidelines Wind Farms, Landscape Planning Guidelines Project* (work in progress – unpublished), Western Australia~~

~~Department of the Prime Minister and Cabinet, 2001, *COAG Energy Policy*, Council of Australian Governments, Canberra ACT.~~

~~Environmental Protection Authority, 2000, *Position Statement No.2, Environmental Protection of Native Vegetation in Western Australia*~~

~~Environmental Protection Authority, 2008, *Guidance Statement No.33 – Environmental Guidance on Planning and Development*~~

~~Environmental Protection Authority, 2010, *Environmental Impact Assessment Administrative Procedures*, Government of Western Australia~~

~~Government of Western Australia, 2012, *Strategic Energy Initiative Energy 2031 – Building Pathways for Western Australia’s Energy Future*, Department of Finance – Public Utilities Office, Western Australia~~

~~Government of Western Australia, 2010, *Renewable Energy Handbook*, Office of Energy, Western Australia~~

~~Government of Western Australia, 1999, *Town Planning Amendment Regulations, Model Scheme Text*~~

~~Government of Western Australia, 2002, *State Sustainability Strategy*~~

~~Planning and Infrastructure New South Wales, 2011, *NSW Planning Guidelines- Wind Farms (draft)*, Government of New South Wales~~

~~Planning NSW, 2002, *Wind Energy Facilities Draft EIA Guidelines*~~

~~Planning South Australia SA, 2002, *Planning Bulletin: Wind Farms Draft for Consultation*, Government of South Australia~~

~~South Australia – Environmental Protection Authority, 2003, *Wind Farms Environmental Noise Guidelines*~~

~~Sustainable Energy Authority, - New South Wales, 2002, *Wind Energy Handbook*, Government of New South Wales~~

~~Sustainable Energy Authority - Victoria, 2002, *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria*, State Government Victoria~~

~~Sustainable Energy Development Office, Government of Western Australia~~

~~Sustainable Energy, Renewable Energy Projects, Western Power~~

~~Office of the Deputy Prime Minister (UK), 2004, *Consultation Paper on Draft PPS22: Renewable Energy*~~

~~Countryside Agency and Scottish Natural Heritage (UK), 2002, *Landscape Character Assessment: Guidance for England and Scotland*~~

~~Sweet and Maxwell Planning Law Service (UK), 1997, *Renewable Energy*~~

~~The Civil Aviation Safety Authority Australia, 2001, *Manual of Standards 139*~~

~~Western Australian Planning Commission, 1997, *State Planning Strategy*~~

~~Western Australian Planning Commission, 2007, *Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design*, Government of Western Australia~~

~~Western Australian Planning Commission, 2011, *Planning Bulletin 106 -New legislative provisions for development assessment panels*, Government of Western Australia~~

Western Australian Planning Commission, 2011, Planning and Development (Development Assessment Panels) Regulations 2011, Government of Western Australia

## **7.2 Further Reading**

Australian Standard - AS4959-2010 Acoustics—Measurement, prediction and assessment of noise from wind turbine generators

Auswind - Clean Energy Council, 2006, Best Practice Guidelines for Implementation of Wind Energy Projects in Australia

Environment Protection and Heritage Council, 2010, Draft National Wind Farm Development Guidelines 2010

Department of Environment and Conservation, 1997, Environmental Protection (Noise) Regulations 1997, Government of Western Australia

Environmental Protection Authority, 2007, Guidance for the Assessment of Environmental Factors No. 8 – Environmental Noise

Australian Government - Clean Energy Future, Access via [http://www.cleanenergyfuture.gov.au/]

Environment Australia, 2000, Environmental Protection and Biodiversity and Conservation Act, Commonwealth Government of Australia

Connell Wagner Pty Ltd, 2001, Wind Farms: Siting and Design Guidelines for Wind Farms in Glenelg Shire, Victoria-

Department of Infrastructure and Transport, “Managing the risk to aviation safety of wind turbine installations (wind farms)/Wind monitoring towers” – National Airports Safeguarding Framework – Guideline D, Australian Government.

## **Glossary-**

~~W = watt = a unit of power. The power generation capacity of a wind turbine (is measured in watts).~~

~~Wh = watt-hour = a unit of energy. The amount of electricity a wind energy facility generates in a prescribed period of time. Energy is measured in watt-hours.~~

~~GWh = giga-watt hours~~

~~k = kilo  $10^3$~~

~~M = mega  $10^6$~~

~~G = giga  $10^9$~~

~~m/s = metres per second, 1m/s = 3.6 kilometres per hour.~~

~~dB = decibel = a unit of sound. The decibel describes the sound pressure level of a noise source. It is a logarithmic scale referenced to the threshold of hearing. A 10dB increase in sound level approximates to a doubling of noise, as perceived by a listener.~~

~~dB(A) = an A-weighted sound pressure level. An A-weighted noise level is adjusted in such a way so as to represent the way humans hear sound. Since the human ear is not very sensitive in the lower frequencies these frequencies are filtered more than the~~

higher frequencies.

~~L<sub>A</sub>-eq = an L<sub>A</sub>-eq level is an equivalent, continuous A-weighted sound pressure level. It is the constant noise level that would result in the same amount of sound energy as the actual, fluctuating noise measured, assuming that both noises operated over the same time period. An L<sub>A</sub>-eq level is commonly considered to represent the average noise level during a measurement period.~~

Further information regarding the matters set out in this Planning Bulletin should be directed to the Department ~~offer Planning and Infrastructure~~ Business Unit responsible for your region or to:

Director Planning Reform

Department ~~offer Planning and Infrastructure~~  
~~Gordon Stephenson~~ Albert Facey House  
~~140 William~~469 Wellington Street

Perth, Western Australia 6000

Postal Address  
Locked Bag 2506  
Perth WA 6001

Please quote file reference 553/1/1/8 in all correspondence.

# Planning Bulletin 67

## *Guidelines for Wind Farm Development*

DRAFT April 2013

### 1.0 Purpose

This Planning Bulletin is intended to provide local government, State government, other relevant approval authorities, wind farm proponents and communities with a guide to the planning framework for the assessment of land-based wind farm developments, throughout the State of Western Australia.

For land use planning purposes, a wind farm or wind energy facility, can be defined as any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force.

This bulletin applies only to commercial energy production including wind farms and the turbines supporting industrial infrastructure and is not intended to apply to turbines used principally to supply electricity for a domestic property or rural use of the land or anemometers.

Planning Bulletin No. 67 was originally published in May 2004 and was updated in May 2013.

Planning has an important role in the development of renewable energy through the appropriate siting, establishment and operation of wind farms in a way that balances the environmental, social and economic benefits with any demonstrated environmental, landscape and amenity impacts.

These guidelines identify the planning issues relevant to wind farm developments, and provide guidance on the planning process to be followed when such developments are proposed. The discussion of these issues is intended to assist proponents in their design and siting, as well as assisting the responsible authorities in their assessments. Measures to reduce the impact of wind farm development are also suggested. The full range of issues and measures may not always apply equally to every proposal to install a wind energy facility. Each proposal should be considered on its merits having regard to the scale and location of the operation.

### 2.0 Objectives

The objectives of these guidelines are to:

- Identify the issues involved in the design and installation of wind farm infrastructure and provide opportunities for community input to decision-making.
- Promote a consistent approach in the preparation, assessment and determination of applications for planning approval for wind farm developments.
- Minimise disturbance to the environment (including landscape) and loss of public amenity in the establishment, operation, maintenance and decommissioning of wind farms.

### 3.0 Background

Wind farm developments have the following advantages:

- Contribute to national and international efforts to reduce emissions of greenhouse gases and other air pollutants through the potential displacement of those created by fossil fuel power sources;

- Improve sustainable production of electricity in Western Australia;
- Assist Western Australia in meeting its Large-scale Renewable Energy Target;
- Increase energy supply, diversity and security;
- Provide greater electricity distribution network efficiency, through reduced transmission losses;
- Have the potential to reduce the cost and increase reliability of electricity supply in remote, off-grid and fringe of grid rural communities by deferring requirements for investment in high cost transmission infrastructure;
- Provide a source of income, employment and tourism in regional areas;
- Encourage redevelopment and niche ancillary industries that manufacture energy technologies; and
- Reduce regional community and government dependence on fossil fuels.

The key issues concerning wind farm developments include:

- Land use and planning controls;
- Visual impact on landscape;
- Location, siting and design of wind farms in proximity to residences;
- Other amenity issues, such as noise, “shadow flicker”, blade glint, overshadowing and minor electromagnetic interference;
- Potential impact on fauna, vegetation, soil drainage, erosion and water quality;
- Construction issues, including provision of infrastructure and utilities to these facilities;
- Public safety, including airfield and aircraft safety;
- Socio-economic considerations; and
- Impact on sites of Aboriginal significance.

### **3.1 Policy Context**

Electricity generation from wind energy is considered a mature and commercial renewable energy source, particularly in remote areas. Worldwide, the wind energy industry is a multi-billion-dollar enterprise with some major companies employing up to 5,000 people.

Western Australia has excellent wind energy resources. Over the short to medium term, the Commonwealth Government’s Large-scale Renewable Energy Target will be the primary driver of investment in commercial renewable energy project developments, including wind power in Western Australia. The Renewable Energy Target places an obligation on all electricity retailers and other liable parties to purchase an increasing proportion of their supplies from renewable energy sources. More information on these requirements is available from the Commonwealth Government’s Clean Energy Regulator.

The national Large-scale Renewable Energy Target requires that 41,000 GWh (gigawatt-hours) of electricity must be generated from new large scale renewable sources by the year 2020. In 2011/12 approximately 1,200 GWh of electricity in Western Australia was generated from large scale wind generators, enough to supply about 200,000 homes.

The Strategic Energy Initiative: *Energy2031* (2012) outlines potential strategies for the Western Australian energy sector to accomplish the goals of affordable, secure, reliable and cleaner energy supplies. Greater diversification of the State’s energy supply sources,

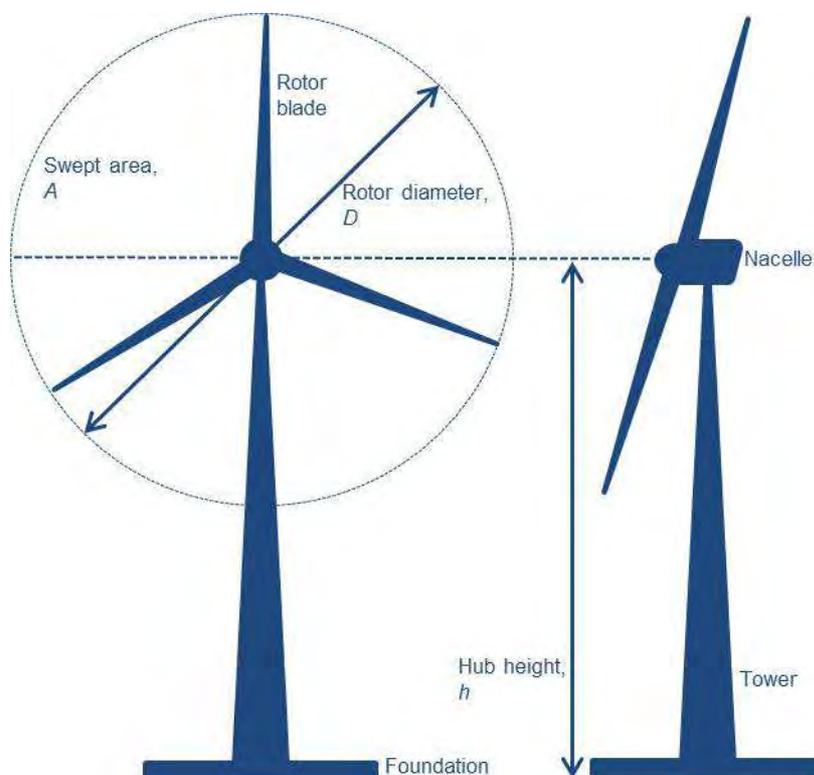
including the use of clean energy supplies, such as wind technologies, is included as part of the vision of *Energy2031*.

The draft State Planning Strategy (WAPC, 2012) provides an overarching planning context and identifies the need to provide for opportunities to sustainably utilise abundant renewable energy resources in Western Australia.

The strategic objective for energy use is '*to enable secure, reliable, competitive and clean energy that meets the state's growing demand*'. The strategy aligns with the Strategic Energy Initiative *Energy2031*, to provide strategies to meet the objective for energy use at a state-wide level, in the long term.

### 3.2 Basics of wind turbine structures

Wind turbines convert the kinetic energy of the wind into mechanical energy by using the wind to turn blades attached to a rotor and generator. The wind passing over the blades creates differences in pressure, which cause the rotor to turn. As the rotor turns, the generator attached to the rotor converts mechanical energy into electrical energy.



**Figure 1: Wind Turbine Components**

A typical turbine comprises of a rotor, nacelle, tower and concrete footings. Footings on large turbines can be up to 15m in diameter, are about 2.5m thick and invariably are below ground. The towers can be steel or concrete and typically are between 3m and 5m in base diameter and taper to about 2m at the top. The total height varies and is increasing with advances in technology. On top of the tower are the nacelle and rotor. The nacelle is a weatherproof cover which contains the gearbox, generator and other ancillary equipment. The turbine blades, normally three, up to 50 metres long (made of reinforced plastic, fibreglass reinforced epoxy and carbon fibres, or wood epoxy) attach to the hub and together, this assembly is known as the rotor. The rotor sits in front of the nacelle and a shaft passes through it to connect the large bearings and the generator inside. The whole nacelle and rotor assembly turns on top of the tower to face the wind as it changes direction, an action called yawing. Wind turbines can be deployed singly, in clusters or in larger groups.

A small substation or transformer is required at each turbine to step up the voltage of the electricity produced by the wind turbine and this equipment may be housed inside the tower. The output is distributed from each tower, usually via underground cables, to a central substation located at the nearest suitable point of connection to the electricity network.

Modern wind turbines have a life span of approximately 20 years, although certain parts may need to be replaced and serviced during this time. Turbines may be re-powered with new equipment at the end of their design life.

The energy produced by wind turbines depends upon:

- The strength of the wind. A turbine located on a site which has an annual mean wind speed of 6m/s will produce less than half as much energy as the same machine on a site where the annual wind speed is 8m/s. Sites with a mean wind speed above 7.5m/s are favoured;
- How well the turbines are micro sited. Turbines have to be arranged so that they sit on the windiest locations in an area but avoid the wakes behind other turbines;
- The area swept by the rotor, which can be up to 100m in diameter. The wider the diameter of the rotor, the more energy is produced;
- Obstacles in the wind area such as trees, houses and cliffs, which can cause turbulence and lower the amount of energy produced;
- The capacity of the local electricity distribution network. The ability to connect wind turbines to a system will depend on the configuration of the network and generators. There will be less ability to connect wind turbines to some systems than others. Problems may occur in balancing the network system and this may restrict the output of a wind farm; and
- The organisation undertaking the development. Larger organisations are investing in larger, more expensive, more efficient machines.

Proponents assessing the potential of sites to harness wind power use historical meteorological data and information derived from anemometry masts. These masts, sometimes called wind monitoring masts or wind prospecting masts, monitor wind speed at the tower height for at least 12 months in order to help determine the suitability of the site.

It is important to note that the price paid for wind-generated electricity also can determine the location of wind farms. If the regulatory framework makes extra subsidies available for renewable energy, less windy, inland sites with lower output could become more attractive to proponents. Locations close to high-voltage transmission lines or power stations reduce costs and therefore are favoured in the selection process.

## **4.0 Issues**

The following matters should be considered by decision-making authorities in assessing wind farm proposals. An assessment of the impact of a wind farm development in relation to these matters should be weighed against the environmental, social and economic benefits of wind energy.

### **4.1 Site Selection**

A technical assessment of the suitability of the site should be undertaken (having regard to alternative potential sites in the area, to address possible cumulative impact) to assess wind data, landscape significance, ground conditions, erosion factors, surface and ground water conditions and access to the electricity network. An investigation into the tenure of the proposed site should be undertaken, particularly in regard to land ownership, mining tenements, easements, management orders and other land administration instruments.

## **4.2 Public and Aircraft Safety**

The Civil Aviation Safety Authority (*Manual of Standards 139*), Air Services Australia, the Commonwealth Department of Defence, and the Royal Australian Air Force (RAAF), should be consulted on wind farm proposals proposed in the vicinity of airfields and flight paths to determine specific requirements for structures to be highlighted on navigational maps and/or be equipped with tower safety lighting or marking to minimise any impact upon the safety of aircraft and the operation of airfields. Public access to the site during construction should be prohibited and the perimeter visitor traffic should be carefully managed.

## **4.3 Socio-economic Impacts**

Wind farm developments may have direct and indirect benefits for the community and its economy, for example; increasing the sustainability of energy supply in Western Australia and to contribute to efforts to address global climate change. The assessment and consultation process should allow any potential negative impacts of wind farm developments to be considered in the context of their benefits.

Wind farms can be designed to stimulate considerable positive local and visitor interest. A management plan for visitors should be considered if the wind farm is to be accessible to the public. Facilities such as walk trails and/or educational signage should be considered to provide amenity, additional benefit to the community and potentially ease the impact of the development.

## **4.3 Construction, Infrastructure and Utilities**

The transport of equipment and freight to the site should be carefully managed and may need to be co-ordinated with adjacent local governments. If ongoing disruption to traffic is likely to occur, police escorts may be required for the transport of large turbines.

Towers and foundations should be designed and constructed in accordance with the manufacturer's specifications. Site clearance works, earth moving, cutting, filling and stockpiling of topsoil should be kept to a minimum wherever possible.

Once turbines are in operation, there may be one or two utility vehicles based continuously at the site. The need to replace machine components will generate heavier commercial vehicle movements, but these are likely to be infrequent.

Infrastructure, such as a substation maintenance building and service roads required for the operation of the wind farm development, should be designed with care, having regard to any environmental and landscape impacts. This infrastructure will need the same consideration, in terms of siting and design, as the turbine towers. It is recommended that equipment with minimal visible support be selected and that power cables should be installed underground where possible.

If visitor facilities are planned as part of the development, additional services may be required, including gas, water, telecommunications and on-site or off-site sewage treatment.

When a site is decommissioned, the demolition work should be carefully managed to avoid detrimental environmental impact and the site should be reinstated to its original use and condition, or other agreed use. The proponent/wind farm owner, rather than the "host" land owner should retain responsibility for the decommissioning.

## **4.4 Landscape and Visual Impact**

Visual impact is based on a number of factors which affect the perceived visual quality. The degree to which a wind farm development will impact on the landscape will depend upon:

- The scale of the proposal;
- Siting, layout and design of the turbines, infrastructure, signage, access roads and ancillary facilities, including provision for tourism;

- The rotational speed, number, colour, shape, height and surface reflectivity of the towers and blades;
- Visibility of the development, having regard to the location, distance from which the development is visible, skyline and view sheds; and
- Significance and sensitivity of the landscape, having regard to topography, the extent and type of vegetation, natural features, land use patterns, built form character and community values.

Methods to ameliorate visual impact include:

- Ensuring all turbines are uniform in design and have a clean, sleek appearance;
- Minimising the number of turbines, as appropriate, by using the largest possible model (subject to the visual absorption capabilities and environmental considerations of the site) rather than numerous small ones;
- Siting of the wind farm, ancillary buildings, access roads and transmission infrastructure, by following the landform contours;
- Ensuring the choice of materials and colour (for example, off-white ) complement the skyline and the backdrop of the view sheds;
- Minimising removal of vegetation and ensuring good quality rehabilitation on-site and off-site, where appropriate;
- Locating turbines to take into account existing visual landscape character and topographic features (e.g. A random pattern may suit a rolling, varied landform and a linear pattern may suit a coastal edge, farm or industrial site); and
- Avoiding clutter, such as advertisements and apparatus.

Further guidance should be sought from *Visual Landscape Planning in WA: a manual for evaluation, assessment, siting and design* (Part 1, 2 and 3) (WAPC, 2007).

#### **4.5 Vegetation and Fauna**

A thorough environmental survey of the site should be conducted prior to the commencement of structure design. The types, locations and significance of flora and fauna, particularly endangered or threatened species in the development area, should be described and mapped. Sensitive areas including important habitat areas, remnant native vegetation and migration routes should be avoided.

During construction site disturbance should be kept to a minimum through careful siting and consideration of issues such as erosion, drainage run-off, maintaining water quality, protecting existing vegetation, stabilisation of top soil, weed and disease hygiene, and introduction of feral animals. Sensitive sites should have a site works management plan in place prior to the commencement of works which addresses these issues and contractor guidelines, responsibilities and penalties.

Where a proposed wind farm involves the clearing of remnant vegetation, the proposal should be examined against the EPA's *Position Statement No. 2, Environmental Protection of Native Vegetation in Western Australia*. The applicant should seek advice from the Department of Environment and Conservation – Native Vegetation Protection Branch and the Local Government in the first instance.

Any construction, particularly on slopes, should not cause degradation and careful attention will be required, especially in sensitive areas. As a general principle, steep slopes and ridgelines should be avoided.

The impact of wind farms upon birds and bats should be considered. The cumulative effects of wind farms may have an impact on the migratory routes of certain bird species. A full

avian study is recommended when a large farm is proposed. Solid towers and round nacelles prevent birds from nesting in the structure. The positioning of turbines away from migratory routes and the use of larger, slower turning turbines, may reduce the risk of avian strikes. Proponents should seek advice from DEC regarding the appropriate level of survey required for the assessment of impact on birds and bats.

#### **4.6 Noise**

The main noise source from a wind farm is aerodynamic noise as the turbine blades pass through the air, which is louder than the mechanical noise from the turbine gearbox. Aerodynamic noise increases with wind speed as the turbine speed increases, and is commonly described as a 'swish-swish' sound.

To avoid adverse noise impacts on the surrounding community, wind farm developments should include sufficient buffers to noise-sensitive premises. These buffers are determined initially by prediction of noise emissions from the wind farm and comparison with the assigned noise levels in the *Environmental Protection (Noise) Regulations 1997*. The regulations specify an  $L_{A10}$  noise level (noise level not to be exceeded for more than 10% of a period of up to 4 hours) of 35dB(A) for a rural homestead during the night period. The preliminary prediction should identify any existing or potential future dwellings (or other sensitive sites such as schools or residential institutions) within the 35dB(A) noise contour. If no such buildings are identified, the noise emissions are likely to be manageable to meet acceptable levels. Where existing or potential future dwellings are identified within the 35dB(A) contour, further investigation is needed. It is recognized that noise from other sources, such as wind in trees, will also increase with wind speed and may potentially 'mask' the noise from the wind farm. The developer may thus elect to use the methodology in Australian Standard 4959-2010, or other similar method, in order to assess the likely masking effects of background noise.

These approaches involve measurement of background noise levels over a range of wind speeds and comparison with predicted noise levels at these wind speeds, using a 'base' level of 35dB(A). The assessment should also include dwellings of residents who are financially involved in the wind farm (noting that the noise regulations do not apply to noise received on the premises on which it is generated). Where these methods are proposed to be employed, the developer or their consultant is advised to contact DEC Noise Regulation Branch in the first instance.

Because of recent concerns about the possible impacts of low frequency noise and infrasound from wind farms, the developer should carry out predictions of low frequency and infrasound noise emissions.

In relation to noise amelioration, the developer should consider a noise impact assessment to provide –

- Measures to reduce predicted noise levels at affected dwellings, including siting and operation of turbines; and
- Measures to reduce the risk to future noise-sensitive buildings constructed in the noise-affected area.

#### **4.7 Other Possible Amenity Effects**

A wind farm can impact local amenity as a result of:

- Shadow flicker, which occurs when the sun passes behind the blades and the shadow flicks on and off, although in Australia this is uncommon;
- Glint, which occurs when the sun's light is at low angles and is reflected off the blades; and

- Overshadowing which affects adjacent developments.

Modelling can determine areas where these issues require further consideration. Careful siting and design, including the use of low-reflectivity materials, can minimise or avoid any impact.

Electromagnetic interference caused by wind turbines – which may affect home appliances (such as televisions and radios) is likely to be limited. Its effects can be minimised through appropriate turbine siting, avoiding the line of sight of telecommunications transmitters and receivers or through technical modifications to turbines, repeater station or receivers.

## 5.0 Planning Controls

The *Model Scheme Text* set out in the *Town Planning Regulations 1967* does not include a definition of wind farms or wind energy facilities; hence these developments are usually “a use not listed” in local planning schemes. In rural, non-urban and similar zones, local government should consider wind farm proposals under the provisions of Clause 4.4.2 (b) *Model Scheme Text*; that is, the use is considered as a discretionary use for which the approval of local government is required and the public advertising procedures of Clause 9.4 apply.

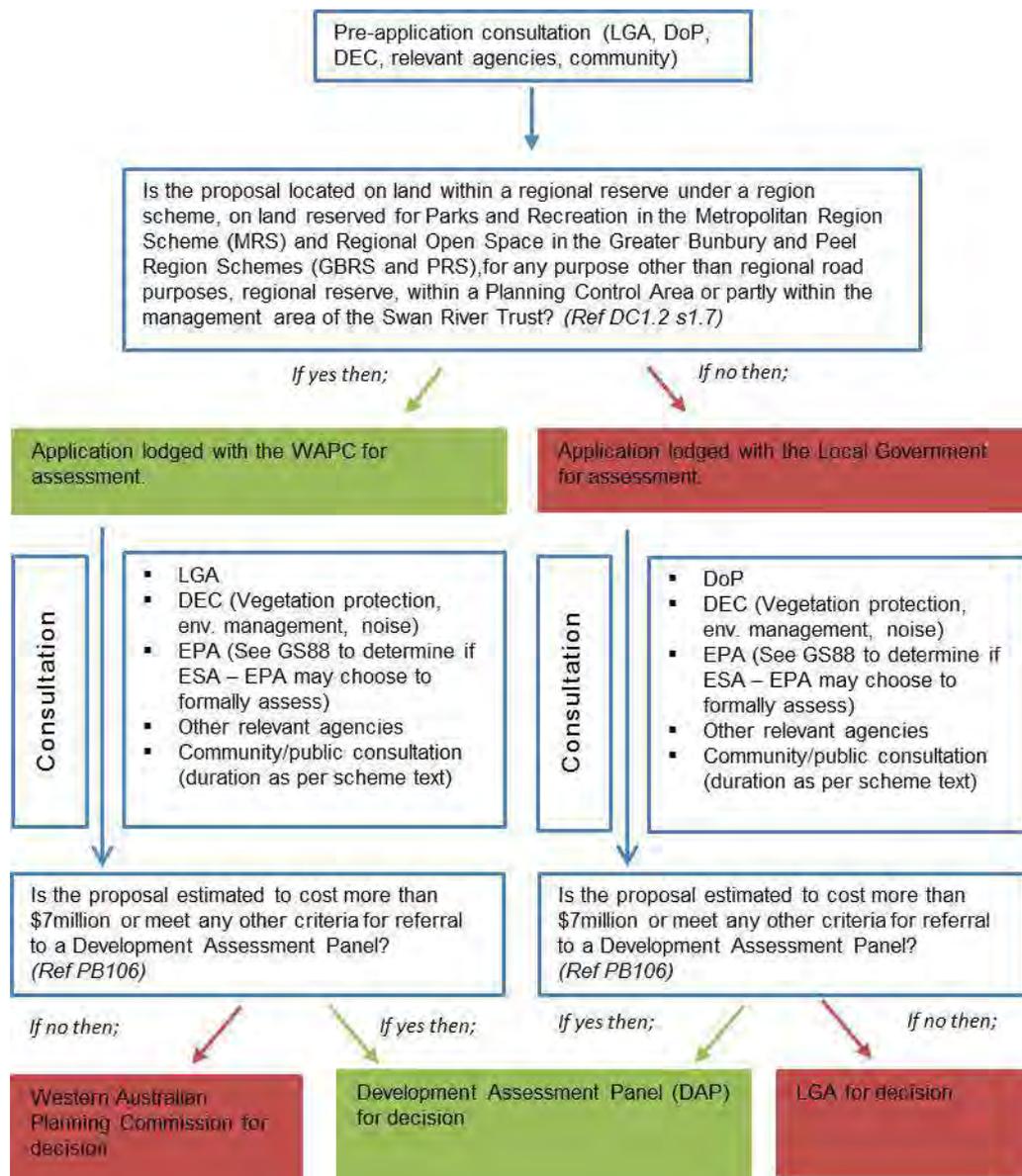
Alternatively the following definition could be inserted into a scheme by way of an amendment:

**“wind farm or wind energy facility”** means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property, rural use of the land or anemometers.

In this case, wind farms should be considered as an AA or SA in rural, non-urban and similar zones.

The Western Australian Planning Commission (WAPC) is the responsible authority for determining development applications for wind farms within regional reserves under a region scheme, on land reserved for Parks and Recreation in the Metropolitan Region Scheme (MRS) and Regional Open Space in the Greater Bunbury and Peel Region Schemes (GBRS and PRS). Applications for a wind farm proposal in a Reserve would need to demonstrate that the use is compatible with the intended purpose of the land.

Applications for development consent may be required to be determined by a Development Assessment Panel (‘DAP’). Applicants and local governments should refer to Planning Bulletin 106/2011 (March 2011), the *Planning and Development (Development Assessment Panels) Regulations 2011* or to [www.daps.planning.wa.gov.au](http://www.daps.planning.wa.gov.au) for further information concerning the operation of DAPs.



**Figure 2: Application process**

A development approval, whether issued by the local government, the Western Australian Planning Commission or a Development Assessment Panel, runs with the land and if the development is carried out, any conditions of that approval are enforceable against subsequent owners and operators of the wind farm.

In addition, a local government may decide to strategically plan for future development of wind farm facilities by considering optimum locations in the preparation of its Local Planning Strategy.

Where an area is particularly well suited to wind energy production, there may be a cumulative effect, as multiple proposals for wind farms are generated. Each proposal must be determined on its merits, having regard to the overall context of the area and its ability to accommodate future development.

The responsible planning authority should take into account:

- Relevant local and region scheme provisions;
- Relevant State planning policies;

- Relevant local planning strategies;
- Outcomes of consultation with agencies, stakeholders and the community;
- Outcome of the impact assessments, including:
  - effect of the proposal on significant landscapes, views, visual characteristics and skyline;
  - noise/acoustic assessments undertaken on a case-by-case basis;
  - impact of the proposal on local amenity, including shadow flicker, blade glint, etc.;
  - impact of the proposal on the local flora and fauna, effects on avian safety and environmental values;
  - economic benefits to local and regional areas;
  - criteria for decommissioning and reinstatement of the site to its original use and condition or other agreed use; and
  - the potential for cumulative impacts.

When assessing the application the approval authority should seek from, and have due regard to, advice provided by the following agencies (and any other agency relevant to the proposal);

The local government authority (LGA), in regard to;

- The consistency of the wind farm proposal in the context of the LGAs strategic planning objectives for the area including the likely compatibility of the wind farm with planned future land use changes guided by the local planning strategy or other strategic documents;
- The compatibility of the wind farm with the existing surrounding land use and proposed land use on the host land holding into the future;
- The potential for multiple energy technologies to be integrated on site between the turbines, such as solar.
- Any likely local road or bridge transport constraints during construction or maintenance; and
- Socio-economic impact on the community, tourism, and the local economy.

Department of Environment and Conservation (DEC) – Noise Regulation Branch, in regard to;

- Appropriate determination, through acoustic assessment, of expected noise impacts;
- Compliance with relevant noise guidelines; and
- Management and monitoring of noise throughout the life of the wind farm.

The Department of Environment and Conservation – Native Vegetation Protection Branch, in regard to;

- Appropriate surveying and mapping undertaken to determine the impact of flora and fauna; and
- Acceptable environmental impact.

The Department of Planning (DoP), in regard to;

- Compliance with all relevant state planning policies and guidelines including *Visual Landscape Planning in Western Australia: a manual for evaluation, assessment,*

*siting and design* (WAPC, 2007) and State Planning Policy 2.5 Agricultural and Rural Land Use Planning.

The Environmental Protection Authority (EPA) - where a proposal would have a significant effect on the environment (refer to *EPA Guidance Statement No.33 Environmental Guidance for Planning and Development* to determine “significance”) the proponent, or any individual, may also choose to refer a proposal to the EPA. The EPA will then decide if the proposal should be subject to an environmental impact assessment. Referral to Environment Australia, under the (Commonwealth) *Environmental Protection and Biodiversity and Conservation Act 1999*, may also be required. Refer to EPA Environmental Protection Bulletin on Wind Farm Assessment and Regulation (2012) for specific information.

## **6.0 Information Requirements**

The following “check list” is recommended for applicants and decision-making authorities considering wind farm proposals:

### **6.1 Site Analysis**

A site analysis or audit will be required, including plans, photographs and any other material, which describes the site and matters that influence the proposal. Applications for wind farms should include:

- A context statement for the locality including current planning framework, significant features, sites of cultural significance, characteristics, contours, existing land uses and ownership;
- A technical assessment on the suitability of the site having regard to alternative potential sites in the area (to address possible cumulative impact) including wind information, landscape significance, ground conditions, erosion factors, surface and groundwater conditions; and
- Access to the electricity network.

### **6.2 Wind Farm Design Statement**

The design statement should be in written and illustrative form, including details of:

- Turbine design, including dimensions, height, colour and materials;
- Layout, orientation and siting arrangements; road design;
- Site works required;
- Topsoil, overburden, vegetation clearing and rehabilitation areas;
- Small-scale plans and cross-sections showing the layout of the turbines, infrastructure, ancillary buildings and equipment;
- Power output and description of electrical specifications and connections; and
- Operational and maintenance arrangements, including tourist-management facilities and amenities.

### **6.3 Impact Assessment and Mitigation Measures**

The application should be supported by various impact assessments of the proposal, a design response to the site analysis and methodology statements on how any adverse impacts will be managed. The latter can be made through an environmental management plan. Expert advice on these matters should be sought. The assessments should be presented using best practice techniques and should include:

- A landscape and visual impact statement to address specific issues outlined in Section 6.1, and the *Visual Landscape Planning in WA* manual (WAPC, 2007) as

well as using (where appropriate), computer visualisation/simulations of views of the proposed wind farm as seen from potentially affected residences, urban settlements and significant public viewpoints, view shed analysis, static seen area diagram mapping and other modelling data;

- Noise impact assessment, including details of noise modelling, background noise measurements, low frequency/infrasound noise assessment, proposed management of noise buffers and relevant ameliorative measures;
- Environmental impacts on vegetation, fauna/avifauna, biodiversity, ground erosion/stability, surface water/groundwater and aquifers;
- Amenity impacts including blade glint, shadow flicker, overshadowing and electromagnetic interference;
- Aboriginal artefacts, heritage and archaeology;
- Social and economic benefits, tourism potential, relationship to other similar developments and design life span;
- Vehicular and non-vehicular access and transport corridors, aviation flight paths and air fields, railways;
- Construction impacts, including staging, phasing and freight transportation proposals;
- Power network connection and transmission line infrastructure;
- A decommissioning and rehabilitation plan; and
- Any cumulative effects.

#### **6.4 Consultation**

Proponents are strongly encouraged to consult with the community – particularly those residents located within 2km of a proposed turbine – early in the site selection and preliminary design stages.

Applications should include proposals for, or evidence of:

- Consultation with the relevant local government, the Office of the Environmental Protection Authority, Department of Environment and Conservation, Department of Planning, Department of Health, Civil Aviation Safety Authority, Air Services Australia, Commonwealth Department of Defence, electricity network provider, Landgate, Main Roads WA;
- Stakeholder meetings with, for example, the community, neighbours along transport routes, community organisations, local business and tourism organisations, Indigenous organisations (local land councils and elders groups); and
- A comprehensive community consultation and engagement process which ensures that the community is informed of the proposal, is actively engaged in issues of concern to them, and is given ample opportunity to provide its views on the proposal. Sufficient information must be provided to the community so that it has a good understanding of what is being proposed and of the likely impacts. Consultation should be genuine and aimed at identifying and considering options for reducing impacts, not merely informing communities.

## **7.0 References and Further Reading**

### **7.1 References**

Auswind, 2006 , *Best Practice Guidelines for Implementation of Wind Energy Projects in Australia*, Australian Wind Energy Association

Coppin P.A. , Ayotte K.A. , Steggel N. , 2003, *Wind Resource Assessment in Australia – A Planners Guide*, Wind Energy Research Unit, CSIRO Land and Water

Department of Health, 2012, *Public Health Brochure – Wind Farms*, Government of Western Australia

Department of the Prime Minister and Cabinet, 2001, *COAG Energy Policy*, Council of Australian Governments, Canberra ACT

Environmental Protection Authority, 2008, *Guidance Statement No.33 – Environmental Guidance on Planning and Development*

Environmental Protection Authority, 2010, *Environmental Impact Assessment Administrative Procedures*, Government of Western Australia

Government of Western Australia, 2012, *Strategic Energy Initiative Energy 2031 – Building Pathways for Western Australia’s Energy Future*, Department of Finance – Public Utilities Office, Western Australia

Government of Western Australia, 2010, *Renewable Energy Handbook*, Office of Energy, Western Australia

Planning and Infrastructure New South Wales, 2011, *NSW Planning Guidelines- Wind Farms (draft)*, Government of New South Wales

Planning South Australia, 2002, *Planning Bulletin: Wind Farms Draft for Consultation*, Government of South Australia

Sustainable Energy Authority, New South Wales, 2002, *Wind Energy Handbook*, Government of New South Wales

Sustainable Energy Authority - Victoria, 2002, *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria*, State Government Victoria

Western Australian Planning Commission, 2007, *Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design*, Government of Western Australia

Western Australian Planning Commission, 2011, *Planning Bulletin 106 -New legislative provisions for development assessment panels*, Government of Western Australia

Western Australian Planning Commission, 2011, *Planning and Development (Development Assessment Panels) Regulations 2011*, Government of Western Australia

### **7.2 Further Reading**

Australian Standard - AS4959-2010 *Acoustics–Measurement, prediction and assessment of noise from wind turbine generators*

Auswind - Clean Energy Council, 2006, *Best Practice Guidelines for Implementation of Wind Energy Projects in Australia*

Environment Protection and Heritage Council, 2010, *Draft National Wind Farm Development Guidelines 2010*

Department of Environment and Conservation, 1997, *Environmental Protection (Noise) Regulations 1997*, Government of Western Australia

Environmental Protection Authority, 2007, *Guidance for the Assessment of Environmental Factors No. 8 – Environmental Noise*

Australian Government - Clean Energy Future, Access via  
[<http://www.cleanenergyfuture.gov.au/>]

Environment Australia, 2000, *Environmental Protection and Biodiversity and Conservation Act*, Commonwealth Government of Australia

Connell Wagner Pty Ltd, 2001, *Wind Farms: Siting and Design Guidelines for Wind Farms in Glenelg Shire*, Victoria

Department of Infrastructure and Transport, “Managing the risk to aviation safety of wind turbine installations (wind farms)/Wind monitoring towers” – *National Airports Safeguarding Framework – Guideline D*, Australian Government.

**Further information regarding the matters set out in this Planning Bulletin should be directed to the Department of Planning Business Unit responsible for your region or to:**

**Director Planning Reform  
Department of Planning  
Gordon Stephenson House  
140 William Street  
Perth, Western Australia 6000**

**Postal Address  
Locked Bag 2506  
Perth WA 6001**

**Please quote file reference 553/1/1/8 in all correspondence.**

## ITEM NO: 9.2

### SURVEY STRATA APPLICATION: LOT 63 (NO. 5) SYDNEY STREET, NORTH PERTH

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Gemma Basley/Acting Manager - Metropolitan Planning Central
AUTHORISING OFFICER:	Lee O'Donohue/Acting Director - Metropolitan Planning Central
AGENDA PART:	C
FILE NO:	150-13
DATE:	14 May 2013
ATTACHMENT(S):	Attachment 1 Application Plan Attachment 2 Location Plan Attachment 3 Aerial View Attachment 4 LPS Zoning Attachment 5 City of Vincent Referral Response Attachment 6 Applicant Submission
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Vincent
LOCAL SCHEME ZONING:	Residential R20
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	
RECEIPT DATE:	15 February 2013
PROCESS DAYS:	102
APPLICATION TYPE:	Survey Strata
CADASTRAL REFERENCE:	Lot 63 Sydney Street, North Perth

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to approve the application for survey-strata subdivision of Lot 63 (No. 50) SYDNEY STREET, NORTH PERTH as shown on the plan date-stamped 15 February 2013. This decision is valid for three years subject to the following condition(s) and advice:***

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**CONDITION(S):**

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. The land being filled, stabilised, drained and/or graded as required to ensure that
  - a) lots can accommodate their intended development; and
  - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
  - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system (Local Government)
3. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)
4. Planning Approval being received for the construction of dwellings on lots smaller than 350m<sup>2</sup>. (Local Government)
5. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
6. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
7. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)
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 electricity supply to the survey strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the *Transfer of Land Act 1893* for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)

**ADVICE:**

1. With regard to Condition No. 1 the applicant is advised that the Local Government will only support vehicle access to both lots via the common property and utilising a single crossover.

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2. In regard to Condition 3 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 Condition/s 5 and 6, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the *Water Agencies (Powers) Act 1984* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
  4. In regard to Condition 8, Western Power provides only one underground point of electricity supply per freehold lot.

### **SUMMARY:**

*The application proposes the survey strata subdivision of Lot 63 (No. 50) Sydney Street, North Perth to create two survey strata lots with areas consistent with the R30 density coding. Two similar applications have been approved in the past by the WAPC but the approvals have expired.*

*The application is referred to the Committee for determination because of the complexities associated with the density coding applicable to the land and to seek the approval of the application in accordance with the R30/40 coding of the land. This does not accord with Amendment No. 34 to Town Planning Scheme No. 1 (TPS No. 1) which has only recently been approved by the Minister (13th May 2013) but has not yet been gazetted for final approval.*

*The key points relating to this report are as follows:*

- *The application is subject to the 'sunset clause' contained in the City of Vincent TPS No. 1 which up-codes all R20 coded land in the North Perth Precinct to R30/40 after 29 March 2013;*
- *The application is also subject to Amendment No. 34 to the City of Vincent TPS No. 1 which proposes to extend the date range referred to in the 'sunset clause' in order to retain the R20 coding for a further two years;*
- *The City of Vincent has not supported the application;*
- *It is considered that the application can be approved on the grounds that at the time of assessing this application the land was coded R30/40 although it is noted that Amendment No. 34 has since been granted final approval and its gazettal is imminent;*
- *If Amendment No. 34 is gazetted for final approval before the application is determined by the Statutory Planning Committee (SPC), and the coding of the land reverts back to R20, it is considered that there is discretion to approve the application under section 138 of the Planning and Development Act 2005; and*
- *Approval to the subdivision would not set an undesirable precedent because any future applications received in the locality will be subject to the new 'sunset clause' provisions.*

The survey strata application is recommended for conditional approval.

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## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

*Planning and Development Act 2005*  
*City of Vincent Town Planning Scheme No. 2*

Section:

Section 138 of the Act  
Clause 20(4)(c)(ii) of Town Planning Scheme No. 2

### Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Projects

Strategies:

Implement State and regional priorities

### Policy

Number and / or Name:

State Planning Policy 3.1 Residential Design Codes  
Proposal complies with WAPC policies unless discussed  
in the Assessment section.

## INTRODUCTION

The Western Australian Planning Commission (WAPC) has received an application for the survey strata subdivision of Lot 63 Sydney Street, North Perth into 2 lots with areas of 257m<sup>2</sup> and 317m<sup>2</sup> and a common property lot with an area of 106m<sup>2</sup> (**Attachment 1 - Application Plan**).

The land is located on the eastern side of Sydney Street and backs onto properties which front Charles Street. The property falls within the street block bound by Sydney Street to the west, Hobart Street to the north, Charles Street to the east and Haynes Street to the south (**Attachment 2 - Location Plan**).

The street block comprises a mix of lot sizes and dwelling types including single houses, grouped dwellings and multiple dwellings. The street block which faces the application area (bounded by Sydney Street to the east, Haynes Street to the south and Hobart Street to the north) comprises a similar mix of lot sizes and dwelling types, with the exception of multiple dwellings (**Attachment 3 - Aerial View**).

The land is shown on the zoning map as being within the North Perth Precinct, zoned Residential and has a density coding of R20 (**Attachment 4 - Zoning Map**). The land is, however, subject to a 'sunset clause', clause 20(4)(c)(ii) contained in TPS No.1 which states that subdivision and development of land coded R20 in the North Perth Precinct will be determined in accordance with the R30/40 code after 29 March 2013.

The land is also subject to Amendment No. 34 to TPS No. 1, which was approved by the Minister on 13 May 2013 and which proposes to extend the date the 'sunset clause' takes effect to 29 March 2015, in order to delay up-coding of the area to R30/40.

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## CONSULTATION

The application was referred by the WAPC to the City of Vincent. The City of Vincent has recommended that the application be refused for the following reasons (**Attachment 5 - City of Vincent Response**):

- *The subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality; and*
- *The non-compliance with the City's Policy No. 3.4.6 relating to residential subdivisions, which requires that subdivisions comply with the minimum site area requirements of the Residential Design Codes for properties coded Residential R20.*

The City of Vincent has, however, provided the WAPC with recommended conditions should the application be approved.

The application was also referred to Western Power and the Water Corporation. Both of these agencies support the application subject to the imposition of standard servicing conditions.

## BACKGROUND

The subject land has previously been granted approval for subdivision/survey strata on two separate occasions as summarised below.

<i>WAPC Number and determination date</i>	<i>Reference and date</i>	<i>Reasons behind determination</i>	<i>Status of WAPC Approval</i>
121488 Approved 23 April 2003	23 April	The land was zoned R30/40 under TPS No. 1.	Expired 23 April 2006
66-09 Approved reconsideration August 2009	on 12 August 2009	The land was zoned R30/40 when the application was submitted with the WAPC but prior to the application being determined Amendment No. 11 to TPS No. 1 was gazetted for final approval and reverted the zoning of the land back to R20.	Expired 12 August 2009.

The applicant submits that efforts were made by the landowner to implement the approval (issued on 12 August 2009) and to lodge a Survey Strata Plan with the WAPC for endorsement. The applicant submits that a delay by the City of Vincent to determine a demolition/development application for the land prevented the applicant obtaining clearances for conditions associated with the WAPC Survey Strata Approval. The applicant further submits that;

*"Through the unfortunate set of circumstances, the City should have processed the application much sooner rather than leaving determination until after the subdivision approval had expired. In speaking with the City*

*since the refusal, the Applicant has advised that the City were 'very apologetic' over the handling of the application."*

The applicant contends that, although the subject application does not inherently comply with the R20 coding, site specific and circumstantial considerations should be considered by the decision-maker and the application should be considered on its merits. A copy of the applicant's submission is attached to this report (**Attachment 6 - Applicant Submission**).

## **RELEVANCE OF THE 'SUNSET CLAUSE' TO THIS APPLICATION**

In 2002 the former Town of Vincent initiated Amendment No.11 to TPS No. 1 in order to down-code the majority of properties within the North Perth and Mount Hawthorn Precincts from R30 and R30/40 to R20 on the grounds that this would protect the character of the area and housing stock and maintain existing residential amenity. The Minister requested that, if these areas were to be down-coded, the Town identify sites and areas which could accommodate higher densities as part of a scheme review. In granting final approval to Amendment No. 11 the Minister required the inclusion of a 'sunset clause' within the scheme to allow for an increase in residential coding back to R30 and R30/40 after 1 July 2006.

Since the gazettal of Amendment No. 11 the City of Vincent (the City) has initiated 6 additional scheme amendments to retain the 'sunset clause'. A summary of the amendments is detailed in the following table:

<b>Amendment No.</b>	<b>Proposal</b>	<b>Final Approval</b>
22	Delete sunset clauses 20(4)(c)(ii) and 20(4)(h)(i) of TPS No. 1	Gazetted 14 July 2006 subject to modifications to extend the date in the 'sunset' clause to 30 December 2007
24	Delete sunset clauses 20(4)(c)(ii) and 20(4)(h)(i) of TPS No. 1	Gazetted 9 May 2008 subject to modifications to extend the date in the 'sunset' clause to 1 September 2008
27	Delete sunset clauses 20(4)(c)(ii) and 20(4)(h)(i) of TPS No. 1	Gazetted 3 March 2009 subject to modifications to extend the date in the 'sunset' clause to 1 June 2010
28	Delete sunset clauses 20(4)(c)(ii) and 20(4)(h)(i) of TPS No. 1	Gazetted 27 August 2010 subject to modifications to extend the date in the 'sunset' clause to 1 May 2012
31	Delete sunset clauses 20(4)(c)(ii) and 20(4)(h)(i) of TPS No. 1	Gazetted 7 August 2009 subject to modifications to extend the date in the 'sunset' clause to 29 March 2013

34	Modify the date range referred to in clauses 20(4)(c)(ii) and 20(4)(h)(i) of TPS No. 1 to extend the timeframe so that the R20 coding will apply to the North Perth and Mt Hawthorn Precincts until 2015	Council Final Approval 12 February 2013  Minister's consideration for Final Approval 13 May 2013.
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The above indicates that the residential density of the subject land, and the North Perth and Mt Hawthorn Precincts, has been static. The overall intent of the 'sunset clause' however is that the density coding of the land revert back to the R30/40 code at some stage in the future.

The significance of the 'sunset clause' is that because it has expired the land is currently coded R30/40. Amendment No. 34 proposes to extend the expiry date referred to in the 'sunset clause' in order to retain the coding of the area at R20 until 2015. The status of this amendment, having been approved by the Minister for Planning makes it a seriously entertained planning document. The Department sought internal legal advice prior to the Minister approving the amendment and this is summarised below:

*"In summary, the City of Vincent TPS amendment ('the scheme amendment') should be given weight as a relevant planning consideration, having regard to the following two planning-law principles:*

- a. Planning applications are to be generally determined in accordance with the statutory and policy provisions as exist as at the date of determination – not date of lodgement of the application.*
- b. In the present case, when the WAPC proceeds to make a decision, the scheme amendment will, and already is, well, and truly a 'seriously entertained proposal' under the Coty principle, given final approval seems imminent.*
- c. Notwithstanding the proposed scheme amendment has some weight as a relevant planning consideration, the land has technically reverted to its R30/40 coding, so there would appear discretion for the WAPC to grant approval under that higher coding until such time as the scheme amendment formally is approved by the Minister.*

*The current published version of Vincent's TPS, as obtained from the Department's website today clearly says the following:*

*(c) North Perth Precinct P8*

*(ii) After 29 March 2013 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*

*Notwithstanding the City's scheme amendment is approaching approval, as of today, this is how the clear and unambiguous reading of the scheme provisions read. As it*

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*is after 29 March 2013, the current wording of the TPS says an application for subdivision is to be determined in accordance with the R30/40 coding.*

*Presumably when the Minister signs off on the scheme amendment, the land will formally revert back to the lower R20 density. However, as of today, the relevant operating provisions under the scheme are such that the land is technically characterised under the higher R30/40 density coding.*

*Thus, it would appear open for the WAPC to approve or refuse this application under either the R20 density (invoking the Coty principle) or R30/40 (by observing this is technically the legal density coding applicable at the moment, as demonstrated by the plain and ordinary reading of the currently-published TPS)."*

## **APPLICANT SUBMISSION**

The applicant submits that the WAPC has grounds under section 138 of the 'Planning and Development Act 2005' (P&D Act) to exercise their discretion and approve the subject application.

With regard to this the applicant cites section 138(3)(a) of the P&D Act whereby the WAPC may give an approval that conflicts with the provisions of the local planning scheme if the scheme has not been consolidated or published in the preceding 5 years. Approval would have to be consistent with a State planning policy that deals with substantially the same matter.

The applicant also cites section 138(3)(b) of the P&D Act whereby the WAPC may give an approval that conflicts with the provisions of the local planning scheme if the approval is consistent with a region planning scheme that deals with substantially the same matter. To this end the applicant refers to 'Directions 2031' which has clearly established goals of achieving higher densities and infill development in particular localities.

Under section 138(3)(c) of the P&D Act the WAPC may give an approval that conflicts with the provisions of TPS1 if "*in the opinion of the Commission the conflict is of a minor nature*".

The applicant has provided further justification as follows:

- The 'sunset clause' in the town planning scheme signifies an intention for the subject land to return to a higher density;
- The street block containing the subject land has been developed substantially at densities of R30 or higher;
- The existing dated dwelling has no architectural or historical merit and its demolition will allow for the development of high quality dwellings;
- The strategic increase of density and infill of existing urban land accords with State level policy; and
- There are more than sufficient grounds on the basis of the submitted information for the application to be approved consistent with orderly and proper planning.

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## **ASSESSMENT OF THE APPLICATION UNDER SECTION 138 (3) OF THE PLANNING AND DEVELOPMENT ACT**

As discussed above, the WAPC is assessing this application against the R30/40 coding on the grounds that at the time of assessing this application the 'sunset clause' had expired and Amendment No. 34 had not been gazetted for final approval.

In addition to this it is considered that there are sufficient grounds under section 138 of the *Planning and Development Act 2005* to support the application for the following reasons:

- The proposal accords with State level policy which supports the strategic increase in density and infill of existing urban land, and also with the future intention of clause 20(4)(c) of TPS1, which is to up-code land in the North Perth Precinct, including the subject land to R30/40 in the future;
- The subject land is surrounded by development at a greater density than R20. The street block is partially coded R60, R30/40 and R20, and the majority of lots coded R20 have already been developed to a greater density than is permitted under that coding;
- The proposal would not be detrimental to the amenity of the locality nor contrary to orderly and proper planning; and
- The WAPC has approved two previous subdivision proposals for the subject land (WAPC Refs: 1220-99 and 121488).

### **LOT SIZE REQUIREMENTS**

Under the split coding of the site, development to R40 standards may be considered where the existing residence is retained. The proposal seeks to demolish the existing dwelling and therefore qualifies for assessment at the R30 coding. Although the overall site complies with the average lot size requirement for land coded R30 (300m<sup>2</sup> required, 340m<sup>2</sup> provided), the front lot requires a variation of 4.8% to the minimum (270m<sup>2</sup> required, 257m<sup>2</sup> provided) lot size requirements (270m<sup>2</sup> required, 257m<sup>2</sup> provided). This variation can be approved under Clause 3.2.3 of Development Control Policy 2.2 and is supported for this application.

The proposed lot sizes therefore accord with the requirements of the R30 coding with the application of a 5% variation to the minimum lot size requirements.

### **CONCLUSION:**

The question surrounding this application is whether to have regard to Scheme Amendment No. 34 in the assessment of the application or whether to acknowledge that, whilst Amendment No. 34 is a seriously entertained planning document, the current coding of the land is R30/40 and any assessment should be based on this density. It is recommended that the application be assessed against the current R30/40 coding of the land and also against Section 138 of the Act.

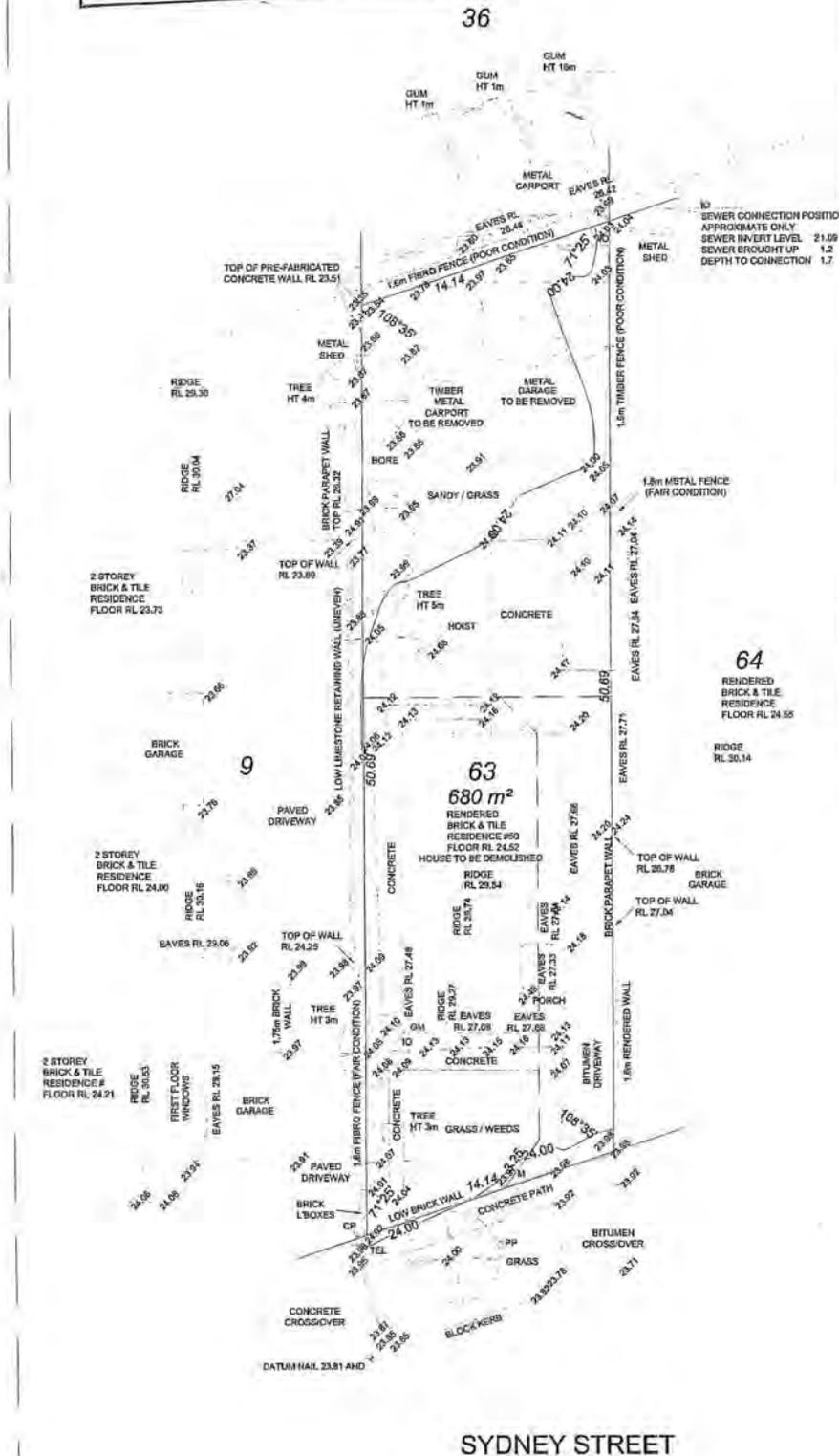
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It is considered that there are reasonable grounds to support this application at the R30/40 density coding and apply section 138 of the Act. Taking into account the special circumstances of this application, the history of approvals issued over the site and the static coding of the area, the application if approved, would not establish a precedent for further subdivision of a similar nature. Accordingly, on the basis of the discussion above, and the particular circumstances of the subject application, the proposal is recommended for conditional approval.

# PROPOSED SURVEY-STRATA

CURRENT ZONING R 30/40  
 MINIMUM LOT SIZE 270m<sup>2</sup>  
 AVERAGE LOT SIZE 300m<sup>2</sup>  
 PROPOSAL  
 MINIMUM LOT SIZE 257m<sup>2</sup>  
 AVERAGE LOT SIZE 340m<sup>2</sup>

DEPARTMENT OF PLANNING  
 DATE FILE  
 15 FEB 2013 150-13



SERVICE LEGEND				
WATER				
STOP VALVE	SV			
HYDRANT	HY			
FLUSH POINT	FP			
WATER TAP	TP			
WATER METER	W			
WATER MARKER	M			
DRAINAGE				
SW MANHOLE				
GRATE				
SIDE ENTRY PIT				
SEWERAGE				
SEWER MANHOLE				
INSPECT. SHAFT	IS			
INSPECT. OPENING	IO			
POWER				
CONSUMER POLE	CP			
POWER POLE	PP			
LIGHT POLE	LP			
STAY POLE	SP			
S. WIRE ANCHOR	SWA			
UG CABLE BOX	PCB			
CABLE MH				
CABLE DOME				
TELSTRA				
TELSTRA MARKER	T			
TELSTRA PIT	TEL			
TELSTRA MH				
GAS				
GAS MARKER	G			
GAS METER	GM			
GAS VALVE	GV			
SURVEY				
PEG FOUND	PF			
PEG DISTURBED	PD			
PEG GONE	PG			
CONTROL POINT				
DATUM				
SERVICE RECORD				
STATUS	LOCATED	AVAILABLE	NO SERVICE	CONFIRM
WATER	✓	✓		
SEWERAGE	✓			✓
GAS	✓			
TELSTRA	✓			
POWER UG				
OM	✓			

SERVICES MARKED CONFIRM REQUIRE BUILDER / CLIENT TO CONFIRM AVAILABILITY AND / OR POSITION ON SITE.

SYDNEY STREET



NOTE:  
 AHD LEVEL DERIVED FROM  
 STANDARD SURVEY MARK, LAWLEY 54B

CLIENT : YU LINDA	SURVEYED ON : 23/10/2008	LOT : 63 (#50) SYDNEY STREET
AUTHORITY: TOWN OF VINCENT	PROCESSED BY: ME/ZK	SUBURB : NORTH PERTH
MAP REF : 342 24 56	SURVEYED BY : ME	C/T : 1497/927
BUILDERS/CLIENTS		BUILDER : LOT 63 ON P 2334

SCALE: 1:200  
 0 2.5 5 10 15  
 ©AS Printout

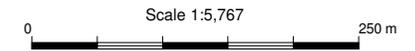




Government of **Western Australia**  
Department of Planning

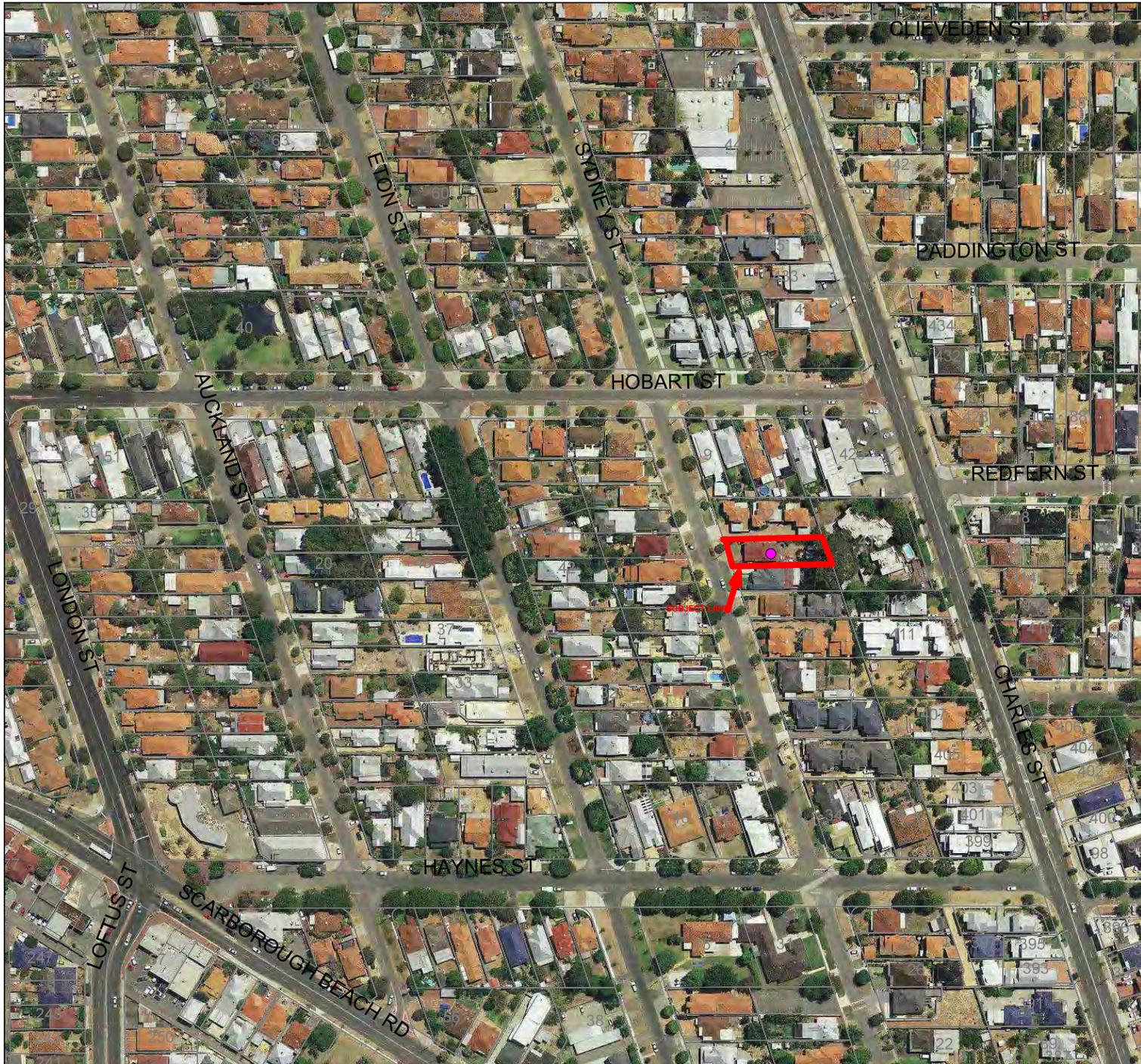
ATTACHMENT 2  
LOCATION PLAN

-  Cadastre with Street Address Number
-  Cadastre



Prepared by: gbasley  
Prepared for: 150-13  
Date: Wednesday, May 15, 2013 19:04  
Plot identifier: P20130515\_1904





Government of **Western Australia**  
Department of **Planning**

### ATTACHMENT 3

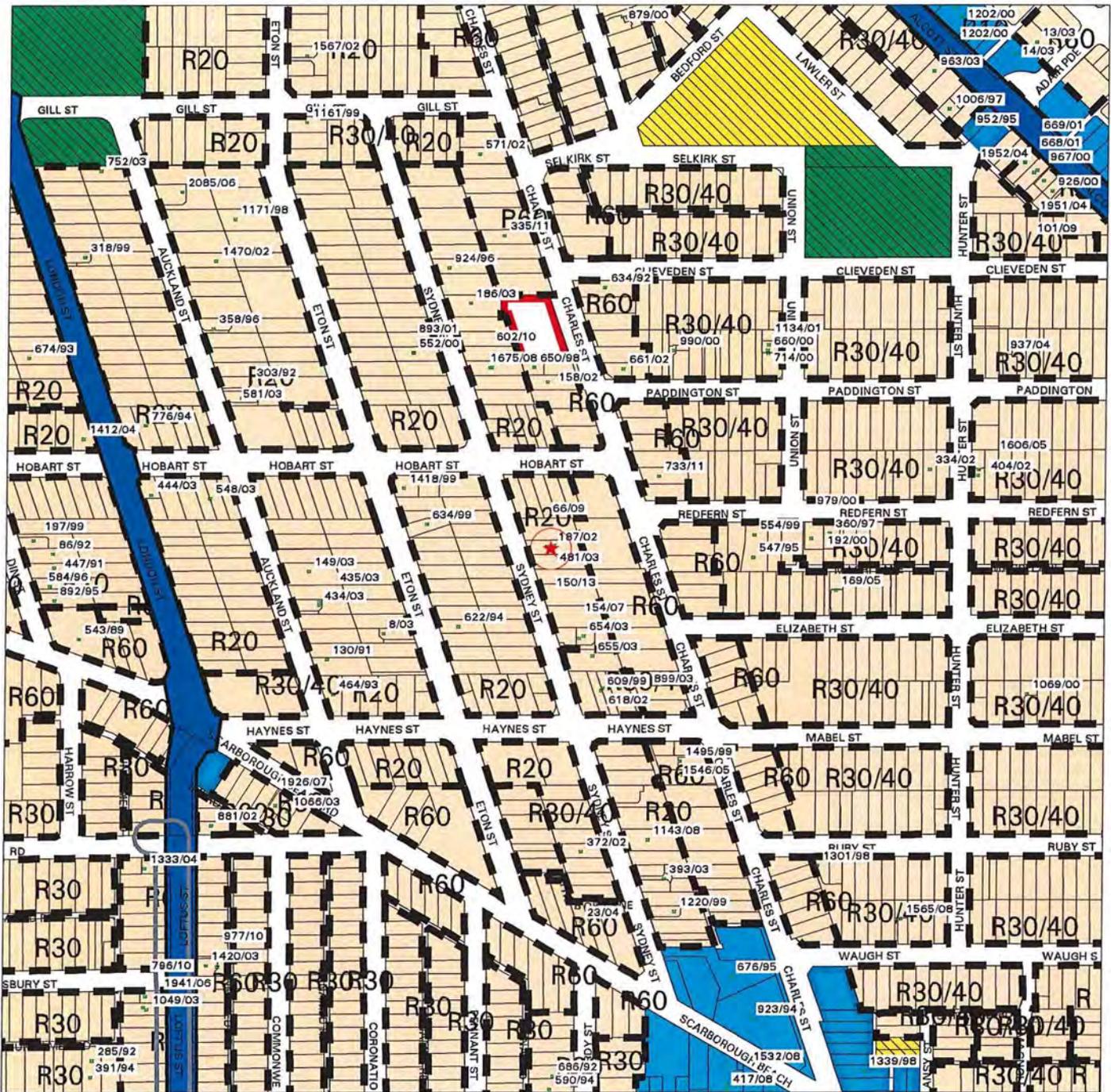
### AERIAL VIEW

- Cadastre with Street Address Number
- Cadastre
- 2010 Metro West Aerial Photography \*Do Not Print or PDF\*



Prepared by: gbasley  
Prepared for: 150-13  
Date: Wednesday, May 15, 2013 19:11  
Plot identifier: P20130515\_1908





**Strata Application 150/13 (MGA ref 391263mE 6467548mN Zone 50)**

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

- |                                |   |
|--------------------------------|---|
| APPROX LOCATION OF APPLICATION | RESIDENTIAL                               |
| OTHER REGIONAL ROADS           | PUBLIC PURPOSES<br>PRIMARY SCHOOL         |
| CADASTRAL BOUNDARY             | PARKS AND RECREATION                      |
| WESTNET ENERGY GAS PIPELINE    | SPECIAL USE<br>FUNCTION CENTRE            |
| STRATA APPLICATION             | LOCAL CENTRE                              |
| R CODE BOUNDARY                | COMMERCIAL<br>PUBLIC PURPOSES<br>CAR PARK |
| RESIDENTIAL                    |   |
| LOCAL CENTRE                   |   |

140563a.eps

ENQUIRIES TO: Adam Dyson (08 9273 6568)  
Planning and Building Services  
YOUR REF: 150-13  
OUR REF: 150-13 7.2013.10.1



**CITY OF VINCENT**

Administration & Civic Centre  
244 Vincent Street (Cnr Loftus)  
Leederville, Western Australia 6007  
PO Box 82, Leederville WA 6902

**Telephone (08) 9273 6000**  
Facsimile (08) 9273 6099  
Email: [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au)  
Web: [www.vincent.wa.gov.au](http://www.vincent.wa.gov.au)



8 April 2013

Western Australian Planning Commission  
Locked Bag 2506  
**PERTH WA 6001**

Attention : Rosa Rigali

Dear Madam

**NO. 50 (LOT 63; D/P 2334) SYDNEY STREET, NORTH PERTH – PROPOSED SURVEY STRATA SUBDIVISION**

Thank you for your letter received on 15 February 2013 regarding the Survey Strata Subdivision of the abovementioned property.

I wish to advise that the Council considered the Survey Strata Subdivision at its Ordinary Meeting held on 26 March 2013 and resolved as follows:

*That the Council;*

*in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, RECOMMENDS REFUSAL of the application to the Western Australian Planning Commission (WAPC) submitted by L Yu on behalf of the owner L Yu & TS Lim for the proposed Survey Strata Subdivision, at No. 50 (Lot 63; D/P:2334) Sydney Street, North Perth, and as shown on plans stamp-dated 15 February 2013, for the following reasons:*

- 1. The subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- 2. The non compliance with the City's Policy No. 3.4.6 relating to Residential Subdivisions, which requires that subdivisions comply with the minimum site area requirements of the Residential Design Codes for properties coded Residential R20.*

**ATTACHMENT 5**

I trust this information is of assistance to you. If you have any enquiries regarding the above matter, please do not hesitate to contact Adam Dyson on 08 9273 6568.

Yours sincerely



**HELEN SMITH  
MANAGER  
PLANNING AND BUILDING SERVICES**

Copy: L Yu

14 February 2013

Western Australian Planning Commission  
140 William Street  
PERTH WA 6000

DEPARTMENT OF PLANNING	
DATE	FILE
15 FEB 2013	150 - 13

Attention: Lee O'Donohue, Acting Manager

Dear Lee,

**PROPOSED TWO LOT SUBDIVISION OF LOT 63 (NO. 50) SYDNEY STREET, NORTH PERTH**

This submission is prepared by Algeri Planning & Appeals on behalf of the land owner Huinying Yu (the 'Applicant') and provides justification for the subdivision application at Lot 63 (No. 50) Sydney Street, North Perth.

The subject application follows on from two previous subdivision applications at the same location. As I was the consultant that assisted with the successful determination of the previous application, I have been requested to prepare a justification submission for this current proposal.

Due to an unfortunate set of circumstances which will be detailed in this submission, fresh subdivision approval is required. Matters have not been helped by the "see-saw" situation with the applicable density coding of the locality which has changed numerous times since in the last decade.

The purpose of the subdivision is to allow for the development of 2 new grouped dwellings that will be in-keeping with other similar developments in the street and will ultimately enhance the streetscape.

Background

Lot 63 (No. 50) Sydney Street, North Perth (the 'subject land') exists as a single residential dwelling (see **Attachment 1**) between Hobart Street and Haynes Street. The subject land measures 679m<sup>2</sup>, with the property currently coded "R20" within the City of Vincent's (the 'City'), previously the Town of Vincent, Town Planning Scheme No.1 ('TPS1'). The subject land is within the "North Perth Precinct" under TPS1.

The subject land has previously been granted approval for subdivision on two occasions, with the most recent approval granted in 2009. Both of these approvals expired before the commencement of development and/or the completion of the subdivision works.

ATTACHMENT 6

DEPARTMENT OF PLANNING	
DATE	FILE
15 FEB 2013	150-13

### Previous applications

#### *2003 (WAPC Ref: 121488)*

On the letter dated 23 April 2003, the Western Australian Planning Commission ('WAPC') granted approval for the subdivision of the subject land into 2 lots, with each lot measuring an area of 340m<sup>2</sup>. At the time the subject land was zoned R30/40 under TPS1.

Unfortunately, due to personal circumstances, the approval granted by the WAPC in 2003 expired prior to the commencement of development. Furthermore, the applicant was unaware that during this period a series of town planning scheme amendments had commenced which down-coded the locality to R20 for a set period via a 'sunset' clause.

#### *DR231 of 2009 (WAPC Ref: 66-09)*

A new survey-strata subdivision application was lodged 19 January 2009. The Applicant felt that a battle-axe configuration via a survey-strata arrangement would result in a development that was more sympathetic with the streetscape. Notwithstanding the above, this application would also require the demolition of the existing single residential dwelling to allow for the subdivision. At the time the application was lodged and considered by the City the subject land was assessed as "R30/40" under TPS1, qualifying for the "R30" code under the dual coding criteria outlined in TPS1.

The City considered the application and recommended approval of the plan, subject to conditions, at the City's Ordinary Council Meeting held 24 February 2009.

It was noted that the subject land had previously had similar (the original) survey-strata and freehold subdivision approvals permitted at the higher "R30" code which had since expired before commencement of development.

The subject application was then refused by the Respondent on 15 May 2009. The Respondent considered the subject application under the "R20" zoning following an amendment (No.11) to TPS1 (gazettal date 3 March 2009).

The Applicant subsequently lodged an application for review at the State Administrative Tribunal (the "Tribunal") on 10 June 2009. Following several mediation sessions the matter was resolved by way of the Respondent reconsidering their decision and approving the survey-strata application on 12 August 2009 (see WAPC approval **Attachment 1**). The case was withdrawn from the Tribunal on 18 August 2009.

### Circumstances since the last application

In March 2012, the Applicant applied to the City for a Demolition Licence for the existing single residential dwelling. The City advised the Applicant that Development Approval was required for a

Demolition Licence and the Applicant therefore submitted (via a consultant) an application for Development Approval in March 2012.

During period of March 2012 until December 2012 the City was assessing the application. During this time there was constant communication with City by the Applicant and her consultant in relation to matters total unrelated to the zoning of the land. This resulted in changes to the application for matters such as a change to the dimensions of the proposed garages, storerooms and driveways.

However, on 20 December 2012, the City finally processed the application and resolved to refuse the development stating two reasons:

Firstly, Scheme Amendment 31 to TPS1 had rezoned the subject land from Residential R30/40 to Residential R20 and as a result the Development Assessment could not be supported as it did not comply with the Site Area requirements as set out in Table 1 of the Residential Design Codes WA 2010.

Secondly, the survey-strata approval that was granted 12 August 2009 had lapsed three years from the date of approval on 12 August 2012, expiring whilst the City was assessing the Development Approval application.

Through the unfortunate set of circumstances, the City should have processed the application much sooner rather than leaving determination until after the subdivision approval had expired. In speaking with the City since the refusal, the Applicant has advised that the City were "very apologetic" over the handling of the application.

Unfortunately, in 2012, my client was oblivious to Amendment 31 to TPS1 and consequences this would have when the 2009 subdivision approval would expire.

The following sections are a revised and updated justification as to why the current application should now be supported by the WAPC.

#### Discretion to allow the subject application

We argue that there is fundamentally discretion to approve the subject application with regard to section 138 of the *Planning and Development Act 2005* ("the Act") whereby;

*"(1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.*

*(2) Subject to conditions (3), in giving its approval under section 135 or 136, the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and its not to give an approval that conflicts with the provision of the local scheme."*

(3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if –

a) the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter;

b) the approval is consistent with a region planning scheme that deals with substantially the same matter;

c) in the opinion of the Commission –

i) the conflict is of a minor nature, or;

ii) the approval is consistent with the general intent of the local planning scheme;

d) the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict [continues]'

We contend that the WAPC has the discretion to approve the subject application should it deem that any of the conditions sought in section 138(3) of the Act apply to the subject application.

It is submitted that the subject application sufficiently adheres to section 138(3)(b) of the Act in that the subject application is sufficiently consistent with regional planning schemes and policy, particularly State Planning Policy 3 ('Urban Growth and Settlement') and Spatial Framework for Perth and Peel ('Directions 2031 and beyond').

Moreover, section 138(3)(a) outlines that the Respondent, and now the Tribunal, have the discretion to make a decision if the governing local planning scheme has not been consolidated or published within the preceding 5 years; and a relevant State planning policy dealing with substantially the same matter is deemed appropriate. Whilst the Applicant acknowledges that the local planning scheme (City of Vincent Town Planning Scheme No.1) was gazetted in December 1998 (some fifteen years ago), it is submitted that central to this clause is the consideration of a State planning policy with relevance to the subject application.

The Respondent's Development Control Policy 1.3 – Strata Titles ('DC1.3') outlines in clause

3.1.1

that:

*"In its consideration of applications for certificate of approval, as required by section 25 of the Strata Titles Act 1985, the WAPC will apply the following criteria:*

*a) The development proposed for strata titles is, or will be, in accordance with all relevant provisions of the local government local planning scheme.*

...

*c) The division by strata of the development is consistent with long-term planning goals and objectives for the area concerned."*

We submit that on the basis that the subject application, under part a) of DC1.3, "is, or will be" in accordance with the local planning scheme. As DC1.3 directly applies to the proposed survey strata subdivision this maintains a level of discretion that allows for a determination to be made on this matter.

Moreover it is argued that the long-term planning goals of the locality in which the subject land exists are one of greater density and infill development. These goals are clearly outlined in the Respondent's State level policy, Urban Growth and Settlement, and Directions 2031 and beyond.

The Respondent, and the Tribunal in any subsequent review, has the ability to make a determination on the matter as any decision would be in accordance with section 138(2) of the Act.

City of Vincent Town Planning Scheme No.1 ('TPS1')

We submit that the subject application "is or will be", in accordance with the local scheme. Specifically, clause 20(4)(c)(ii) outlines that;

*"After 29 March 2013 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all the provisions relevant to that coding in the North Perth Precinct"*

It is clear from the abovementioned clause of TPS1 that the subject application "will be" in compliance with the abovementioned clause of TPS1 therefore satisfying the requirements specified within the Respondents DC1.3.

It is noted however, that the City has initiated Scheme Amendment 34 to modify the dates in clause 20(4)(c)(ii) from '29 March 2013' to '29 March 2015'. The City states that this "ensures that the land within the North Perth and Mount Hawthorn Precincts remain at the Residential R20 zoning until the 29 March 2015 or until the gazettal of the City's Town Planning Scheme No. 2, whichever occurs first."

Notwithstanding the above, Amendment 34 is yet to be received for final determination by the WAPC and would, in any event, not be considered by the Minister with the Government in "care-taker" mode before the election.

In any event, the long-term planning goal or intention to increase density levels is outlined in clause 20(4)(c)(ii) by means of a "sunset" date. This signifies a deliberate intention to increase density at a later date. The proposed development proposes density at the level prescribed by clause 20(4)(c)(ii) thus satisfying its long-term intention.

### Precedent

In *LANDPARK HOLDINGS PTY LTD and THE WESTERN AUSTRALIAN PLANNING COMMISSION [2007] WASAT 130* ('Landpark') the Commission considered its discretion to approve subdivision of lots smaller than the minimum outlined in Table 1 of the R-Codes.

The central issue in *Landpark*, as outlined in section 138(2) of the Act, was whether the Tribunal was attributing the local scheme "due regard" in its consideration of matters. The Tribunal considered the Respondents position in relation to s138(2) of the Act and deemed it to be appropriate to depart from the requirements made by the Act, given the specific circumstances of the application. The Tribunal found that it was reasonable to depart from the requirements of the Residential Design Codes ("R-Codes") given these circumstances.

Similarly, in *LAWRENCE and THE WESTERN AUSTRALIAN PLANNING COMMISSION [2008] WASAT 269* ('Lawrence'), the Tribunal ruled that there was adequate discretion for a determination to be made as the conflict arose from the application with regards to section 138(3) of the Act that decrements directions made in section 138(2).

Essentially, in both *Landpark* and *Lawrence*, the Tribunal determined that the specific circumstances regarding each application allowed for an appropriate departure from the stringent requirements of the codes. It is submitted, that the site specific circumstances of the subject application allow for the Tribunal to firstly exercise its discretion in making a determination, and secondly approve the subject application contrary to TPS1.

### Summary of grounds for determination

There are a number of grounds for which this current application should now be considered. It is contended that, although the subject application does not inherently comply with the "R20" coding outlined by the City in its refusal, site specific and circumstantial considerations should also be considered which can be summarised as follows;

- Foremost, the subject land has previously been zoned the higher "R30/40". The "R30/40" code was down-coded to "R20" via Amendment 31 to TPS1. However TPS1 insertion of a "sunset clause" for the North Perth Precinct whereby the land would revert back to an R30/40 code after a specified period of time (outlined in clause 20(4)(c)(ii) of

DEPARTMENT OF PLANNING	
DATE	FILE
15 FEB 2013	150 - 13

TPS1). This follows several deletions and inclusions of sunset clauses for this precinct dating back to Amendment 11 to TPS1 in 2003. Whilst Amendment No.34 is currently afoot to further extend that sunset clause to 2015, it is yet to be considered or determined by the WAPC or the Minister.

- The street block, as bound by two intersecting streets, fronting the same street, on the same side of the road as the subject land has undergone, or is currently in the process of, density development higher than the R20 code; in some instances above the R30 code (see **Attachment 2**).
- The subject application allows for the demolition of an existing, dated dwelling with no known architectural or historical merit. The subject application will allow for the development of two modern, high quality dwellings (see site and locality photos at **Attachment 3** and the proposed development plans at **Attachment 4**).
- The subject application allows for the densification and infill of existing urban land, in accordance with State level policy such as Urban Growth and Settlement, and Directions 2031 and beyond.
- The subject land backs onto properties that face Charles Street and are zoned Residential R60. Even if the R20 coding for North Perth becomes permanent, streets are generally better regarded as boundaries to more radical density changes. It would make sense that the subject land and other properties that back to the R60 zone would be allocated a 'transitional' density of, say R30.

### Conclusion

It is submitted that there is undoubtedly grounds under section 138(2) of the Act for the Respondent, and the Tribunal to exercise their discretion in determining the subject application.

I believe that, on the basis of information submitted and discussed, there are more than sufficient grounds for the subject application to be approved consistent with proper and orderly planning.

Given the chequered history of density changes in the locality, the presence of existing development at the higher density code in the streetscape, and the existence of previous subdivision approvals for the subject land, I believe there is sufficient justification for this new application, identical to that previously approved by the WAPC in 2009, to be considered.

In any event, there will after the 29 March 2013 likely be an opportunity to legitimately approve the application under the R30/40 code and ahead of any determination of Amendment No.34 to TPS1.

Ultimately, the subdivision will allow for a more contemporary form of development to proceed

that will be harmonious with and greatly enhance the streetscape.

Should you require any clarification on the abovementioned matters please do not hesitate to contact me on 9399 8571.

Yours faithfully,



**Joe Algeri**  
Director

DEPARTMENT OF PLANNING	
DATE	FILE
15 FEB 2013	150 - 13

## ITEM NO: 9.3

### 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: DP/11/00058/1  
DATE: 14 May 2013  
ATTACHMENTS:  

1. Layout Plan Amendment Schedule
2. Layout Plan Ratified Draft Schedule
3. Layout Plan map-sets
4. Djarindjin Layout Plan 3 Amendment 3 - Consideration of Shire of Broome Concerns

**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 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 endorsed Layout Plans, these changes are amendments that accordingly require the consideration of the 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 amendments listed at Attachment 1 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 computer-aided-design (CAD) formats. All Layout Plan map-sets are currently being converted to a common user geographic information systems (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.

Djarindjin LP3 includes changes that reflect the range of works completed by the Army Aboriginal Community Assistance Program (AACAP) in 2012, including: 13 SL-lot subdivision; 1 house; 1 community building; stormwater diversion system, and; redevelopment of the Djarindjin / Lombadina entrance intersection.

The Recommended Settlement Zones shown on the Layout Plans are based on existing features, cadaster and proposed uses.

## **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 DoH, Department of the Premier and Cabinet (DPC), Department of Indigenous Affairs (DIA) and Department of Regional Development and Lands (DRDL).

---

## **CONSULTATION:**

None required or undertaken for Ardyaloon, Lombadina, Bobieding or Goolarabooloo Millibinyarri.

As the Djarindjin LP3 Amendment 3 includes the completed AACAP works it is not considered to be a minor amendment, and requires endorsement as per SPP3.2. Amendment 3 has been endorsed by Djarindjin Aboriginal Corporation, representing the resident community. It is understood that AACAP made best endeavours to secure the endorsement of the Bardi Jawi prescribed body corporate. Prior to the commencement of works, AACAP verbally advised the Department that Bardi Jawi supported the development proposed at Djarindjin. However, no written confirmation of endorsement has been received since that time.

The Shire has resolved to “not endorse” Amendment 3 for a range of reasons (Attachment 4). Consideration of the Shire’s concerns is at Attachment 5. Broadly, the Shire’s response may be best understood in the context of a broader concern with the lack of regularised service provision to Aboriginal settlements. This concern is at the core of the purpose of SPP3.2, which requires that Layout Plans be prepared. Layout Plans establish a spatial platform from which the manifold issues that are required to be addressed to ensure that Aboriginal settlements receive a level of service provision that is comparable to similar towns elsewhere in the State is achieved.

AACAP have verbally advised that the Shire was consistently advised of and invited to the many consultative meetings held with various parties during the preparation of the Amendment 3. It is considered that best endeavours have been made to secure the endorsement of the SoB. The concerns cited by the Shire in not endorsing Amendment 3 are not considered to be of sufficient significance to warrant revising detailed elements of Amendment 3.

## **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.

The proposed amendments to the Ardyaloon, Lombadina, Bobieding and Goolarabooloo Millibinyarri Layout Plans 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.

The proposed Djarindjin Layout Plan 3 Amendment 3 includes the completed development undertaken by AACAP in 2012 and has been endorsed by the resident community. It is considered that best endeavours have been made to secure the endorsement of the local government and traditional owners.

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 Plan amendments listed at Attachment 1 is recommended.

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

**Attachment 1**

**Layout Plans for Amendment**

<b>Layout Plan</b>	<b>Layout Plan Number</b>	<b>Amendment Number(s)</b>
Ardyaloon	2	6
Djarindjin	3	3
Bobieding	1	2
Goolarabooloo Millibinyarri	1	1

**Attachment 2**

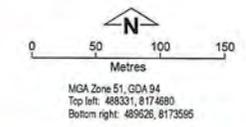
**Layout Plans for Ratification**

<b>Layout Plan</b>	<b>Layout Plan Number</b>	<b>Version Number(s)</b>
Lombadina	3	3

# Djarindjin Layout Plan 3 - Living Area



- Land Use**
- commercial
  - community
  - drinking water source
  - protection area
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
- Land Administration**
- cadastral
  - recommended settlement zone
  - settlement layout (SL) lot
  - 67 SL-lot number
- Exclusion Boundaries**
- chlorine gas storage
  - drinking water source wellhead protection zone
  - fuel storage
  - industry
  - no go boundary
  - utility
  - wastewater
- Features**
- bore
  - chlorine storage
  - fuel tank
  - hydrant
  - public telephone
  - telecommunication tower
  - wastewater pump
  - water tank
  - well



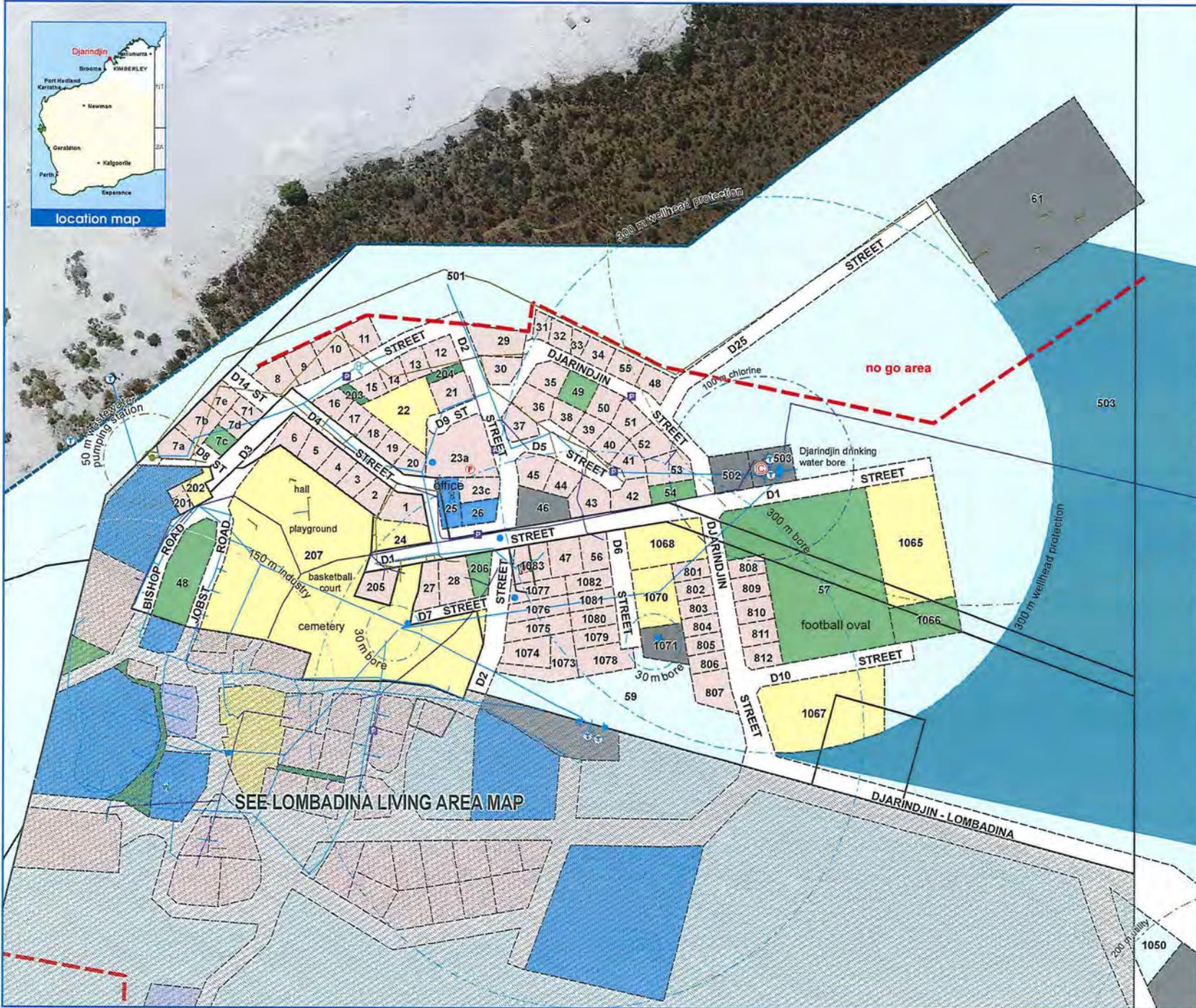
*This layout plan does not constitute development approval.*  
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Cadastral data supplied by the Western Australian Land Information Authority (Licence LJ 430-2012-7).  
Extraction date of cadastral 03/02/2012.  
As-constructed survey data provided by the Department of Housing.  
Date of survey 01/05/2007.  
August 2012 aerial image provided by Landgate.  
Map document : Djarindjin LP3 - Living Area.rxd  
Layout plan prepared by Department of Planning.  
© Western Australian Planning Commission  
*Settlement layout lots are not derived from calculated dimensions.*

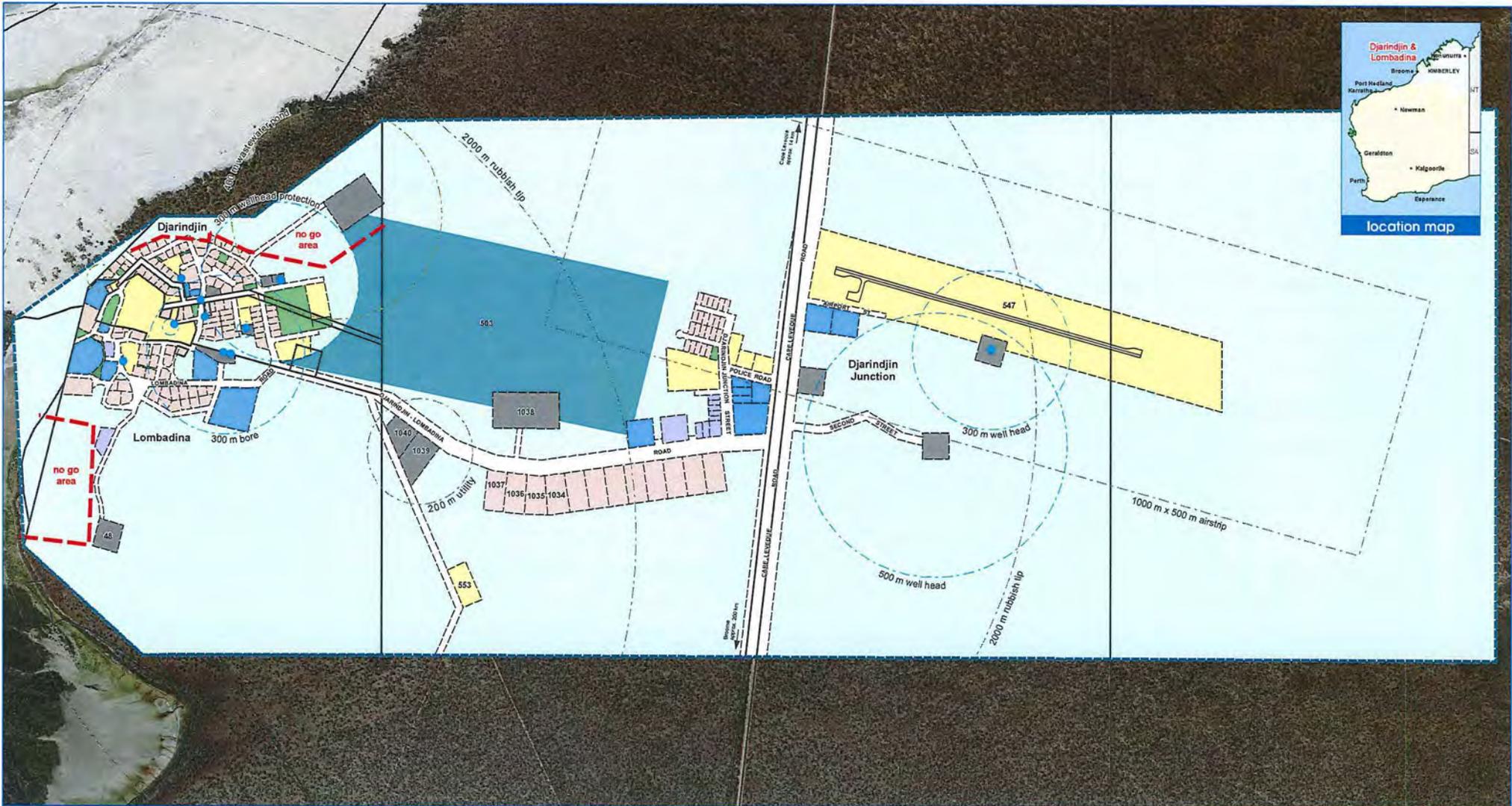


Layout Plan 3 endorsement	
Community	31 May 2007
Local Government	-
Traditional Owners	-
WAPC	1 July 2008
Amendment 3 endorsement	
WAPC	-

## Amendment 3



SEE LOMBADINA LIVING AREA MAP



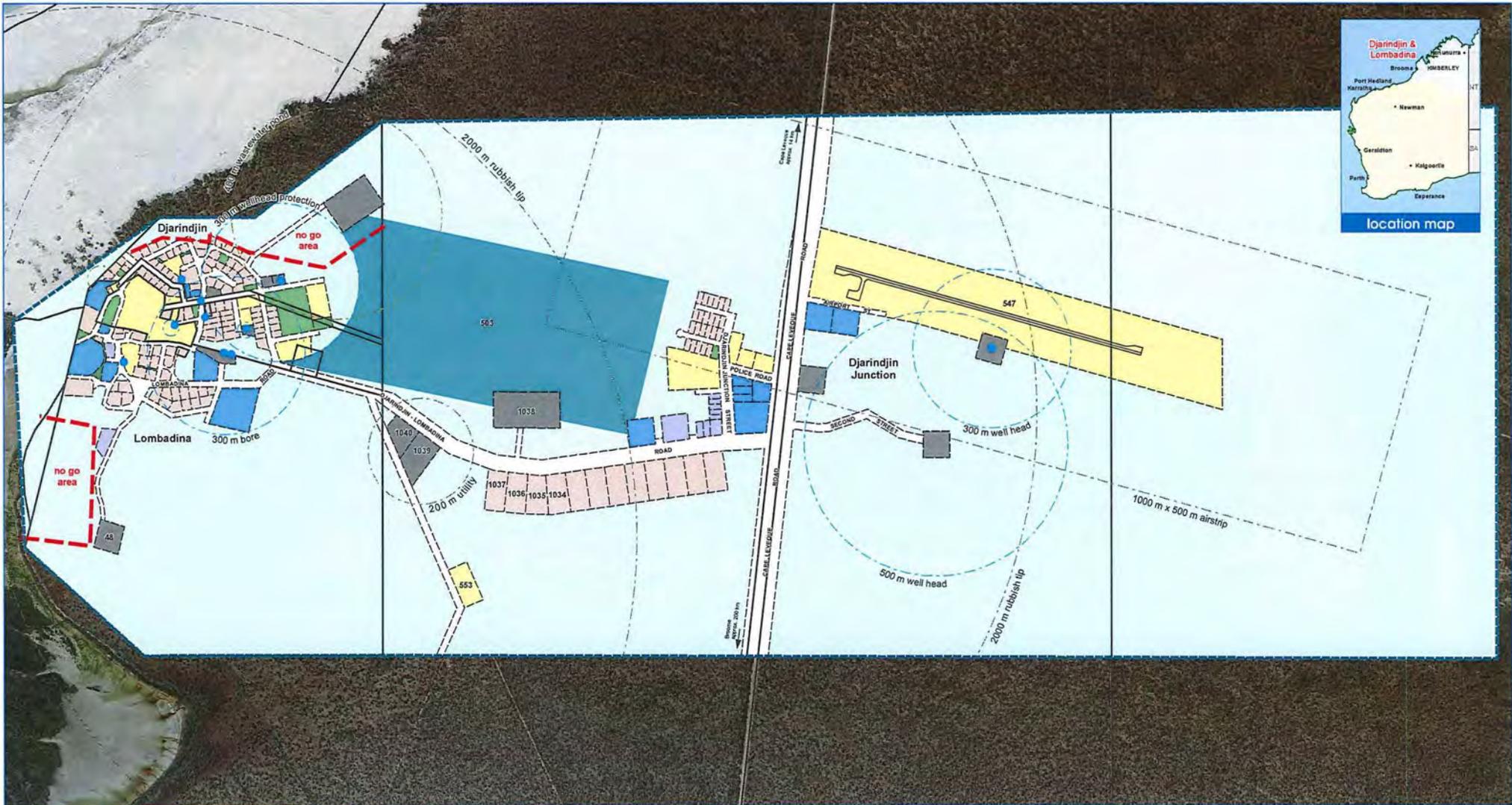
<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00aaff; border: 1px solid black; margin-right: 5px;"></span> commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> community</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00aaff; border: 1px solid black; margin-right: 5px;"></span> drinking water source protection area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ccccff; border: 1px solid black; margin-right: 5px;"></span> industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e0e0e0; border: 1px solid black; margin-right: 5px;"></span> open space</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black; margin-right: 5px;"></span> pedestrian access way</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black; margin-right: 5px;"></span> public utility</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black; margin-right: 5px;"></span> recreation</li> </ul>	<p><b>Land Administration</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> road reserve</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> cadastre</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> recommended settlement zone</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> settlement layout (SL) lot</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> 62 SL-lot number</li> </ul>	<p><b>Exclusion Boundaries</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 1px dashed black; margin-right: 5px;"></span> drinking water source wellhead protection zone</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid red; margin-right: 5px;"></span> no go boundary</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px dashed black; margin-right: 5px;"></span> utility</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px dashed black; margin-right: 5px;"></span> wastewater</li> </ul>	<p><b>Features</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border-radius: 50%; margin-right: 5px;"></span> bore</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> as-constructed</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> miscellaneous features</li> </ul>		<p>MGA Zone 51, GDA 94          Top left: 488123, 8175220          Bottom right: 493830, 8172194</p> <p>Cadastral data supplied by the Western Australian Land Information Authority (Licence LJ 430-2012-7).          Extraction date of cadastre 03/02/2012.          As-constructed survey data provided by the Department of Housing.          Date of survey 01/06/2007.          August 2012 aerial image provided by Landgate.          Map document: Djarindjin - Lombadina LP3 - Context.mxd          Layout plan prepared by Department of Planning.          © Western Australian Planning Commission          Settlement layout lots are not derived from calculated dimensions.</p>	
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**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 and Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Commerce, and the Department of Water.

## Djarindjin Layout Plan 3 and Lombadina Layout Plan 3 - Context

## Amendment 3

Layout Plan 3 endorsement	
Community	31 May 2007
Local Government	-
Traditional Owners	-
WAPC	1 July 2008
Amendment 3 endorsement	
WAPC	-



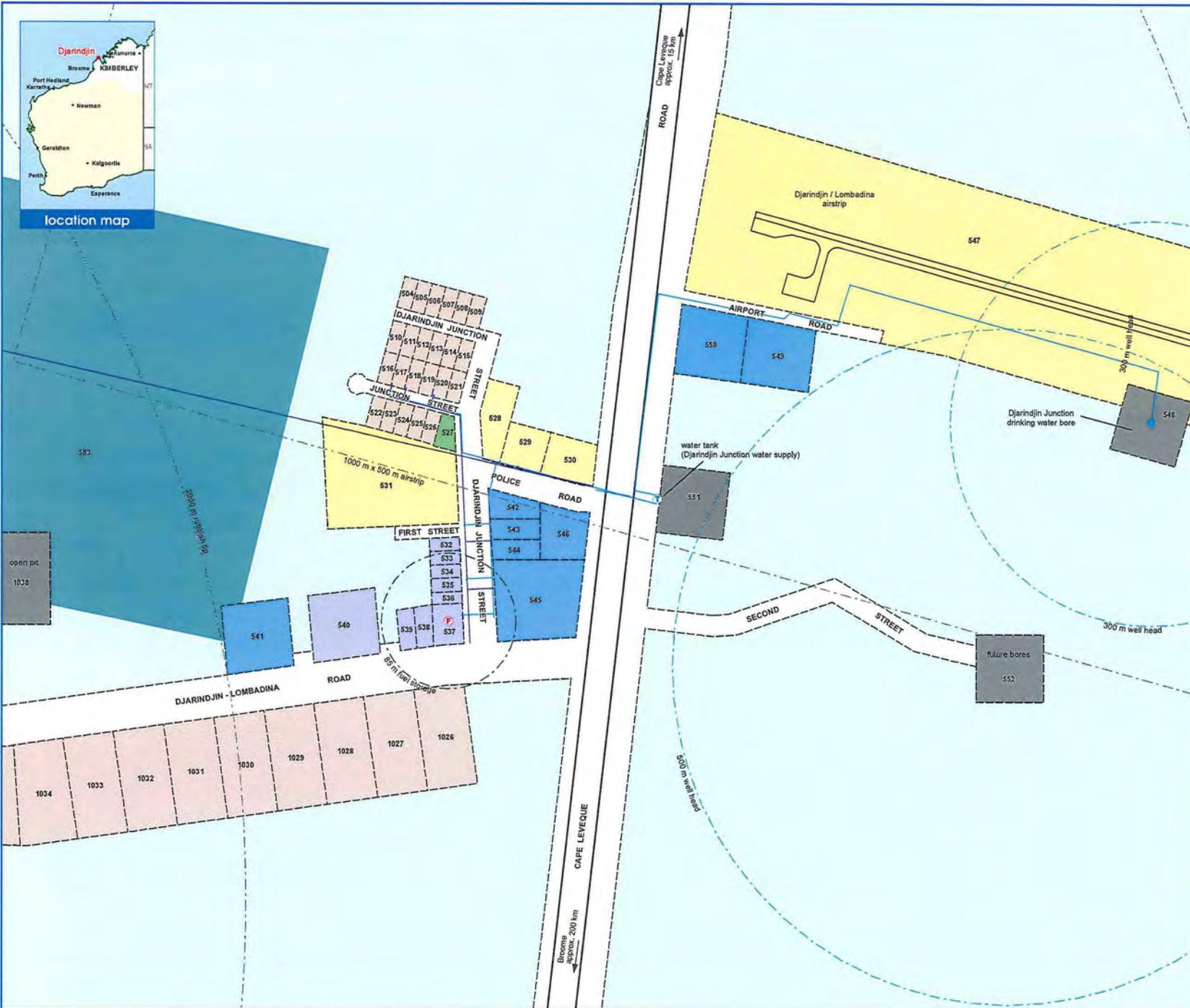
<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> community</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> drinking water source protection area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightpurple; border: 1px solid black;"></span> industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: white; border: 1px solid black;"></span> open space</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> pedestrian access way</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black;"></span> public utility</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> recreation</li> </ul>	<p><b>Land Administration</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span> residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span> road reserve</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid black;"></span> cadastre</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black;"></span> recommended settlement zone</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dotted black;"></span> settlement layout (SL) lot</li> <li>62 SL-lot number</li> </ul>	<p><b>Exclusion Boundaries</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border-top: 1px dashed black;"></span> drinking water source wellhead protection zone</li> <li><span style="display: inline-block; width: 15px; height: 10px; border-top: 2px dashed red;"></span> no go boundary</li> <li><span style="display: inline-block; width: 15px; height: 10px; border-top: 1px dotted black;"></span> utility</li> <li><span style="display: inline-block; width: 15px; height: 10px; border-top: 1px dashed grey;"></span> wastewater</li> </ul>	<p><b>Features</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border-radius: 50%;"></span> bore</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span> as-constructed</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span> miscellaneous features</li> </ul>		<p>MGA Zone 51, GDA 94          Top left: 488123, 8175220          Bottom right: 493850, 8172194</p> <p>Cadastral data supplied by the Western Australian Land Information Authority (Licence LJ 430-2012-7).          Extraction date of cadastre 03/02/2012.          As-constructed survey data provided by the Department of Housing.          Date of survey 01/06/2007.          August 2012 aerial image provided by Landgate.          Map document: Djarindjin - Lombadina LP3 - Context.mxd          Layout plan prepared by Department of Planning.          © Western Australian Planning Commission          Settlement layout lots are not derived from calculated dimensions.</p>	<p>Government of Western Australia Department of Housing</p>
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**This layout plan does not constitute development approval.**  
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## Djarindjin Layout Plan 3 and Lombadina Layout Plan 3 - Context

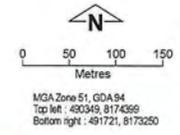
## Amendment 3

Layout Plan 3 endorsement	
Community	31 May 2007
Local Government	-
Traditional Owners	-
WAPC	1 July 2008
Amendment 3 endorsement	
WAPC	-



# Djarindjin Junction Layout Plan 3 - Living Area

- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - public utility
  - recreation
  - residential
  - road reserve
- Land Administration**
- cadastre
  - settlement layout (SL) lot
  - 62 SL-lot number
- Exclusion Boundaries**
- drinking water source wellhead protection zone
  - fuel storage
  - utility
- Features**
- bore
  - water tank
  - as-constructed misc. features
  - water pipe
  - fuel tank
  - telecommunication cable



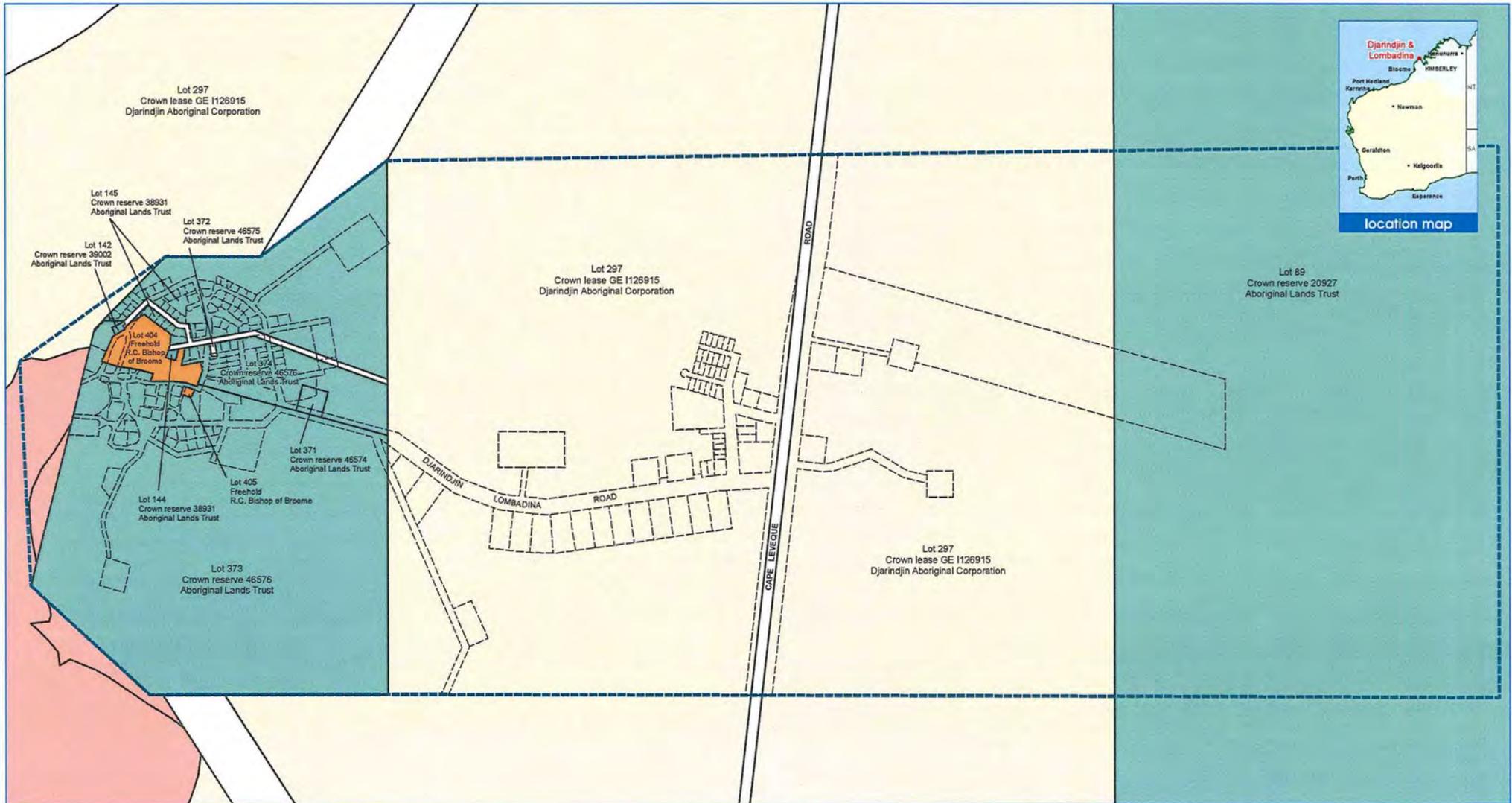
*This layout plan does not constitute development approval.*  
It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner,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

Cadastral data supplied by the Western Australian Land Information Authority (Licence LI 450-2012-7).  
Extraction date of cadastre 03/02/2012.  
As-constructed survey data provided by the Department of Housing.  
Date of survey 01/05/2007.  
August 2012 aerial image provided by Landgate.  
Map document : Djarindjin Junction LP3 - Living Area.mxd  
Layout plan prepared by Department of Planning.  
© Western Australian Planning Commission  
*Settlement layout lots are not derived from calculated dimensions.*

Western Australian Planning Commission  
Government of Western Australia  
Department of Housing

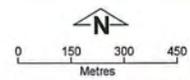
Layout Plan 3 endorsement	
Community	31 May 2007
Local Government	-
Traditional Owners	-
WAPC	1 July 2008
Amendment 3 endorsement	
WAPC	-

## Amendment 3



- Land Ownership**
- crown lease
  - crown reserve
  - freehold
  - unallocated crown land

- Land Administration**
- cadastre
  - recommended settlement zone
  - settlement layout (SL) lot



**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 and Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Commerce, and the Department of Water.

MGA Zone 51, GDA 94  
 Top left: 488108, 8175371  
 Bottom right: 493814, 8172345

Cadastral data supplied by the Western Australian Land Information Authority (Licence L1430-2012-7).  
 Extraction date of cadastral 03/02/2012.  
 Map document: Djarindjin - Lombadina LP3 - Land Ownership.mxd  
 Layout plan prepared by Department of Planning.  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions.



Layout Plan 3 endorsement	
Community	31 May 2007
Local Government	-
Traditional Owners	-
WAPC	1 July 2008
Amendment 3 endorsement	
WAPC	-

## Djarindjin Layout Plan 3 and Lombadina Layout Plan 3 - Land Ownership

## Amendment 3

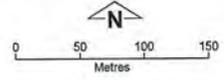


SEE DJARINDJIN LIVING AREA MAP



# Lombadina Layout Plan 3 - Living Area

- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
- Land Administration**
- cadastre
  - recommended settlement zone
  - settlement layout (SL) lot
  - 67 SL-lot number
- Exclusion Boundaries**
- chlorine gas storage
  - drinking water source wellhead protection zone
  - industry
  - no go boundary
  - utility
  - wastewater
- Features**
- bore
  - water pump
  - water tank
  - well
  - wastewater pipe
  - water pipe
  - public telephone
  - wastewater pump
  - telecommunication cable



MGA Zone 51, GDA84  
Top left: 488310, 8174229  
Bottom right: 488697, 8173127

*This layout plan does not constitute development approval.*  
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Cadastral data supplied by the Western Australian Land Information Authority (Licence LJ 430-2012-7).  
Extraction date of cadastre 03/02/2012.  
As-associated survey data provided by the Department of Housing.  
Date of survey 01/06/2007.  
August 2012 aerial image provided by Landgate.  
Map document: Lombadina LP3 - Living Area.mxd  
Layout plan prepared by Department of Planning.  
© Western Australian Planning Commission  
*Settlement layout lots are not derived from calculated dimensions.*



Layout Plan 3 endorsement	
Community	-
Local Government	-
WAPC	<b>RATIFIED DRAFT</b>
WAPC	WAPC
WAPC	-



# Ardyaloon Layout Plan 2 - Living Area

- Land Use**
- commercial
  - recreation
  - community
  - industrial
  - open space
  - public utility
  - residential
  - road reserve
  - waterway
- Exclusion Boundary**
- chlorine gas storage
  - fuel storage
  - industry
  - no go boundary
  - power station
- Land Administration**
- cadastral
  - electricity licence area
  - recommended settlement zone
  - settlement layout (SL) lot
  - 67 SL-lot number
- Features**
- bore
  - fuel tank
  - hydrant
  - public telephone
  - telecommunication tower
  - water pump
  - water tank
  - landmark area boundary
  - telecommunication cable
  - wastewater pipe
  - water body
  - water pipe
- MGA Zone 51, GDA 84  
Top left: 505764, 8182220  
Bottom right: 505917, 8181274
- 0 50 100 150  
Metres

**Note 1:** Development subject to relocation of power house.  
**Note 2:** Location of existing sewers should be considered and if necessary sewers should be relocated before developing these lots.  
**Note 3:** Existing power/water/telecommunications services require relocation before developing these lots.

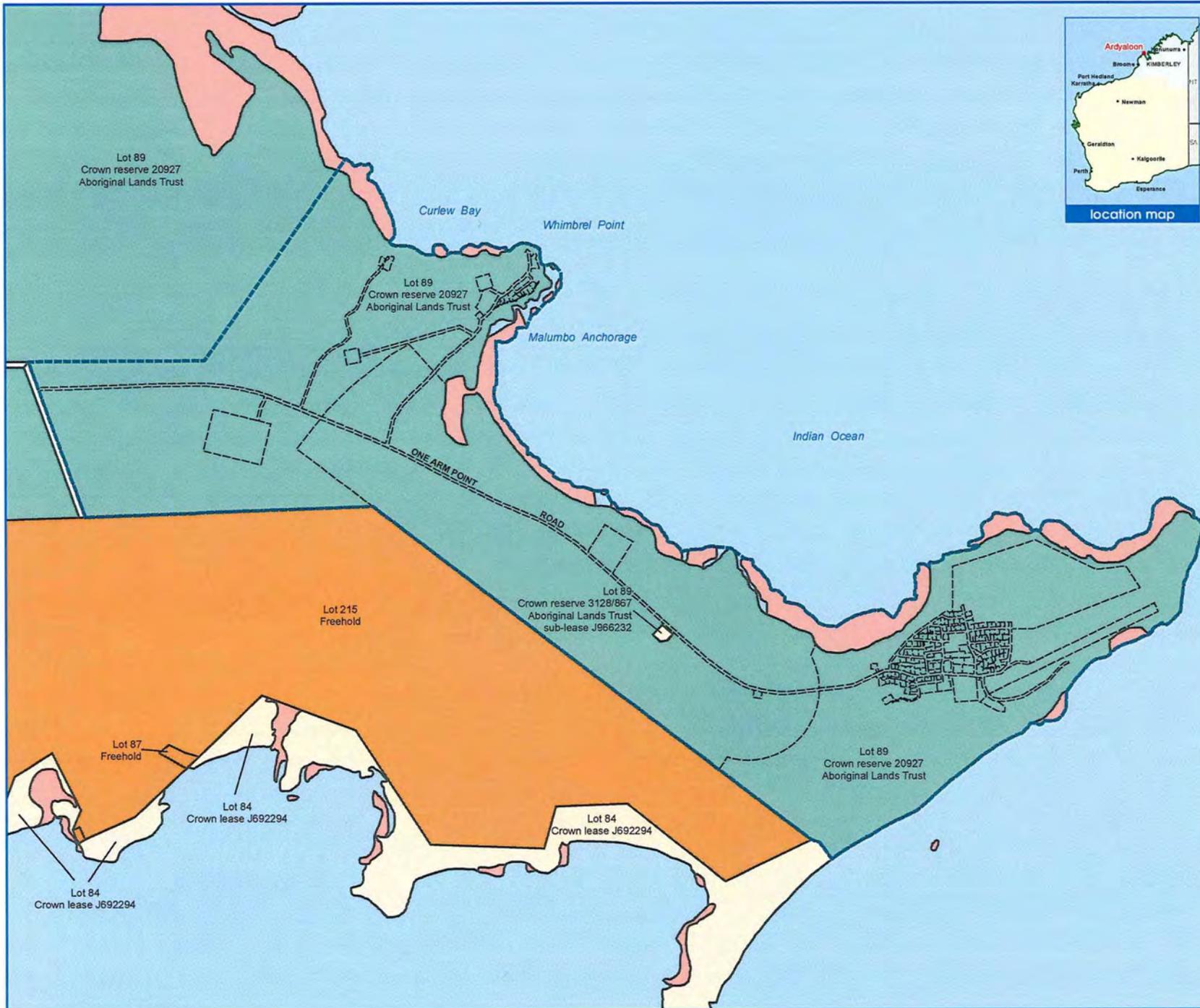
**This layout plan does not constitute development approval.**  
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Cadastral data supplied by the Western Australian Land Information Authority (Licence LI 430-2012).  
 Extraction date of cadastral G302/2012.  
 As-constructed survey data provided by the Department of Housing. Date of survey 25/02/2009.  
 Proposed water reserve, drinking water source protection areas and wellhead protection zones derived from Ardyaloon Drinking Water Source Protection Plan December 2009 prepared by the Department of Housing, November 2007 aerial image provided by Landgate.  
 Map document: Ardyaloon LP2 - Living Area.mxd  
 Layout plan prepared by Department of Planning.  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions.

Western Australian Planning Commission  
 Government of Western Australia  
 Department of Housing

Layout Plan 2 endorsement	
Community	15 September 2004
Local Government	30 November 2004
Traditional Owners	-
WAPC	15 February 2005
Amendment 6 endorsement	
WAPC	-

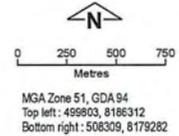
## Amendment 6



# Ardyaloon Layout Plan 2 - Land Ownership

- Land Ownership**
- crown lease
  - crown reserve
  - freehold
  - unallocated crown land

- Land Administration**
- cadastre
  - recommended settlement zone
  - settlement layout (SL) lot



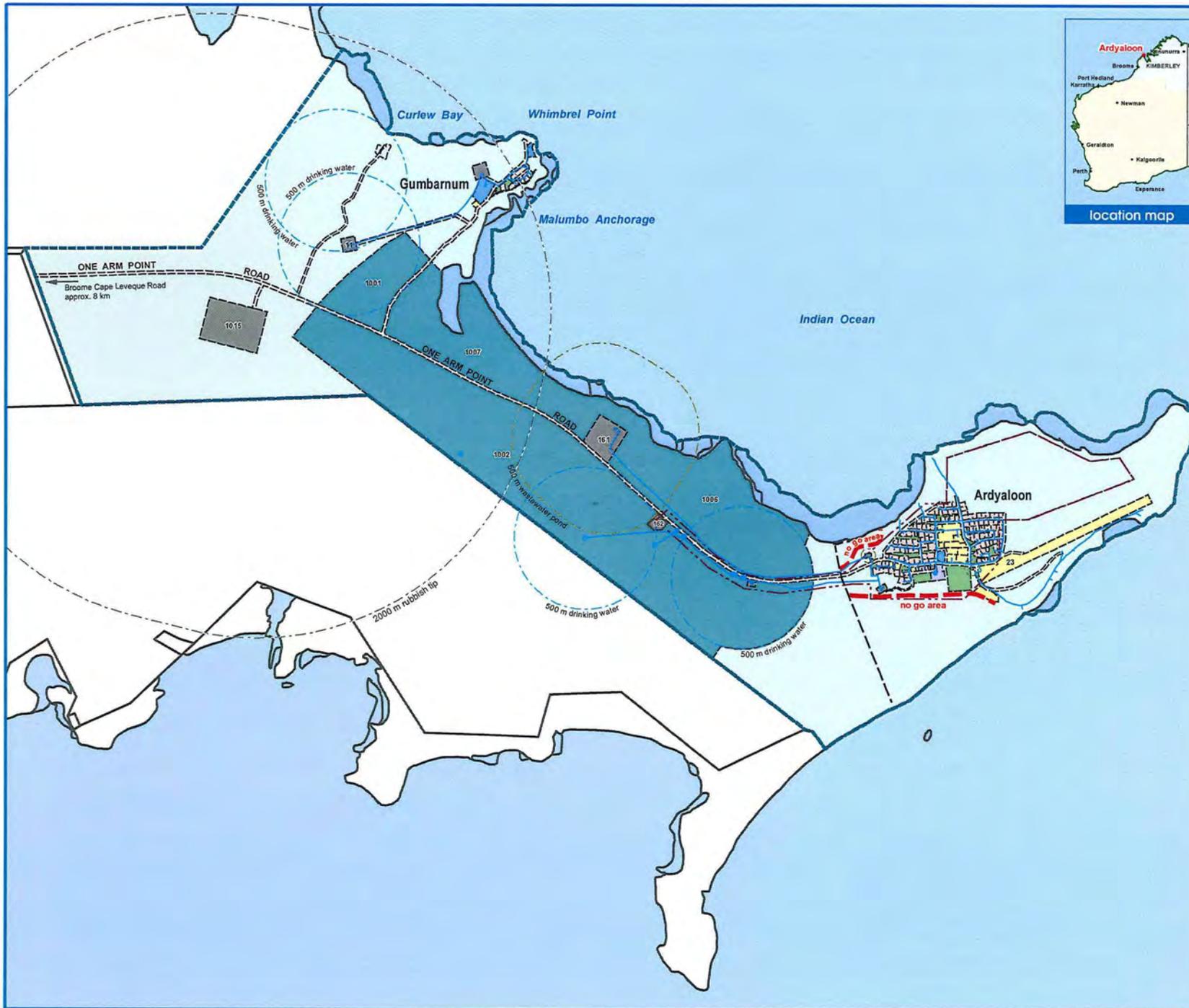
**This layout plan does not constitute development approval.**  
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Cadastral data supplied by the Western Australian Land Information Authority (Licence LI 430-2012-7).  
Extraction date of cadastre 03/02/2012.  
Map document : Ardyaloon LP2 - LandOwnership.mxd  
Layout plan prepared by Department of Planning  
© Western Australian Planning Commission  
**Settlement layout lots are not derived from calculated dimensions.**



Layout Plan 2 endorsement	
Community	15 September 2004
Local Government	30 November 2004
Traditional Owners	-
WAPC	15 February 2005
Amendment 6 endorsement	
WAPC	-

## Amendment 6



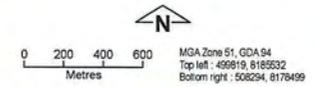
# Ardyaloon Layout Plan 2 - Context

- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - waterway

- Exclusion Boundaries**
- drinking water
  - source wellhead protection zone
  - wastewater
  - no go boundary
  - utility

- Land Administration**
- cadastre
  - electrical licence area
  - recommended settlement zone
  - settlement layout (SL) lot
  - 23 SL-lot number

- Features**
- bore
  - landmark area
  - boundary
  - water body
  - water pipe



**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 council, native title representative body, Department of Environment and Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Commerce, and the Department of Water.

Cadastral data supplied by the Western Australian Land Information Authority (Licence LI-430-2012-7).  
 Extraction date of cadastral 03/02/2012.  
 As-constructed survey data provided by the Department of Housing. Date of survey 25/02/2009.  
 Proposed water reserve, drinking water source protection areas and wellhead protection zones derived from Ardyaloon Drinking Water Source Protection Plan December 2009 prepared by the Department of Housing November 2007 aerial image provided by Landgate.  
 Map document: Ardyaloon LP2 - Context.mxd  
 Layout plan prepared by Department of Planning.  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions.

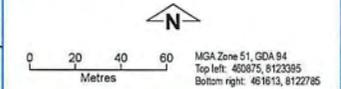


Layout Plan 2 endorsement	
Community	15 September 2004
Local Government	30 November 2004
Traditional Owners	-
WAPC	15 February 2005
Amendment 6 endorsement	
WAPC	-

## Amendment 6

# Bobieding Layout Plan 1 - Living Area

- Land Use**
- commercial
  - community
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
- Exclusion Boundary**
- chlorine gas storage
  - drinking water source wellhead protection zone
- Land Administration**
- electricity licence area
  - settlement layout (SL) lot
  - 21 SL-lot number
- Features**
- bore
  - chlorine storage
  - telecommunications tower
  - water tank
  - water pipe



**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 Commerce and Department of Water.

Cadastral data supplied by the Western Australian Land Information Authority (Licence LI 430-2012-7)  
Extraction date of cadastre: 3/02/2012  
As-constructed survey data provided by Department of Housing.  
Last date of survey 18/04/2008.  
August 2012 aerial image provided by Landgate.  
Map document: Bobieding LPI - Living Area.mxd  
Layout plan prepared by Department of Planning.  
© Western Australian Planning Commission

Settlement layout lots are not derived from calculated dimensions.



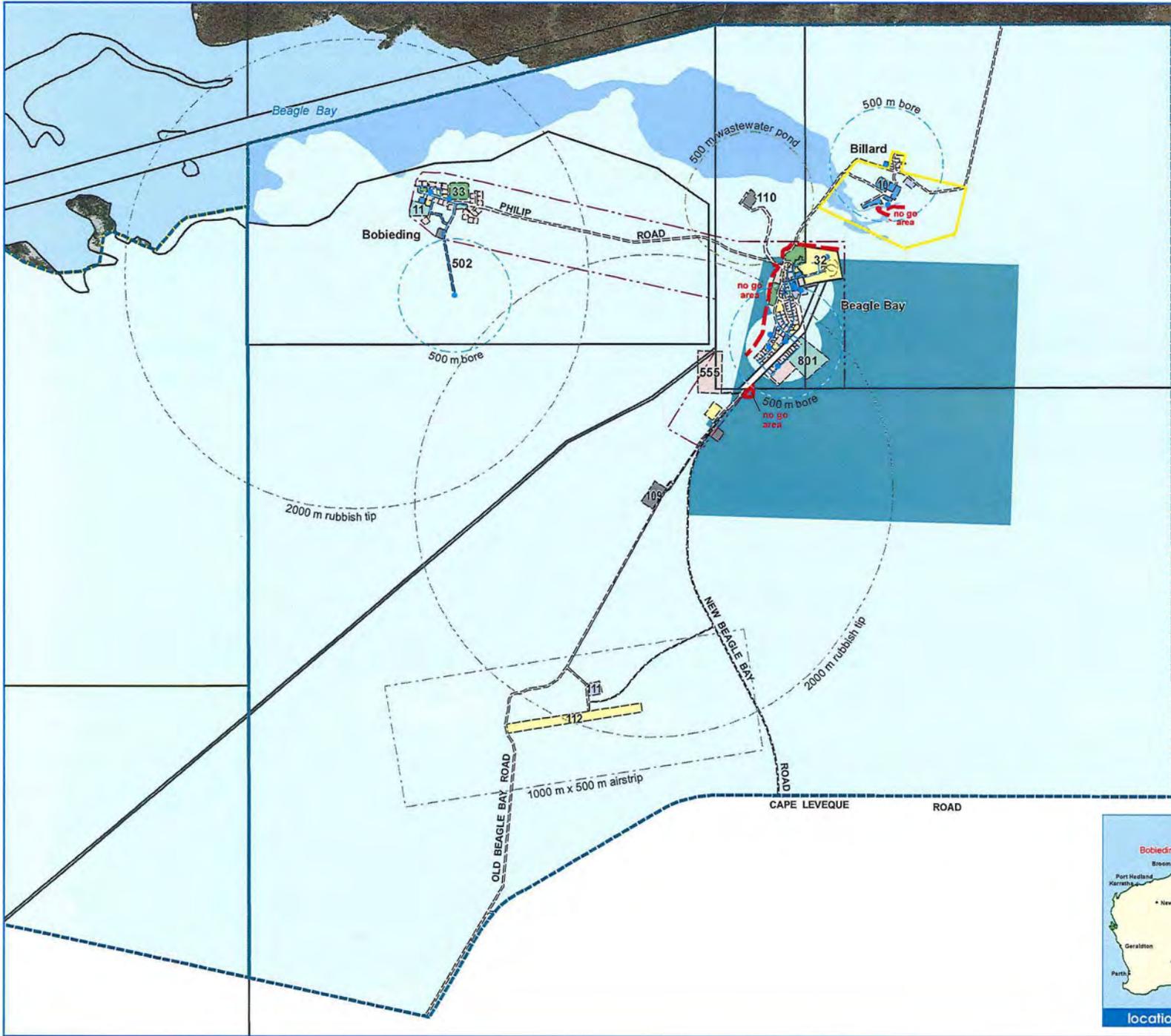
Government of Western Australia  
Department of Housing

Layout Plan 1 endorsement	
Community	1 August 2003
Local Government	12 September 2003
Traditional Owners	-
WAPC	24 February 2004
Amendment 2 endorsement	
WAPC	-

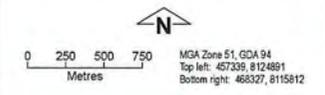
## Amendment 2



# Bobieding Layout Plan 1 - Context



- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway
- Exclusion Boundary**
- drinking water
  - source wellhead protection zone
  - no go boundary
  - utility
  - wastewater
- Land Administration**
- cadastre
  - electricity licence area
  - private lease
  - recommended settlement zone
  - settlement layout (SL) lot
  - 21 SL-lot number
- Features**
- bore
  - water body
  - water pipe



*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 Commerce and Department of Water.*

Cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)  
 Extraction date of cadastre 3/02/2012.  
 As-constructed survey data provided by Department of Housing.  
 Last date of survey 18/04/2008.  
 August 2012 aerial image provided by Landgate.  
 Map document: Bobieding LPI - Context.mxd  
 Layout plan prepared by Department of Planning.  
 © Western Australian Planning Commission

*Settlement layout lots are not derived from calculated dimensions.*

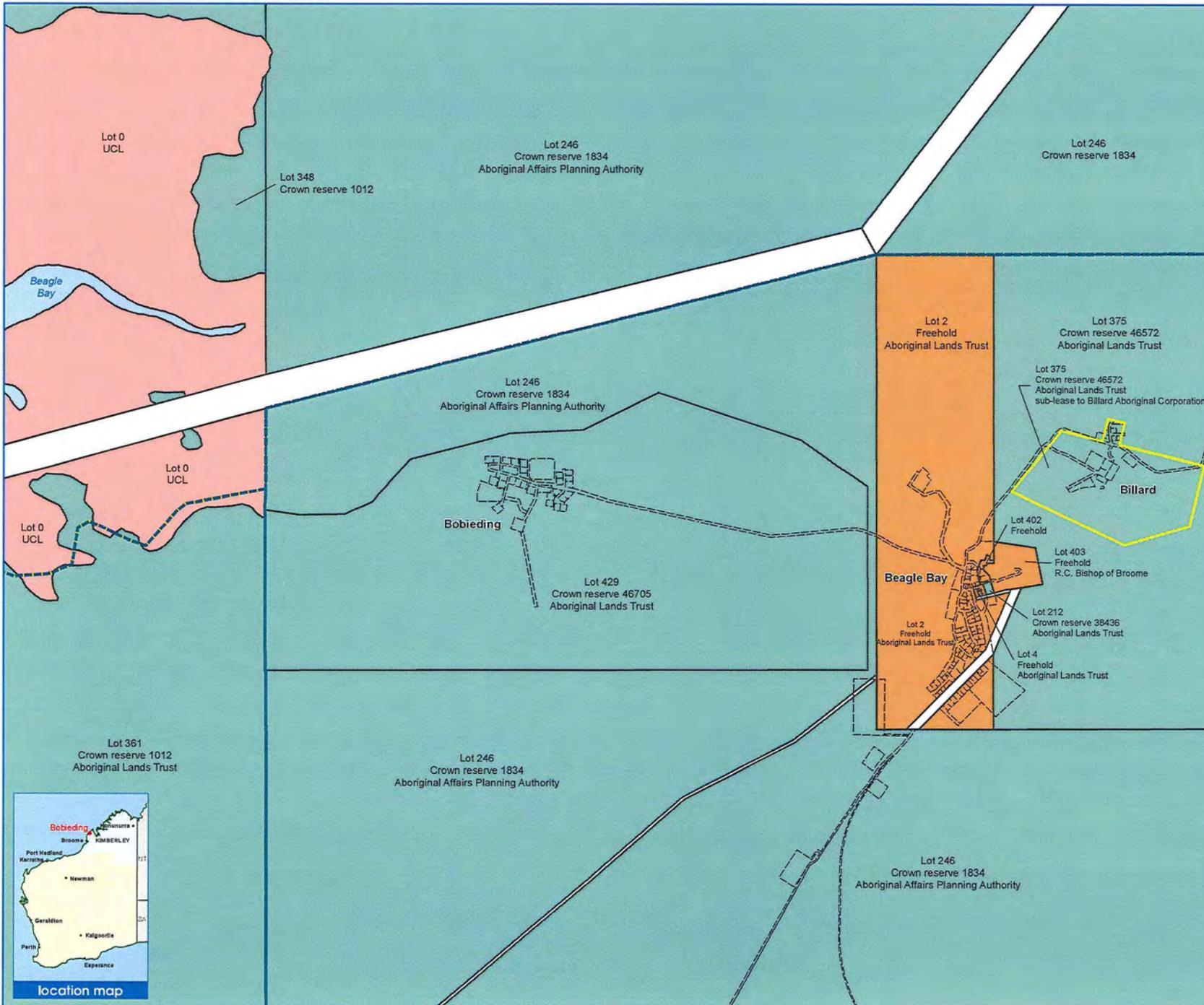


Western Australian Planning Commission  
 Government of Western Australia  
 Department of Housing

Layout Plan 1 endorsement	
Community	1 August 2003
Local Government	12 September 2003
Traditional Owners	-
WAPC	24 February 2004
Amendment 2 endorsement	
WAPC	-

## Amendment 2

# Bobieding Layout Plan 1 - Land Ownership

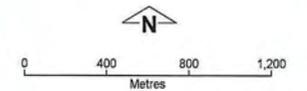


### Land Ownership

- crown reserve
- freehold
- unallocated crown land

### Land Administration

- cadastre
- private lease
- recommended settlement zone
- settlement layout



MGA Zone 51, GDA 84  
 Top left: 457715, 8126388  
 Bottom right: 465915, 8119613

**This layout plan does not constitute development approval**  
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Cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)  
 Extraction date of cadastre 3/02/2012.

Map document: Bobieding LP1 - Land Ownership.mxd  
 Layout plans prepared by Department of Planning.  
 © Western Australian Planning Commission

**Settlement layout lots are not derived from calculated dimensions.**



Government of Western Australia  
 Department of Housing

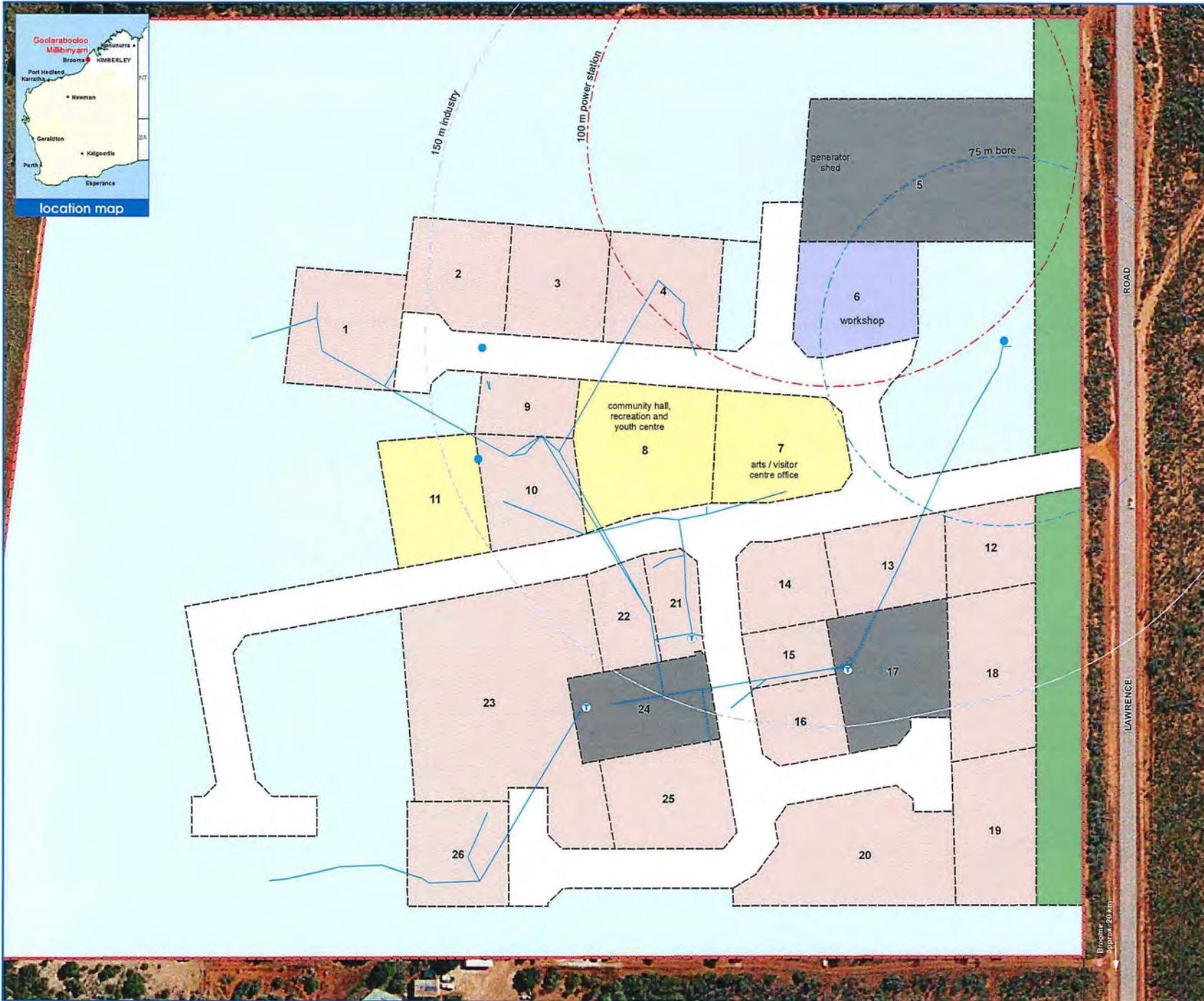
Layout Plan 1 endorsement	
Community	1 August 2003
Local Government	12 September 2003
Traditional Owners	-
WAPC	24 February 2004
Amendment 2 endorsement	
WAPC	-

## Amendment 2

Lot 361  
 Crown reserve 1012  
 Aboriginal Lands Trust

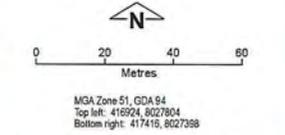


location map



# Goolarabooloo Millibinyarri Layout Plan 1 - Living Area

- Land Use**
- community
  - industrial
  - open space
  - public utility
  - recreation
  - residential
  - road reserve
- Exclusion Boundary**
- drinking water
  - source wellhead
  - protection zone
  - industry
  - power station
- Land Administration**
- cadastre
  - settlement
  - layout (SL) lot
  - settlement zone
  - 21 SL-lot number
- Features**
- bore
  - water tank
  - windmill
  - water pipe



**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 Commerce and Department of Water.

Cadastral data supplied by the Western Australian Land Information Authority (Licence LJ 430-2012-7).  
 As-constructed survey data provided by Department of Housing, Last date of survey 10/4/2007.  
 May 2007 aerial image provided by Landgate.  
 Map document: Goolarabooloo Millibinyarri LP1 - Living Area.mxd  
 Layout plan prepared by Department of Planning  
 © Western Australian Planning Commission

Settlement layout lots are not derived from calculated dimensions.



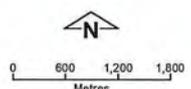
Layout Plan 1 endorsement	
Community	4 December 2003
Local Government	19 June 2003
Traditional Owners	-
WAPC	1 August 2005
Amendment 1 endorsement	
WAPC	-

## Amendment 1



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

- Land Administration**
- cadastre
  - settlement layout (SL) lot
  - settlement zone



MGA Zone 51, GDA 84  
 Top left: 409160, 8028103  
 Bottom right: 424913, 8008633

*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 life representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Commerce and Department of Water.

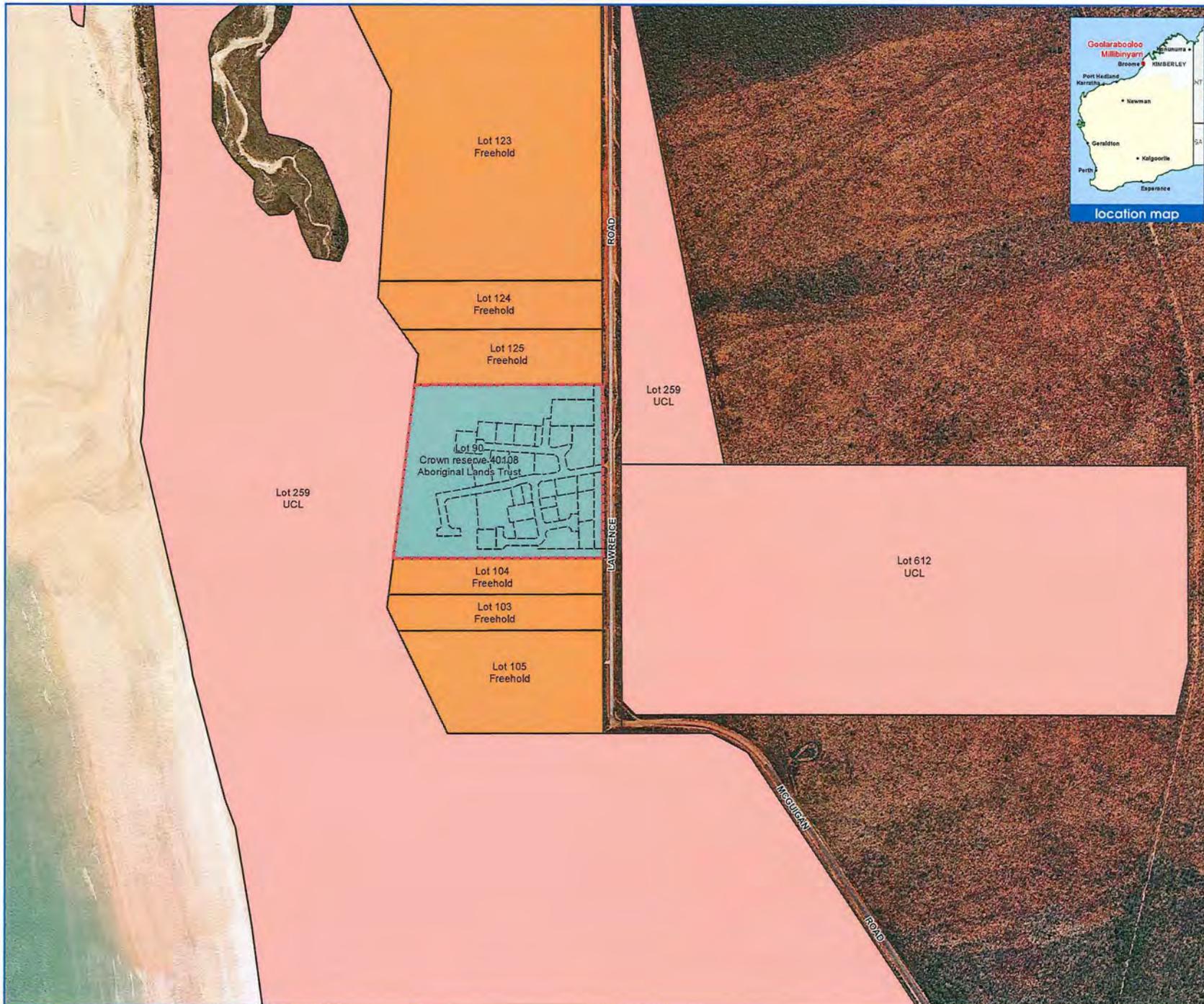
Cadastral data supplied by the Western Australian Land Information Authority (license LI 430-2012-7).  
 As-constructed survey data provided by Department of Housing.  
 Last date of survey 10/4/2007.  
 May 2007 aerial image provided by Landgate.  
 Map document Goolarabooloo Millibinyarri LP1 - Context.mxd  
 Layout plan prepared by Department of Planning  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions



Layout Plan 1 endorsement	
Community	4 December 2003
Local Government	19 June 2003
Traditional Owners	-
WAPC	1 August 2005
Amendment 1 endorsement	
WAPC	-

# Goolarabooloo Millibinyarri Layout Plan 1 - Context

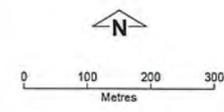
# Amendment 1



# Goolarabooloo Millibinyarri Layout Plan 1 - Land Ownership

- Land Ownership**
- crown reserve
  - freehold
  - unallocated crown land

- Land Administration**
- cadastre
  - settlement layout
  - settlement zone



MGA Zone 51, GDA 94  
 Top left: 416052, 8028630  
 Bottom right: 418709, 8028436

**This layout plan does not constitute development approval.**  
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Cadastral data supplied by the Western Australian Land Information Authority (Licence LJ 430-2012-7).  
 May 2007 aerial image provided by Landgate.  
 Map document: Goolarabooloo Millibinyarri LP1 - Land Ownership.mxd  
 Layout plan prepared by Department of Planning  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions.



Layout Plan 1 endorsement	
Community	4 December 2003
Local Government	19 June 2003
Traditional Owners	-
WAPC	1 August 2005
Amendment 1 endorsement	
WAPC	-

## Amendment 1

### Djarindjin Layout Plan 3 Amendment 3

#### Shire of Broome Reasons for 'not endorsing' Consideration

At its 18 April 2013 meeting the Shire of Broome resolved to not endorse the Djarindjin Layout Plan 3 Amendment 3. The reasons are cited below, with corresponding consideration and recommendation by the Department.

Reason (verbatim)	Consideration	Recommendation
Review the extent of the Djarindjin Layout Plan to ensure it is consistent with the Settlement under draft Local Planning Scheme No 6.	The proposed Shire of Broome Local Planning Scheme 6 is currently pending the consideration of the Minister for Planning for consent to advertise. The WAPC has recommended that the Minister require that the Shire undertake a range of modifications to the proposed Scheme prior to advertising commencing, including reconsideration of the extent of the Settlement zones in consultation with the Department. State Planning Policy 3.2 – Aboriginal Settlements provides that a ‘...clear and appropriate area for a ‘Settlement’ zone is to be defined and delineated...’ in the Layout Plan. The LP3 Amendment 3 map-set and report defines and delineates a clear and appropriate Recommended Settlement Zone.	Dismiss
Amend the Djarindjin Layout Plan to include the following: Environmental features including: <ul style="list-style-type: none"> <li>• Native vegetation mapping, including the identification of any threatened ecological communities or declared rare flora and fauna.</li> <li>• A drainage map/stormwater management plan/strategy showing the main drainage features and key outlet and treatment points.</li> <li>• Soil mapping and identification of any potential acid sulphate soils.</li> <li>• Identification of any potential contaminated sites.</li> </ul>	Native vegetation, soil mapping and contaminated sites is beyond the ambit of Layout Plan preparation.  Municipal services delivery, including drainage, is very limited at Djarindjin. Drainage is one aspect of design incorporated into the SL-lot road network. Preparation of an urban water management plan may best be completed by the implementation agent.	Dismiss
Amend the Djarindjin Layout Plan to include the	The existing telecommunication facilities are shown in LP3.	

Reason (verbatim)	Consideration	Recommendation
<p>Amend the Djarindjin Layout Plan to include the following: Details of telecommunication facilities available within the community and whether any expansion is required to cater for future growth.</p>	<p>Consideration of telecommunication infrastructure demand and improvements is beyond the scope of layout plan preparation.</p>	
<p>Include an Action Plan that sets out the Lead Agency, timing and priority of upgrades to infrastructure including a timeframe for the re-location of the rubbish tip and preparation of a ground water source protection and management plan.</p>	<p>Layout plans are not an instrument that can effectively establish a multi-agency action plan for a given settlement. However, 'Aboriginal Settlements Guideline 2: Provision of Housing and Infrastructure' is an instrument that does establish how to coordinate and prioritise development across WA's Aboriginal settlements. A database of assessments under Guideline 2 is maintained by DoH and used by a range of state agencies and authorities.</p> <p>The Djarindjin Drinking Water Source Protection Plan (DWSPP) was prepared by consultants for DoH in 2009, and subsequently endorsed by the Department of Water (2010). The DWSPP states that drinking water at Djarindjin (and Lombadina) is considered to be at risk due to the location of the bores. LP3 translates the Priority 1 protection area as the 'Drinking Water Source Protection Area' land use category.</p> <p>LP3 notes that a new and more appropriately located shared drinking water source will need to be developed to meet the demands of projected growth at Djarindjin and Lombadina. Future exploration areas are identified in the report, and illustrated on the map-set.</p>	

## ITEM NO: 9.4

### BEAGLE BAY LAYOUT PLAN 1 – FOR ENDORSEMENT

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Planning – Aboriginal Communities
AUTHORISING OFFICER:	Executive Director – Regional Planning and Strategy
AGENDA PART:	D
FILE NO:	057/1/1/25P77V
DATE:	14 May 2013
ATTACHMENT(S):	1. Beagle Bay Layout Plan 1 map-set 2. Consideration of Shire of Broome Concerns

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to endorse the Beagle Bay Layout Plan 1.***

#### SUMMARY:

Beagle Bay Layout Plan 1 (LP1) has been prepared by the Department of Planning (the Department). LP1 addresses a range of issues relevant to the growth and development of Beagle Bay in an orderly and proper manner.

LP1 has been endorsed by the resident community of Beagle Bay. Best endeavours have been made to secure endorsement by Traditional Owners. The Shire of Broome has declined to endorse LP1 for a range of reasons. The concerns of the Shire are not considered to warrant review or refusal of LP1. Beagle Bay LP1 is considered to comply with State Planning Policy 3.2 (SPP3.2). Endorsement is recommended.

#### BACKGROUND:

Beagle Bay is an Aboriginal settlement within the Shire of Broome. It is located on the west coast of the Dampier Peninsula adjacent to the Indian Ocean, north of Broome. It is approximately 120km by road from Broome. There are several small communities proximate to Beagle Bay, including Bobieding, 3 kilometres to the west.

Beagle Bay has a range of services and demands typical of a town with 250 residents and a hinterland population of about 200. However, due to the particular historic complexities of the settlement, Beagle Bay does not benefit from constructs and services typical of a town its size, including: cadastre that matches land use; regulated drinking and wastewater services; free-market enterprises; appropriately located utilities; constructed roads, and; a comprehensive drainage system.

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## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section:

*Planning and Development Act 2005*

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

State Planning Policy 3.2

Aboriginal Settlements

- To provide for the recognition of Aboriginal settlements through local planning schemes and strategies, and;
- To collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

### DETAILS:

LP1 was prepared during 2011 and 2012 by the Department.

### Population

Beagle Bay has an approximate population of 250 people. It is expected that this will grow to 350 people within the next 15 years, largely as a consequence of natural growth. LP1 has a design population of 350.

In addition, Beagle Bay services a hinterland population of about 200 people, living in surrounding small communities.

### Historical / Cultural Context

Beagle Bay is predominantly on the traditional lands of the Nyul-Nyul people. This community first started as a Catholic mission established around 1890 by Trappist Monks. The mission ceased to operate in the mid 1970's and the Beagle Bay community has been largely self-determined since that time.

The modern history of Beagle Bay is representative of the experience of the Dampier Peninsula more generally. The broad phases of change to have affected people on the Peninsula in the last 200 years being pearling, missions, autonomy, homeland movement and the present situation.

### Native Title and Aboriginal Heritage

The Nyul Nyul people registered a claim on about 1195km<sup>2</sup> of land on the Dampier Peninsula on the 26 March 2010. Beagle Bay is predominantly located in this claim area.

Some of Beagle Bays infrastructure, including the airstrip, power station and rubbish tip, is located outside of the Nyul Nyul claim in the Djabera-Djabera registered Native Title claim area immediately to the south of the Nyul-Nyul claim.

There are numerous sites registered under the *Aboriginal Heritage Act 1972* in and about Beagle Bay. During the preparation of LP1 an Aboriginal Heritage Survey was

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conducted (November 2011) and formed the basis of the 'no-go' exclusion boundaries that are shown on the LP1 map-set.

### **Aspirations**

A critical aspect of Layout Plan preparation is establishing the aspirations of the resident community and the Traditional Owners. LP1 notes and/or incorporates a range of aspirations, including:

- Residential land assembly.
- Culturally significant land protection
- Industrial uses expansion.
- Community uses expansion.

### **Land Tenure**

Beagle Bay is located over 3 Freehold land parcels held by the Aboriginal Land Trust and the Bishop of Broome. The power station, airstrip and rubbish tip are on a Crown Reserve. These land holdings are considered appropriate tenure for the community.

The Settlement Layout lot (SL-lot) framework that forms the basic platform of LP1 is the primary method of identifying land at Beagle Bay, establishing the house/building numbers and street names that are critical to service provision.

### **Essential Services**

Electricity generation and distribution is regulated and is provided by Horizon Power. The reticulated distribution network generally aligns with the LP1 SL-lot network. Although there is additional power available, any significant residential increase to the community will require power upgrades.

Drinking water supply and distribution is not regulated. The Department of Housing (DoH) has operational responsibility for the provision of drinking water at Beagle Bay. Drinking water is sourced from two bores within the southern portion of the urban area.

The Beagle Bay Drinking Water Source Protection Plan (DWSPP) was prepared by consultants for DoH in 2009, and subsequently endorsed by the Department of Water (2010). The DWSPP states that drinking water at Beagle Bay is at risk due to the location of the bores. LP1 translates the Priority 1 protection area as the 'Drinking Water Source Protection Area' land use category.

LP1 notes that a new and more appropriately located drinking water source will need to be developed to ensure safe drinking water is available to meet the demands of projected growth at Beagle Bay. A number of short term protection measures are also listed in the report.

### **Flood and Inundation**

As is the case with most Aboriginal settlements, there is no empirical flood data available for Beagle Bay. The LP1 Report notes that a known flood extent boundary has been identified showing the extent of flooding at the community and the areas which were considered unsuitable for future development. This flood line was created in consultation with the community and local knowledge was used to identify the worst case flooding levels and locations that could be recalled. The resulting flooding

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boundary encompasses the entire community living area. Clearly the opportunity for expansion is seriously constrained with minimal opportunity to expand out from the existing living area.

LP1 recommends that an investigation of required coastal setbacks and development levels at Beagle Bay be undertaken, in accordance with State Planning Policy 2.6.

### **Environmental Considerations**

Monsoon Vine Thickets (MVT's) exclusive to the Dampier Peninsula are environmentally sensitive areas under the Environmental Protection Notice 2005 made under the Environmental Protection Act 1986. The MVT's are currently ranked vulnerable and a Threatened Ecological Community (TEC).

The MVT's occur as discontinuous but discrete pockets of dense vegetation, ranging from a few trees to patches around 500ha in size. The MVT's are threatened due to vegetation clearing, weed invasion, hydrological change, feral animals and climate change.

LP1 notes that future development in Beagle Bay that has the potential to impact areas of the MVT's will require referral and consultation with the Native Vegetation Conservation Branch at DEC.

### **Recommended Settlement Zone**

SPP3.2 provides that a local government is to classify land as 'settlement' zone in a local planning scheme where the endorsed Layout Plan includes the definition of a clear and appropriate area for a 'settlement' zone. The recommended settlement zone matches that shown on the draft Dampier Peninsula Planning Strategy, prepared by the Department. In summary, it is based on the following:

- North: Northern boundary of Crown Reserve 46572 (Leased by ALT). Approximately 2.5km due north of the central living area. Extent required to match cadastre.
- East: Eastern boundary of Crown Reserve 46572 (Leased by ALT). Approximately 3.5km east of the central living area. Extent required to include drinking water source area and matches cadastre.
- South: Northern boundary of Cape Leveque Road and northern side of major track. Extent to include airstrip.
- West: Western boundary of Crown Reserve 1834 (Leased by Aboriginal Affairs Planning Authority). Extent required to include Bobieding community.

The Layout Plan map-set at Attachment 1 includes identification of the recommended settlement zone.

### **Land Supply**

LP1 identifies and prioritises a number of areas for residential infill and expansion.

SL-lots 20, 68A, 68B, 78, 106, 212 and 455 are all within the existing community living area and available to be developed for residential purposes. SL-lot 212 has been set aside by the community for staff accommodation. SL-lot 555 is a new residential area that has been identified in consultation with the community. It has been shown on LP1 as 'residential', but in the manner of 'deferred urban' zoning in

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the Metropolitan Region Scheme. SL-lot 555 will require detailed planning prior to development to address issues such as; SL-lot and road layouts, drainage, essential services networks, recreation areas, and all other relevant town planning considerations.

### **Government Initiatives**

Beagle Bay Community is a Council of Australian Governments 'Closing the Gap' National Partnership Agreement Remote Service Delivery site. The WA and Commonwealth Governments have been working with the Beagle Bay community since 2009 to improve the delivery of services through a single government interface. Underpinning Closing the Gap is a new way of working across government and of engaging with Indigenous communities. Governments are cooperating to better coordinate their services and funding. Clear responsibilities, specific targets and rigorous reporting will help to keep governments working in a collaborative and effective manner. LP1 has been prepared in consultation with the state and commonwealth officers located in Beagle Bay to ensure that the intent of 'Closing the Gap' was sustained through the planning process.

The Aboriginal Affairs Coordinating Committee (AACC) is a committee of Director Generals that is constituted under the *Aboriginal Affairs Planning Authority Act 1972* with the objective of coordinating programs and initiatives relevant to Aboriginal West Australians. The AACC is served by the Department of Indigenous Affairs (DIA). The Department is currently working with DIA to develop a mapviewer to serve the needs of the AACC. Layout Plans are critical to the AACC's requirements. Layout Plans require WAPC endorsement or ratification prior to release for use by the AACC.

WAPC endorsement of LP1 will affirm that the plan has currency within the State's regime and may be used as the platform for a range of positive initiatives.

### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The Layout Plan establishes a platform for the efficient and coordinated investment by the State in housing and infrastructure at Beagle Bay. Critically, WAPC endorsement of LP1 will enable LP1 to be forwarded to the Shared Land Information Platform (SLIP) for distribution to state agencies and authorities.

### **CONSULTATION:**

The preparation of LP1 was undertaken by the Department through invitation from the Kimberley Land Council on behalf of the resident community and Traditional Owners of Beagle Bay. The preparation included significant *on-country* workshops, meetings and discussions with both the Nyul-Nyul Native Title Claim Working Group and Beagle Bay Community members.

Community members and Traditional Owners representing the resident community have endorsed LP1. The official Nyul Nyul Native Title Claim Working Group have not yet endorsed the plan, however, they have raised no concerns and have advised informally that there is a high likelihood that it would be endorsed when an official Nyul Nyul Working Group meeting is convened.

In addition to the above, preparation of LP1 included consultation with a range of other parties, including: the Departments of Education, Transport, Aboriginal Affairs,

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Fire and Emergency Services, Water and the Premier and Cabinet; Shire of Broome; Roman Catholic Bishop of Broome; Kimberley Aboriginal Medical Services Council; Horizon Power; Water Corporation, and; the Remote Aboriginal Essential Service Program.

The Shire has resolved to “not endorse” LP1 for a range of reasons, including:

- extent of the recommended settlement zone.
- limited availability of environmental data.
- telecommunications facility expansion not considered.
- Insufficient consideration regards the waste water treatment ponds.
- No new site for a cemetery selected.
- Consideration to allocate more land for commercial purposes.

Consideration of the Shire’s concerns is at Attachment 2.

Broadly, the Shire’s response may be best understood in the context of a broader concern with the lack of regularised service provision to Aboriginal settlements. This concern is at the core of the purpose of SPP3.2, which requires that Layout Plans be prepared. Layout Plans establish a spatial platform from which the manifold issues that are required to be addressed are realised. This ensures that Aboriginal settlements receive a level of service provision that is comparable to similar towns elsewhere in the State.

The Shire was regularly advised of and invited to a number of meetings held with various parties during the preparation of the LP1. It is considered that best endeavours have been made to secure the endorsement of the Shire. The concerns cited by the Shire in not endorsing LP1 are not considered to be of sufficient significance to warrant revising detailed elements of LP1.

**OFFICER’S COMMENTS:**

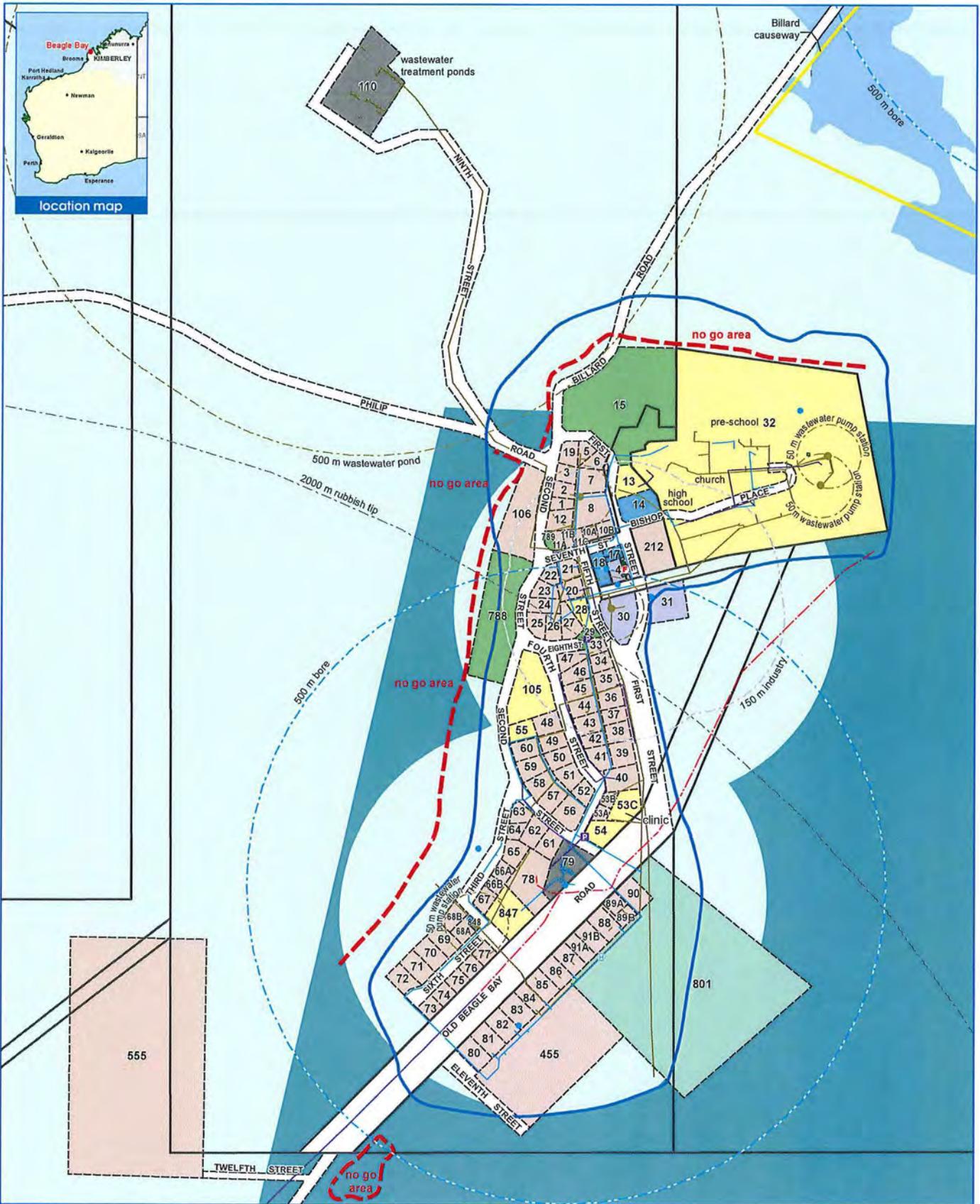
Beagle Bay is a relatively large Aboriginal settlement with a strong and unique history. The major purpose of LP1 is to guide growth and development of Beagle Bay by providing a layout of existing and future land uses within the ‘Recommended Settlement Zone’, protection of the drinking water and location of essential service infrastructure.

LP1 has been prepared in consultation with the Nyul Nyul Native Title Claim Working Group and Beagle Bay Community members to ensure that the plan reflects all aspirations. Technical input from a number of government and non-government agencies responsible for providing services and infrastructure to the community has also been incorporated into the plan.

The concerns of the Shire of Broome contrast to the consideration of all other parties engaged with the preparation of LP1. It is recommended that the concerns of the Shire be dismissed.

LP1 is consistent with SPP 3.2, providing for the orderly and coordinated development of Bidyadanga.

Endorsement is recommended.



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

- Land Administration**
- cadastre
  - private lease
  - settlement layout (SL) lot & SL-lot number
- Features**
- bore
  - fuel tank
  - hydrant
  - public telephone
  - wastewater pump

- Exclusion Boundary**
- drinking water protection zone
  - utility
  - industry
  - no go boundary
  - telecommunications cable
  - telecommunications fibre optic cable
  - wastewater pipe
  - water pipe

0 50 100 150 Metres

**This layout plan does not constitute development approval**

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MGA Zone 51, GDA94  
 Top left - 463353, 8123298  
 Bottom right - 465675, 8124417

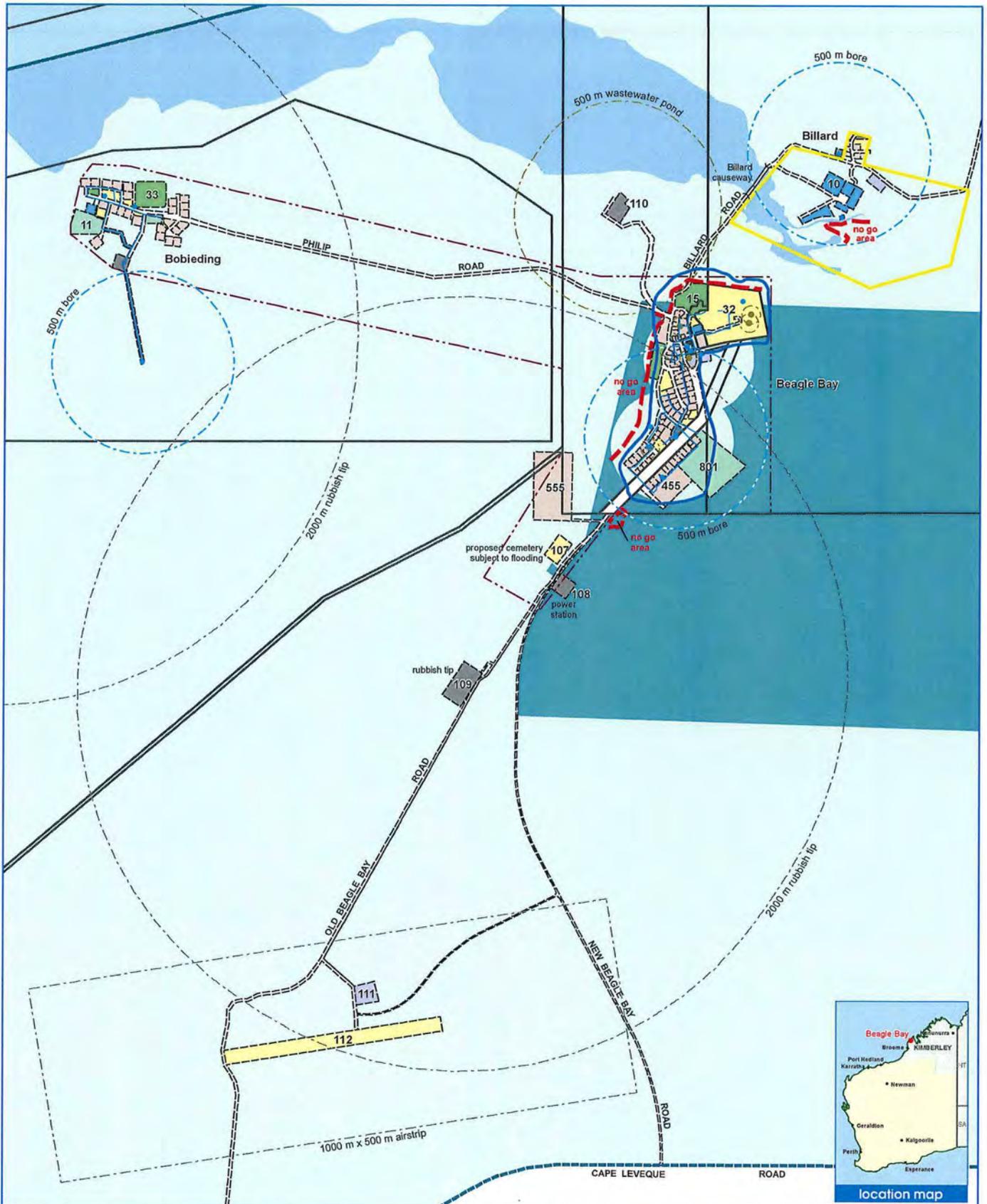
Cadastral data supplied by the Western Australian Land Information Authority (License L1435-2012-7)  
 As-constructed survey data provided by the Department of Housing. Date of survey 1/11/2007.  
 August 2012 aerial image provided by Landgate Map document: Beagle Bay LP1 - LivingArea.mxd  
 Layout plan prepared by Department of Planning  
 © Western Australian Planning Commission

Settlement layout lots are not derived from calculated dimensions.

Western Australian Planning Commission  
 Government of Western Australia  
 Department of Housing

Layout Plan 1 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	-
WAPC	-
Amendment endorsement	
WAPC	-

Beagle Bay Layout Plan 1 - Living Area



- |                                       |                             |                                       |
|---------------------------------------|-----------------------------|---------------------------------------|
| <b>Land Use</b>                       | <b>Land Administration</b>  | <b>Exclusion Boundary</b>             |
| commercial                            | cadastre                    | drinking water                        |
| community                             | electricity licence area    | utility                               |
| drinking water source protection area | private lease               | wastewater                            |
| industrial                            | recommended settlement zone | protection zone                       |
| open space                            | settlement layout (SL) lot  | no go boundary                        |
| public utility                        | 67 SL-lot number            |                                       |
| recreation                            |                             | <b>Features</b>                       |
| residential                           |                             | bore                                  |
| road reserve                          |                             | wastewater pump                       |
| rural                                 |                             | as-constructed miscellaneous features |
| waterway                              |                             | flooded boundary                      |
|                                       |                             | water body                            |
|                                       |                             | water pipe                            |

N  
0 150 300 450  
Metres

**This layout plan does not constitute development approval**

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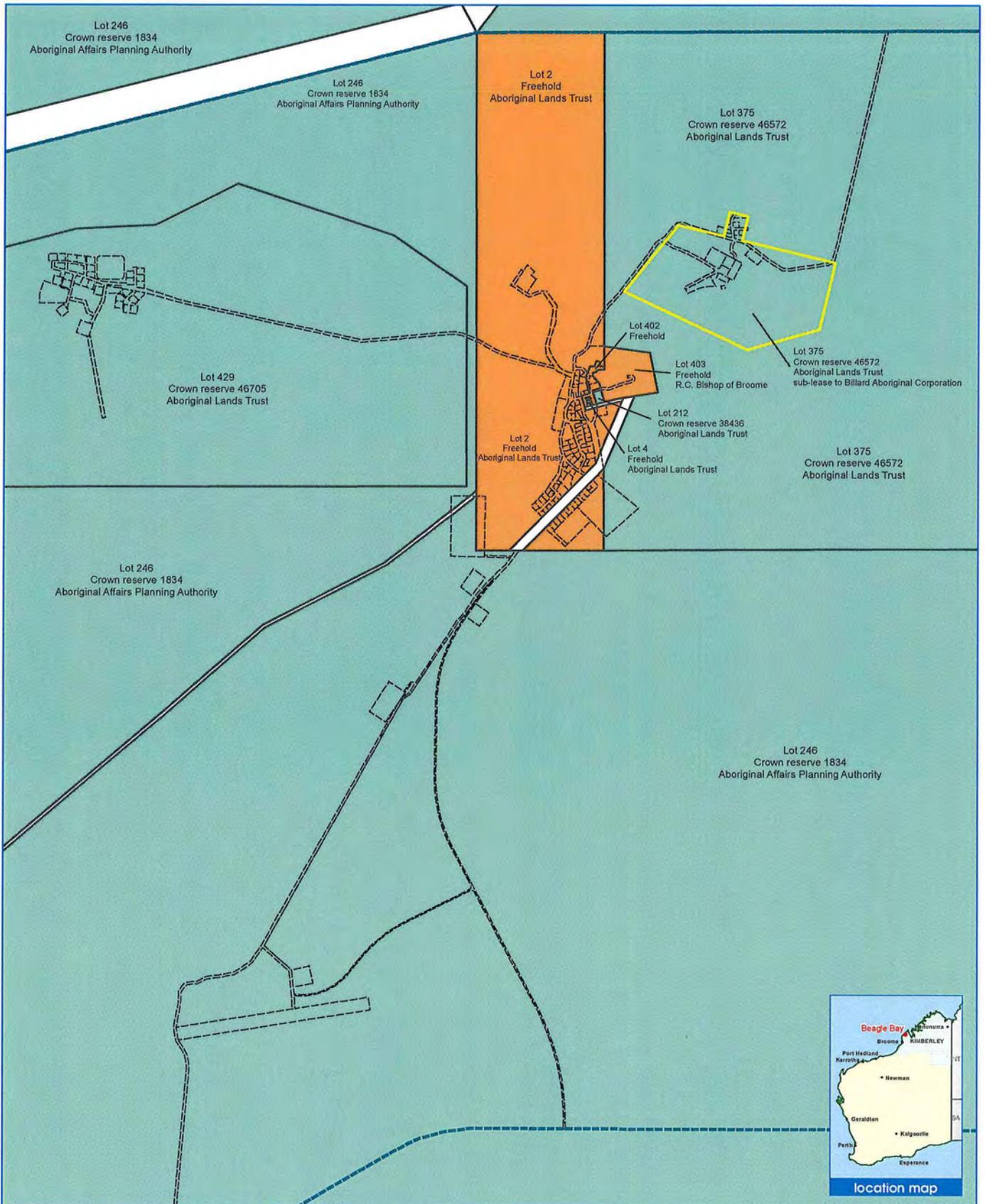
MGA Zone 51, GDA 94  
Top left: 460568, 8124281  
Bottom right: 466686, 8117881

Cadastral data supplied by the Western Australian Land Information Authority (Licence LI 430-2012-7).  
Extraction date of cadastral 03/02/2012.  
As-constructed survey data provided by the Department of Housing. Date of survey 1/11/2007, November 2007 and August 2012 aerial image provided by Landgate.  
Map document: Beagle Bay LP1 - Detail Context.mxd  
Layout plan prepared by Department of Planning  
© Western Australian Planning Commission  
Settlement layout lots are not derived from calculated dimensions

Western Australian Planning Commission  
Government of Western Australia  
Department of Housing

Layout Plan 1 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	-
WAPC	-
Amendment endorsement	
WAPC	-

## Beagle Bay Layout Plan 1 - Context



- Land Ownership**
- crown reserve
  - freehold
- Land Administration**
- Aboriginal Lands Trust lease
  - cadastre
  - recommended settlement zone
  - settlement layout

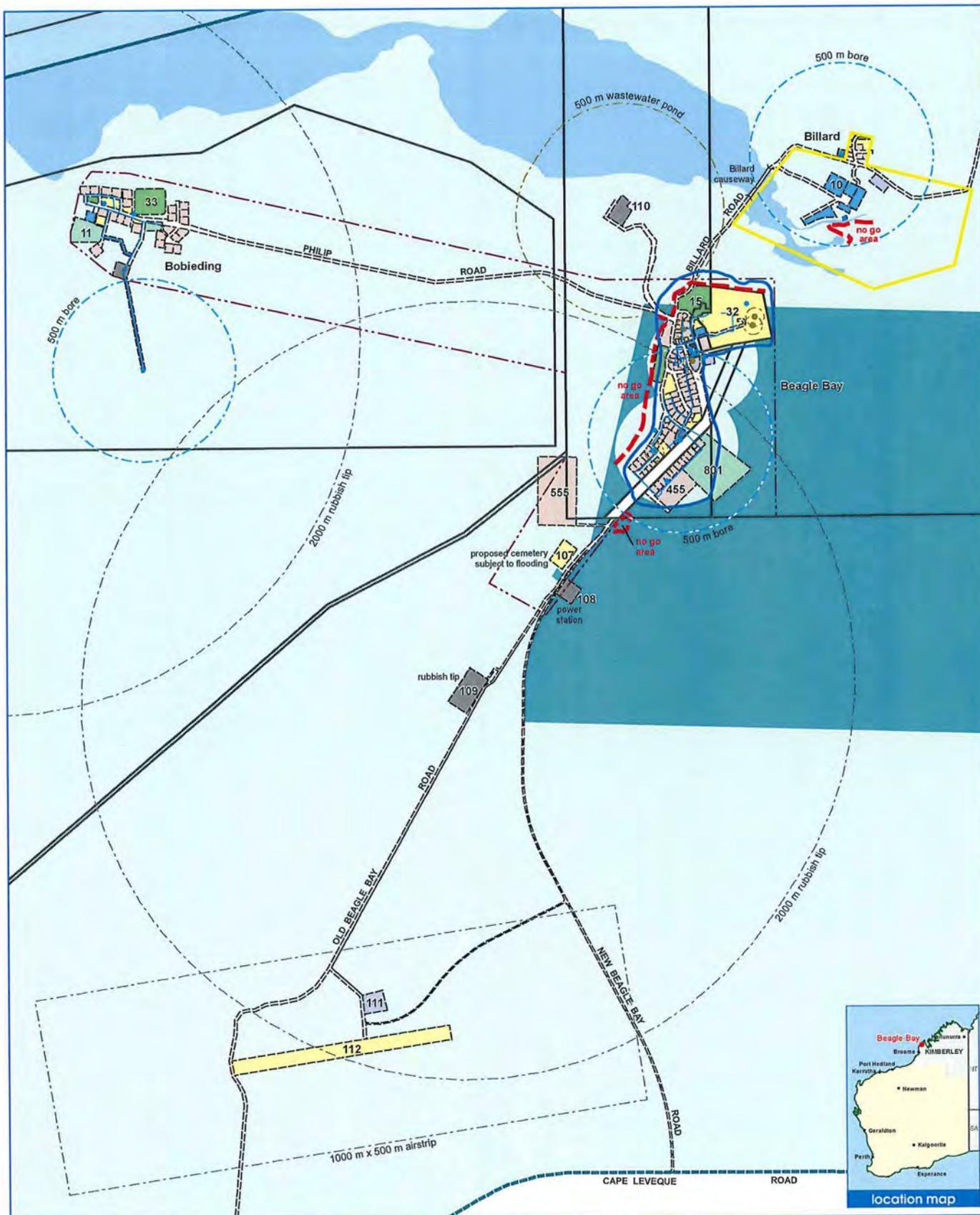
**This layout plan does not constitute development approval**  
 It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land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

MGA Zone 51, GDA 84  
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 Bottom right : 466705, 8117440  
 Cadastral data supplied by the Western Australian Land Information Authority (License LI 430-2012-7).  
 Extraction date of cadastre 03/02/2012.  
 Map document: Beagle Bay LP1 - LandOwnership.mxd  
 Layout plan prepared by Department of Planning.  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions.

Western Australian Planning Commission  
 Government of Western Australia  
 Department of Housing

Layout Plan 1 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	-
WAPC	-
Amendment endorsement	
WAPC	-

# Beagle Bay Layout Plan 1 - Land Ownership



- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway
- Land Administration**
- cadastre
  - electricity licence area
  - private lease
  - recommended settlement zone
  - settlement layout (SL) lot
  - 67 SL-lot number

- Exclusion Boundary**
- drinking water
  - source wellhead protection zone
  - utility
  - wastewater
  - no go boundary
- Features**
- bore
  - wastewater pump
  - as-constructed miscellaneous features
  - flooding boundary
  - water body
  - water pipe

0 150 300 450 Metres

**This layout plan does not constitute development approval**

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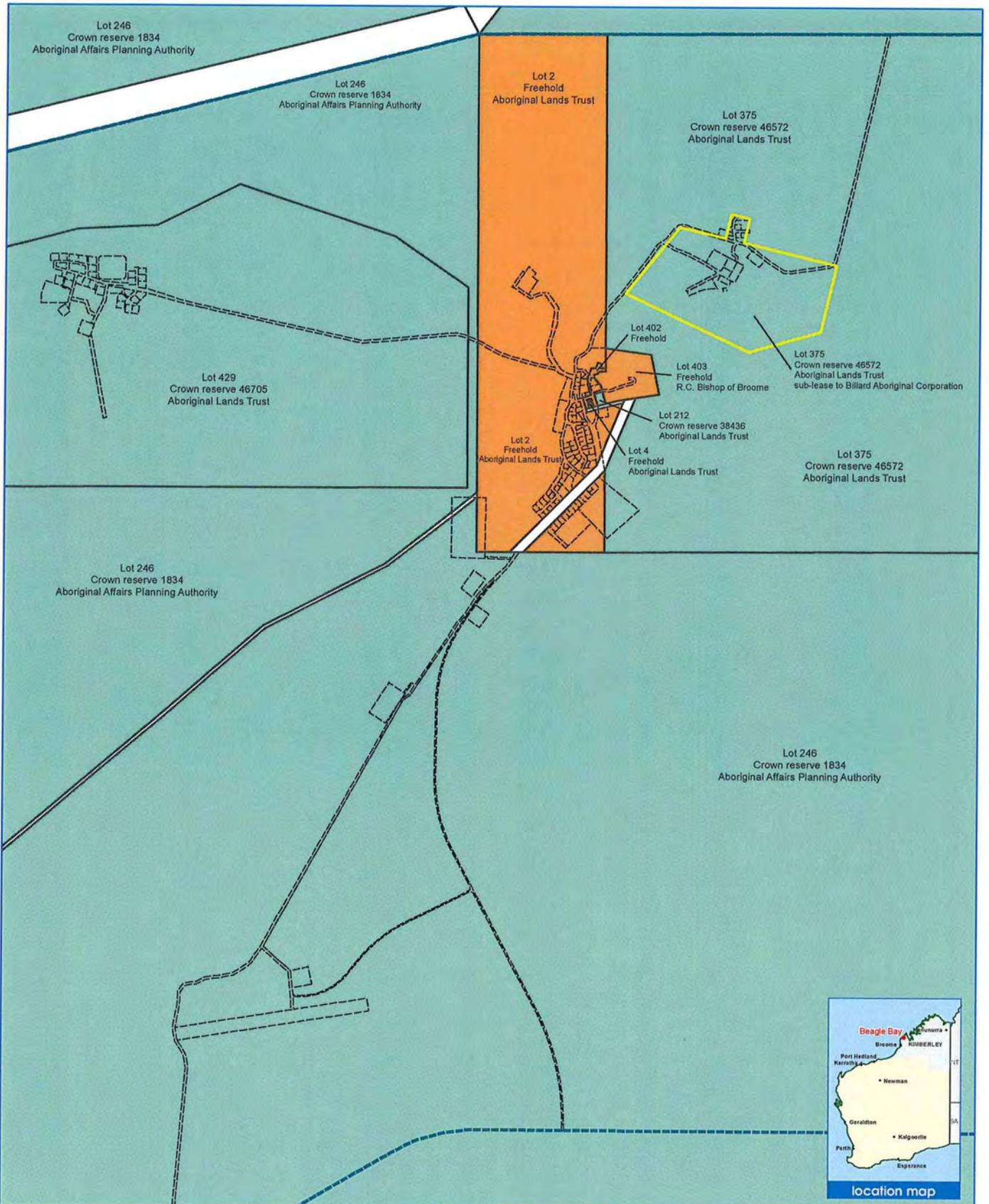
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 As-constructed survey data provided by the Department of Housing. Date of survey 1/11/2007, November 2007 and August 2012 aerial image provided by Landgate  
 Map document: Beagle Bay LP1 - Detail Context.mxd  
 Layout plan prepared by Department of Planning  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions

Western Australian Planning Commission  
 Government of Western Australia  
 Department of Housing

Layout Plan 1 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	-
WAPC	-
Amendment endorsement	
WAPC	-

# Beagle Bay Layout Plan 1 - Context

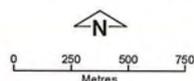


**Land Ownership**

- crown reserve
- freehold

**Land Administration**

- Aboriginal Lands Trust lease
- cadastre
- recommended settlement zone
- settlement layout



**This layout plan does not constitute development approval**  
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MGA Zone 51, GDA 94  
 Top left: 460700, 8124870  
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Cadastral data supplied by the Western Australian Land Information Authority (License LI 430-2012-7).  
 Extraction date of cadastre 03/02/2012.  
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 Layout plan prepared by Department of Planning.  
 © Western Australian Planning Commission  
 Settlement layout lots are not derived from calculated dimensions.



Layout Plan 1 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	-
WAPC	-
Amendment endorsement	
WAPC	-

**Beagle Bay Layout Plan 1 - Land Ownership**

## Beagle Bay Layout Plan 1

### Shire of Broome Reasons for 'not endorsing' Consideration

At its 21 March 2013 meeting the Shire of Broome resolved to "not endorse" Beagle Bay Layout Plan 1. The reasons are cited below, with corresponding consideration and recommendation by the Department.

Reason (verbatim)	Consideration	Recommendation
<p>The Layout Plan does not clearly delineate the settlement zone boundary which should reflect the areas where settlement has already occurred or where settlement should occur.</p>	<p>State Planning Policy 3.2 – Aboriginal Settlements provides that a '...clear and appropriate area for a 'Settlement' zone is to be defined and delineated...' in the Layout Plan.</p> <p>The LP1 map-set and report defines and delineates a clear and appropriate Recommended Settlement Zone.</p>	Dismiss
<p>Environmental features have not been adequately addressed and should include the following elements:</p> <ul style="list-style-type: none"> <li>• Height of ground water table</li> <li>• Native vegetation mapping, including the identification of any threatened ecological communities or declared rare flora and fauna.</li> <li>• A drainage map/strategy showing the main drainage features and key outlet and treatment points.</li> <li>• Soil mapping and identification of any potential acid sulphate soils.</li> <li>• Identification of any potential contaminated sites.</li> <li>• Future drinking water source areas.</li> </ul>	<p>The Beagle Bay Drinking Water Source Protection Plan was endorsed by the Department of Water in 2010. That Plan includes all relevant data and has been integrated into LP3, including identification of areas for drinking water source exploration.</p> <p>Native vegetation, soil mapping and contaminated sites is beyond the ambit of Layout Plan preparation. It is noted in LP1 as a data gap that requires future attention.</p> <p>Municipal services delivery, including drainage, is very limited at Beagle Bay. Drainage is one aspect of design incorporated into the SL-lot road network. Preparation of an urban water management plan may best be completed by the implementation agent.</p>	Dismiss
<p>Details of telecommunication facilities available within the community and whether any expansion is required to cater for future growth should be detailed within the Layout Plan.</p>	<p>The existing telecommunication facilities are shown in LP1. Consideration of telecommunication infrastructure demand and improvements is beyond the scope of layout plan preparation.</p>	Dismiss

Reason (verbatim)	Consideration	Recommendation
Advice from the Water Corporation and Department of Health relating to the Waste Water Treatment Pond detailing whether any upgrading or relocation is required.	LP1 notes that the existing sewage treatment ponds (STP) are not optimally located and confirms that site selection for a new, in whole or part, STP should be undertaken in conjunction with the exploration and definition of a new drinking water source.	Dismiss
Update plan to show approved Waste Disposal Facility location and identify current site as a possible contaminated site.	LP1 shows the existing rubbish tip sites and notes that a future rubbish tip site (2kms away) should be located.	Dismiss
Consideration should be given to include commercial zoned land within proximity to SL-lots 455 and 555.	LP1 identifies existing and proposed commercial land use in consultation with the community. There is no current demand or aspiration for additional commercial land in Beagle Bay.	Dismiss
An alternative site for the proposed cemetery to be provided to ensure mitigation of flood risk.	LP1 has identified a potential new cemetery site at SL-lot 107.	Dismiss
Update plan to include location of all proposed access roads.	LP1 shows all existing and proposed roads.	Dismiss
An Action Plan should be included in the Layout Plan that sets out the Lead Agency, timing and priority of upgrades to infrastructure.	Layout plans are not an instrument that can effectively establish a multi-agency action plan for a given settlement. However, 'Aboriginal Settlements Guideline 2: Provision of Housing and Infrastructure' is an instrument that does establish how to coordinate and prioritise development across WA's Aboriginal settlements. A database of assessments under Guideline 2 is maintained by DoH and used by a range of state agencies and authorities.	Dismiss

## ITEM NO: 9.5

### BIDYADANGA LAYOUT PLAN 3 – FOR ENDORSEMENT

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Planning – Aboriginal Communities
AUTHORISING OFFICER:	Executive Director – Regional Planning and Strategy
AGENDA PART:	D
FILE NO:	A2467716
DATE:	14 May 2013
ATTACHMENT(S):	1. Bidyadanga Layout Plan 3 map-set 2. Consideration of Shire of Broome Concerns

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to endorse the Bidyadanga Layout Plan 3.***

#### SUMMARY:

Bidyadanga Layout Plan 3 (LP3) has been prepared by the Department of Planning (the Department). LP3 addresses a range of issues relevant to the growth and development of Bidyadanga in an orderly and proper manner.

LP3 has been endorsed by the resident community and the Traditional Owners. The Shire of Broome has declined to endorse LP3 for a range of reasons. The concerns of the Shire are not considered to warrant review or refusal of LP3. Bidyadanga Layout Plan 3 is considered to comply with State Planning Policy 3.2 – Aboriginal Settlements (SPP3.2). Endorsement is recommended.

#### BACKGROUND:

Bidyadanga is an Aboriginal settlement within the Shire of Broome. It is approximately 95km due south, and 190km by road, from Broome. Bidyadanga is approximately 11km via (undedicated) road from Great Northern Highway (GNH).

Bidyadanga has a range of services and demands typical of a town with 800 to 1000 residents. However, due to the particular historic complexities of the place, Bidyadanga does not benefit from constructs and services typical of a town its size, including: cadastre that matches land use; regulated drinking and wastewater services; free-market enterprises; appropriately located utilities; constructed roads, and; a comprehensive drainage system.

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## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section:

*Planning and Development Act 2005*

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

State Planning Policy 3.2

Aboriginal Settlements

- To provide for the recognition of Aboriginal settlements through local planning schemes and strategies, and;
- To collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

### DETAILS:

LP3 was prepared during 2012 by the Department.

### Population

Bidyadanga has an approximate population of 850 people. It is expected that this will grow to 1250 people within the next 15 years, largely as a consequence of natural growth. LP3 has a design population of 1250.

### Historical / Cultural Context

Bidyadanga is on Karajarri country. In the early 20<sup>th</sup> century the State established a transport depot at Bidyadanga. In 1956 the transport depot was transferred to the Catholic church and became La Grange Mission. The mission operated from 1956 to 1981. During that time Aboriginal people, predominantly Karajarri, Yulpartja, Juwalinny, Mangala and Nyungamarta, were settled at the mission.

During the mission days Karajarri *law bosses* selected and allocated sites to the non-Karajarri groups to ensure that they were able to continue to practice *law and culture* whilst separated from their traditional lands.

Following the exist of the church from control over daily life, Bidyadanga Aboriginal Community La Grange Incorporated (BACLGI) took control of a range of municipal and social service functions that were previously undertaken by the church. The BACLGI corporate structure includes a requirement for prescribed membership from Karajarri, Yulpartja, Juwalinny, Mangala and Nyungamarta. Following the determination of the first Karajarri native title claim (2002) the political relationship between Karajarri and the other four groups at Bidyadanga became strained. Different visions regarding the social and economic future of Bidyadanga may be seen as being at the heart of this dispute.

### Native Title and Aboriginal Heritage

In two separate Native Title determinations the Karajarri people secured native title rights over 30,372km<sup>2</sup>, south of Broome. The northern boundary of the Karajarri determinations is approximately 55km due south of Broome, extending about 170km

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inland. Karajarri country extends along approximately 100km of coast extending from Yardoogara to the northern extent of 80 Mile Beach.

All land within and about Bidyadanga, other than three freehold Lots, the school reserve and Bidyadanga Road, is within the Karajarri determination.

The Karajarri Traditional Lands Association Aboriginal Corporation (KTLA) is the prescribed body corporate that represents the native title rights and interests of Karajarri people.

There are numerous sites registered under the *Aboriginal Heritage Act 1972* in and about Bidyadanga. During preparation of LP3 the KTLA identified the 'no-go' exclusion boundaries that are shown on the LP3 map-set.

### **Aspirations**

A critical aspect of Layout Plan preparation is the establishing the aspirations of the resident community and the Traditional Owners. LP3 notes and/or incorporates the aspirations of KTLA and BACLGI, including:

- Commercial enterprise area at the intersection of Bidyadanga Road and GNH for a range of uses, including; roadhouse, light industrial area, art centre and motel.
- Tourism based enterprise area northwest of the living area, adjacent to the coast.
- Horticulture based enterprise area on Frazier Downs Station, east of the GNH.
- Residential expansion, KTLA favour airstrip relocation and eastward expansion.
- Resolution of land tenure issues.
- Construction of the planned rubbish tip.

### **Land Tenure**

Bidyadanga is located over a number of land parcels with various forms of tenure. Other than the siting of the Bidyadanga road reserve, land tenure does not match land use at Bidyadanga.

The Settlement Layout lot (SL-lot) framework that forms the basic platform of LP3 is the primary method of identifying land at Bidyadanga, establishing the house/building numbers and street names that are critical to service provision.

### **Essential Services**

Electricity generation and distribution is regulated and is provided by Horizon Power. The power station is generally well sited. The reticulated distribution network generally aligns with the LP3 SL-lot network. Generation capacity is considered to be sufficient for projected demand.

Drinking water supply and distribution is not regulated. The Department of Housing (DoH) has operational responsibility for the provision of drinking water at Bidyadanga. Drinking water is sourced from bores within the northern extent of the urban area. The bores are on a Stock Route and are unlicensed.

The Bidyadanga Drinking Water Source Protection Plan (DWSPP) was prepared by consultants for DoH in 2009, and subsequently endorsed by the Department of Water (2010). The DWSPP states that drinking water at Bidyadanga at risk due to the

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location of the bores. LP3 translates the Priority 1 protection area as the 'Drinking Water Source Protection Area' land use category.

LP3 notes that a new and more appropriately located drinking water source will need to be developed to meet the demands of projected growth at Bidyadanga. Future exploration areas are identified in the report, but are not illustrated on the map-set.

The wastewater service at Bidyadanga is not regulated. DoH has operational responsibility for the reticulated sewage network and the wastewater treatment plant. The network does not service land east of the police station. Uses that are not connected to the reticulated sewage system include the school, church, BACGLI offices, social services, workshop and numerous houses. On-site effluent disposal systems are used in this area, many of which are within the drinking water source wellhead protection zones. LP3 notes that the extension of the sewage reticulation network is necessary to ensure acceptable levels of public health at Bidyadanga.

The wastewater treatment ponds (WTP) are located southwest of the living area, abutting the *law grounds* and within 340m of the closest existing house. DoH advise that the WTP are operating at close to capacity. Approximately 30 houses are within the prescribed WTP exclusion boundary. A WTP impact study has not been prepared to assess the effects of the facility on the amenities and environmental health of the town. LP3 notes that the direction of prevailing winds generally reduces the potential impact of odour. The location of the existing WTP is not optimal. LP3 notes that it does not include site selection for a new or supplementary facility, as this will need to form part of a broader future exercise incorporating defining and securing a new drinking water source area.

### **Flood and Inundation**

As is the case with most Aboriginal settlements, there is no empirical flood data available for Bidyadanga. LP3 notes that Bidyadanga is located in a cyclone prone area and its proximity to the high water mark means that it is vulnerable to potential storm surge inundation during a major cyclone event. LP3 recommends that an investigation of required coastal setbacks and development levels at Bidyadanga, in accordance with State Planning Policy 2.6.

### **Recommended Settlement Zone**

SPP3.2 provides that a local government is to classify land as 'settlement' zone in a local planning scheme where the endorsed Layout Plan includes the definition of a clear and appropriate area for a 'settlement' zone. The recommended settlement zone matches that shown on the draft Dampier Peninsula Planning Strategy, prepared by the Department. In summary, it is based on the following:

North: Northern boundary of Pastoral Lease 398/761 (leased by KTLA). Approximately 2.5km due north of central area. Extent required to include future drinking water source area and matches cadastre.

East: GNH and eastern boundary of Pastoral Lease 3114/483 (leased by KTLA). Approximately 11km east of central area. Extent required to include enterprise aspirations and matches cadastre.

South: Portion of Pastoral Lease 3114/483 based on a tangent from UCL IOt 445 to the GNH. Approximately 5km south of central area. Extent required to include proposed rubbish tip and matches cadastre.

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West: Coastal extent of cadastre and western boundary of various land parcels.  
Extent required to include enterprise aspirations and matches cadastre.

The Layout Plan map-set at Attachment 1 includes identification of the recommended settlement zone.

### **Land Supply**

LP3 identifies and prioritises four areas that are suitable for residential expansion (SL-lots 149, 90, 205 and 73), with an estimated combined yield of 90 residential SL-lots. This is sufficient to meet the design population. These areas are shown on LP3 as 'residential', but in the manner of 'deferred urban' zoning in the Metropolitan Region Scheme. They are large land parcels that will require detailed planning prior to development to address issues such as; SL-lot and road layouts, drainage, essential services networks, recreation areas, and so on.

### **Government Initiatives**

The Aboriginal Affairs Coordinating Committee (AACC) is a committee of Director Generals that is constituted under the *Aboriginal Affairs Planning Authority Act 1972* with the objective of coordinating programs and initiatives relevant to Aboriginal West Australians. The AACC is served by the Department of Indigenous Affairs (DIA). The Department is currently working with DIA to develop a mapviewer to serve the needs of the AACC. Layout Plans are critical to the AACC's requirements. Layout Plans require WAPC endorsement or ratification prior to release for use by the AACC.

The Department of the Premier and Cabinet (DPC) and DIA propose to use LP3 as a platform for the development of a program to establish 'regularised' land tenure and servicing arrangements at Bidyadanga. Broadly, the intent is to convert the SL-lot layer in whole or part to cadastre that will enable regular service delivery by state and local government. WAPC endorsement of LP3 will confirm to DPC and DIA that the State has an agreed spatial platform for future reforms at Bidyadanga.

WAPC endorsement of LP3 will affirm that the plan has currency within the State's regime and may be used as the platform for a range of initiatives, including those outlined above.

### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The Layout Plan establishes a platform for the efficient and coordinated investment by the State in housing and infrastructure at Bidyadanga. Critically, WAPC endorsement of LP1 will enable LP1 to be forwarded to the Shared Land Information Platform (SLIP) for distribution to state agencies and authorities.

### **CONSULTATION:**

The preparation of LP3 was lead by the Department with strong support from DoH. Preparation included significant *on-country* discussions with BLGACI and KTLA. Initially, these discussions were held with the respective groups, independent of the other. During the course of the LP3 preparation, consultation was effectively replaced with a genuine partnership approach between BACLGI, KTLA and the Departments. BACLGI and KTLA have both endorsed LP3.

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In addition to the above, preparation of LP3 included consultation with a range of other parties, including: the Departments of Education, Transport, Aboriginal Affairs, Fire and Emergency Services, Water and the Premier and Cabinet; Shire of Broome; Roman Catholic Bishop of Broome; Kimberley Aboriginal Medical Services Council; Horizon Power; Water Corporation, and; the Remote Aboriginal Essential Service Program.

The Shire has resolved to “not endorse” LP3 for a range of reasons, including:

- extent of the recommended settlement zone.
- limited availability of environmental data.
- telecommunications facility expansion not considered.
- Insufficient consideration regards the waste water treatment ponds.
- Location of the proposed rubbish tip not shown.
- Drinking water testing by the Department of Housing required.
- SL-lot 700 should be ‘visitor camping’.

Consideration of the Shire’s concerns is at Attachment 2.

Broadly, the Shire’s response may be best understood in the context of a broader concern with the absence of base data the lack of regularised service provision to Aboriginal settlements. These concerns are warranted and are at the core of the purpose of SPP3.2. Layout Plans prepared and endorsed under SPP3.2 establish the spatial platform on which other reforms can be based. Without this platform the manifold issues that are required to be addressed to ensure that Aboriginal settlements receive an appropriate level of service provision cannot proceed. In this regard, the concerns of the Shire are noted. The Shire’s reasons for not endorsing LP3 are considered to be relatively minor in the broader context of the state’s interests in establishing an agreed spatial platform for service provision and development at Bidyadanga.

The Shire was consistently advised of and invited to the many consultative meetings held with various parties during the preparation of the LP3. It is considered that best endeavours have been made to secure the endorsement of the SoB. The concerns cited by the Shire in not endorsing LP3 are not considered to be of sufficient significance to warrant revising detailed elements of LP3.

**OFFICER’S COMMENTS:**

Bidyadanga is an Aboriginal settlement that is larger than many towns elsewhere in Western Australia (WA), and with significantly greater growth demand than most. For historical reasons, Bidyadanga, like all Aboriginal settlements in WA does not have the support in terms of service provision and administrative structure that are typically provided to towns of its size. LP3 is a first step toward addressing the evident spatial and land use issues at Bidyadanga.

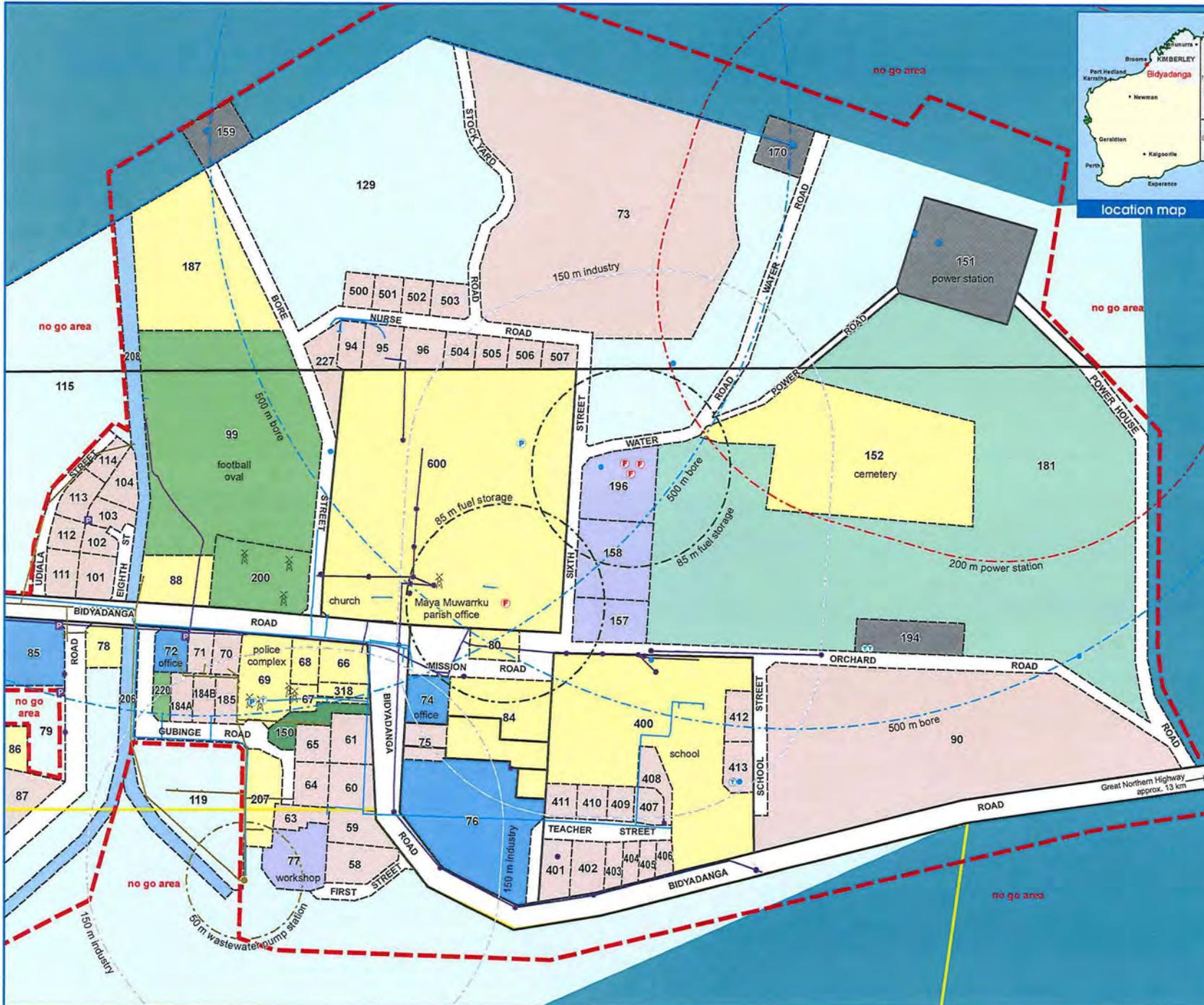
The endorsement of LP3 by BACLGI and the KTLA is significant. Representing a departure from previous discord between the two groups and a unified vision of how Bidyadanga can grow into a post-welfare economy for the benefit of Karajarri, Yulpartja, Juwalinny, Mangala and Nyungamarta people living at or with interests in the town.

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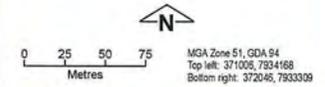
LP3 is consistent with SPP 3.2, providing for the orderly and coordinated development of Bidyadanga.

Endorsement is recommended.

# Bidyadanga Layout Plan 3 - Living Area (east)



- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway
- Exclusion Boundary**
- drinking water source wellhead protection zone
  - fuel storage
  - industry
  - no go boundary
  - power station
  - wastewater
- Land Administration**
- cadastre
  - private lease
  - settlement layout (SL) lot
  - 63 SL-lot number
- Features**
- bore
  - chlorine storage
  - fuel tank
  - hydrant
  - public telephone
  - telecommunications tower
  - telephone pole
  - wastewater pump
  - water pump
  - water tank
  - wastewater pipe
  - water pipe



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Existing cadastral data supplied by the Western Australian Land Information Authority (Licence LI 430-2012-7).  
Extraction date of cadastral 03/02/2012.  
As-constructed survey data provided by Department of Housing (C\_ID 1015). Last date of survey 14/02/2007.  
August 2012 aerial image provided by Landgate.  
Map document: Bidyadanga LP3 - Living Area\_east.mxd  
Layout plan prepared by Department of Planning.  
© Western Australian Planning Commission.  
Settlement layout lots are not derived from calculated dimensions.



Layout Plan 3 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	18 February 2013
WAPC	-
Amendment endorsement	
WAPC	-

**Draft Version 3**



# Bidyadanga Layout Plan 3 - Living Area (west)

- Land Use**
- commercial
  - community drinking water source protection area
  - open space pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - waterway
- Exclusion Boundary**
- chlorine gas storage
  - drinking water source wellhead protection zone
  - industry
  - no go boundary
  - utility
  - wastewater
- Land Administration**
- cadastre
  - private lease
  - settlement layout (SL) lot
  - 63 SL-lot number
- Features**
- bore
  - chlorine storage
  - hydrant
  - public telephone
  - telecommunications tower
  - telephone pole
  - wastewater pump
  - water tank
  - telecommunications cable
  - wastewater pipe
  - water pipe
- 0 25 50 75 Metres
- MGA Zone 51, GDA 84  
Top left: 370394, 7534169  
Bottom right: 371236, 7533308

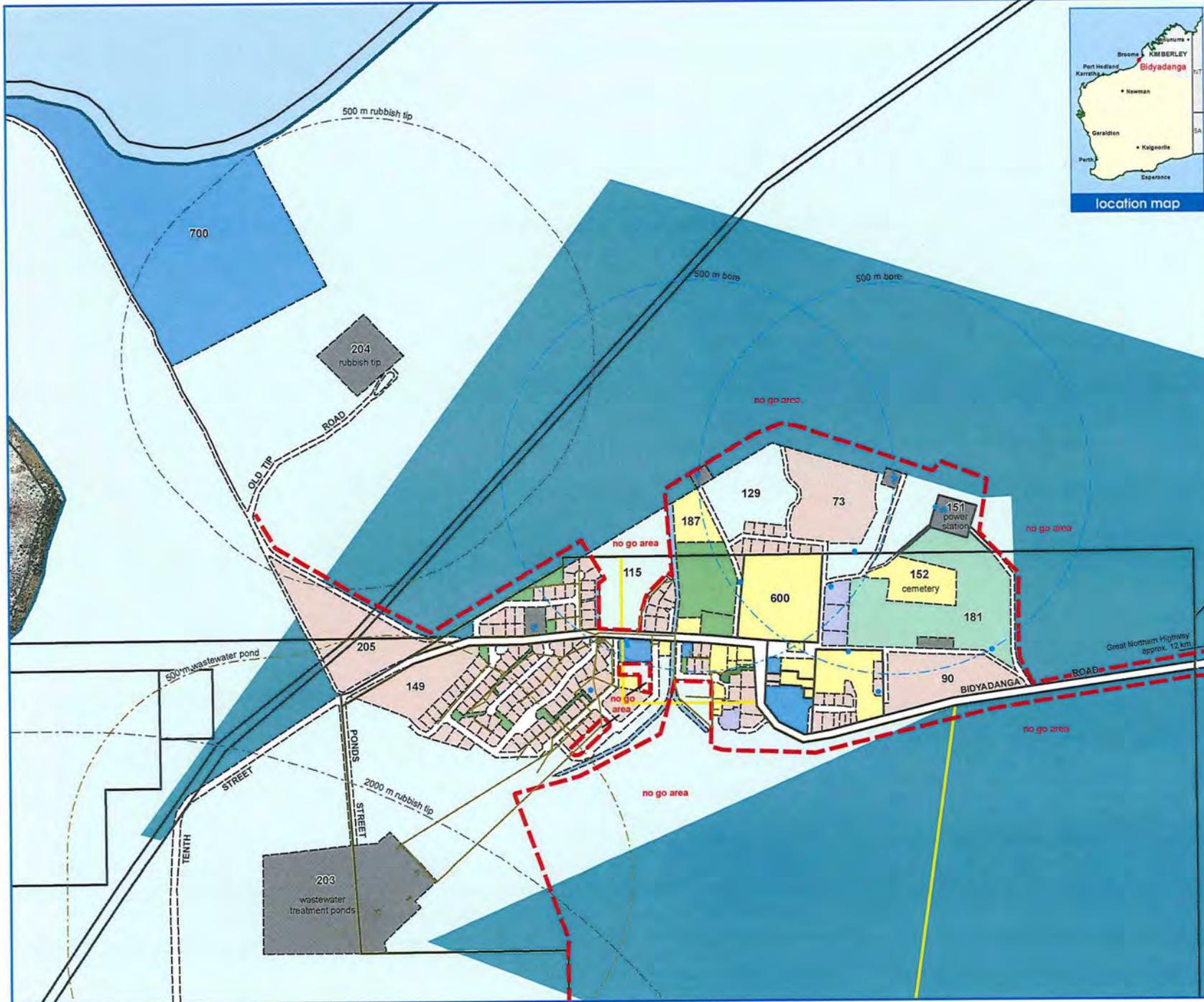
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Cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 430-2012-7)  
Extraction date of cadastre 03/02/2012  
As-constructed survey data provided by Department of Housing (C\_ID 0015). Last date of survey 1/03/2007.  
August 2012 aerial image provided by Landgate.  
Map document: Bidyadanga LPS - Living Area\_west.mxd  
Layout plan prepared by Department of Planning.  
© Western Australian Planning Commission  
Settlement layout lots are not derived from calculated dimensions.



Layout Plan 3 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	18 February 2013
WAPC	-
Amendment endorsement	
WAPC	-

**Draft Version 3**



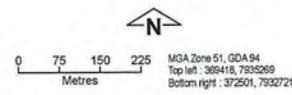
# Bidyadanga Layout Plan 3 - Context

- Land Use**
- commercial
  - community drinking water source protection area
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway

- Exclusion Boundary**
- drinking water source wellhead protection zone
  - utility
  - wastewater
  - no go boundary
  - no go area

- Land Administration**
- cadastre
  - private lease
  - recommended settlement zone
  - settlement layout (SL) lot
  - SL-lot number

- Features**
- bore
  - as-constructed miscellaneous feature
  - wastewater pipe
  - water body



**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 Commerce and Department of Water.

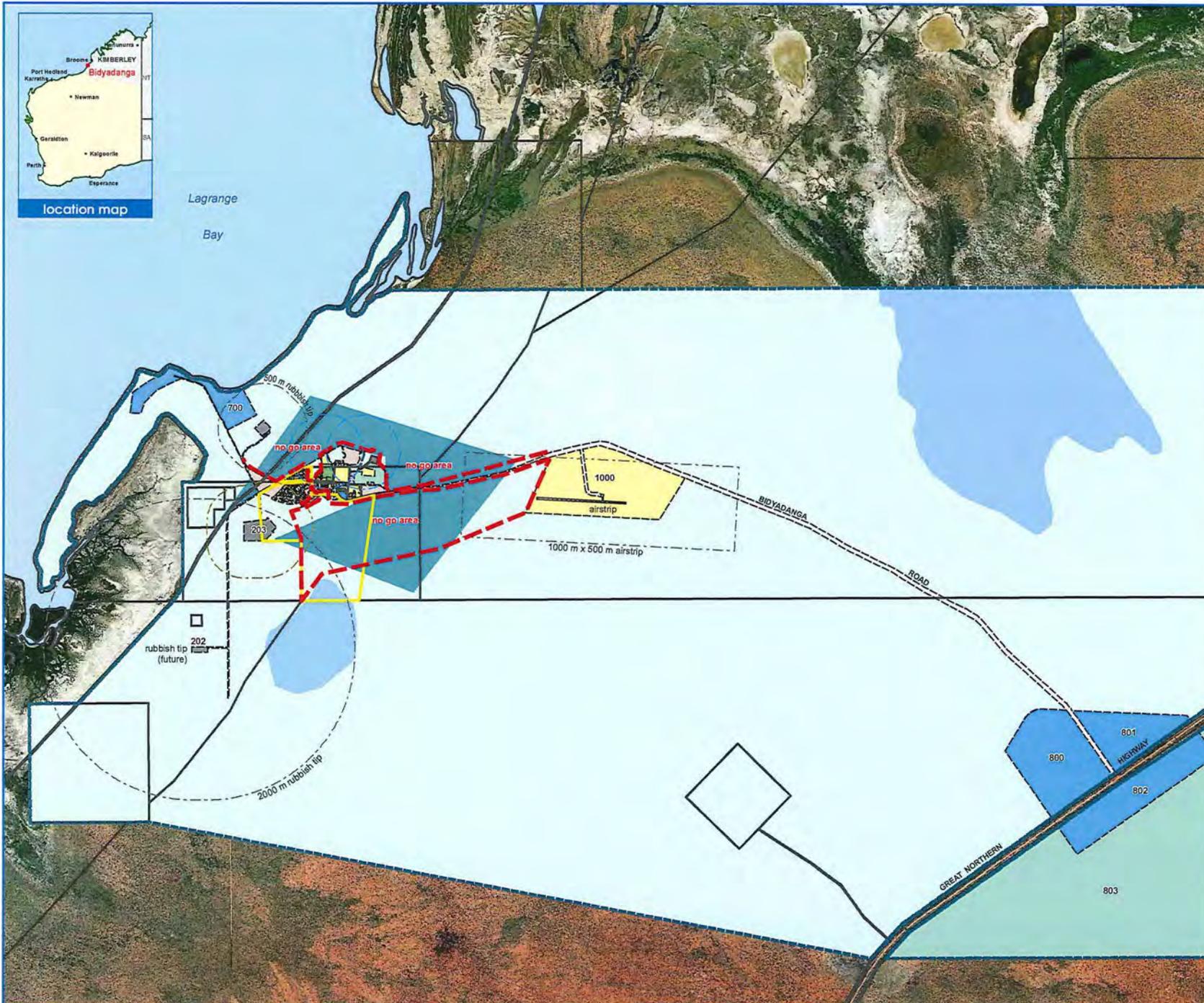
Proposed water reserve, drinking water source protection areas and wellhead protection zones derived from Bidyadanga Drinking Water Source Protection Plan (January 2010) prepared by the Department of Housing.

Cadastral data supplied by the Western Australian Land Information Authority (License LJ 430-2012-7). Extraction date of cadastre 03/02/2012. As-constructed survey data provided by Department of Housing C\_ID 0015 (March 2007). Last date of survey 10/3/2007. August 2012 aerial image provided by Landgate. Map document: Bidyadanga LP3 - Context.mxd. Layout plan prepared by Department of Planning. © Western Australian Planning Commission. Settlement layout lots are not derived from calculated dimensions.



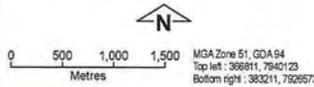
Layout Plan 3 endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	-
Amendment endorsement	
WAPC	-

**Draft Version 3**



# Bidyadanga Layout Plan 3 - Context

- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway
- Exclusion Boundary**
- drinking water
  - source wellhead protection zone
  - no go boundary
  - utility
  - wastewater
- Land Administration**
- cadastre
  - private lease
  - recommended settlement zone
  - settlement layout (SL) lot
  - 204 SL-lot number
- Features**
- as-constructed miscellaneous feature
  - water body



**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 Commerce and Department of Water.

Proposed water reserves, drinking water source protection areas and wellhead protection zones derived from Bidyadanga Drinking Water Source Protection Plan (January 2010) prepared by the Department of Housing.

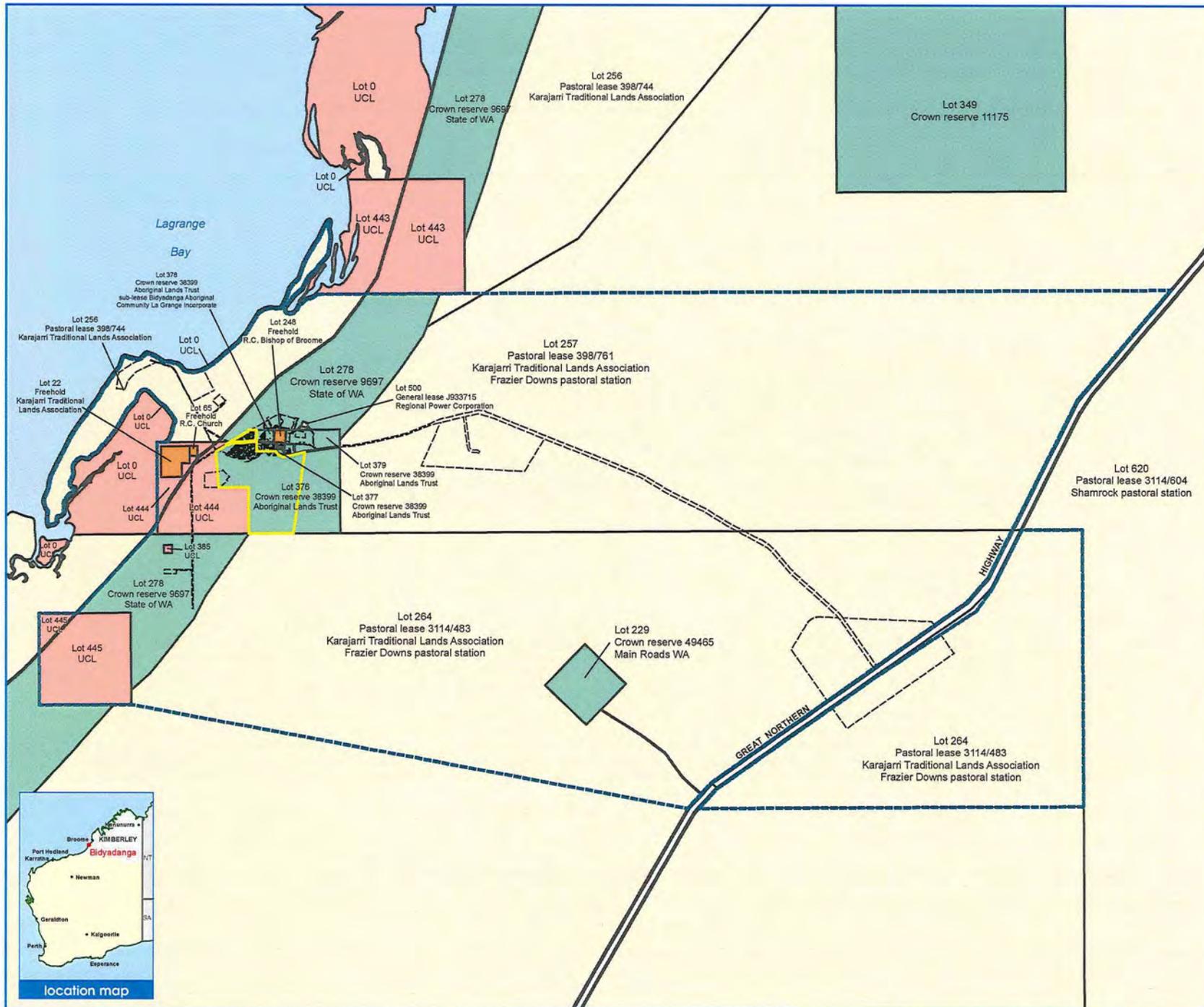
Cadastral data supplied by the Western Australian Land Information Authority (License U 430-2012-7).  
 Extraction date of cadastre 09/02/2012  
 As-constructed survey data provided by Department of Housing (C\_ID 0015). Last date of survey 1/03/2007.  
 July 2004 aerial imagery provided by Landgate.  
 Map document: Bidyadanga LPS - Full Context.mxd  
 Layout plan prepared by Department of Planning  
 © Western Australian Planning Commission

Settlement layout lots are not derived from calculated dimensions.



Layout Plan 3 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	18 February 2013
WAPC	-
Amendment endorsement	
WAPC	-

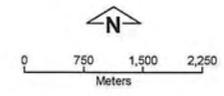
**Draft Version 3**



# Bidyadanga Layout Plan 3 - Land Ownership

- Land Ownership**
- crown lease
  - crown reserve
  - freehold
  - unallocated crown land

- Land Administration**
- cadastre
  - private lease
  - recommended settlement zone
  - settlement layout



MGA Zone 51, GDA 94  
 Top left : 365585, 7941304  
 Bottom right : 387905, 7923689

**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 and Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Commerce and Department of Water.

Cadastral data supplied by the Western Australian Land Information Authority (LI430-2012-7).  
 Extraction date of cadastre 03/02/2012.  
 Map document: Bidyadanga LP3 - Land Ownership.mxd  
 Layout plan prepared by Department of Planning.  
 © Western Australian Planning Commission

Settlement layout lots are not derived from calculated dimensions.



Layout Plan 3 endorsement	
Community	15 November 2012
Local Government	-
Traditional Owners	18 February 2013
WAPC	-

Amendment endorsement	
WAPC	-

**Draft Version 3**

### Bidyadanga Layout Plan 3

#### Shire of Broome Reasons for 'not endorsing' Consideration

At its 21 March 2013 meeting the Shire of Broome resolved to "not endorse" Bidyadanga Layout Plan 3. The reasons are cited below, with corresponding consideration and recommendation by the Department.

Reason (verbatim)	Consideration	Recommendation
<p>The Layout Plan does not clearly delineate the settlement zone boundary which should reflect the areas where settlement has already occurred or where settlement should occur.</p>	<p>State Planning Policy 3.2 – Aboriginal Settlements provides that a '...clear and appropriate area for a 'Settlement' zone is to be defined and delineated...' in the Layout Plan.</p> <p>The LP3 map-set and report defines and delineates a clear and appropriate Recommended Settlement Zone.</p>	<p>Dismiss</p>
<p>Environmental features have not been adequately addressed and should include the following elements:</p> <ul style="list-style-type: none"> <li>• Height of ground water table</li> <li>• Native vegetation mapping, including the identification of any threatened ecological communities or declared rare flora and fauna.</li> <li>• An urban water management plan showing the main drainage features and key outlet and treatment points.</li> <li>• Soil mapping and identification of any potential acid sulphate soils.</li> <li>• Identification of any potential contaminated sites.</li> <li>• Future drinking water source areas.</li> </ul>	<p>The Bidyadanga Drinking Water Source Protection Plan was endorsed by the Department of Water in 2010. That Plan includes all relevant data and has been integrated into LP3, including identification of areas for drinking water source exploration.</p> <p>Native vegetation, soil mapping and contaminated sites is beyond the ambit of Layout Plan preparation. It is noted in LP3 as a data gap that requires future attention.</p> <p>Municipal services delivery, including drainage, is very limited at Bidyadanga. Drainage is one aspect of design incorporated into the SL-lot road network. Preparation of an urban water management plan may best be completed by the implementation agent.</p>	<p>Dismiss</p>
<p>Details of telecommunication facilities available within the community and whether any expansion is required to cater for future growth should be detailed within the Layout Plan.</p>	<p>The existing telecommunication facilities are shown in LP3. Consideration of telecommunication infrastructure demand and improvements is beyond the scope of layout plan preparation.</p>	<p>Dismiss</p>

Reason (verbatim)	Consideration	Recommendation
Advice from the Water Corporation and Department of Health relating to the Waste Water Treatment Pond development exclusion buffer and whether it is appropriate to allow for residential expansion on a Lot located within this buffer should be included in the Layout Plan.	LP3 notes that the existing sewage treatment ponds (STP) are not optimally located and confirms that site selection for a new, in whole or part, STP should be undertaken in conjunction with the exploration and definition of a new drinking water source.	Dismiss
Update plan to show approved Waste Disposal Facility location and identify current site as a possible contaminated site.	LP3 shows the existing and proposed rubbish tip sites.	Dismiss
Update the plan text to reflect that planning approval has been issued for the new Waste Disposal Facility and it will be licensed by the DEC.	Confirming the contemporary approvals status of proposed infrastructure is not relevant to the intent of LP3.	Dismiss
Given the incompatible land uses, Department of Housing testing of the potable water supply be extended to include testing heavy metals on a minimum 6 monthly basis.	Layout Plans are not an instrument that can define or determine environmental health testing regimes. This is to be completed in accordance with the relevant legislation.	Dismiss
Lot 700 be zoned "Visitor Camping" if it is included in the Layout Plan.	'Aboriginal Settlements Guideline 1: Layout Plan Provisions' provides that the objective of the 'visitor camping' land use category is to "...provide land for visitors to camp on a non-commercial basis.". KTLA and BACLGI aspire to use SL-lot 700 for commercial tourism purposes.	Dismiss
An Action Plan should be included in the Layout Plan that sets out the Lead Agency, timing and priority of upgrades to infrastructure.	Layout plans are not an instrument that can effectively establish a multi-agency action plan for a given settlement. However, 'Aboriginal Settlements Guideline 2: Provision of Housing and Infrastructure' is an instrument that does establish how to coordinate and prioritise development across WA's Aboriginal settlements. A database of assessments under Guideline 2 is maintained by DoH and used by a range of state agencies and authorities.	Dismiss