



## Statutory Planning Committee

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

**Tuesday 11 June 2013  
9.00 am**

**Level 3, Room 3.23  
One40 William Street  
Perth**



Neil Thomson  
Secretary, Western Australian Planning Commission

# Statutory Planning Committee

## Membership:

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

## Quorum: 4

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

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

## Role:

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 28 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

Item No	Report	Request	Report Required by
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah. (Subsequently resolved on 28/5/13) to omit the SPC meeting in Mandurah and to hold the site visit on a date when a cancelled SPC meeting would occur and to include a site visit to Preston Beach)	13/8/12

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) (Subsequently resolved on 28/5/13 to hold the site visit on a date when a cancelled SPC meeting would occur)	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) (as above)	8/10/13
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
7482.9.1	Update of Planning Bulletin 67: Guidelines for Wind Farm Development	To request the Department to liaise with the Department of Lands and the Department of Agriculture and consult with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy. To incorporate comments from SPC members and to represent the policy to a future SPC meeting.	TBA

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

## Statutory Planning Committee

Minutes  
of ordinary meeting 7482  
held on Tuesday 28 May 2013

### Attendance

#### Members

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

#### Officers

Ms Pam Baskin	<b>Department of Planning</b> Planning Manager, Regional Policy and Strategy (Item 10.7)
Ms Gemma Basley	Senior Planner, Perth and Peel Planning (Item 9.2)
Mr Shau Chong	Planning Manager, Perth and Peel Planning (Items 6.2 and 10.6)
Ms Natalie Cox	Planning Manager, Perth and Peel Planning (Items 6.1, 6.2, 10.5, 10.6, 10.9 and 10.12)
Mr Paul Ellenbroek	Planning Manager, Strategy Policy and Projects (Items 10.2 and 10.4)
Mr Ben Harvey	Director, Strategy Policy (Items 10.1 and 10.3)
Ms Katherine Howard	Senior Planning Officer, Strategy Policy and Projects (Item 9.1)
Ms Cath Meaghan	Planning Director, Regional Planning and Strategy (Item 10.7)
Ms Vivienne Panizza	Planning Manager, Strategy Policy and Projects (Item 9.1)
Mr Emille Van Heyningen	Planning Manager, Perth and Peel Planning (Item 10.13)

#### Observers

Mr David Lane	Helcom Australia Pty Ltd (Item 6.1)
Mr John Symonds	Hanson Construction Materials Pty Ltd (Item 6.1)
Ms Carlie Eldridge	City of Vincent (Item 6.2)
Cr Dudley Maier	City of Vincent (Item 6.2)
Ms Daniella Mrdja	City of Vincent (Item 6.2)

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### Presenters

Mr Steve Allering	Allering & Associates (Item 6.1)
Hon Alannah MacTiernan	Mayor, City of Vincent (Item 6.2)
Mr Eugene Ferraro	Ferraro Planning and Development Consultancy (Item 6.3)
Mr Roy Trewarn	Mundaring Gospel Trust (Item 6.3)
Mr Bill Wallis	Mundaring Gospel Trust (Item 6.3)
Mr Steve Allering	Allering & Associates (Item 6.4)
Mr John Green	Helena Valley Residential Resorts Pty Ltd (Item 6.4)
Mr John Wood	Allering & Associates (Item 6.4)
Ms Susanne Webster	Property Owner (Item 6.5)
Mr Andrew Pawluk	West Coast Plan (Item 6.6)
Mr John Siamos	Georgiou Capital Pty Ltd (Item 6.6)
<b>Committee Support</b>	
Ms Kay Yamaguchi	Corporate Travel Officer
Ms Christina Sanders	Committee Support Officer - Department of Planning

### 7482.1 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.

### 7482.2 Apologies

Nil.

### 7482.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

### 7482.4 Disclosure of Interests

Nil.

### 7482.5 Declaration of Due Consideration

No declarations were made.

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### 7482.6 Deputations and Presentations

#### 7482.6.1 **City of Vincent – Draft Local Planning Strategy and Local Planning Scheme No. 2 - For Consent to Advertise**

Presenter Steve Allering

Mr Steve Allering gave a powerpoint presentation seeking to ensure that the Draft City of Vincent Local Planning Strategy and Local Planning Scheme contain provisions that allow for the continued operations of the Hanson and Holcim concrete batching plants in East Perth indefinitely.

A copy of the presentation has been placed on file.

#### 7482.6.2 **City of Vincent – Draft Local Planning Strategy and Local Planning Scheme No. 2 - For Consent to Advertise**

Presenter Alannah MacTiernan

The Hon Alannah MacTiernan gave a verbal presentation outlining the City's concerns relating to a number of proposed modifications to the Local Planning Scheme No. 2.

She tabled discussion notes for members' information which outlined the City's comments and recommendations on six of the proposed modifications.

A copy of the tabled notes has been placed on file.

#### 7482.6.3 **Shire of Mundaring Draft Local Planning Strategy and Draft Local Planning Scheme No. 4 - For Final Approval**

Presenters Eugene Ferraro  
Bill Wallis  
Roy Trewarn

Messrs Ferraro, Wallis and Trewarn gave a powerpoint presentation opposing the recommendation by the Shire of Mundaring to dismiss submissions opposing the prohibition of places of worship in the Rural Residential Zone and tabled copies of the presentation for members' interest.

A copy of the presentation has been placed on file.

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### **7482.6.4 Shire of Mundaring Draft Local Planning Strategy and Draft Local Planning Scheme No. 4 - For Final Approval**

Presenters John Wood  
Jon Green  
Steve Allarding

Messrs Wood, Green and Allarding gave a verbal presentation outlining their support for a Special Use Zone and commented on the demand for lifestyle villages and housing affordability, including the need for a planning framework to support these.

### **482.6.5 Shire of Mundaring Draft Local Planning Strategy and Draft Local Planning Scheme No. 4 - For Final Approval**

Presenter Susanne Webster

Ms Webster gave a powerpoint presentation on the above, requesting that her property is included in the rezoning regardless of any future subdivision.

Supplementary information had been forwarded to members prior to the meeting and Ms Webster tabled maps for members' information.

Copies of the presentation, supplementary information and tabled map have been placed on file.

### **7482.6.6 City of Swan Local Planning Scheme Amendment No.67 - For Final Approval**

Presenters Andrew Pawluk  
John Siamos

Messrs Pawluk and Siamos gave a powerpoint presentation outlining their support for Amendment 67 to the City of Swan Local Planning Scheme and the Additional Use amendment.

A briefing note had been circulated to members prior to the meeting.

Copies of the presentation and briefing note have been placed on file.

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### **7482.7 Announcements by the Chairperson of the Board and communication from the WAPC**

The Chairman advised that items 10.1 and 10.3 had been withdrawn from the Agenda, as they will be considered at the WAPC meeting later today.

The Chairman further advised that he had had discussions with the Hon Minister for Planning regarding budgets and has been directed by the Minister and Treasurer to look at the functions of the Department of Planning and the WAPC committees to rationalise costs and improve effectiveness. This will necessitate a change to the number and scheduling of meetings of WAPC committees (other than the WAPC itself) as follows:

- Regional Planning Committee meetings have been reduced to three per year and will occur mainly by teleconference or items dealt with out of session;
- The Infrastructure Coordination Committee meetings have been reduced from five to three per year;
- The Central Perth Planning Committee meetings have been reduced from five to three per year (or perhaps as required);
- The Statutory Planning Committee meetings have been reduced to three every six weeks commencing 1 July 2013. For example, there will be two SPC meetings in July (2<sup>nd</sup> and 4<sup>th</sup> Tuesday), one in August (2<sup>nd</sup> Tuesday), two in September, one in October etc;
- Changes are likely to also be made to the Executive, Finance & Property Committee meetings.

There will be cut backs on travel and an increase in delegations of authority on some items to officers, Executive Directors or the Director General to reduce the workload and administration tasks associated with WAPC committee meetings.

Members of all committees will receive formal notification shortly by mail.

### **7482.8 Confirmation of Minutes**

#### **7482.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 14 May 2013**

Mr Farrar requested a change to the minutes under 7481.5 Declaration of Due Consideration and asked that the following wording replace the text that is currently in the minutes:

“Mr Farrar noted that he had not had sufficient time to read the schemes and amendments associated with the items under committee consideration.”

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### Resolved

#### ***Moved by Ms Taylor, seconded by Mayor Adams***

- 1. That the sentence under Item 7481.5 Declaration of Due Consideration be replaced with "Mr Farrar noted that he had not had sufficient time to read the schemes and amendments associated with the items under committee consideration."*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday 14 May 2013 as amended, be confirmed as a true and correct record of the proceedings.*

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

### 7482.9 Reports

The Chair advised that, in accordance with the wishes of Statutory Planning Committee members, the following items would be fully discussed:

Item 9.1, 10.4, 10.6, 10.7, 10.9, 10.11 and 10.13.

All the recommendations associated with Items 9.2-9.5 inclusive, 10.2, 10.5, 10.8, 10.10 and 10.12 would be endorsed en bloc.

Items 10.1 and 10.3 had been withdrawn.

### Resolved

#### ***Moved by Ms Burrows, seconded Mr Holloway***

*That the Western Australian Planning Commission resolves to endorse en bloc all recommendations associated with Items 9.2-9.5 inclusive, 10.2, 10.5, 10.8, 10.10 and 10.12.*

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

**Moved to Item 9.2.**

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7482.9.1

### Update of Planning Bulletin 67: Guidelines for Wind Farm Development

File 553/01/01/0008  
Report Number SPC/423  
Agenda Part A  
Reporting Officer Manager, Policy Coordination

#### Officer's Recommendation

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

There was considerable discussion on this item and changes were requested to pages 28, 42, 51 of the Agenda papers.

#### Resolved

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

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

- 1. the changes requested to pages 28, 42 and 51 of the Agenda papers; and*
- 2. tenure arrangements for development of a wind farm, for example leasehold, easement, freehold subdivision or other options, be considered.*

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

***The votes were recorded as follows:***

***For: Mayor Adams, Ms Burrows,  
Mr Farrar, Ms Taylor***

***Against: Ms Bartle, Mr Holloway***

There was further discussion on the content of the bulletin including the impact of wind farms on agricultural land and a change was recommended on page 50 of the Agenda papers.

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The Chair advised of his intention to move a motion which would revoke the previous decision of the committee and recommended that this matter be deferred to the next meeting of the SPC in order that the Department of Agriculture and the Department of Regional Development and Lands may be consulted.

In accordance with clause 11.1(1) of the Standing Orders 2009, Mr Holloway and Mayor Adams supported the motion to revoke the previous decision.

### Resolved

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

*That by an absolute majority, the Western Australian Planning Commission resolves to:*

- 1. revoke its decision of 28 May 2013 as follows:*

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

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

- 1. the changes requested to pages 28, 42 and 51 of the Agenda papers; and*
- 2. tenure arrangements for development of a wind farm, for example leasehold, easement, freehold subdivision or other options, be considered.”*

- 2. adopt the following alternate motion:*

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

*That the Western Australian Planning Commission resolves:*

- 1. to defer discussion on the Update of Planning Bulletin 67: Guidelines for Wind Farm Development to allow input from Statutory Planning Committee Members;*

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*liaison with the Department of Lands and the Department of Agriculture; and consultation with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy;*

- 2. upon the above consultation being done, the Planning Bulletin 67: Guidelines for Wind Farm Development be represented to the Statutory Planning Committee for consideration."*

**The motion was put and carried by an absolute majority.**

**Moved to Item 10.4.**

### **7482.9.2 Survey Strata Application: Lot 63 (No. 5) Sydney Street, North Perth**

File 150-13  
Report Number SPC/424  
Agenda Part C  
Reporting Officer Acting Manager - Metropolitan Planning Central

#### **Resolved**

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

*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:*

#### **CONDITIONS:**

- 1. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)*
- 2. The land being filled, stabilised, drained and/or graded as required to ensure that*

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- 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*

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*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.*
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.*

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

**7482.9.3**

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

File DP/11/00058/1  
Report Number SPC/425  
Agenda Part D  
Reporting Officer Planning Manager – Aboriginal Communities

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### Resolved

#### ***Moved by Ms Burrows, seconded Mr Holloway***

*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.*

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

7482.9.4

#### **Beagle Bay Layout Plan 1 – For Endorsement**

File 057/1/1/25P77V  
Report Number SPC/426  
Agenda Part D  
Reporting Officer Manager Planning – Aboriginal Communities

### Resolved

#### ***Moved by Ms Burrows, seconded Mr Holloway***

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

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

7482.9.5

#### **Bidyadanga Layout Plan 3 – For Endorsement**

File A2467716  
Report Number SPC/427  
Agenda Part D  
Reporting Officer Manager Planning – Aboriginal Communities

### Resolved

#### ***Moved by Ms Burrows, seconded Mr Holloway***

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

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

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### 7482.10 Confidential Items

**7482.10.1 Amendments to State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport**

File DP/10/01638/1  
Report Number SPC/428  
Agenda Part A  
Reporting Officer Senior Planning Officer, Strategic Policy

This item was withdrawn as it is being considered by the Western Australian Planning Commission.

**7482.10.2 Delegation of Built Strata Applications to Local Government: Planning Bulletin (Xx/2013) and Local Government Reporting**

File DP/11/02217/1  
Report Number SPC/429  
Agenda Part A  
Reporting Officer Planning Manager, Strategic Policy

**THIS ITEM IS CONFIDENTIAL**

**7482.10.3 Amendments and Readvertising of State Planning Policy 5.3 – Land Use Planning in the Vicinity of Jandakot Airport**

File 855/1/1/2P78V  
Report Number SPC/430  
Agenda Part A  
Reporting Officer Senior Planning Officer, Strategic Policy

This item was withdrawn as it is being considered by the Western Australian Planning Commission.

**7482.10.4 Liveable Neighbourhoods (LN) Review – Update**

File DP/11/0026011  
Report Number SPC/431  
Agenda Part A  
Reporting Officer Planning Manager, Strategic Policy

**THIS ITEM IS CONFIDENTIAL**

**Moved to Item 10.6.**

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**7482.10.5 City of Canning Town Planning Scheme No. 40  
Amendment No.195 - For Final Approval**

File TPS/0937  
Report Number SPC/432  
Agenda Part B  
Reporting Officer Planning Manager - Schemes,  
Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL**

**7482.10.6 City of Vincent – Draft Local Planning Strategy and  
Local Planning Scheme No. 2 - For Consent to  
Advertise**

File TPS/0114/1  
Report Number SPC/433  
Agenda Part B  
Reporting Officer Manager, Schemes, Strategies and  
Amendments

**THIS ITEM IS CONFIDENTIAL**

**7482.10.7 Shire of Mundaring Draft Local Planning Strategy and  
Draft Local Planning Scheme No. 4 - For Final Approval**

File TPS/0175/1  
Report Number SPC/434  
Agenda Part E  
Reporting Officer Planning Manager - Wheatbelt

**THIS ITEM IS CONFIDENTIAL**

Moved to Item 10.9.

**7482.10.8 Shire of Katanning Resolution to Prepare a New Local  
Planning Scheme No. 5**

File TPS/1098  
Report Number SPC/435  
Agenda Part B  
Reporting Officer Regional Manager - Great Southern  
Planning

**THIS ITEM IS CONFIDENTIAL**

**7482.10.9 City of Swan Local Planning Scheme Amendment No.67  
- For Final Approval**

File TPS/0844  
Report Number SPC/436  
Agenda Part B  
Reporting Officer Planning Manager - Schemes,  
Strategies & Amendments

## Statutory Planning Committee

Minutes  
of ordinary meeting 7482  
held on Tuesday 28 May 2013

### THIS ITEM IS CONFIDENTIAL

Moved to Item 10.11.

**7482.10.10 State Administrative Tribunal Review: Invitation to Reconsider Decision - Boundary Realignment of Two Lots for Residential/Rural Purpose.**

File 146176  
Report Number SPC/437  
Agenda Part D  
Reporting Officer Senior Planning Officer - Planning Appeals

### THIS ITEM IS CONFIDENTIAL

**7482.10.11 Shire of Carnarvon Town Planning Scheme No 10 Amendment 63 - For Final Approval**

File TPS/0978/1  
Report Number SPC/438  
Agenda Part E  
Reporting Officer Manager Statutory Planning

### THIS ITEM IS CONFIDENTIAL

Moved to Item 10.13.

**7482.10.12 Town of Bassendean - Revised Local Planning Strategy - For Consent to Advertise**

File DP/12/00093/1  
Report Number SPC/439  
Agenda Part E  
Reporting Officer Planning Manager

### THIS ITEM IS CONFIDENTIAL

**7482.10.13 Single House, Stables, Single Shed for Rural Purposes and Keeping of Animals - Lot 4 Perry Road, Pinjar**

File 30-50293-1  
Report Number SPC/440  
Agenda Part G  
Reporting Officer Senior Planning Officer, Metro Planning North West

### THIS ITEM IS CONFIDENTIAL

**7482.11 General Business**

Nil.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7482  
held on Tuesday 28 May 2013

### 7482.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah. (Subsequently resolved on 28/5/13) to omit the SPC meeting in Mandurah and to hold the site visit on a date when a cancelled SPC meeting would occur and to include a site visit to Preston Beach)	13/8/12
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) (Subsequently resolved on 28/5/13 to hold the site visit on a date when a cancelled SPC meeting would occur)	8/10/13
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) (as above)	8/10/13
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

## Statutory Planning Committee

Minutes  
of ordinary meeting 7482  
held on Tuesday 28 May 2013

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7482.9.1	Update of Planning Bulletin 67: Guidelines for Wind Farm Development	To request the Department to liaise with the Department of Lands and the Department of Agriculture and consult with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy. To incorporate comments from SPC members and to represent the policy to a future SPC meeting.	TBA
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### 7482.13 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 12.10 pm.

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

DATE \_\_\_\_\_

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9.2	DEVELOPMENT APPLICATION FOR AN EDUCATIONAL ESTABLISHMENT - LOT 2 (540) NICHOLSON ROAD, FORRESTDAL
9.3	MODIFICATION OF LOCAL SUBDIVISION AND INFRASTRUCTURE PLAN NO. 204: FLORA ROAD, HOVEA
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## ITEM NO: 9.1

### LOT 4 GEORGE ROAD, LESMURDIE: SUBDIVISION TO CREATE TWO LOTS FOR RESIDENTIAL PURPOSE.

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager - Metropolitan North East  
AUTHORISING OFFICER: Planning Director - Metropolitan North West  
AGENDA PART: G  
FILE NO: 147641  
DATE: 14 May 2013  
ATTACHMENT(S): 1. Subdivision Plan  
2. Location Plan/Zoning Map  
3. Subject Street Block  
REGION SCHEME ZONING: Urban  
LOCAL GOVERNMENT: Shire of Kalamunda  
LOCAL SCHEME ZONING: Residential R5  
LGA RECOMMENDATION(S): Refusal  
REGION DESCRIPTOR: Lesmurdie  
RECEIPT DATE: 18 March 2013  
PROCESS DAYS: 57  
APPLICATION TYPE: Subdivision  
CADASTRAL REFERENCE: Lot 4 Grove Road, Lesmurdie

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 4 Grove Road, Lesmurdie subject to the following conditions:***

#### ***Conditions:***

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)***
- 2. Other than buildings, outbuildings and or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures, including the swimming pool, present on lots(s) fronting Bailey Road at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)***

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3. ***Arrangements being made with to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of an underground power support to the lots shown on the approved plan of subdivision. (Western Power)***
  4. ***Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lot(s) shown on the approved plan of subdivision. (Water Corporation)***
  5. ***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)***
  6. ***A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:***

***'A reticulated sewerage service is not available to the lots'. (Local Government)***

**Advice:**

1. ***With regard to Condition 3, Western Power provides only one point of electricity supply per freehold (green title) lot.***
2. ***With regard to Conditions 4 and 5, 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 Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.***

**SUMMARY:**

This application proposes to subdivide a 2016m<sup>2</sup> lot into two lots of 1007m<sup>2</sup> and 1009m<sup>2</sup> for residential purposes. The application is referred to the Statutory Planning Committee (SPC) for determination as approval is recommended, however the proposal does not comply with the R5 coding under the Residential Design Codes 2010 or the large lot/small infill criteria of the Government Sewerage Policy - Perth Metropolitan Region. Further, the Shire of Kalamunda and the Department of Health do not support the proposal. It is recommended the application be approved subject to conditions.

**LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation**  
Section:

*Planning and Development Act 2005*  
Part 10

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## Strategic Plan

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

## Policy

Number and / or Name: Residential Design Codes 2010  
Government Sewerage Policy: Perth Metropolitan Region  
WAPC Development Control Policy 2.2 Residential  
Subdivision

## INTRODUCTION:

This application proposes to subdivide a 2016m<sup>2</sup> lot into two lots of 1007m<sup>2</sup> and 1009m<sup>2</sup> for residential purposes. An existing dwelling and granny flat are proposed to be retained on the proposed 1009m<sup>2</sup> lots, whilst the structures on the proposed 1007m<sup>2</sup> lot are to be removed. Access is gained via George Road and Bailey Road, dedicated and constructed local roads. (**Attachment 1** - Subdivision Plan)

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

## CONSULTATION:

The Shire of Kalamunda (the Shire) does not support the proposed subdivision. The Shire has confirmed that the site would have capability for subdivision in respect to long-term onsite effluent disposal, however recommends it is refused on the following grounds:

- 1. The proposed lot sizes do not comply with the minimum area requirements for Residential R5 (2000m<sup>2</sup> minimum lot areas).*
- 2. The proposal fails to comply with the Government Sewerage Policy in that it does not meet the small infill criteria and cannot be connected to a reticulated sewer service.*

Western Power and the Water Corporation have raised no objections to the proposal subject to servicing conditions.

The Department of Health does not support the proposal. The Department of Health has advised that the proposal does not meet any criteria to warrant consideration for exemption from the mandatory sewer condition of the Government Sewerage Policy - Perth Metropolitan Region (GSP).

## COMMENTS:

### Residential Design Codes 2010

The proposed lots do not meet the minimum (2000m<sup>2</sup> required, 1007m<sup>2</sup> provided) lot size requirement of the R5 coding under the Residential Design Codes 2010 (R-Codes). This represents a variation of almost 50% to the minimum lot size

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requirement. The R-Codes allow the WAPC to consider a variation to the minimum lot size requirements where dual road frontage is provided, subject to the variation being not more than 5%.

The lots either side of the subject land are approximately 1012m<sup>2</sup>, whilst the majority of lots in the area are over 2000m<sup>2</sup>. The subject site is the only property in the vicinity with frontage to both George Road and Bailey Road at the front and rear of the property respectively.

Government Sewerage Policy: Perth Metropolitan Region

The GSP, adopted by the WAPC in March 1982 and revised in October 1995, applies throughout the Perth Metropolitan Region and with the exception of stated exemption under Clause 5.2 *Subdivision and Density Development in the Outer Metropolitan Area*, requires the provision of reticulated sewerage to all subdivision or density development. A key objective of the GSP which is applicable to this application states:

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

The subject site is located within the Outer Metropolitan Area, as defined within the GSP. Within the Outer Metropolitan Area, the GSP provides for subdivision without reticulated sewerage, subject to specified circumstances including large lots of 2000m<sup>2</sup>. In this instance, clauses 5.2.1 'Small Infill' and 5.2.2 'Large Lots' are applicable, which state that subdivision can be supported where:

- *Proposals for small infill subdivision or development do not have potential for the creation of more than four additional lots, dwellings or single residential equivalents respectively, in the immediate vicinity (generally interpreted as within the street block), so that the proposal completes rather than extends an existing pattern of subdivision or development;*
- *Lot sizes and land use shall be consistent with the existing pattern of subdivision or development; and*
- *Proposals for large lot subdivision do not involve the creation of lots less than 2000m<sup>2</sup>, or density development exceeding R5*

The predominant lot size within the subject street block averages approximately 2000m<sup>2</sup>, excluding the four lots abutting the subject site. As such, there is no potential for the creation of additional lots within the subject street block in accordance with the R5 coding under the R-Codes. The subject site gains access to both George Road and Bailey Road and is considered to be an 'anomaly' within the street block. The four lots abutting the subject site have areas of approximately 1012m<sup>2</sup> and letters of support have been provided from the landowners stating that they had not experienced problems with sewerage or drainage run-off from their property or the subject site. (**Attachment 3** - Subject Street Block)

Further, an initial Site Assessment has been submitted by the applicant stating that wastewater and foundation stability can be dealt with effectively and any

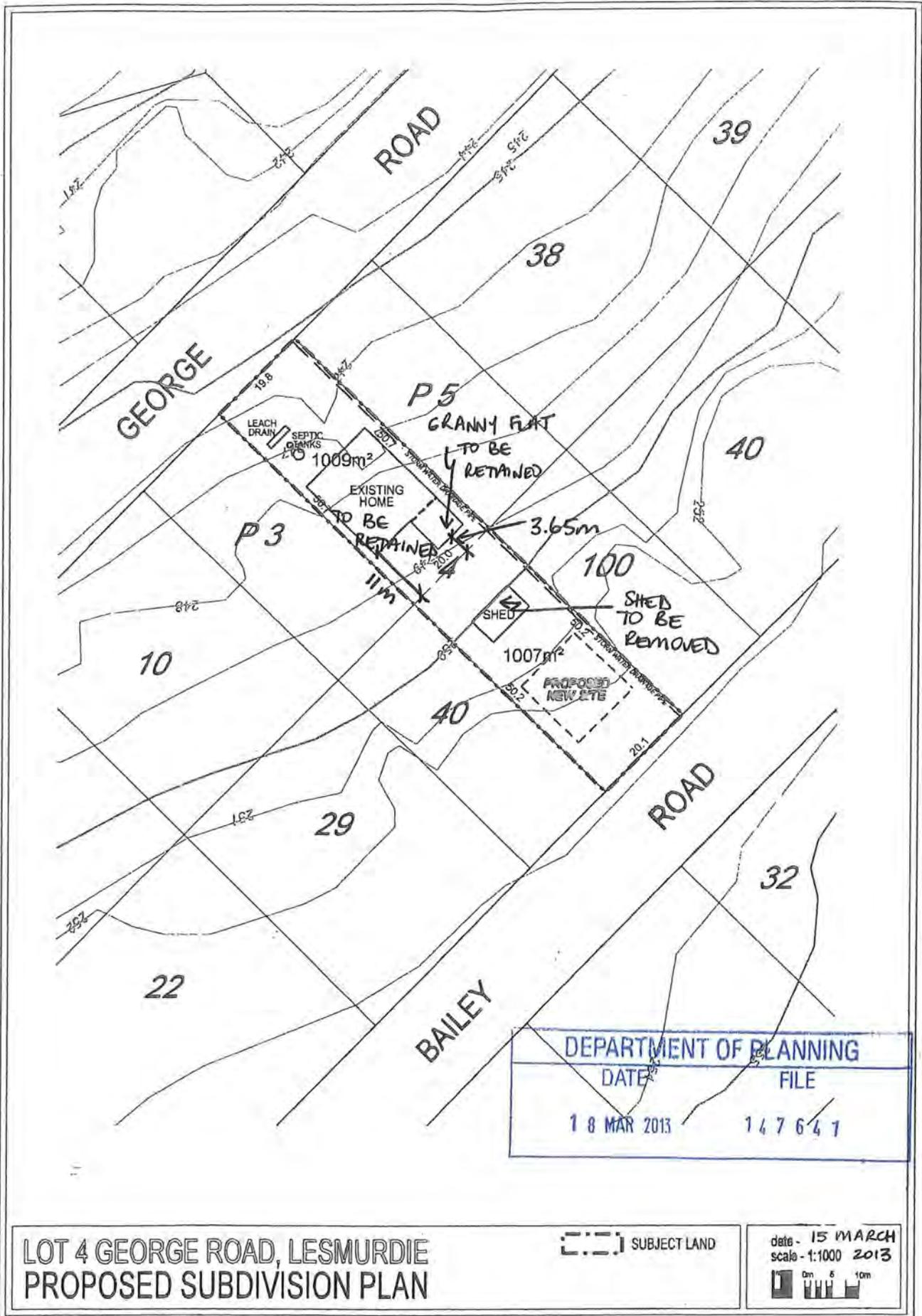
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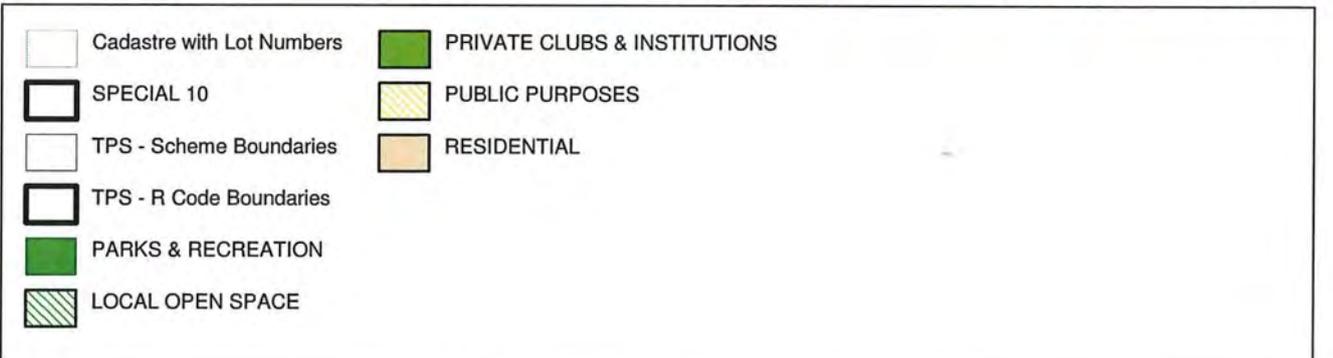
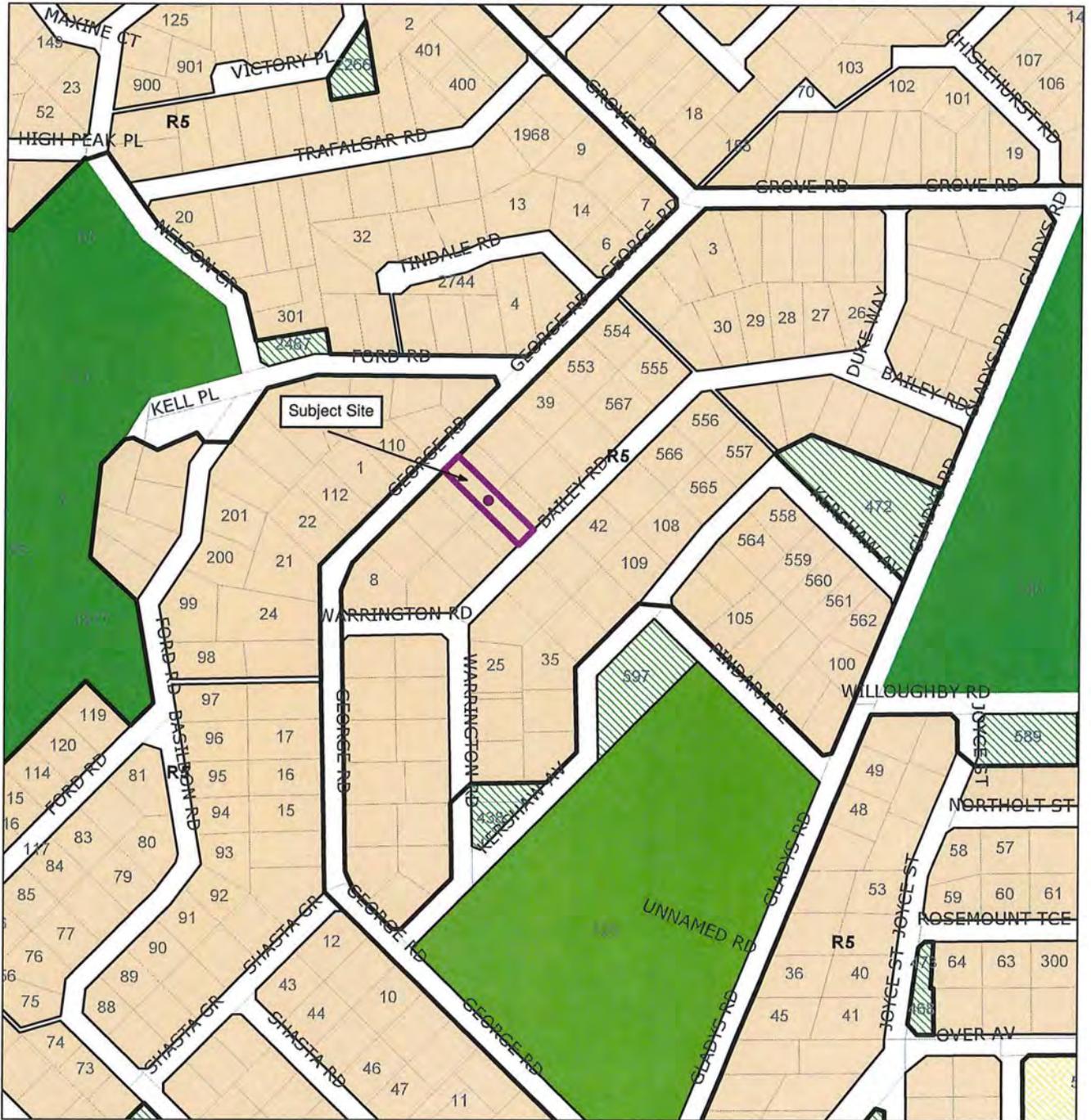
geotechnical work can be adequately required as a condition of subdivision approval. The Shire has confirmed that the subject site is capable of achieving onsite effluent disposal.

The application, while not meeting the minimum lot size of the R5 coding under the R-Codes, is consistent with the objectives of the GSP by providing flexibility for further subdivision, where reticulated sewerage is not available for some time. Further, the subject site is considered to be an 'anomaly' within the subject street block, is consistent with the lot sizes abutting the subject site and is not considered to create a precedent for further subdivision in the vicinity.

**CONCLUSION:**

The application is referred to the SPC given that approval is recommended, notwithstanding that the proposal does not comply with the R5 coding under the R-Codes, the provisions of the GSP and in the absence of support from the Shire of Kalamunda and Department of Health.



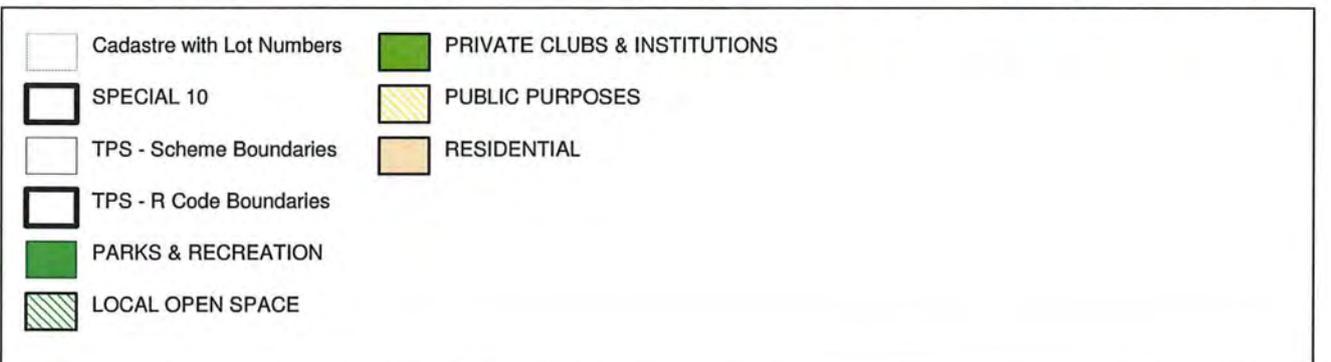
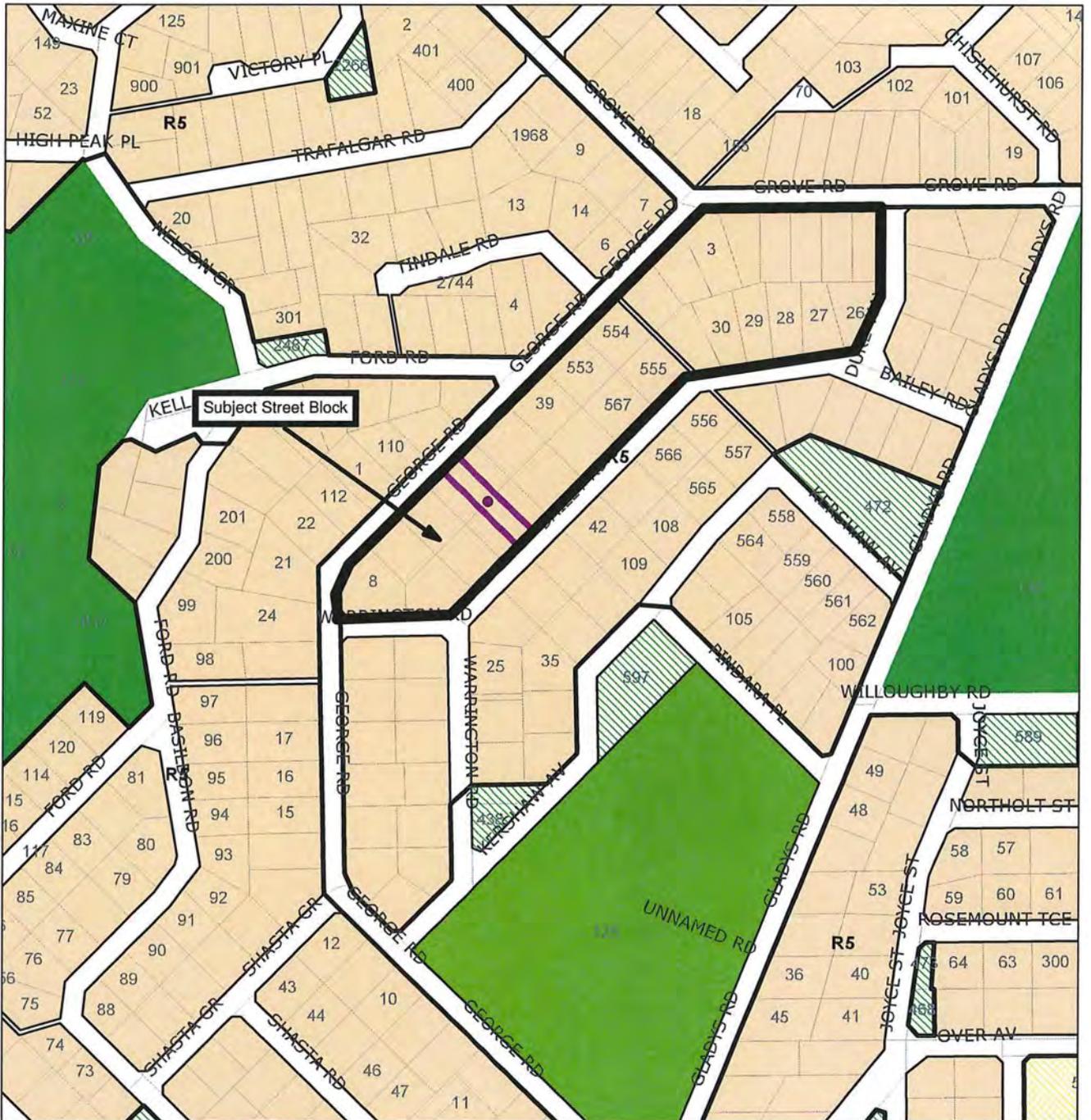


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 0 125 m

Prepared by: egroser  
 Prepared for:  
 Date: Monday, May 27, 2013 14:34  
 Plot Identifier: P20130527\_1433

**DP INTERNAL USE ONLY**

Government of Western Australia  
 Department of Planning



Scale 1:5,654  
 0 125 m

Prepared by: egroser  
 Prepared for:  
 Date: Monday, May 27, 2013 14:37  
 Plot identifier: P20130527\_1436

**DP INTERNAL USE ONLY**

Government of Western Australia  
 Department of Planning

## ITEM NO: 9.2

### DEVELOPMENT APPLICATION FOR AN EDUCATIONAL ESTABLISHMENT - LOT 2 (540) NICHOLSON ROAD, FORRESTDAL

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan South-East
AUTHORISING OFFICER:	Director Planning, Metropolitan South-East
AGENDA PART:	G
FILE NO:	22-50149-1
DATE:	24 May 2013
ATTACHMENT(S):	1. Location Plan (including poultry farm buffer) 2. Development Plan 3. Vehicle Access Plan
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Armadale
LOCAL SCHEME ZONING:	Rural Living X
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	South-East Corridor
RECEIPT DATE:	9 April 2013
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 2 (No. 540) Nicholson Road, Forrestdale

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to refuse the application for an Education Establishment on Lot 2 (No. 540) Nicholson Road, Forrestdale for the following reasons:***

1. ***The development does not comply with State Planning Policy 1 - State Planning Framework Policy as it does not:***
  - (a) ***facilitate the efficient use of existing urban infrastructure and prevent development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services,***
  - (b) ***integrate land use and transport planning which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars,***

- 
- (c) encourage a safe environment, high standard of urban design and a sense of neighbourhood and community identity, and*
    - (d) avoid land use conflicts by separating sensitive and incompatible uses.*
  - 2. The development does not comply with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning as it requires the installation of traffic signals and a reduced speed limit that will compromise the integrity and function of Nicholson Road as an important regional north-south freight route.**
  - 3. The development does not comply with State Planning Policy 4.3 - Poultry Farms Policy as it:**
    - (a) impinges the recommended buffer distance to the existing poultry farm as per State Planning Policy 4.3 and the City of Armadale Town Planning Scheme No. 4, and*
    - (b) will impact upon the operational requirements and capabilities of the existing poultry farm causing land use conflict.*
  - 4. The development does not comply with Development Control Policy 5.1 - Regional Roads (Vehicular Access) which seeks to reduce and rationalise crossovers and junctions to regional roads as it proposes two access points to the site with traffic treatments and alterations to Nicholson Road.**
  - 5. The proposed development would prejudice the orderly and proper planning of the locality by reason of intensifying the land use on the subject site contrary to the objectives of the 'Rural Living X' zone of the City of Armadale Town Planning Scheme No. 4, as it does not:**
    - (a) provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics,*
    - (b) provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites,*
    - (c) ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.*
  - 6. The development has not demonstrated that it complies with Planning for Bush Fire Protection Guidelines and Planning Bulletin 64/2009 - Acid Sulfate Soils.**

#### **SUMMARY:**

- The application proposes the development of a new private education establishment at Lot 2 (No. 540) Nicholson Road, Forrestdale which is intended to cater for 1500 students from kindergarten through to year 12.

- The City of Armadale (the City) has approved the development application under Town Planning Scheme No. 4 (TPS No. 4), however, as several recommendations provided by public authorities are not considered acceptable by the City of Armadale, the proposal requires Western Australian Planning Commission (WAPC) determination under the Metropolitan Region Scheme (MRS) in accordance with the WAPC's Instrument of Delegation (DEL 2011/02).
- The subject land and surrounds are zoned 'Rural' under the MRS and 'Rural Living X' under the City of Armadale Town Planning Scheme No. 4 (TPS No. 4).
- The site abuts Nicholson Road, identified as an 'Other Regional Road' which is also a designated freight route (Nicholson Road). It is affected by the Dampier to Bunbury Natural Gas Pipeline, wetlands and their associated buffers, a proposed electrical substation on the adjacent lot to the north of the site, an existing and operational poultry farm on the adjacent lot to the south of the site and its associated buffer, and state forest and bush forever about the site on its western and southern boundaries.
- The application is inconsistent with the MRS and TPS zoning, is an inappropriate land use given the many constraints affecting the site and is not consistent with the principles of proper and orderly planning and state planning policy and framework.
- It is recommended that the development application be refused.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	Subdivision / Development Approval - Part 10 of the P&D Act 2005
<b>Strategic Plan</b>	
Strategic Goal:	Planning
Outcomes:	Planned Local Communities Developing a Sense of Place
Strategies:	Develop Connected and Accessible Communities Improve Local Planning Service Capability Identify Key Infrastructure and Development Projects
<b>Policy</b>	
Number and / or Name:	State Planning Policy 1 - State Planning Framework Policy State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region State Planning Policy 2.9 - Water Resources State Planning Policy 3.0 - Urban Growth and Settlement State Planning Policy 4.3 - Poultry Farms Policy State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning Planning for Bush Fire Protection Guidelines Development Control Policy 1.7 - Road Planning

## INTRODUCTION:

The application proposes the development of a new private educational establishment (school) at a 22 hectare site located at Lot 2 (No. 540) Nicholson Road, Forrestdale (**Attachment 1 - Location Plan**). The school is intended to cater for up to 1500 students from kindergarten to Year 12 and over 100 staff upon completion (**Attachment 2 - Proposed Development Plan**), however, planning approval is only sought for Stage 1 of the campus which will accommodate child care and kindergarten students through to year 5 students, a playing field and staff and parent parking. The application is submitted on behalf of Carey Baptist College which has an existing and similar campus at Wright Street in Harrisdale.

The subject land is zoned 'Rural' under the MRS. The site has frontage and sole vehicular access from Nicholson Road which is identified as an 'Other Regional Road' (ORR) under the MRS and classified as a designated freight road by Main Roads Western Australia (MRWA).

The subject land is zoned 'Rural Living X' under the City's Town Planning Scheme No. 4 (TPS No. 4). The Rural Living X zone provides for a variety of rural living environments and developments within a natural environment, which are compatible with the environmental opportunities and constraints applicable to individual sites. Developments are expected to be sited, designed and managed in harmony with the natural environment so as to protect the rural landscape and amenity.

There are no long term plans for the site and its immediate surrounds to be rezoned under the MRS or TPS to 'Urban' or 'Residential' respectively in accordance with *Directions 2031 and Beyond*.

The subject land contains a Resource Enhancement Wetland (REW) on the eastern (front) end of the site and a Multiple Use Wetland (MUW) is located on the western half of the site. The southern boundary, and a portion of the western boundary, adjoins a Category Conservation Wetland (CCW). The requisite 50 metre buffers to the CCW are accommodated within the property.

The Jandakot Regional Park (JRP) and Bush Forever Site No. 344 (BF 344) abut the site on its southern and western boundaries.

The DBNGP 30 metre wide easement and the associated 90 metre wide buffers run diagonally through the north-west corner of the site (**Attachment 2**).

An operational poultry farm is located on the adjoining site to the south (Lot 801). A 500 metre wide buffer around the poultry farm is identified under TPS No. 4 (**Attachment 1**).

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The adjoining site to the north (Lot 1) is currently vacant, however, a new electricity substation is proposed to be constructed by Western Power in the future.

Reticulated water and sewer are not currently available at the site.

Large areas of the site are identified as high risk for acid sulfate soils. The remainder of the site is identified as medium risk. The high risk areas generally correspond to the wetland areas identified on the site.

On 25 March 2013 the City resolved to approve a development application under TPS No. 4 for an education establishment subject to various conditions, including but not limited to:

- the road widening, upgrading and treatment of Nicholson Road,
- a Wetland Management Plan,
- an Urban Water Management Plan,
- a Nutrient and Irrigation Management Plan,
- a Fire Management Plan,
- a Landscape Plan,
- an Acid Sulfate Soil self-assessment form,
- appropriate fencing to the Jandakot Regional Park, and
- a Weed Control Management Plan.

The application has been forwarded to the WAPC for determination under the MRS in accordance with the Notice of Delegation as the City does not agree with the recommendations of a number of Government Agencies including the Department of Planning (the Department), MRWA and Department of Agriculture and Food (DAFWA).

### **CONSULTATION:**

The application was publicly advertised by the City for two weeks via a sign on site and a newspaper advertisement. Written notification was sent to 12 State Government Departments and service agencies and surrounding landowners. A total of ten responses were received from the agencies comprising three objections, five responses of conditional support, and two letters of support with advice. Two public submissions were received which provided support with advice.

The main issues raised in the submissions relate to:

- traffic concerns and impact to and from Nicholson Road (freight route),
- non-compliance with state planning policies and framework in relation to structure planning and school site planning,
- inconsistency with the zoning and lack of compatibility with the surrounding environment, landscape and amenity of the rural area,
- land use conflict with the surrounding uses, particularly the poultry farm operation on the adjoining lot to the south,
- provision of adequate wetland protection measures,
- lack of adequate bush fire mitigation measures.

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Further consultation has been undertaken by the Department upon the receipt of the application. The Department of Planning and MRWA maintain objections based on traffic concerns and impact to Nicholson Road. DBNGP and State Land Services also raised concerns in relation to the existing gas pipeline and its buffer.

These issues are discussed further in the Comments section of the report.

## **COMMENTS:**

### Metropolitan Region Scheme (MRS)

There are no long-term future plans to zone the subject area and its surrounds to 'Urban' or 'Urban Deferred'. The site and its immediate surrounds are not intended to cater for development beyond the density of 'Rural Living' and will not provide the residential density, transport networks, community infrastructure, and commercial activity usually expected within close proximity of school sites.

### Town Planning Scheme No. 4 (TPS No. 4)

The site is currently zoned 'Rural Living X' under TPS No. 4. The objectives of the Rural Living X zone are to -

- (a) *To provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics,*
- (b) *To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites,*
- (c) *To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.*

Similar to the MRS, there are no plans to rezone the site or its locality to any form of urban or dense residential uses, nor to commence structure planning for the site under TPS No. 4.

An 'Educational Establishment' is an 'A' use in the 'Rural Living' zone which means that the use is not permitted unless the City has exercised its discretion by granting planning approval pursuant to specific advertising requirements.

Notwithstanding that several surrounding properties in the vicinity are currently vacant, including a number which are adjacent to Nicholson Road, the surrounding properties' areas follows:

- grazing (horses, goats, sheep and cattle),
- plant nurseries,
- agricultural supplies,
- kennels,
- environmental laboratory service,
- poultry farm, and
- rural-residential living.

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The predominant uses in vicinity of the subject site are of an agricultural and rural nature that are compliant with the zoning, compatible with each other, and reflect the objectives of the area as defined by TPS No. 4.

The development of a school accommodating 1500 students with in excess of 100 staff is not considered to be a use that is harmonious with the natural environment that is experienced, exhibited and expected within a rural living zone, nor will it foster the protection of the rural landscape and its amenity. Rather, the use is considered to be incompatible with the existing rural living environment and is likely to put the rural landscape at risk of further alteration.

Nevertheless, the City advertised the proposal and subsequently resolved to approve the application under TPS No. 4 subject to conditions.

### School Sites

WAPC's policies and guidelines such as *Liveable Neighbourhoods* (LN) and *Development Control Policy 2.4 - School Sites* (DC Policy 2.4) outline objectives and best practice options in relation to the location and design of school sites. Policy generally states that school sites should:

- be identified in district and local plans,
- maximise accessibility via multiple frontages and access points,
- locate in close proximity to public transport routes (particularly for secondary schools) and facilitate short, safe and direct trips for pedestrians and cyclists,
- form part of the community with regard to interface and visual interaction, and
- have regard to the retention and protection of conservation areas and service easements,
- provide 10-12 hectares for a combined primary and secondary non-government school.

The site has not been identified as suitable for a school site in a district or local structure plan, has only a single road frontage to a regional road that is also a designated freight route, is not located in proximity to any public transport nodes and does not provide good access for pedestrians and cyclists.

The completed school site catering for 1500 students plus staff will appear radically different in the landscape compared to the majority of the existing and surrounding agricultural and rural uses, despite being setback from Nicholson Road. The unconstrained portion of the site is approximately 11 hectares in area and relies on access and use of land identified as easements and buffers for ancillary uses such as parking and recreational space which will offer no opportunity for expansion of the school in the future if required.

It is recognised that policies and documents such as LN and DC Policy 2.4 state that they are applicable in urban areas (predominately residential), greenfield sites and large urban infill sites. Whilst the subject site does not strictly fit with any of these criteria, the relevance and application of the basic planning principles within these state planning documents should not be dismissed based solely on the zoning of the land.

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The land is zoned 'Rural' under the MRS and 'Rural Living X' under TPS No. 4, and there is no plan to rezone or prepare a structure plan for the locality whereby the objectives outlined above could be ensured if the school was located within an existing and broader community.

### Nicholson Road

Nicholson Road is identified as an 'Other Regional Road' (ORR) under the MRS and a designated freight route in accordance with *State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning* (SPP 5.4).

The relevant objectives of SPP 5.4 include:

- *"protect major transport corridors and freight operations from incompatible urban encroachment; and*
- *facilitate the development and operation of an efficient freight network."*

*Development Control Policy 5.1 - Regional Road (Vehicular Access)* (DC Policy 5.1) also applies to Nicholson Road. DC Policy 5.1 outlines that *"in considering application for access to regional roads, the effect of the proposals on the traffic flow and safety will be the primary consideration"*. The restriction and minimisation of junctions and driveways to regional roads is important and should be undertaken where possible.

The applicant has submitted a Transport Assessment (dated November 2011) which proposed two access points to the school from Nicholson Road (north and south) at the completion stage with dedicated turning lanes.

MRWA, Department of Transport (DOT) and the Department of Planning do not accept the projected regional traffic volumes within the November 2011 assessment which were based on 2008 figures and do not appear to incorporate regional growth/forecasts which Nicholson Road is intended to carry. These forecasts are based on recent work undertaken as part of *Directions 2031 and Beyond* (D2031). Nicholson Road is planned to be a four-lane dual carriageway road, therefore, vehicles entering and exiting the school will be required to turn across two lanes of traffic which includes freight vehicles travelling at 80 kilometres per hour.

The Department of Agriculture and Food Western Australia (DAFWA) also objected to the proposal based on increased traffic movements to and from the school unreasonably restricting the ability for the poultry farm to the south to carry out ordinary business practices.

Subsequently, a revised Transport Assessment was received a year later (dated November 2012) which updated the regional traffic projections and access arrangements for the site. Notwithstanding that the new access solution is based on 30,600 vehicles in 2031 in lieu of the 35,000 vehicles projected by *D2031*, the installation of traffic signals and full turning movements at the northern access point and left in/left-out only movements at the southern access point is required. The speed along this portion of Nicholson Road will also be required to be reduced to 70 kilometres per hour (**Attachment 3 - Access Plan**).

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MRWA and the Department do not accept the revised access solution on regional planning grounds and MRWA has advised that it will not support the installation of traffic signals in this location. Both agencies advise that the location of a school site with its only access to Nicholson Road is extremely unsafe and will compromise the integrity and function of Nicholson Road as an important regional north-south freight route, which conflicts with the objectives of SPP 5.4.

A rural living land use consistent with the uses currently accommodated in the locality would typically require a single crossover with no alteration required to the regional road. The implementation of two access driveways or dedicated roads with traffic treatments opposes the expectation outlined by DC Policy 2.6 whereby access and crossovers to regional roads will be restricted and rationalised. The proposed alterations to Nicholson Road in order to cope with the traffic volume and demand created by a single development is not appropriate and should not be undertaken to appease a single site/development in the absence of structure planning and an established supporting transport network.

### Public Transport

The Public Transport Authority (PTA) has objected to the proposal on behalf of the DOT on the grounds that the nearest bus stop to the school site is 1.8 kilometres away on Armadale Road and the PTA has no plans to provide bus services to the site.

The traffic figures provided by the applicant assumes a similar traffic generation as that experienced at the Carey Baptist College's Wright Street campus. It is likely that the volume of traffic generated from the development would be higher than this given the lack of surrounding residential development and public transport to the subject site.

The applicant has advised that they intend to provide a private bus service for the students similar to the service currently operated for the Wright Street campus. The existing campus utilises three buses and it is expected that another three buses will be added to the service if this campus is developed. Notwithstanding that the school may have the desire and ability to increase the bus frequency and service, there is no requirement or certainty in relation to the ongoing provision of a private bus service, however, there is likely to be an ongoing, significantly high dependency on car trips to and from the school which is inconsistent with state planning documents such as LN.

### Poultry Farm

Lot 801 Nicholson Road, Forrestdale lies immediately to the south of the subject site and accommodates an operational poultry farm which accommodates approximately 67,000 birds.

*State Planning Policy 4.3 - Poultry Farms Policy* (SPP 4.3) provides guidance in the consideration of applications for land in the vicinity of poultry farms.

- 
- *To ensure that new poultry farms are established in locations suitable to their operational requirements;*
  - *To minimise the impact of poultry farms on residential, rural residential and other potentially incompatible uses;*
  - *To protect the interests of existing poultry farms in the face of encroaching development; and*
  - *To encourage the relocation of poultry farms on land required for residential or rural-residential development.*

SPP 4.3 also stipulates that a 300 metre buffer is required between poultry farms and rural-residential zones and 500 metres to residential zones. The SPP does not provide a recommended buffer distance to a school site. TPS No. 4 identifies a 500 metre poultry farm buffer around Lot 801 (**Attachment 1**).

The subject site and its surrounds are zoned 'Rural Living X' where rural-residential development is permitted and in this situation, a 300 metre buffer would apply. Given the proposed intensity of the educational establishment and the buffer provided under TPS No. 4, it is considered reasonable to apply a buffer distance of 500 metres to the poultry farm.

The nearest existing operating poultry shed on the farm to the subject site is setback approximately 210 metres to the common boundary. The City and the WAPC both approved an application for a new poultry shed accommodating 10,000 birds on Lot 801 in March 2012. The new shed will be setback 150 metres from the common boundary. The shed has not been constructed to date, however, the approval is valid until March 2014 and discussions with the owner indicates that the shed will likely be constructed between 18 to 24 months following approval.

All development on the subject site will be 200 metres from the proposed new poultry shed on Lot 801. The applicant has provided an Odour Impact Assessment which states that the odour impact to the school will be minimal given the limited operating hours of the school, the generally favourable atmospheric conditions, and the design of the nearest classrooms which do not have any south-facing openings.

Despite the findings of the assessment, the Department of Agriculture and Food (DAFWA) has objected to the proposal on the basis that a 'perception of risk' from the poultry farm is likely to remain which may lead to future conflict. In the experience of DAFWA, the poultry farm would likely be subject to opposition from the school and its users, and there will inevitably be pressure for the poultry farm to relocate. The Department of Environment and Conservation (DEC) has reiterated that an appropriate separation distance should be provided between the proposed development and the existing poultry farm in accordance with SPP 4.3.

There can be no certainty with regard to the possible situation outlined by DAFWA, however, the WAPC has a responsibility to protect the existing poultry farm, which has a valid and current approval for expansion, from the encroachment of incompatible land uses. The reduced setback of 200 metres in lieu of 500 metres (or even 300 metres) is considered to be unacceptable. It is not considered reasonable to ensure the required setbacks by way of imposition of a condition of approval as the redesign of the site and/or relocation of affected buildings would be difficult given the

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other constraints affecting the site. In summary, the presence of a new school at the subject site will compromise the integrity of the existing poultry farm.

### Dampier to Bunbury Natural Gas Pipeline (DBNGP)

The 30 metre wide DBNGP traverses the north-west corner of the in a north-easterly direction site. *Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Area* (PB 87) requires buffers of 90 metres width be provided each side of the pipeline for 'sensitive' uses such as school sites. The application proposes to position the recreation areas (school ovals and pitches) in the easement and buffer areas.

The applicant has provided a Pipeline Risk Management Plan which was referred to the Dampier Bunbury Pipeline (DBP) who own the pipeline, and State Land Services (SLS) on behalf of the Department of Regional Development and Lands as the custodian of the pipeline. SLS expressed concern with the proximity of the proposal to the DBNGP corridor for 'public safety' reasons, albeit "perceived", and also provided examples of other school sites which have endeavoured to develop closer to the pipeline upon expansion and/or requested relocation of the pipeline.

Both agencies provided a list of conditions in the event of an approval. DBP has advised that it requires the pipeline to be secured via a fence with restricted access via a gate for DBP and emergency personnel only. Compliance with the DBP and SLS recommended conditions may require the redesign of the school/playing fields as the site plan currently depicts the football oval encroaching into the pipeline corridor, including a set of football goal posts within the easement area. This design predicates that students will have direct access to the DBNGP easement and buffer areas. Given the environmental and natural constraints to the north, west and south of the playing fields, it is likely to be difficult for the school site to redesign an acceptable solution without compromising other sensitive or constrained areas of the site.

### Wetlands

There are two wetlands present on the subject site. A MUW is located on the western end of the site and an REW is located on the eastern portion (**Attachment 1**). Adjacent to the western boundary of the site and a portion of the southern boundary is a CCW.

The application proposes the retention, protection and rehabilitation of the REW including a 30 metre buffer. The only development within the REW or its buffer are the driveways to the school. The site plan depicts the 50 metre buffer to the CCW on the adjacent site with the only development proposed within its buffer being a minor encroachment of the playing courts. The proposal is generally compliant with *State Planning Policy 2.9 - Water Resources* (SPP 2.9), therefore, DEC has no objection to the proposal and the intended treatment of the wetlands subject to a Wetland Management Plan being prepared and approved.

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## Jandakot Regional Forest and Bush Forever

The Jandakot Regional Park (JRP) is adjacent to the subject site on the western boundary and a portion of the southern boundary. The JRP accords with Bush Forever Site No. 344 (BF 344).

The JRP vegetation type is classified as 'forest' which is identified as an 'extreme fire risk' in accordance with *Planning for Bushfire Protection Guidelines* (PFBPG), however the application was absent a Fire Management Plan. DEC has recommended a condition to ensure the preparation and implementation of a Fire Management Plan, which was supported by the City.

Likely bushfire mitigation measures in order to comply with FBPG will involve the construction of all buildings to the Australian Standard 3959, the implementation of fire breaks, and possibly even increased setbacks. Notwithstanding that sufficient fire mitigation measures can be implemented to reduce the risk to the site and its users, in the absence of a FMP, these possible treatments and compliance of the development is conjecture and contrasts with FBPG which discourages the introduction or intensification of land uses in 'extreme' areas if avoidable.

It is acknowledged that the proposed development endeavours to protect and conserve the JRP/BF 344 in accordance with *State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region* (SPP 2.8).

## Electricity Substation

The adjacent lot to the north of the school site, being Lot 1 Nicholson Road, Forrestdale, is planned to accommodate the Forrestdale electricity sub-station. Western Power has advised that the construction of the substation, which would be 120 metres by 120 metres in area, is not identified for construction within the next 25 years. Notwithstanding that the works are not identified as a short to medium term priority for Western Power, its planning framework is updated annually and may be subject to change. Furthermore, the development of a school at the subject site may compromise the viability of Lot 1 for Western Power in the future due to noise constraints and perceived risk. Noise walls between the site and the school may be required at additional cost to Western Power.

## Essential Services

The Water Corporation has advised that reticulated water and sewer are not immediately available to the site, however it has recommended that the site be connected to both services (at the cost of the applicant) which is consistent with the requirements of DC Policy 2.4 which states that '*all appropriate services should be made available to the school, especially to that part selected for the construction of buildings*'.

The applicant has advised that the school site is able to connect to reticulated water by extending the trunk main along Nicholson Road from Armadale Road. The Water Corporation has indicated that whilst the extension of the existing main is possible, this will need to be undertaken at the expense of the applicant.

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The applicant has proposed the use of septic tanks or Aerobic Treatment Units (ATU's) until such time as a sewer connection is available. The site will be used intensely by 1500 students and additional staff. ATU's are typically implemented in rural-residential areas which are remote from services and exhibit extremely low levels of density. It is not considered appropriate to substitute ATU's for connection to sewer given the amount of people proposing to utilise the site.

If connection to sewer is required, headworks infrastructure, which includes a pump station, will be required to be constructed at the cost of the applicant. Land for the pump station itself (of approximately 400m<sup>2</sup> in area) and the mains (20 metres in width) will need to be provided along, with an appropriately sized odour buffer (10 metre radius).

It is not considered appropriate to ensure these services are secured via imposition of a condition of approval given the subject site will be at capacity upon completion and it is likely to be difficult to provide the land required for these services. Furthermore, implementation is likely to require either a redesign of the site or reliance on acquiring/easements through third party land.

#### Acid Sulfate Soils

The site has areas identified as having a high risk of acid sulfate soils (ASS). These areas generally correspond to the location of the wetlands which are not expected to be developed in a manner that is at risk of exposing the ASS. The remainder of the site is identified as having a moderate risk of ASS. Notwithstanding that the risk of exposing ASS is considered to be low, areas identified with high risk ASS are required to submit a self-assessment form and if required, an ASS report and management plan in accordance with *Planning Bulletin 64/2009 - Acid Sulfate Soils*. Whilst not preferred, this requirement could be ensured via the imposition of a condition of approval to be undertaken prior to commencement of development.

#### **CONCLUSION:**

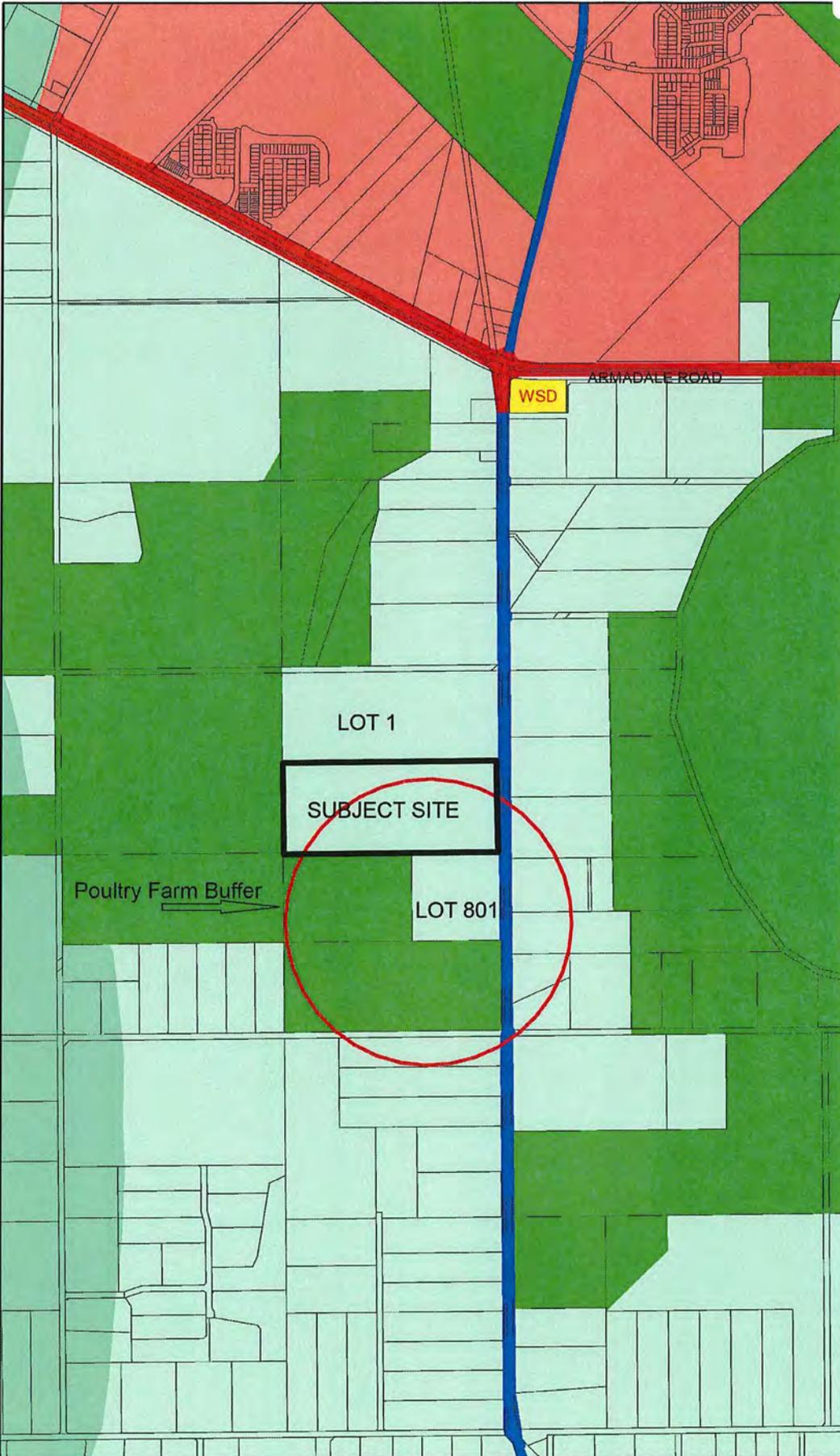
The Carey Baptist College proposes to develop a new kindergarten to year 12 private school in Forrestdale. This proposed school is justified by the applicant on the basis of the demand experienced for enrolments at its Wright Street campus, Harrisdale, and the anticipated urban growth expected in the region. Whilst this demand is acknowledged, the suitability of the subject site to accommodate an education establishment use must be considered on planning grounds.

The site is affected by a significant number of constraints. Any proposal to redesign the site to mitigate one planning issue could be difficult given the other constraints affecting the site, which is likely to result in the creation of other issues. The cumulative effect of the non-compliant planning issues is significant and considered to be extremely difficult to overcome such that a sound and rational planning outcome cannot be achieved at this site for a proposal of this nature.

The proposal does not promote sustainable and well-planned development, nor does it build on existing communities or take advantage of existing services and infrastructure. The proposal does not promote a liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access for all users.

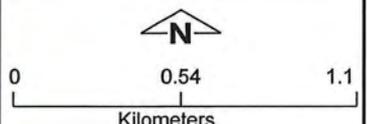
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In summary, locating an intense use such a school site which intends to accommodate in excess of 1500 people upon completion, is a pseudo form of urban development in an inappropriate environment with a number of health and safety concerns including traffic, bushfire, presence of a gas pipeline and a poultry farm. The location of a school of this magnitude in a rural living area which is currently lacking services, is not consistent with orderly and proper planning, the zoning of the site, or Commission policy and practice. It is recommended that the development application be refused for the reasons outlined.



**Legend**

- Cadastre
  - MRS - Boundary
  - MRS - Ministerial Approval Required
  - MRS - Redevelopment Scheme Act 1985
  - MRS - Redevelopment and Act A
- MRS - Zones and Reserves**
- central city area
  - civic and cultural
  - industrial
  - other regional roads
  - parks and recreation
  - parks and recreation restricted
  - port installations
  - pp - car park
  - pp - commonwealth government
  - pp - high school
  - pp - hospital
  - pp - prison
  - pp - special uses
  - pp - State Energy Commission
  - pp - technical school
  - pp - university
  - pp - Water Authority of WA
  - primary regional roads
  - private recreation
  - public purposes
  - railways
  - rural - water protection
  - rural
  - special industrial
  - state forests
  - urban
  - urban deferred
  - waterways



1: 23,291  
at A4

Projection:  
WGS 1984 Web Mercator Auxiliary Sphere

**Notes:**  
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. This information is stored in the relevant layers metadata. For these reasons the map should not be distributed outside of the Department.

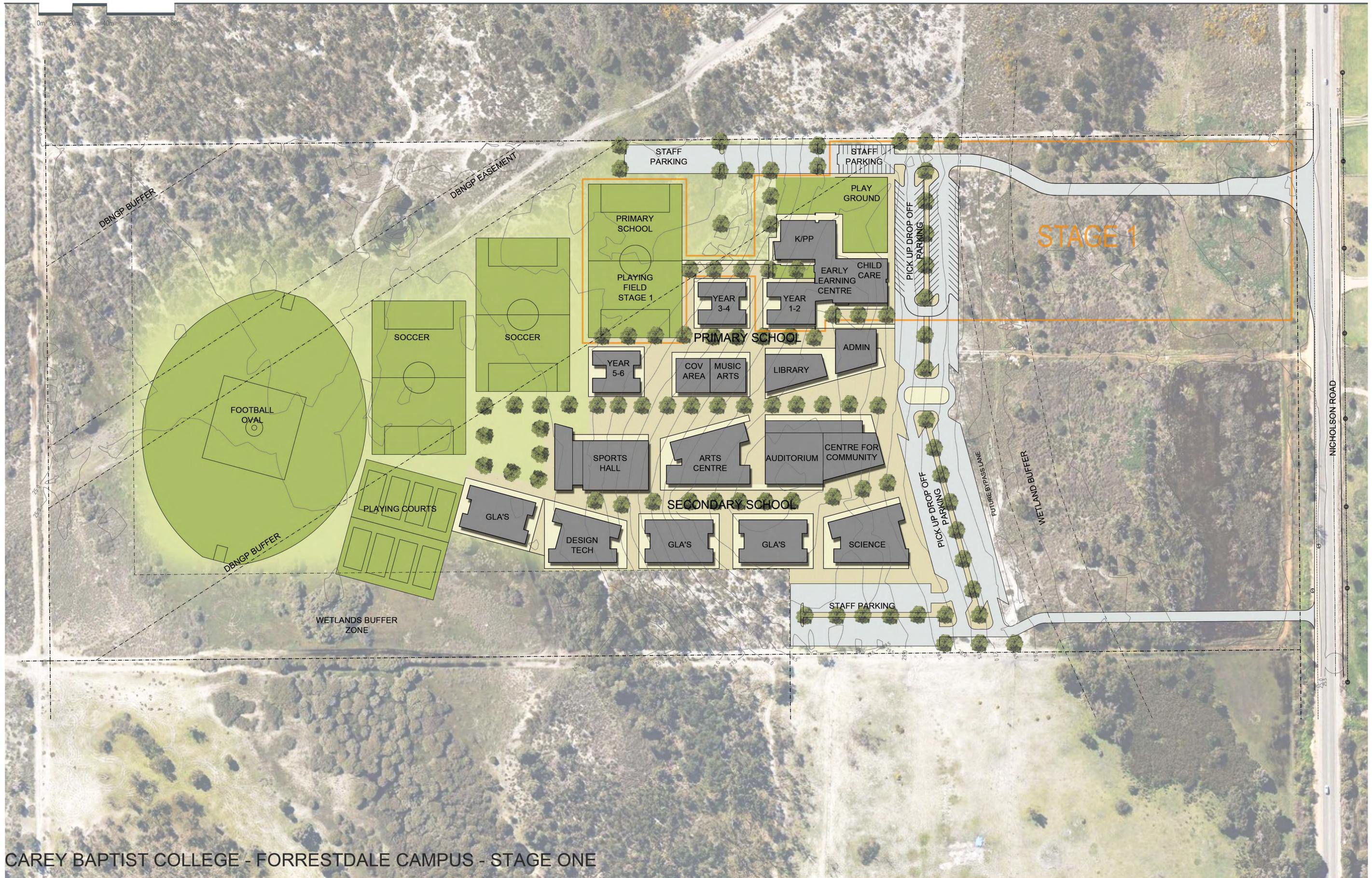
**Location Plan - Lot 2 (No. 540) Nicholson Road, Forrestdale**

**INTERNAL USE ONLY**

Internal Spatial Viewer  
[Link to viewer](#)

Produced by: FUNCTIONALITY TO COME

Date produced: 28-May-2013



CAREY BAPTIST COLLEGE - FORRESTDALE CAMPUS - STAGE ONE

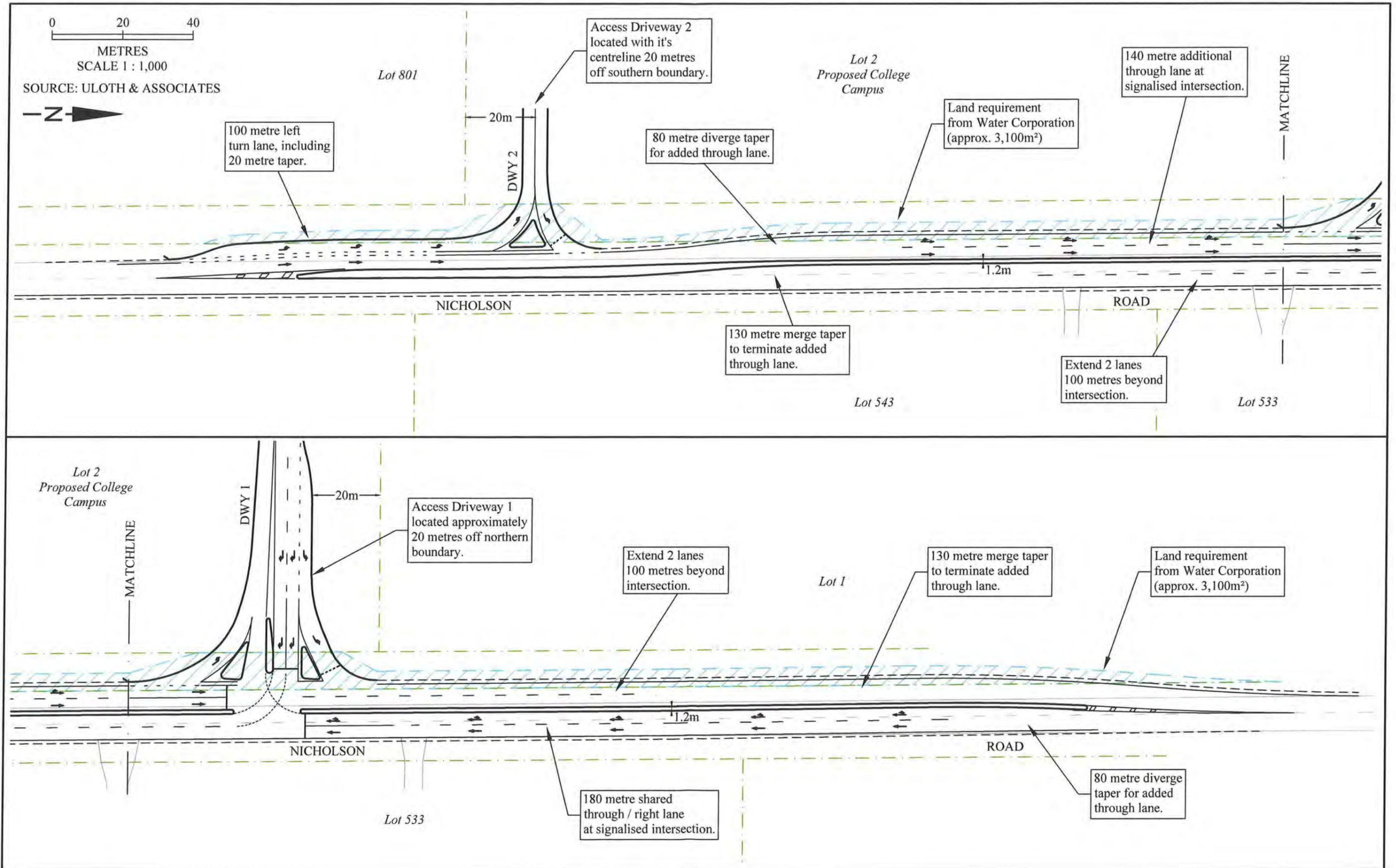
STAGE 1 SITE PLAN & MASTER PLAN



SCALE: 1:1000 @ A1  
 DATE: 28 NOV 2012  
 DRAWN: LC  
 JOB NO: 411039  
 DRAWING NO: SK01F



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**Recommended Road Widening and Overall Layout**  
NICHOLSON ROAD AT PROPOSED NEW CAREY COLLEGE CAMPUS - MEDIUM TERM

FIG. 4

## ITEM NO: 9.3

### MODIFICATION OF LOCAL SUBDIVISION AND INFRASTRUCTURE PLAN NO. 204: FLORA ROAD, HOVEA

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager, Metropolitan Planning North East  
AUTHORISING OFFICER: A/Director, Metropolitan Planning North East  
AGENDA PART: G  
FILE NO: 001/02/27/0005P0026  
DATE: 28 May 2013  
ATTACHMENT(S): 1 - LSIP 204  
2 - Modified LSIP 204  
3 - Revised LSIP 204 modification  
4 - Zoning map  
5 - Draft Bush Fire Hazard Map

REGION SCHEME ZONING: Rural  
LOCAL GOVERNMENT: Shire of Mundaring  
LOCAL SCHEME ZONING: Rural Landscape Living 2  
LGA RECOMMENDATION(S): Approval  
REGION DESCRIPTOR: Metro North East  
RECEIPT DATE: 18 November 2011  
PROCESS DAYS: 557  
APPLICATION TYPE: Local Subdivision and Infrastructure Plan Modification  
CADASTRAL REFERENCE: Lot 10 Flora Road, Hovea

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to:*

1. ***adopt the proposed modification to Local Subdivision and Infrastructure Plan No. 204, subject to the following additional modification;***
  - ***The plan being modified in accordance with the attached modified plan date stamped 28 May 2013 by the Department of Planning to include the emergency access easement over Lot 31 and the requirement for buildings to be constructed in accordance with the requirements of Australian Standard 3959;***
2. ***advise the Shire of Mundaring of its decision accordingly.***

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## **SUMMARY:**

The proposed modification to Local Subdivision and Infrastructure Plan No. 204 (LSIP 204) seeks to provide for the subdivision of Lot 10 Flora Road, Hovea into three lots ranging in size from 2.3351 hectares to 3.0503 hectares in a battleaxe configuration. The approved LSIP provides for the subdivision of the site into two lots.

The LSIP has been referred to the Statutory Planning Committee (SPC) for determination as the modification proposes an intensification of development within an area identified as having a moderate to extreme bush fire hazard level. The modified LSIP provides for improved access in the case of an emergency through the provision of an emergency access easement and requires dwellings to be constructed in accordance with Australian Standard 3959 *Construction of buildings in bush-fire prone areas* (AS3959). As a result, the modification will provide a better outcome than the existing approved LSIP and it is recommended that the modified LSIP be supported.

## **BACKGROUND:**

The Shire of Mundaring adopted LSIP 204 in February 1995 to facilitate the subdivision of Pt Lot 6 Glenroy Court and Lot 10 Flora Road, Hovea to create 6 lots ranging from 2 hectares to 9.65861 hectares (**Attachment 1** - LSIP 204). The LSIP was approved by the Western Australian Planning Commission (WAPC) at its meeting on 11 July 1995.

The Shire of Mundaring adopted a modification to LSIP 204 relating to Lot 10 Flora Road, Hovea on 8 June 2001. The modification was approved by the WAPC in August 2001. The modification realigns the boundary between the two proposed lots on Lot 10 Flora Road from being north-south to being essentially east-west. (**Attachment 2** - Modified LSIP 204)

The WAPC has conditionally approved subdivision applications over Lot 10 Flora Road, Hovea in accordance with the modified LSIP. The most recent application was conditionally approved by the WAPC on 17 May 2010 to create two lots of 3.1350 hectares and 5.1871 hectares (WAPC Ref:141544).

In November 2011 the Shire of Mundaring approved a proposed modification to LSIP 204 to facilitate the subdivision of Lot 10 Flora Road, Hovea into three lots and forwarded the modification to the WAPC for adoption. Various negotiations have been undertaken with the Shire of Mundaring and the applicant to address compliance with the Planning for Bushfire Protection Guidelines (PFBFP). These negotiations have resulted in a revision to the proposed LSIP that was approved by the Shire in 2011. In May 2013 the applicant provided a revised LSIP 204 modification proposing the subdivision of Lot 10 Flora Road, Hovea into three lots ranging in size from 2.3351 hectares to 3.0503 hectares, including the requirement for dwellings to be constructed in accordance with AS3959 and the provision of an easement over the adjoining land. (**Attachment 3** - Revised LSIP 204 Modification). A subdivision application seeking to create three lots has also been received (WAPC Ref: 146117).

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## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section:

*Planning and Development Act 2005*

Part 10 - Subdivision and development control

### Strategic Plan

Strategic Goal:

Strategic Goal 2: Planning

Outcomes:

Planned Local Communities developing a sense of place

Strategies:

Encourage innovation in the design of our communities

### Policy

Number and / or Name:

Planning for Bush Fire Protection Guidelines - Edition 2

## DETAILS:

The revised LSIP modification proposes the subdivision of Lot 10 Flora Road, Hovea into three lots ranging in size from 2.3351 hectares to 3.0503 hectares in a battleaxe configuration. (**Attachment 3** - Revised LSIP 204 Modification)

The subject land is zoned 'Rural' under the Metropolitan Region Scheme and 'Rural Landscape Living' (RLL2) under the Shire of Mundaring Local Planning Scheme No. 3 (LPS 3) (**Attachment 4** - Zoning Map)

The proposed LSIP modification entails the following variations to the currently approved LSIP:

- the addition of one extra lot (and one extra building envelope) on Lot 10 Flora Road, Hovea; and
- the inclusion of a reciprocal right of access over the (already constructed) battleaxe leg of the proposed lot 2.

The plan has been further modified as a result to address the requirements of PFBFP guidelines to provide for:

- the inclusion of provisions to require dwellings to be constructed in accordance with AS3959; and
- inclusion of Lot 31 Bushlands Road, Hovea to enable the creation of an emergency access route connecting Flora Road and Bushlands Road.

## GOVERNMENT AND CORPORATE IMPLICATIONS:

Not applicable

## CONSULTATION:

The Shire of Mundaring did not advertise the proposed modification, determining that the modification was minor and did not impact on surrounding land.

The related subdivision application has been referred to relevant government authorities and servicing agencies as follows:

- 
- The Department of Environment and Conservation (DEC) recommends that clearing be restricted to the building envelope and essential site works and that the over story be protected wherever possible. DEC also recommends the proponent implement the PFBFP guidelines.
  - The Department of Fire and Emergency Services advises that the fire authority in this instance is the Local Government.
  - The other referral agencies require the proposed lots to be adequately serviced with reticulated water, on-site wastewater disposal and underground power. These requirements will be addressed at the subdivision stage.

#### **OFFICER'S COMMENTS:**

##### *Shire of Mundaring Local Planning Scheme No. 3 (LPS 3)*

The subject land is zoned 'Rural Landscape Living' (RLL2) under LPS 3 where there is a minimum lot size of 2 hectares. Subdivision and development within the 'Rural Landscape Living' zone is required to be in accordance with an approved LSIP. The proposal complies with the minimum lot size and the objectives of the 'Rural Landscape Living' zone, which include the protection of the rural environment and landscape and minimising bush fire hazard.

##### *Bushfire Management*

The PFBFP guidelines were jointly prepared by the (then) Fire and Emergency Services Authority and the WAPC in accordance with Clause 6 of State Planning Policy 3.4 *Natural Hazards and Disasters*. The PFBFP guidelines outline a range of matters that need to be addressed at various stages of the planning process, to provide an appropriate level of protection to life and property from bush fires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified. The guidelines provide performance criteria and acceptable solutions to minimise the risk and impact of bushfires.

A Fire Management Plan (FMP) was prepared in 2009 in accordance with the then current 'Planning for Bush Fire Protection' document (2001). Many of the criteria in that document are similar to the more recent guidelines. The LSIP modification and the FMP have been assessed against the performance criteria and acceptable solutions of the 2010 PFBFP guidelines.

The subject land is identified as having a moderate to extreme bush fire hazard in the FMP. The draft Bush Fire Hazard Assessment Map prepared by the Shire of Mundaring as part of the draft Local Planning Scheme No. 4 also depicts the lot as having a moderate to extreme bushfire hazard level. (**Attachment 5** - Draft Bush Fire Hazard Map) It is the general intent of the PFBFP guidelines that the intensification of land uses in high bushfire risk areas not be supported, however the guidelines cannot be enforced retrospectively. The subject land is located in an area where a 2ha minimum lot size has been identified and a structure plan (LSIP) approved providing for the subdivision of the site into two lots. The proposed modification seeks to provide for one additional lot, consistent with the zoning of the land.

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## *Element 2: Vehicle Access*

The intent of Element 2 is to ensure that the vehicular access serving a subdivision/development is safe in the event of a bush fire occurring. The intent may be achieved where:

*'The internal layout, design and construction of public and private vehicular access in the subdivision/development allows emergency and other vehicles to move through easily and safely at all times.'*

The PFBFP guidelines states that battleaxe lots should be avoided in areas subject to moderate or extreme bushfire hazard levels. However battleaxe lots may be supported so long as the battleaxe leg is a minimum of 6m wide and does not exceed 600m in length. The battleaxe leg to proposed lot 2 complies with these requirements.

Cul-de-sacs are required to have a minimum trafficable surface of 6m and be no longer than 200m in length. However the guidelines provide for a maximum length of 600m where emergency access is provided between cul-de-sac heads and no more than eight lots are serviced by the cul-de-sac.

Flora Road is a cul-de-sac that is approximately 480 metres in length and currently serves twelve lots. The LSIP has been modified to provide a 6 metre wide emergency access route, to be protected via an easement, from Flora Road along the proposed battleaxe leg through to Bushlands Road, to address the requirements of the PFBFP guidelines. The provision of this easement through Lot 31 has been agreed with the landowner and will be included within the related subdivision application. The FMP stipulates that the emergency access route is to be constructed by the subdivider and is to be maintained in perpetuity by the subsequent landowners. The FMP also requires that an easement in favour of the Shire of Mundaring be established over the emergency access route. The requirements of the FMP will be implemented as conditions of subdivision approval. The proposed LSIP modification will result in 14 lots utilising Flora Road, an increase of one lot from the existing approved LSIP. It is recommended that this variation be supported in this instance, as it will provide for the creation of an emergency access route through to Bushlands Road, which is not provided within the current approved LSIP

## *Element 4: Siting of Development*

Element 4 aims to ensure that the siting of development minimises the level of bushfire impact. A4.1 *Hazard Separation* requires the provision of a 20m building protection zone (BPZ) and an 80m hazard separation zone (HSZ), which gives a total of 100m. However, acceptable solution A4.1 also provides for a reduction in the combined 100 metre BPZ and HSZ where development is required to be constructed in accordance with AS3959. The PFBFP guidelines are silent on the extent to which the HSZ can be reduced, relying on the increased construction standards of the AS3959 standards to mitigate bush fire hazard.

The FMP requires a 20 metre BPZ, a 20 metre HSZ and requires dwellings to be constructed in accordance with AS3959. Accordingly, achieving compliance with the PFBFP guidelines is reliant on dwellings being constructed in accordance with

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AS3959. AS3959 requires both an assessment of the site and in areas of greater bushfire hazard level the building construction standards are higher to improve their performance when subject to burning debris, radiant heat and flame contact.

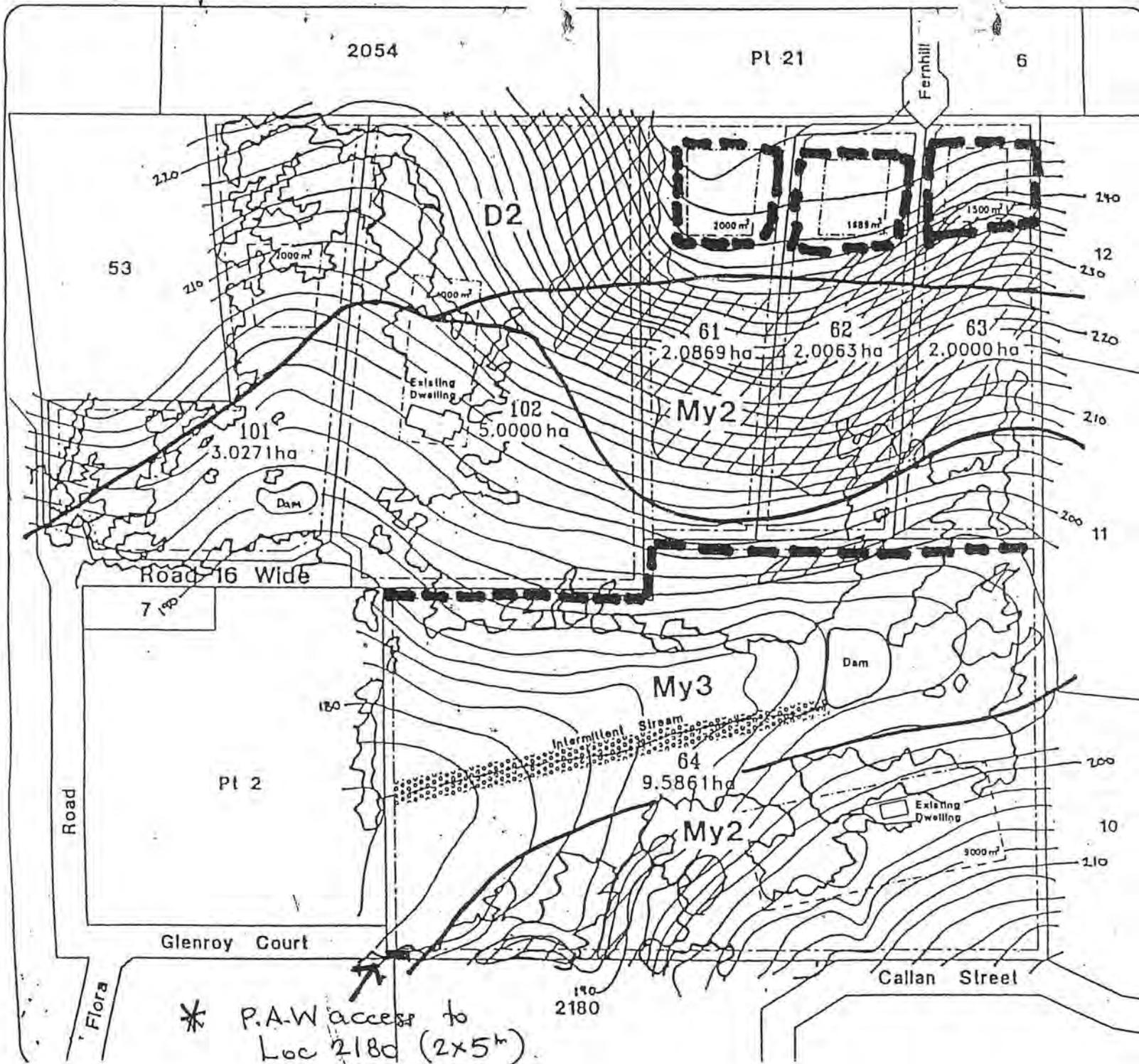
Recent advice from the State Solicitors Office (SSO) has concluded that a structure plan, prepared under a local planning scheme, can lawfully enforce AS3959. The WAPC has now accepted that the increased building construction standards under AS3959 can be imposed under an approved structure plan. Further, SSO advice recommended the imposition of a section 70A Notification under the Transfer of Land Act 1893 on lots affected by the increased building standard to ensure prospective purchasers are made aware of the construction requirement. The requirement for dwellings to be constructed in accordance with AS3959 and the imposition of a section 70A notification on the certificate of title is annotated on the revised LSIP, complying with the requirements of the PFBFP guidelines.

#### *DEC Requirements*

As noted earlier the DEC recommends that clearing be restricted to the building envelope and essential site works and that the over story be protected wherever possible. DEC also recommended the proponent implement the PFBFP guidelines. The earlier discussion has demonstrated that in order to comply with PFBFP guidelines there will be a certain amount of clearing necessary to establish the BPZ and HSZ as nominated in the FMP to enable the proponent to implement the PFBFP guidelines.

#### **CONCLUSION**

Based on the above discussion, it is recommended that the proposed modification to Local Subdivision and Infrastructure Plan No. 204 be adopted by the WAPC, subject to further modifications as identified on the revised LSIP 204 plan to address compliance with the PFBFP guidelines.



# Local Subdivis Infrastructure

Part Lots 8 & 10 Glenroy C  
and Flora Road, Hovea  
Shire of Mundaring

## LEGEND

- BUILDING ENVELOPE
- TREE PRESERVATION AREA
- TREE PLANTING AREA
- EXISTING VEGETATION
- STRATEGIC FIRE BREAK
- SLOPES >20%



Contour Interval 2 met  
Note: Dimensions & areas subject

Scale 1: 2500	
Date Nov. 1994	
Job No. C230	
Plan No. 230-3E	

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 Consultants in Town Planning and Urban Design  
 Studio 2 141 Broadway Nedlands WA 6009 Tel: (08) 9447 7881  
 PO Box 787 Nedlands WA 6009 Fax: (08) 9447 7882

ATTACHMENT 1

LEGEND



Building Envelope

Tree Preservation

NOTE ALL AREAS OUTSIDE OF THE BUILDING ENVELOPE ARE TREE PRESERVATION AREAS

Scale 1:2000

- NOTES -

- AREAS AND DIMENSIONS SUBJECT TO SURVEY

- INDICATES EXISTING -

- BUILDINGS

- VEGETATION

- DAMS

- SEALED ROAD

- MINISTRY FOR PLANNING

12 JUN 2001

FILE 116047

**AMENDED PLAN**  
 supersedes plan  
 date stamped  
 21 FEB 2001

MODIFICATION TO LOT 10  
**LOCAL SUBDIVISION AND INFRASTRUCTURE**  
 PLAN No 204 Sheet 1 of 1  
 ADOPTED BY COUNCIL BY RESOLUTION No: POLICY  
 ENDORSED: *[Signature]*  
(EXECUTIVE MANAGER, PLANNING AND DEVELOPMENT SERVICES)  
 DATE: 8.16.01  
 ADOPTED BY WA PLANNING COMMISSION (.....)

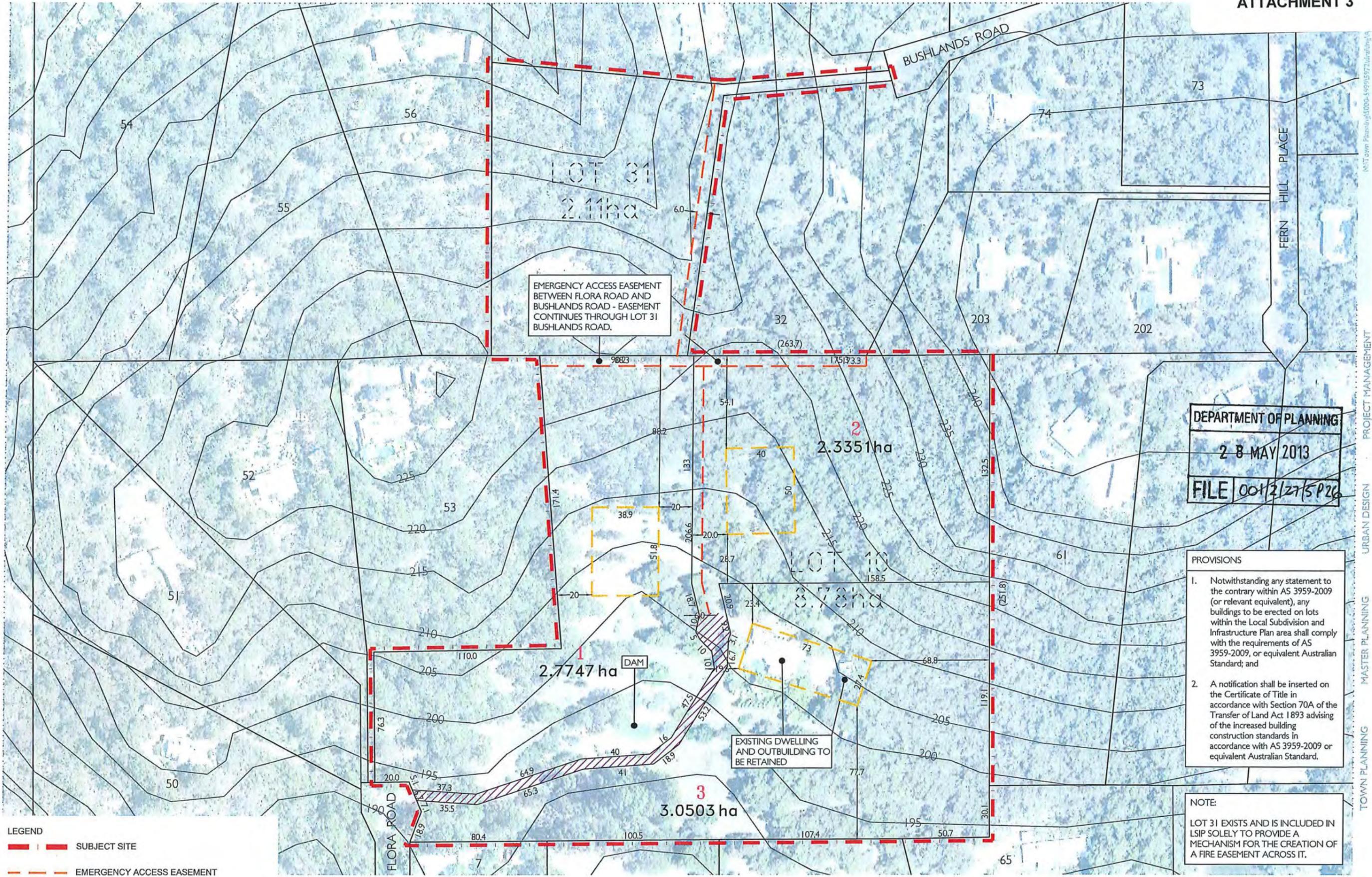
(MODIFIED PLAN OF LSIP N° 204 AS IT RELATES TO LOT 10)

**LOCAL SUBDIVISION & INFRASTRUCTURE PLAN**  
 LOT 10 FLORA ROAD  
 HOVEA.



SHIRE OF MUNDARING  
 TOWN PLANNING SCHEME No 3

ZONE	Scheme Map
RLL 2	2 / 204 Plan No



EMERGENCY ACCESS EASEMENT BETWEEN FLORA ROAD AND BUSHLANDS ROAD - EASEMENT CONTINUES THROUGH LOT 31 BUSHLANDS ROAD.

DEPARTMENT OF PLANNING  
28 MAY 2013  
FILE 0012/27/5P26

- PROVISIONS
1. Notwithstanding any statement to the contrary within AS 3959-2009 (or relevant equivalent), any buildings to be erected on lots within the Local Subdivision and Infrastructure Plan area shall comply with the requirements of AS 3959-2009, or equivalent Australian Standard; and
  2. A notification shall be inserted on the Certificate of Title in accordance with Section 70A of the Transfer of Land Act 1893 advising of the increased building construction standards in accordance with AS 3959-2009 or equivalent Australian Standard.

NOTE:  
LOT 31 EXISTS AND IS INCLUDED IN LSIP SOLELY TO PROVIDE A MECHANISM FOR THE CREATION OF A FIRE EASEMENT ACROSS IT.

**LEGEND**

- SUBJECT SITE
- EMERGENCY ACCESS EASEMENT
- RECIPROCAL RIGHTS OF ACCESS EASEMENT
- CONTOURS (5M INTERVALS)
- 2000m<sup>2</sup> BUILDING ENVELOPE

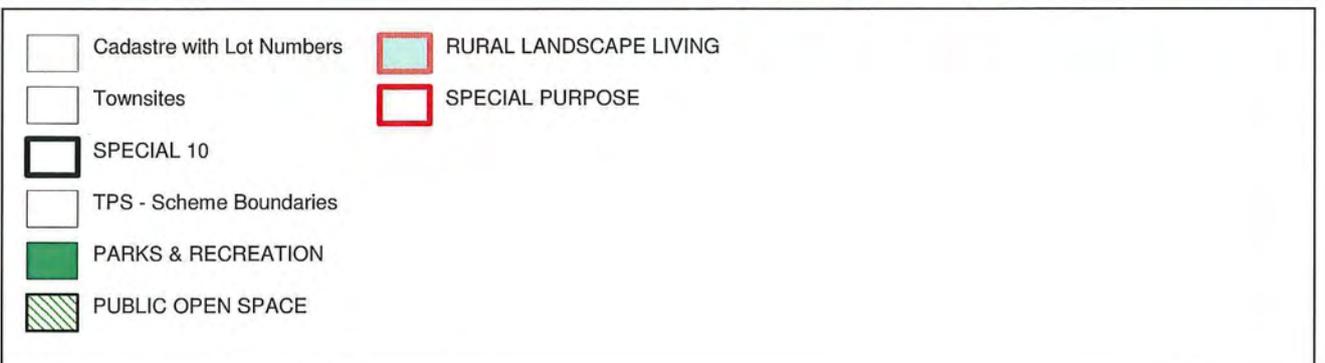
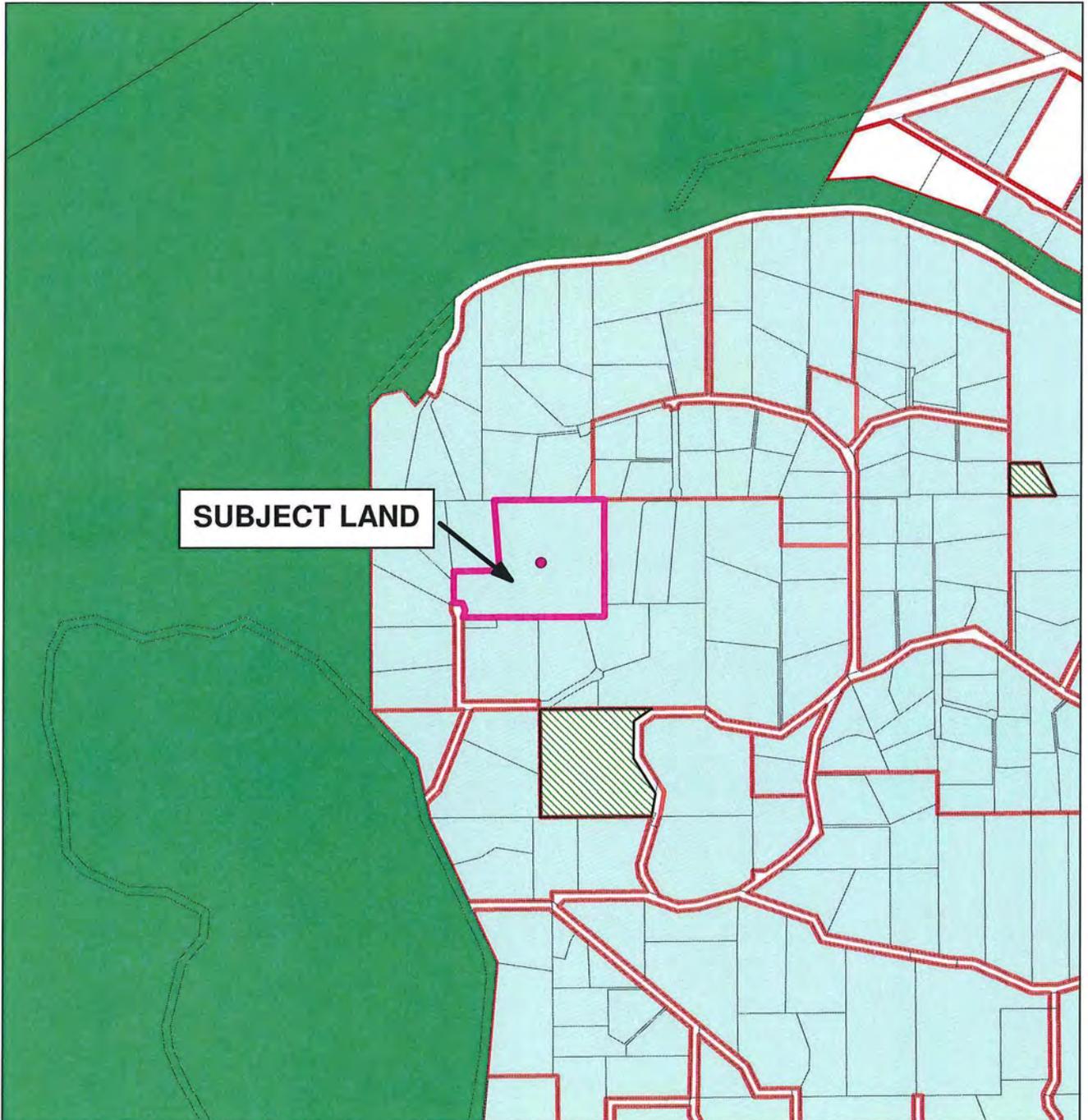
date 27 May 2013 job no. 5972 scale 1:2000 @ A3  
 designer P Fitzgerald prepared by M Callaghan e-ref 5972\_SUB02D\_20130527 Hoveadwg  
 client O Roberts projection NA  
 Level 3, 369 Newcastle Street, Northbridge, Western Australia, 6003  
 email g@greg-rowe.com web greg-rowe.com tel +618 9221 1991 fax +618 9221 1919

title proposed local subdivision and infrastructure plan  
 address lot 10 and lot 31 flora road  
 hovea  
 PERTH • PEEL / SOUTH WEST • MID WEST • FILBARA

**GREG ROWE & associates**  
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**AGENDA PAGE 69**

PROJECT MANAGEMENT  
URBAN DESIGN  
MASTER PLANNING  
TOWN PLANNING

DRAFT



Scale 1:14,309  
 0 500 m

Prepared by: jdorn  
 Prepared for: Statutory Planning Committee  
 Date: Wednesday, May 15, 2013 10:31  
 Plot Identifier: P20130515\_1030

**DP INTERNAL USE ONLY**

Government of Western Australia  
 Department of Planning

ZONING MAP

