



Statutory Planning Committee

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

**Tuesday 27 August 2013
9.00 am**

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



Neil Thomson
Secretary, Western Australian Planning Commission

Please convey apologies to Leah Carr on 6551-9690 or email
leah.carr@planning.wa.gov.au

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	30/04/2013
Mr Eric LUMSDEN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Henty FARRAR	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	5/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	5/11/2014
Vacant	Local government representative Schedule 2 clause 4(2)(f)	
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
 - Mr Eric Lumsden (Presiding Member)
 - Mr Ian Holloway
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 23 July 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
7477.11.1	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)	8/10/2013

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.	10 / 9 / 13
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.	24 / 9 / 13

13. Closure - next meeting to be held on 10 September 2013

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Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member) Director General, Department of Planning
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Ian Holloway	Professions representative
Ms Elizabeth Taylor	Community representative

Officers

Ms Pam Baskind	Department of Planning Planning Manager, Regional Planning & Strategy (Item 10.3)
Ms Natalie Cox	Planning Manager, Perth & Peel (Item 10.1)
Ms Kim Petani	Director, Metro North West / East (Item 10.6)
Ms Rochelle Van Santen	Senior Planning Officer (Item 10.3)

Observers

Mr Rod Beaman	SITA (Item 6.2 - refers Report 10.5)
Mr Adam Davies	Bowman and Associates (Item 6.2 – refers Report 10.5)

Presenters

Dr Walter Cox	Ardross Group of Companies (Item 6.1 – refers Report 10.3)
Mr Larry Smith	Larry Smith Planning (Item 6.2 – refers Report 10.5)

Committee Support

Ms Leah Carr	Committee Support Officer - Department of Planning
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7486.1 Declaration of Opening

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

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7486.2 Apologies

Mr Henty Farrar

Nominee of the Regional Minister

7486.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7486.4 Disclosure of Interests

Nil.

7486.5 Declaration of Due Consideration

No declarations were made.

7486.6 Deputations and Presentations

7486.6.1 **Shire of Dandaragan Local Planning Scheme No. 7 Amendment No. 20 – For Final Approval (refers Item 10.4)**
Presenter – Dr Wally Cox

Dr Cox gave a power point presentation. A copy has been placed on file.

7486.6.2 **Shire of York Town Planning Scheme No. 2 Amendment No. 50 (Omnibus) – For Final Approval (Refers Item 10.5)**
Presenter – Mr Larry Smith

Mr Smith gave a power point presentation. A copy has been placed on file.

Mr Smith advised the Committee of the steps taken by SITA Australia to ensure that the landfill sites proposed within the Shire of York, would not impact on the Town of York and its community.

7486.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

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7486.8 Confirmation of Minutes

7486.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 9 July 2013

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on Tuesday 9 July 2013, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7486.9 Reports

7486.9.1 Application to Construct Thirty Seven Multiple Dwellings at No. 10-14 (Lots 316-318) Whitlock Road, Queens Park

File 16-50106-1

Report Number SPC/464

Agenda Part G

Reporting Officer Planning Officer - Metropolitan Planning Central

Resolved

Moved by Mr Holloway, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to grant approval the proposed development of 37 multiple dwellings at No. 10-14 (Lots 316-318) Whitlock Road, Queens Park, pursuant to Clause 30 of the Metropolitan Region Scheme, subject to the following conditions and advice:

CONDITIONS:

- 1. The proposed development is to comply in all respects with the submitted plans received on the 05 April 2013 and stamped accordingly.*
- 2. All stormwater from building and paving areas being contained on-site to the*

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specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.

3. *The applicant is to prepare and implement a Landscape Management Plan prior to commencement of construction to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.*
4. *All proposed fencing to be constructed to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.*
5. *All vehicular access points and parking bays being provided and marked to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.*

ADVICE:

1. *With regard to Condition 2, the applicant is advised to liaise with the City of Canning regarding stormwater and soak well requirements. The applicant is also advised that separate permissions may be required should it be proposed to re-distribute stormwater onto any other or adjoining land.*
2. *With regard to Condition 3, the applicant is advised to liaise with the City of Canning regarding any landscaping requirements and the removal or relocation of any street trees affected by the development.*
3. *In regard to Condition 4, the applicant is advised to liaise with the City of Canning regarding fencing requirements for this site.*
4. *The applicant is advised that any costs incurred as a result of the construction of any on-street parking associated with the development are to be borne by the applicant.*

The motion was put and carried.

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7486.9.2

Application to Construct Forty Nine Multiple Dwellings at No. 18-24 (Lots 319-322) Whitlock Road, Queens Park

File 16-50107-1
Report Number SPC/465
Agenda Part G
Reporting Officer Planning Officer - Metropolitan Planning
Central

Resolved

Moved by Ms Taylor, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to grant approval the proposed development of 37 multiple dwellings at No. 18/24 (Lots 319-322) Whitlock Road, Queens Park, pursuant to Clause 30 of the Metropolitan Region Scheme, subject to the following conditions and advice:

CONDITIONS:

1. *The proposed development is to comply in all respects with the submitted plans received on the 05 April 2013 and stamped accordingly.*
2. *All stormwater from building and paving areas being contained on-site to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.*
3. *The applicant is to prepare and implement a Landscape Management Plan prior to commencement of construction to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.*
4. *All proposed fencing to be constructed to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.*
5. *All vehicular access points and parking bays being provided and marked to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.*

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ADVICE:

1. *With regard to Condition 2, the applicant is advised to liaise with the City of Canning regarding stormwater and soak well requirements. The applicant is also advised that separate permissions may be required should it be proposed to re-distribute stormwater onto any other or adjoining land.*
2. *With regard to Condition 3, the applicant is advised to liaise with the City of Canning regarding any landscaping requirements and the removal or relocation of any street trees affected by the development.*
3. *In regard to Condition 4, the applicant is advised to liaise with the City of Canning regarding fencing requirements for this site.*
4. *The applicant is advised that any costs incurred as a result of the construction of any on-street parking associated with the development are to be borne by the applicant.*

The motion was put and carried.

7486.10 Confidential Items

7486.10.1 **City of South Perth Town Planning Scheme No.6
Amendment No.32 - For Final Approval**

File TPS/0909
Report Number SPC/466
Agenda Part B
Reporting Officer Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

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- 7486.10.2 City of Wanneroo Local Planning Scheme No. 2 – Resolution to Prepare a New Scheme – LPS No. 3**
File 853/2/30/25PV
Report Number SPC/467
Agenda Part E
Reporting Officer Planning Manager - Schemes, Strategies and Amendments.

THIS ITEM IS CONFIDENTIAL

- 7486.10.3 Shire of Dandaragan Local Planning Scheme No.7 Amendment No. 20 - For Final Approval**
File TPS/0894/1
Report Number SPC/468
Agenda Part E
Reporting Officer Planning Manager Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

- 7486.10.4 Shire of Toodyay Local Planning Scheme Amendments 4 and 5 - For Final Approval**
File TPS/0974/1 and TPS/0975/1
Report Number SPC/469
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

- 7486.10.5 Shire of York Town Planning Scheme No. 2 Amendment No. 50 (Omnibus) - For Final Approval**
File TPS/1027
Report Number SPC/470
Agenda Part E
Reporting Officer Planning Manager Wheatbelt

THIS ITEM IS CONFIDENTIAL

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**7486.10.6 Section 31 (State Administrative Tribunal Act 2004)
Reconsideration of Refusal for Proposed Subdivision -
Lot 42 Smallbrook Retreat, Caversham, City Of Swan**
File 144097
Report Number SPC/471
Agenda Part G
Reporting Officer A/Manager Planning Appeals

THIS ITEM IS CONFIDENTIAL

7486.11 General Business

Nil.

7486.12 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	The Statutory Planning Committee members to carry out a site visit to Preston Beach and to then carry on to the City of Mandurah for a tour of the City Centre Precinct.	13/8/13
7477.11.1	The Wheatbelt – Towns of York and Teedway	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

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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.	10/09/13
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

7486.13 Closure

The next ordinary meeting is scheduled for 9 am on 27 August 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9:37 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	REPORTS
C	SUBDIVISIONAL / AMALGAMATIONS
9.1	ADOPTION OF PROPOSED AMENDMENT 3 TO THE EAST WANNEROO CELL 9 - EAST LANDSDALE LOCAL STRUCTURE PLAN NO. 57
9.2	SUBDIVISION OF LOT 602 HALE ROAD, FORRESTFIELD TO CREATE TWO LOTS – SHIRE OF KALAMUNDA
D	GENERAL ITEMS / OTHER MATTERS
9.3	CANNING VALE SPORTS MASTER PLAN
E	MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS
9.4	CITY OF GREATER GERALDTON RESIDENTIAL DEVELOPMENT STRATEGY - FOR FINAL ENDORSEMENT
9.5	CITY OF GREATER GERALDTON COMMERCIAL ACTIVITY CENTRES STRATEGY - FINAL APPROVAL
G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.6	ADDITIONAL USE FOR THE OPERATION OF A CHILD CARE CENTRE AT THE ONSLOW PARK TENNIS CLUB. LOT 312 (NO. 85 - 99) ONSLOW ROAD, SHENTON PARK
9.7	APPLICATION TO CONSTRUCT TWELVE GROUPED DWELLINGS AT NO. 6 (LOT 302) ALEXANDER ROAD AND NO. 229-233 (LOTS 6, 7 & 8) ORRONG ROAD, RIVERVALE
9.8	SHIRE OF EXMOUTH EXMOUTH SOUTH (DISTRICT) STRUCTURE PLAN - FINAL ENDORSEMENT
9.9	SUBDIVISION TO CREATE 2 LOTS FOR SPECIAL RESIDENTIAL PURPOSE - LOT 120 EAGLEHAWK DRIVE, RAVENSWOOD – SHIRE OF MURRAY
H	PRELIMINARY SUBDIVISIONAL / SURVEY STRATA
9.10	SUBDIVISION TO CREATE THREE LOTS FOR FARMING, CONSERVATION AND HOMESTEAD PURPOSE – LOT 14 WOODLANDS ROAD PORONGURUP
9.11	SUBDIVISION TO CREATE TWO LOTS FOR FARMING AND CONSERVATION PURPOSE - LOT 605 SOUTH COAST HIGHWAY KENTDALE

9.12 SUBDIVISION TO CREATE TWO LOTS FOR FARMING AND CONSERVATION PURPOSE - LOT 656 HAREWOOD ROAD SCOTSDALE

9.13 SUBDIVISION TO CREATE TWO LOTS FOR FARMING AND CONSERVATION PURPOSE - LOT 4194 GARDENER ROAD KENTDALE

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B LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS

10.1 CITY OF BAYSWATER AMENDMENT NO.58 TO TOWN PLANNING SCHEME NO. 24 – FOR FINAL APPROVAL

10.2 CITY OF BUSSELTON LOCAL PLANNING SCHEME AMENDMENT NO. 162 - FOR FINAL DETERMINATION

10.3 CITY OF STIRLING LOCAL PLANNING SCHEME AMENDMENT NO. 8 - FOR FINAL APPROVAL

10.4 CITY OF SWAN LOCAL PLANNING SCHEME AMENDMENT NO. 57- FOR FINAL APPROVAL

10.5 CITY OF SWAN LOCAL PLANNING SCHEME AMENDMENT NO. 58 - FOR FINAL APPROVAL

10.6 CITY OF SWAN LOCAL PLANNING SCHEME AMENDMENT NO. 59 - FOR FINAL APPROVAL

10.7 CITY OF VINCENT DRAFT LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME NO. 2 - FOR CONSENT TO ADVERTISE

10.8 SHIRE OF MURRAY LOCAL PLANNING SCHEME AMENDMENT 274 - FOR CONSENT TO ADVERTISE

10.9 SHIRE OF SERPENTINE JARRAHDAL LOCAL PLANNING SCHEME AMENDMENT NO. 162 - FOR FINAL APPROVAL

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

10.10 SHIRE OF CHITTERING LOCAL PLANNING SCHEME NO. 6 AMENDMENT NO. 50 - FOR FINAL APPROVAL

10.11 SHIRE OF COOLGARDIE LOCAL PLANNING SCHEME NO.5 - RESOLUTION TO PREPARE A SCHEME

10.12 SHIRE OF EXMOUTH TOWN PLANNING SCHEME NO.3 AMENDMENT 27 - FOR FINAL APPROVAL

10.13 SHIRE OF SHARK BAY LOCAL PLANNING STRATEGY - FOR FINAL APPROVAL

G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA

10.14 SECTION 31 (STATE ADMINISTRATIVE TRIBUNAL ACT 2004)
RECONSIDERATION OF REFUSAL FOR PROPOSED
SUBDIVISION - LOT 10 WEST PARADE, SOUTH GUILDFORD,
CITY OF SWAN

ITEM NO: 9.1

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

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer Metropolitan Northwest
AUTHORISING OFFICER:	Director Metropolitan Planning Northwest
AGENDA PART:	C
FILE NO:	SPN/0124M-2
DATE:	14 August 2013
ATTACHMENT:	1. East Landsdale Local Structure Plan No. 57 2. Amendment 3 - Residential Coding Plan 3. Relative Risk Assessment Radius
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Wanneroo
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Adoption and Certification
REGION DESCRIPTOR:	Metropolitan Northwest
APPLICATION TYPE:	Structure Plan Amendment

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. *refuse to adopt proposed Amendment 3 to East Wanneroo Cell 9 - East Landsdale Structure Plan No. 57 for the following reasons:*
 - 1.1 *the proposal will increase radiofrequency interference which will result in an adverse impact on the operations of the Perth International Telecommunications Centre;*
 - 1.2 *the proposal does not provide for an orderly and equitable distribution of residential density throughout the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 area;*
 - 1.3 *the proposal to allocate residential density and control subdivision through Detailed Area Plans would fetter the role and authority of the Western Australian Planning Commission;*
2. *advise the City of Wanneroo of its decision accordingly.*

SUMMARY:

Amendment 3 to the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 (LSP 57) proposes to recode a portion of the LSP from R20 to R30 and introduce related statutory provisions. In April 2013, the Statutory Planning Committee (SPC) resolved to defer consideration of proposed Amendment 3, pending further information being provided with respect to the potential impact of increased residential density on the Perth International Telecommunication Centre (PITC). Telstra has submitted additional information in this regard, based on monitoring data received at the PITC from May 2011 to May 2013. This information indicates that radiofrequency interference (RFI) currently exceeds site protection criteria established for the operation of the PITC and that the proposed amendment would further increase RFI, impacting detrimentally on the operations of the PITC. Accordingly, it is recommended that proposed Amendment 3 not be supported.

BACKGROUND:

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

Issues relating to the potential for RFI to the PITC have been raised and maintained by Telstra through the MRS Amendment and Local Structure Planning processes. In considering MRS Amendments which rezoned the LSP 57 area from Rural to Urban the Minister was informed that the draft LSP 57 contained provisions which demonstrated how RFI could be minimised through the introduction of amelioration measures. LSP 57 was adopted in August 2010 by the City of Wanneroo and the WAPC and included provisions to minimise RFI.

The SPC at its meeting 11 December 2012 resolved to defer consideration of Amendment 3 pending the submission of additional information demonstrating the potential impacts on the PITC. At the request of the applicant a further report was put to the SPC on 23 April 2013 and the SPC again resolved to defer consideration of the proposal in order to allow Telstra time to gather and analyse monitoring information relating to RFI impacts on the PITC. This information has subsequently been received and is submitted to the WAPC for consideration.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 5 Local Planning Schemes; Section 69 General Objects of Schemes

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Develop Integrated Infrastructure and Land Use Plans.

Policy

Number and / or Name:

State Planning Policy 5.2 Telecommunications Infrastructure

State Planning Policy 5.4 State Industrial Buffer Policy

DETAILS:

Amendment 3 (**refer Attachment 2**) proposes to:

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

GOVERNMENT AND CORPORATE IMPLICATIONS:

The impact of urban development on the PITC has been subject of Ministerial correspondence and Parliamentary consideration. The issue was considered as part of Amendment 1089/33 to the MRS and the urbanisation of the area was supported on the basis that any adverse impacts of development could be adequately mitigated through the structure planning process.

CONSULTATION:

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

OFFICER'S COMMENTS:

Policy Framework

There are two State Planning Policies that provide guidance for the development and protection of telecommunication facilities. In this respect, the PITC is an existing facility that requires protection.

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

State Planning Policy 4.1 *State Industrial Buffer Policy* states that buffer areas should be planned for around industries, infrastructure and special uses. Telstra has previously advised that a buffer to the PITC should be 2km based on the mitigating effects of a ridgeline situated approximately 2km west of the facility. LSP 57 is situated within this radius and includes land on the eastern face of the ridge, facing the PITC.

Applicant Motivation

The applicant has justified the proposed amendment in terms of the strategic objectives of the WAPC's Directions 2031 and Beyond, the proximity of shopping, schools and public transport and by using surplus density available from existing developed areas.

Directions 2031 and Beyond

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

Density Distribution

Amendment 3 proposes to introduce a flat R30 density for a small (3ha) portion of the 230ha LSP area. The balance of the residential area would remain at an R20/30 split coding, with an average lot size of 500m². The applicant has requested that this area should be identified as R30, as part of the site is within 450m of a shopping centre, within close proximity to public open space and that the area is located on the western side of the LSP area, which is further away from the PITC than other parts of the LSP which would thus impact less on the PITC. However, it should be noted that all intensification in the structure plan area will have an increased cumulative impact on the PITC. In relation to the accessibility criteria to public open space and shopping areas, this would apply to most areas in the LSP area. The proposed amendment would thus set a precedent for other recoding requests across the LSP area.

It is noted that the current wording of the LSP already allows any developer within the LSP area to incorporate medium density in targeted areas in proximity to POS, commercial centres and public transport, which allows for housing diversity but maintains the 500m² average.

Since the City adopted Amendment 3, two further amendments (proposed Amendments 5 and 6) have been lodged with the City to request that other sites within the LSP area be recoded from R20/30 (500m²) to a flat R30 density code. The cumulative effect of proposed Amendment 3 and others like it would undermine the 500m² average, thereby potentially increase radiofrequency interference with the operations of the PITC.

Detailed Area Plans

In addition to increasing the density from R20 to R30, Amendment 3 also proposes a provision requiring all subdivisions and development to be in accordance with a detailed area plan approved by the City. The WAPC adopted the initial LSP 57, subject to a modification requiring the deletion of an identical provision on the basis

that the use of detailed area plans in this manner is not appropriate, due to the fact that detailed area plans do not require approval by the WAPC. This provision is contrary to orderly and proper planning and would fetter the authority of the WAPC.

Revised R Codes

LSP 57 provides for a base residential design code of R20 and requires that at the time of subdivision, applicants must demonstrate compliance with the locational criteria in the structure plan and the provision that any subdivision proposal must comply with the maximum average density of R20 (500m²) across the LSP area.

On 2 August 2013, the revised Residential Design Codes came into effect. The revised codes modify the average site area per dwelling requirements for the R20 code from 500m² to 450m². This will result in an inconsistency in the wording of the relevant LSP 57 provision where R20 (500m²) is the agreed requirement based on the 2010 Residential Design Codes, where the 500m² corresponded with the R20 average density. Subdivisions in the structure plan area that are designed in accordance with the new R20 code minimum average site area per dwelling would further increase RFI. It is therefore noted that there is a need to discuss with the City of Wanneroo the potential to initiate a future amendment to address such inconsistencies and ensure that the structure plan makes it clear that for R20 coded areas, the average site area per dwelling of 500m² is maintained irrespective of the provisions of the R Codes.

Surplus Density

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

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

Telstra monitoring results and analysis

The Telstra monitoring and analysis indicates that the facility currently receives RFI that exceeds the site protection criteria for the site and illustrates that the cumulative impact of residential densification in the manner proposed by proposed

Amendment 3 would exacerbate this interference. Telstra also provided information relating to the possible consequences of adverse events and ongoing interference on operations for private commercial organisations, State and Federal Government agencies and International Treaty obligations.

Four reports have been submitted to the WAPC in order to provide evidence that development in the structure plan area has impacted on the PITC. These reports submitted by Telstra have been independently reviewed and endorsed by Gerry Hausfeld Satellite Technical Consultant. The reports are:

- Telstra Radiofrequency (RF) Noise Comparison Report (outlining monitoring data);
- Telstra Relative Risk Assessment Report (analysing RFI proportions from LSP 57);
- Telstra Overall Technical Analysis of the two reports above; and
- Summary Report from Allering and Associates.

The Radiofrequency Noise Comparison Report contains two sets of monitoring data from April 2011 to April 2013, gathered from the following azimuths (angles):

- 360° around the PITC;
- 90° towards the LSP 57 area.

The results were compiled in a series of graphs and compared against the Site Protection Criteria for the PITC. The Site Protection Criteria were established in accordance with the recommendations of the International Telecommunications Union and are calibrated according to the specific role and functionality of the facility. The monitoring results show that the power of radiofrequency emissions exceeds the Site Protection Criteria for each frequency band as follows:

- infrequently across L band;
- consistently across S band and C band; and
- irregularly across X band and Ku band.

Sources in both the 360° and 90° azimuths generated emissions exceeding the Site Protection Criteria. Levels from 90° were lower than from 360°, which is attributed to the low level of existing development in the LSP area and the shielding effect of the ridgeline in that particular direction.

In order to illustrate the sources of the most significant adverse events, Telstra has provided two examples in Ballajura and Gooseberry Hill where the Australian Communications and Media Authority (ACMA) engaged a contractor to investigate the source of RFI and found that faulty domestic television masthead amplifiers were the cause in both cases. For all other RFI, the sources remain unknown unless fully investigated and traced.

Given that a RFI source as far away as Gooseberry Hill (20km) can impact on the operations of the PITC, it is difficult to determine the exact proportion of RFI emanating from the LSP 57 area. In this regard, the Relative Risk Assessment Report provides an analysis of the RFI from potential sources within a 2.5km (360°) radius from the PITC (**Attachment 3**), including the whole structure plan area. The

report found that the proportion of RFI emanating from the structure plan area is currently 15.4% of other areas of equal distance to the PITC. This would increase to 44% when the area is fully developed at R20 and 54% if the area was to be fully developed at R30. This analysis is limited to areas within a 2.5km radius therefore would not include all possible RFI sources, however the analysis does suggest that for those areas closest to the PITC, development of the LSP area at R30 will increase RFI by 10.1%.

The Telstra Overall Technical Analysis report summarises the data received and concludes that the PITC currently receives RFI above the Site Protection Criteria and that the recoding of the LSP 57 area in the manner proposed by Amendment 3 would increase the levels of RFI and would thus detrimentally impact on the PITC. The Overall Technical Analysis explains that the closer that an emission source is to the PITC, the higher the intensity and more frequent the adverse events exceeding the Site Protection Criteria.

Telstra Consequence Analysis

Telstra is of the view that RFI has the potential to detrimentally impact on the operations of the PITC and its respective users. The PITC provides universal service obligations for telecommunications for private commercial, State, National and International operations which include maritime safety, telephony, remote area communications, telemetry, tracking command and monitoring of satellites and spacecraft.

The Federal Government entered into a treaty with the European Space Agency (ESA) in 1979 to support the telecommunications for the Agency's scientific and deep space missions which imposes an obligation upon the Government to prevent radio interference on the ESA's equipment. RFI thus also has the potential to interfere with the operations and obligations under treaty.

For illustration purposes, Telstra has provided examples of other facilities internationally that have been adversely impacted by RFI, including a number of examples of adverse consequences including satellite data errors, a false alarm air force rescue mission and closure of facilities.

CONCLUSION

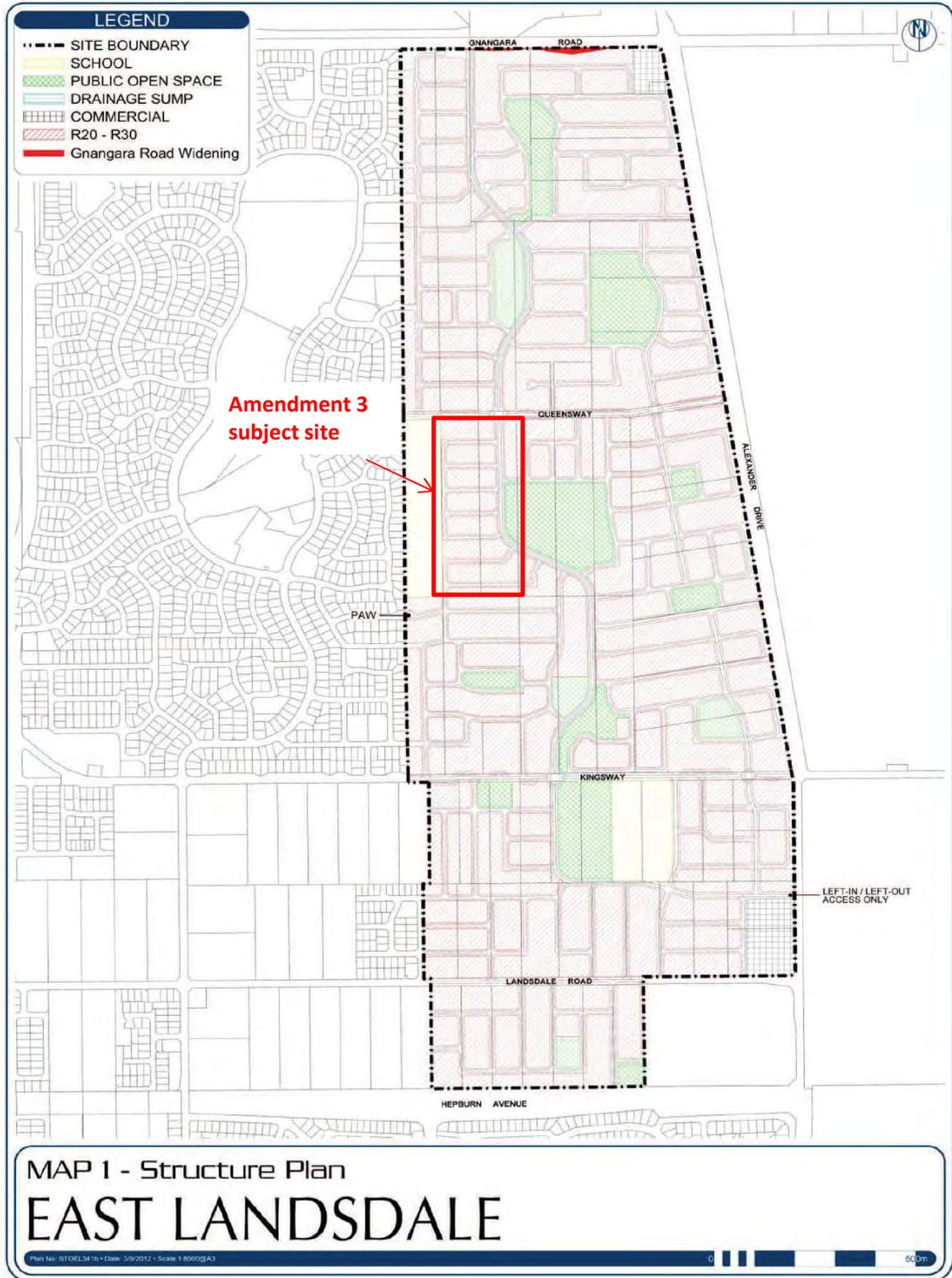
Amendment 1089/33 to the MRS zoned the subject site to Urban on the premise that radiofrequency interference with the PITC could be managed through the subsequent structure planning of the area. In this respect LSP 57 established an agreed framework to manage the risks of RFI in the absence of conclusive information on potential impacts.

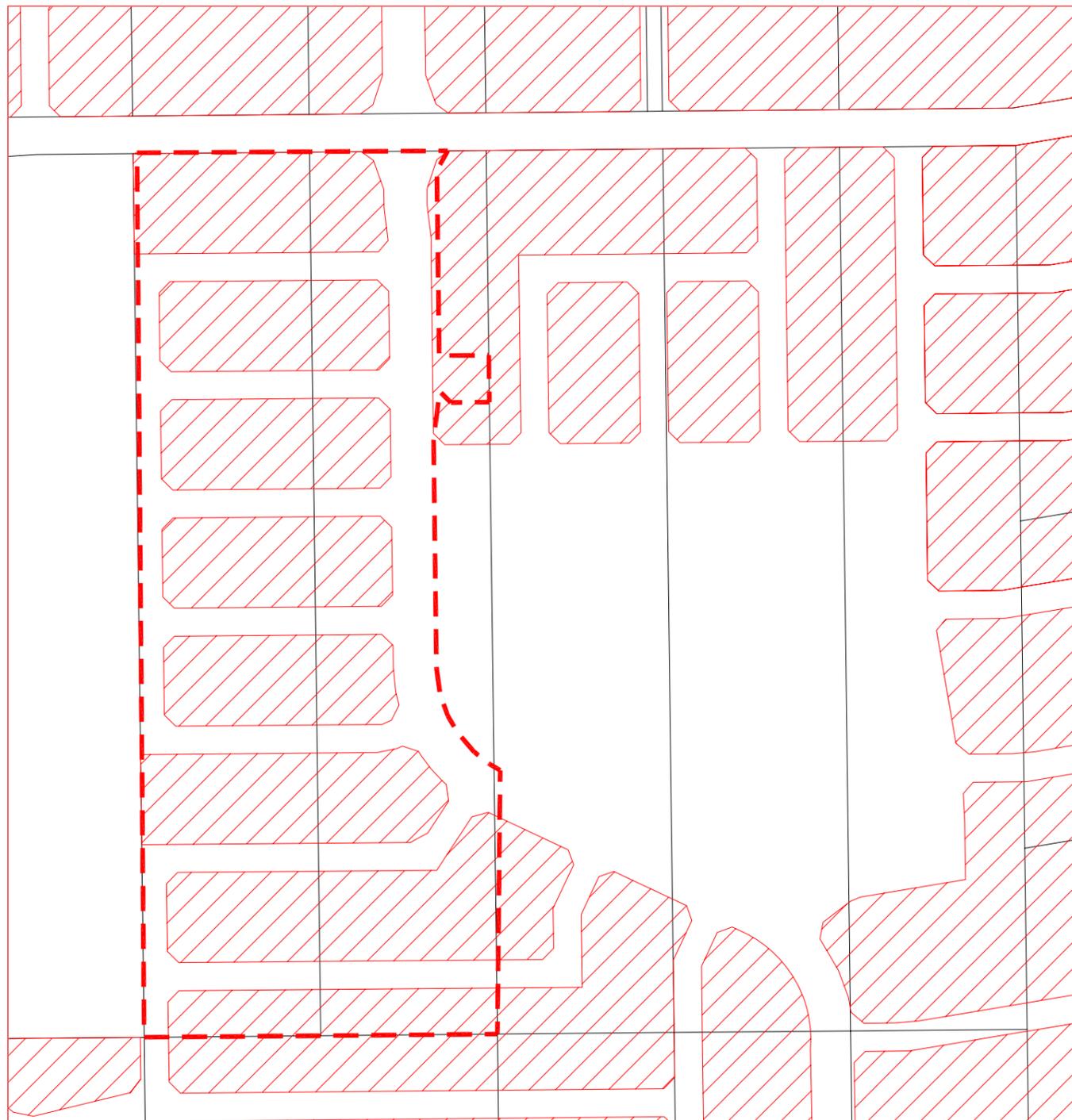
The latest monitoring data submitted by Telstra provides evidence that radiofrequency interference currently exceeds the Site Protection Criteria established for the facility. This independently verified technical analysis undertaken by Telstra indicate that the recoding of certain parts or the whole of the structure plan area from R20 to R30 will increase RFI and exacerbate an existing adverse situation.

While Amendment 3 in isolation would comprise a relatively small portion of the overall radiofrequency emissions, the cumulative impact of similar proposals throughout the structure plan area based on the same locational criteria provided for Amendment 3 could result in all remaining undeveloped areas being developed at an R30 density, thus resulting on a detrimental impact on the internationally significant PITC.

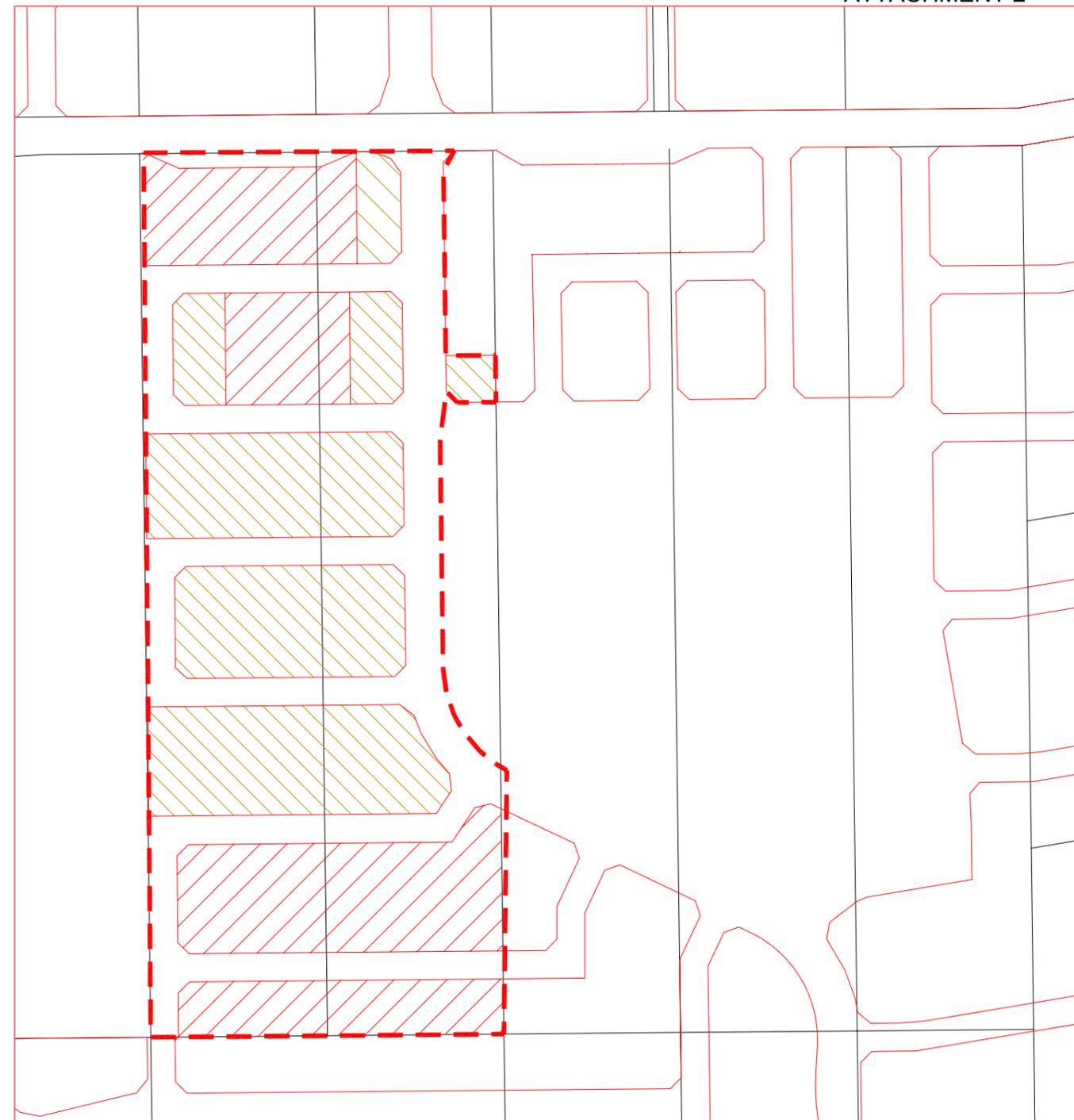
LSP 57 provides an effective framework for the provision of a variety of R20, R30 and homestead lots, whilst maintaining an average density of 500m². Accordingly, in order to protect the operations of the PITC and to maintain the orderly and proper planning within the structure plan area, it is recommended that proposed Amendment 3 be refused.

East Landsdale – Local Structure Plan





EXISTING RESIDENTIAL CODING PLAN



PROPOSED RESIDENTIAL CODING PLAN

LEGEND



R20/R30



Amendment Area



R30

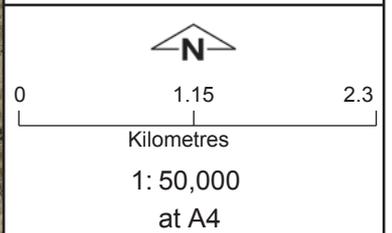
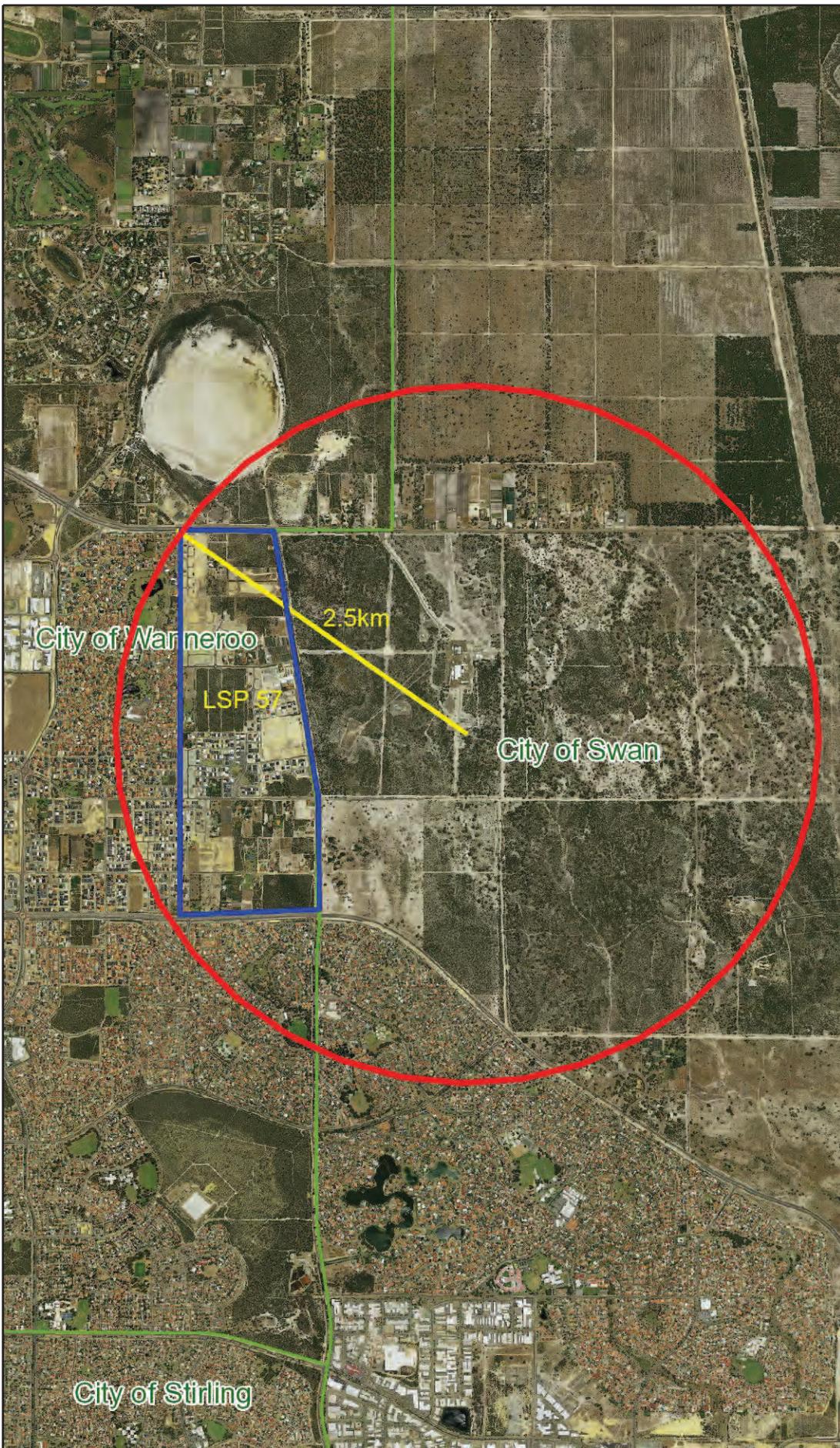
CITY OF WANNEROO
 AMENDMENT No. 3
 EAST LANDSDALE LSP No.57

MGA
 TOWN PLANNERS

Ph: (08) 9321 3011
 Fax: (08) 9324 1961
 email: mga@global.net.au

Legend

- Local government area
- W.A. Coastline



Projection:
 WGS 1984 Web Mercator Auxiliary Spheroid

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.

Map was produced using DoP's PlanViewWA.

Relative Risk Assessment Radius

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to viewer](#)

Produced by: **FUNCTIONALITY TO COME**

Date produced: 08-Aug-2013

ITEM NO: 9.2

SUBDIVISION OF LOT 602 HALE ROAD, FORRESTFIELD TO CREATE TWO LOTS – SHIRE OF KALAMUNDA

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Metropolitan Planning North East, Perth and Peel Planning
AUTHORISING OFFICER:	Director, Metropolitan Planning North East , Perth and Peel Planning
AGENDA PART:	C
FILE NO:	147249
DATE:	7 August 2013
ATTACHMENTS:	1 - Proposed Plan of Subdivision 2 - Location Plan/Local Planning Scheme 3 - Aerial View 4 - Structure Plan 5 - Site Photos
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Kalamunda
LOCAL SCHEME ZONING:	District Centre
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Forrestfield
RECEIPT DATE:	24 December 2012
PROCESS DAYS:	231
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 602 Hale Road, Forrestfield

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the application for subdivision of Lot 602 Hale Road, Forrestfield as shown on the plan date-stamped 24 December 2012, for the following reasons:

- 1. The proposed subdivision is contrary to orderly and proper planning by reason that it does not provide sufficient and appropriate vehicular access to the proposed lots.***
- 2. Approval to the subdivision would create an undesirable precedent for the further creation of battleaxe lots of a similar nature.***

-
3. ***The proposed subdivision does not comply with Development Control Policy 1.1 - Subdivision of Land - General Principles by reason that it would create lots that are deemed not to provide suitable vehicular access to a constructed public road.***

ADVICE TO APPLICANT:

1. ***The Western Australian Planning Commission considers the formalisation of Woolworths Drive as a public road as necessary for the further subdivision and development of the application area. Subdivision of the land prior to this taking place would prejudice the process of creating the public road reserve. The applicant is advised to liaise with the Shire of Kalamunda with regard to this matter.***

SUMMARY:

The application proposes the subdivision of a 4843m² lot to create two lots with areas of 2148m² and 2694m². The existing lot is a battleaxe lot, of which the battleaxe leg is one of four adjoining battleaxe legs forming a two way constructed private road servicing a shopping centre. The access legs are subject to a public access easement in gross which covers the area utilised as the private road. The application seeks to further subdivide the subject land which would result in two access legs with widths of 0.84 metres, and a total of five adjoining access legs. The proposal is not considered to provide appropriate means of vehicular access.

The application is recommended for refusal as it would further exacerbate access arrangements considered to be unsatisfactory and inconsistent with orderly and proper planning.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005

Section:

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning priorities

Policy

Number and / or Name:

Development Control Policy 1.1 - Subdivision - General Principles

INTRODUCTION:

The application proposes the subdivision of a 4843m² lot to create two lots with areas of 2148m² and 2694m². Proposed Lot 603 contains existing development while proposed Lot 604 is vacant (**Attachment 1** - Proposed Plans of Subdivision).

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and 'District Centre' under the Shire of Kalamunda Local Planning Scheme No.3 (LPS No.3) (**Attachment 2** - Local Planning Scheme).

The existing lot is a battleaxe lot with an access leg width of 1.68 metres. The application seeks to split the access leg to create two new access legs, each with widths of 0.84 metres, to provide road frontage to each of the proposed lots. The subject land adjoins three other access legs, and are subject to an existing public access easement in gross across the collective access legs. The existing access legs have been constructed as a two way private road (Woolworths Drive) providing access to a local shopping centre and other businesses located on adjoining properties (**Attachment 3** - Aerial view).

CONSULTATION:

The Shire of Kalamunda (the Shire) recommends the application be approved subject to conditions, including a requirement for a reciprocal rights of access easement across the proposed access legs.

All other referral agencies raised no objections to the proposal subject to standard servicing conditions.

PLANNING ASSESSMENT

Shire of Kalamunda Local Planning Scheme No.3

The Shire of Kalamunda LPS No.3 states the objectives of the 'District Centre' zone as follows:

- *To promote, facilitate and strengthen the District Centre as the major foci of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.*
- *Provide for medical and other health related services.*
- *Allow for the establishment of uses which would co-exist with the District Centre's activities whilst recognising a limited level of residential activities in the District Centre.*
- *Achieve safety and efficiency in traffic and pedestrian circulation.*
- *Ensure that the scale, size, design and location of buildings are compatible with the existing development in the District Centre.*

The Shire, on 16 April 2012, adopted the Forrestfield District Centre Structure Plan (**Attachment 4** - Structure Plan) which serves as a strategic guiding document for the planning of locality. While the structure plan has not been endorsed by the Western Australian Planning Commission (WAPC) as a statutory document, the Department of Planning did provide comments of support upon receipt of the document in May

2012. The document should be considered as relevant when considering subdivision and development within the locality.

The structure plan shows the access way, of which the subject land forms part of, to be recognised as a 'Main Entry Road'. Currently, the access way is constructed to an urban standard, including lane markings and footpaths (**Attachment 5** - Site photos). Additionally, properties which do not form part of the reciprocal rights of access agreement (Lot 145 and the abutting public purposes reserve) are currently utilising the access way for physical access to Hale Road. Subsequently, concerns are raised with respect to the legal status of the access way to be used as a 'road' by those properties, and the enforcement of road rules under the *Road Traffic Act 1974 (WA)* for the general public.

Given the current function of the access way, and its identification as a 'Main Entry Road' on the structure plan, it is considered appropriate that it should be dedicated as a public road reserve. The use of multiple adjoining access legs forming a single access way is not considered a satisfactory planning outcome. It is not considered appropriate to further exacerbate the situation through the creation of additional access legs, particularly where the proposed access legs fall below 1 metre in width. Further, fragmentation of land ownership may compromise any future efforts seeking to dedicate the access legs as a public road. Fragmentation of land ownership also presents issues with respect to landowner responsibility for the ongoing maintenance of the physical access way to guarantee each lot with vehicular access. In this regard, the application is not considered to comply with Development Control Policy 1.1 - *Subdivision of Land - General Principles*, which requires freehold lots to be provided with direct frontage to a constructed public road, capable of providing vehicular access.

The proposal is considered to be in conflict with the objectives of LPS No.3 for the 'District Centre' zone in that it does not serve to "*achieve safety and efficiency in traffic pedestrian circulation*".

It is also noted that the 'District Centre' zone also provides for residential activities, albeit at a limited level. Should the application be approved, the use of multiple adjoining access legs would not be consistent with the provisions of the Residential Design Codes if residential development were pursued.

The subject land is also connected to services, including water, power, gas, telecommunications, drainage and sewer, each of which already require separate easements due to the current access arrangements. The proposed subdivision would create the need for further easements across additional lots.

Subdivision History

The lot subject of the application and adjoining Lots 600 and 601, each of which has a separate access leg with a width of 1.68 metres, were created as a result of subdivision approvals issued by the WAPC in 1998 (WAPC Ref: 107362 and 108626). Application 107362 to create Lot 600 was not supported by the Shire on the grounds that the proposed access arrangements were considered inappropriate and that the further fragmentation of commercial land was not supported.

The Statutory Planning Committee of the WAPC subsequently resolved on 22 December 1998 to approve the application subject to conditions, including the requirement for reciprocal rights of access easements.

In light of the above decision, the Shire of Kalamunda provided a recommendation of condition approval for application 108626, for the creation of Lot 601. The WAPC approved the application subject to conditions.

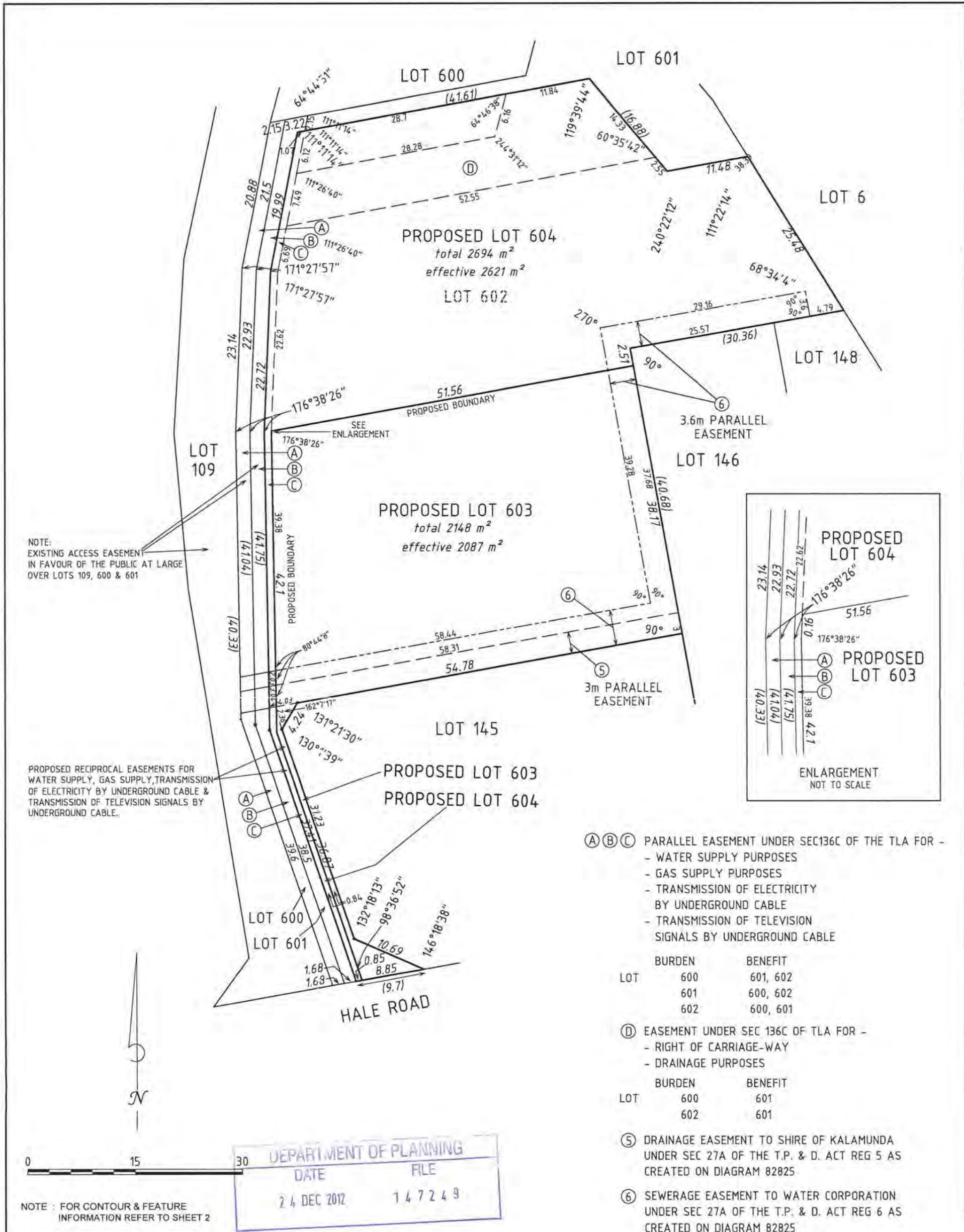
While it is acknowledged that similar proposals have been previously approved by the WAPC, it is not considered appropriate to continue to approve the subdivision of land in a manner which is not in accordance with orderly and proper planning and requires numerous separate easements over multiple lots to ensure the provision of vehicular access and services.

While unable to be facilitated through this application, the rationalisation of access arrangements via the dedication of Woolworths Drive as a public road is considered the most appropriate outcome to facilitate the ongoing subdivision and development of the land. In initial correspondence with the Shire regarding this matter, the Shire indicated it would not support such an arrangement. The Shire further clarified that it did not wish to take vesting of Woolworths Drive due to a portion of the road consisting of a small bridge running over Woodlupine Brook, which the Shire would not want to obtain as an asset. However, the Shire has now indicated support for provision of a road rather than multiple access legs and easements.

The portion of Woolworths Drive containing the bridge is not within the area affected by the public access easement. The only properties which utilise access beyond the public access easement, and the bridge, are two lots which contain the Kalamunda Marketplace shopping centre, and are afforded alternative access (constructed) from surrounding local streets. The bridge can effectively serve as a private access leg to the shopping centre, and would not be subject to third party easements. As the bridge is not required for access or services to any other lots, it is not considered necessary as part of any public road. Subsequently, the Shire has advised it would support the portion of Woolworths Drive currently affected by the public access easement being dedicated as a public road, subject to the land being ceded free of cost. The Shire has advised that it will write to affected landowners to progress this matter. Subdivision of the subject land would further hinder the process to dedicate Woolworths Drive as a public road.

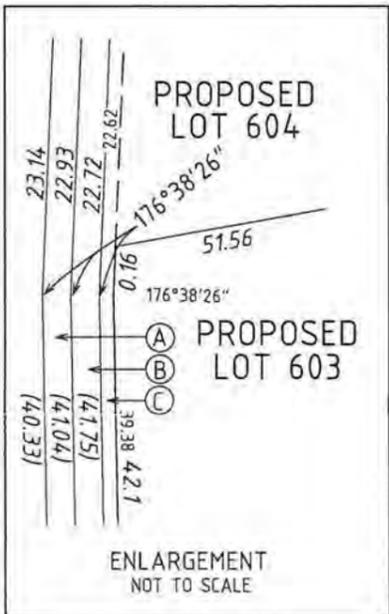
CONCLUSION:

The application proposes to create lots which would not comply with the Commission's policies and the Shire of Kalamunda Local Planning Scheme No.3 and are not in accordance with orderly and proper planning. Accordingly, it is recommended the application be refused.



NOTE:
EXISTING ACCESS EASEMENT
IN FAVOUR OF THE PUBLIC AT LARGE
OVER LOTS 109, 600 & 601

PROPOSED RECIPROCAL EASEMENTS FOR
WATER SUPPLY, GAS SUPPLY, TRANSMISSION
OF ELECTRICITY BY UNDERGROUND CABLE &
TRANSMISSION OF TELEVISION SIGNALS BY
UNDERGROUND CABLE.



- (A) (B) (C) PARALLEL EASEMENT UNDER SEC136C OF THE TLA FOR -
- WATER SUPPLY PURPOSES
 - GAS SUPPLY PURPOSES
 - TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE
 - TRANSMISSION OF TELEVISION SIGNALS BY UNDERGROUND CABLE

	BURDEN	BENEFIT
LOT 600		601, 602
601		600, 602
602		600, 601

- (D) EASEMENT UNDER SEC 136C OF TLA FOR -
- RIGHT OF CARRIAGE-WAY
 - DRAINAGE PURPOSES

	BURDEN	BENEFIT
LOT 600		601
602		601

- (5) DRAINAGE EASEMENT TO SHIRE OF KALAMUNDA UNDER SEC 27A OF THE T.P. & D. ACT REG 5 AS CREATED ON DIAGRAM 82825

- (6) SEWERAGE EASEMENT TO WATER CORPORATION UNDER SEC 27A OF THE T.P. & D. ACT REG 6 AS CREATED ON DIAGRAM 82825

NOTE : FOR CONTOUR & FEATURE INFORMATION REFER TO SHEET 2

DEPARTMENT OF PLANNING
DATE: 24 DEC 2012 FILE: 147249

SHEET 1 OF 2 SHEETS

PROPOSED SUBDIVISION OF LOT 602
#78 HALE ROAD, FORRESTFIELD

DIAGRAM : 97829
C/T : 2165-878
AUTHORITY : SHIRE OF KALAMUNDA
TOTAL LOT AREA : 4843 m² ORIG.
SCALE : 1 : 500 @ A3
SURVEY DATE : 19-10-2009
JOB : 11300

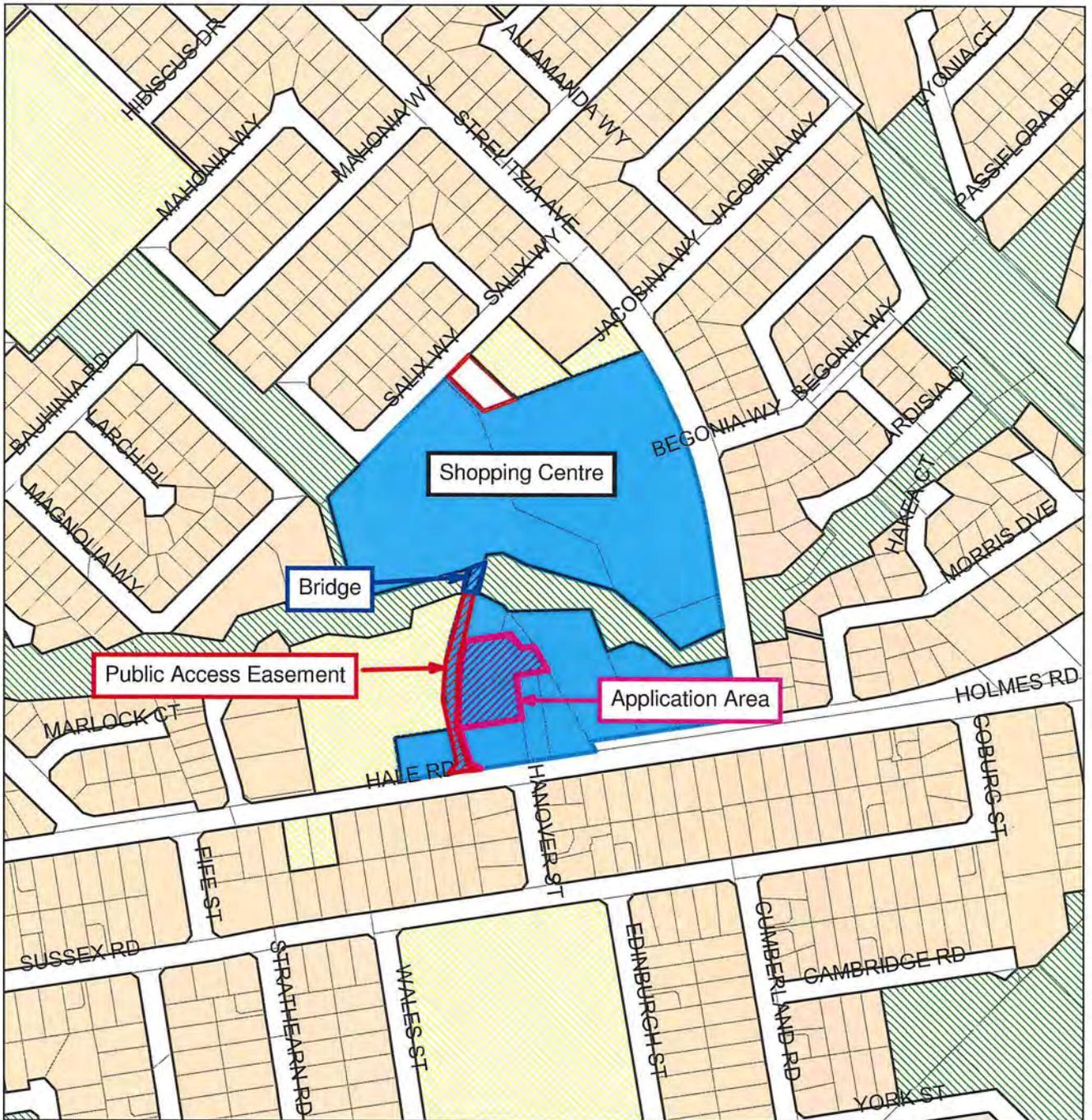
THIS PROPOSED SUBDIVISION PLAN IS SUBJECT TO APPROVAL BY THE WESTERN AUSTRALIAN PLANNING COMMISSION & LOCAL GOVERNMENT & IS SUBJECT TO FIELD SURVEY TO CONFIRM PROPOSED DIMENSIONS

DRAFTED BY : MSO & GO
DATE : 23-4-2012
CHECKED BY : DKM

DIAL 1100 BEFORE YOU DIG

CARLTON SURVEYS
Licensed Surveyors
SUITE 4, 160 BURSWOOD ROAD,
BURSWOOD, W.A., 6100.
TEL 9361 5358 FAX 9361 3457
E-mail : carlton@carlton-surveys.com.au

CHECK TITLE FOR EASEMENTS, RESTRICTIVE COVENANTS ETC.
THIS SURVEY DOES NOT GUARANTEE THE CORRECT POSITION OF BOUNDARY PEGS OR FENCES.
ALL FEATURES AND BUILDING POSITIONS ARE APPROXIMATE ONLY, AS THEY HAVE BEEN POSITIONED FROM MEASUREMENTS TAKEN FROM EXISTING PEGS, FENCES & WALLS.
A BOUNDARY RE-ESTABLISHMENT SURVEY IS RECOMMENDED PRIOR TO UNDERTAKING ANY SITE WORKS OR CONSTRUCTION.
INFORMATION SHOWN ON THIS SURVEY IS CURRENT AT THE DATE SHOWN. CARLTON SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES THAT HAVE OCCURRED AFTER THIS DATE, TO SITE LEVELS AND FEATURES OR BUILDING CADASTRAL BOUNDARY DIMENSIONS SHOWN HAVE BEEN OBTAINED FROM SURVEY PLANS AND ARE SUBJECT TO FIELD SURVEY.



-  Cadastre
-  DISTRICT CENTRE
-  LOCAL OPEN SPACE
-  PUBLIC PURPOSES
-  RESIDENTIAL
-  SPECIAL USE

Scale 1:5,516
0 125 m

Prepared by: mpiggott
Prepared for: SPC
Date: Monday, August 12, 2013 11:42
Plot identifier: P20130812_1142



Government of Western Australia
Department of Planning

Lot 602 Hale Road, Forreestfield
Local Planning Scheme

DP INTERNAL USE ONLY



Cadastre

2011 Metro Peel Aerial Photography

Scale 1:4,258
0 125 m

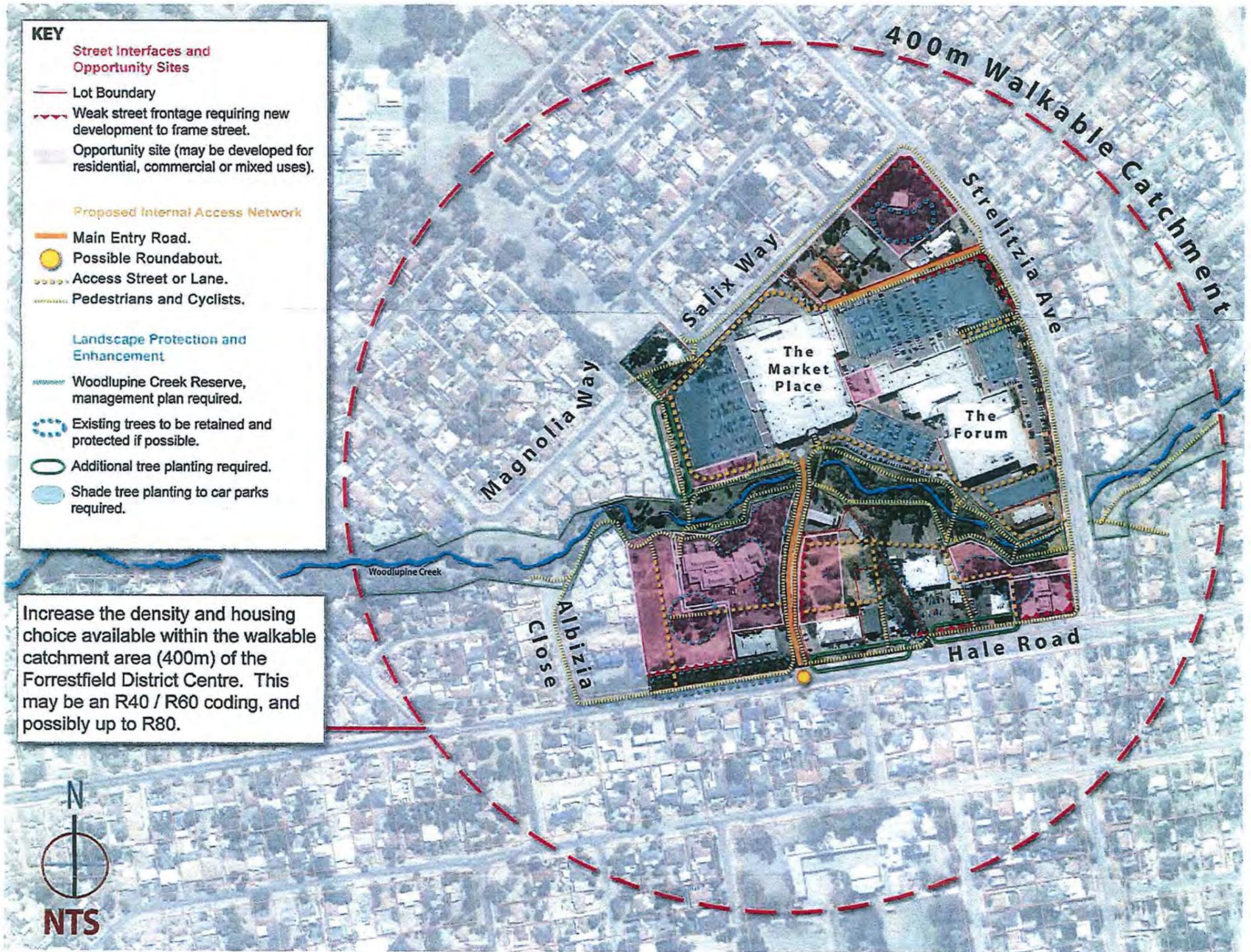
Prepared by: mpiggott
Prepared for: SPC
Date: Monday, August 12, 2013 11:29
Plot identifier: P20130812_1128



Government of Western Australia
Department of Planning

Lot 602 Hale Road, Forreestfield

DP INTERNAL USE ONLY



Increase the density and housing choice available within the walkable catchment area (400m) of the Forrestfield District Centre. This may be an R40 / R60 coding, and possibly up to R80.

PRIORITY ACTIONS FOR THE SHIRE OF KALAMUNDA:

- ~ Advertise the Structure Plan prior to final adjustments and adoption by Council. Ensure each landowner is aware of their responsibilities in regard to new development/redevelopment when the Structure Plan is adopted;
- ~ Prepare and adopt a management plan for Woodlupine Creek and allocate funds to address pressing issues of erosion and public access;
- ~ Finalise comprehensive site planning for the redevelopment of Lot 106, making provision for the new medium-density housing development, additional commercial development, improvements to the Community Centre building and surrounds, inclusion of the proposed new library building, and possible inclusion of a Shire "shop front" office;
- ~ Undertake a lighting and vegetation inventory of the area covered by the Structure Plan;
- ~ Initiate steps to bring the private road off Hale Road into Shire ownership;
- ~ Research and prepare a Local Housing Strategy for the entire Shire, and apply any relevant resultant recommendations to the walkable catchment area (400m) of the Forrestfield District Centre (this may be an R40/60 coding, and possibly up to R80); and
- ~ Initiate talks with TransPerth to discuss the potential for improving the bus service to/from the Forrestfield District Centre.



Provide significant shade tree plantings to large car parks.



Manage Woodlupine Creek to prevent erosion and address public access issues.

Summary of Additional Actions – Both General and Specific:

LAND USE & ACTIVITIES:

- ~ Promote a broader mix of land uses within the Centre, especially offices, health-related uses, cultural and entertainment uses, community facilities and higher density residential uses. A cinema and a small bar or two would be beneficial. Uses which operate during evenings should be particularly encouraged.
- ~ Promote the development of more al fresco dining opportunities associated with existing and new restaurants and cafés.
- ~ Ensure any new major development of a commercial nature proposed for the Centre is supported by a Retail Sustainability/Needs Assessment Study.

MOVEMENT NETWORK:

- ~ Upgrade and extend the internal road and pedestrian/bike pathway system;
- ~ Upgrade the main vehicle accessways into and through the land occupied by the two major shopping centres.
- ~ Ensure any new major development of a commercial nature proposed for the Centre is supported by a detailed traffic assessment.
- ~ Ensure all new commercial servicing arrangements are carried out behind or to the side of premises, and strictly segregated from shoppers and other visitors to the Centre.
- ~ Carry out an inventory of all existing parking bays within the Centre, with a view to setting revised car parking requirements for existing and new developments.
- ~ Improve infrastructure (bus shelters, lighting, paving and access) which supports the bus service.
- ~ Investigate the opportunity for development of a new roundabout on Hale Road.

BUILT FORM & URBAN DESIGN:

- ~ The Shire to encourage or mandate improved built form and urban design principles for new developments, and for alterations/extensions to existing developments.



Initiate steps to bring the private road off Hale Road into Shire ownership, and upgrade.

- ~ Ensure the highest quality of development is implemented on the nominated opportunity sites.
- ~ Introduce uniform paving for all pedestrian areas, consistent plantings of tree species, and select a new "family" of co-ordinated street furniture for use throughout the Centre. [NOTE: When the private road off Hale Road is brought into Shire ownership (priority action) the opportunity should be taken to upgrade that road and its verges, landscaping and street furniture to the required high standard, in order to set an example.]
- ~ Introduce an appropriate level of lighting along all pedestrian/cycle paths leading to and within the Centre, and within car parking areas.

PUBLIC SPACES:

- ~ The Shire to work both independently and with private landowners to protect and improve public spaces and publicly-accessible open spaces, and to create new, small open spaces and public facilities wherever these opportunities arise.
- ~ Existing stands of mature trees should be retained and protected wherever possible.
- ~ A consistent approach to landscaping should be adopted throughout the Centre, and large open car parks provided with significant shade tree plantings. A palette of appropriate waterwise plants and shade trees should be developed by the Shire.
- ~ The Shire to investigate whether any conditions have been attached previously to the formal approvals for the two large supermarket developments in relation to landscaping of the car parks, and if so, to enforce those conditions.

RESOURCE CONSERVATION:

- ~ The Shire to insist upon the highest standards of energy and water conservation in new developments, and to encourage the conservation and re-use of materials, and a reduction in the need for excessive cut and fill associated with new developments.



Encourage high quality development of "Opportunity Sites".



ITEM NO: 9.3

CANNING VALE SPORTS MASTER PLAN

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan South-East
AUTHORISING OFFICER:	Director, Metropolitan South
FILE NO:	DP/11/01537/1
DATE:	27 August 2013
ATTACHMENT(S):	1. Site Plan 2. Canning Vale Sports Master Plan Report 3. Proposed priority classification areas within the UWPCA 4. Canning Vale Sports Master Plan Public Consultation Strategy

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. note the information contained in this report regarding the draft Canning Vale Sports Master Plan (Attachment 2);*
- 2. approve the draft Canning Vale Sports Master Plan Report for public consultation in accordance with the Public Consultation Strategy (Attachment 4).*

SUMMARY:

There is a well-documented shortage of sporting and recreational space in the south-east corridor of Perth. To address this shortage and anticipated demand associated with projected population growth, the Department of Planning has worked with the City of Canning and Department of Sport and Recreation on the development of the draft Canning Vale Sports Master Plan.

The Canning Vale Sports Master Plan project seeks to investigate the potential for a 120 hectare parcel of land at Lots 166 and 167 Clifton Road, Canning Vale to be developed as a sporting and recreational precinct. Through research, public consultation and specialist studies, a number of opportunities have been identified. These have informed the development of an indicative site layout that illustrates how the site could potentially be developed.

BACKGROUND:

The project has emerged from recognition that active sporting spaces in the City of Canning and City of Gosnells are in high, and increasing, demand. This particularly relates to space for organised sport and sporting clubs operating in rapidly developing parts of Canning Vale, Southern River, Harrisdale and Piara Waters.

Publicly-owned land at Lot 166 and 167 Clifton Road, Canning Vale has emerged as a means by which this shortfall of sporting space can be addressed.

The site is located on the corner of Clifton Road and Johnson Street in Canning Vale, adjacent to the Jandakot Airport and in close proximity to a large residential catchment within the City of Canning, the City of Gosnells and the City of Melville.

A master planning project was initiated at the end of 2011 that sought to investigate the feasibility of using Lots 166 and 167 as a sporting and recreational precinct. The project provided for a partnership between three stakeholders, being the Western Australian Planning Commission, the Department of Sport and Recreation and the City of Canning. Representatives from these three bodies were appointed to a Project Board to oversee the project and a Working Group to co-ordinate its development.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005

Metropolitan Region Scheme

City of Canning Town Planning Scheme No.40

Section:

Part 4 Regional Planning Schemes; Part 5 Local Planning Schemes; Part 10 Subdivision and Development Control Clause 2.9.2.3 Subdivision and Development Requirements

Strategic Plan

Strategic Goal:

Building Relationships
Planning

Outcomes:

Key stakeholder alignment
Effective delivery of Integrated Plans
Planned Local Communities developing a sense of place

Strategies:

Enhance stakeholder engagement
Develop integrated infrastructure and land use plans for the State
Develop connected and accessible communities
Improve local planning service capability

Policy

Number and / or Name:

Directions 2031 and Beyond

State Planning Policy 2.3: Jandakot Groundwater Protection Policy

State Planning Policy 2.7: Public Drinking Water Source Policy

State Planning Policy 5.3: Jandakot Airport Vicinity

DETAILS:

The development of a regional sporting precinct in Canning Vale is being investigated as an opportunity to address a well-documented shortage of sporting and recreational space in the south-east suburbs of Perth.

The aim of this Master Plan project, is to provide a co-ordinated response to an identified regional shortage of recreational facilities in the south-east corridor of Perth. The Master Plan will support the City of Canning to undertake further detailed studies and to seek funding for the development of a regional sporting facility.

This project has involved investigation of demand by various sporting codes, consultation with the broader community and specialist studies assessing issues such as remnant vegetation and water management.

A Flora and Vegetation Survey has informed the positioning of conservation areas through identification of high-quality remnant vegetation and significant species, whilst guidance on water management issues (especially in relation to groundwater) has been provided by a Hydrological Feasibility Study. These issues have had a considerable influence on the developable area of the site, along with factors such as Jandakot Airport and connectivity with external roads and services.

Through this research, an indicative Master Plan has been prepared identifying four precincts. Together with more detailed needs and feasibility assessment, the Master Plan will inform the incremental development of the site incorporating the following features:

- Precincts 1 and 2 comprise playing fields for various sporting codes and associated facilities. Estimated cost in today's values are: \$22 million (Precinct 1) and \$19 million (Precinct 2).
- Precinct 3 is likely to be developed with a recreation centre of some description, potentially including facilities such as hardcourts, a pool and function rooms. Estimated cost in today's values are: \$17 million.
- Precinct 4 comprises areas of remnant vegetation and areas to be revegetated as part of measures to protect the Jandakot water mound. Estimated cost in today's values are: \$7 million.

The total cost of the Master Plan is approximately \$65 million as identified through a Servicing and Cost Estimates Assessment. It is expected that the Master Plan will underpin further detailed studies and approaches to government agencies for funding.

GOVERNMENT CORPORATE AND FINANCIAL IMPLICATIONS:

Lot 166 Clifton Road, Canning Vale is owned by the State of Western Australia and Lot 167 Clifton Road, Canning Vale is owned by the City of Canning.

The anticipated total cost to implement the Master Plan is approximately \$65 million, based on an indicative site layout proposal, with funding to be obtained from a variety of sources and implementation to be undertaken in a staged process.

CONSULTATION:

STAGE ONE - INFORMATION GATHERING

The proposed development of regional sporting facilities was advertised as part of the initial concept phase, which included consultation with regulatory authorities, sporting associations and clubs.

Consultation with sporting associations, clubs and the community sought to gauge support for the project and identify priorities. Approximately 3,500 surveys were distributed to local residents and sporting associations and a community information evening was held at Canning Vale Primary School in November 2012.

During this initial phase of consultation 33 surveys were completed and approximately 19 people attended the community information evening.

The results of the survey are consistent with established knowledge about shortages of venues for Australian Rules football, soccer and cricket in the Canning and Gosnells municipal areas. Swimming, tennis and indoor activities such as fitness classes, squash and volleyball also featured highly, and demand for ancillary child-care facilities is noted.

Meetings and written comments were sought and received from the following:

- ATCO Gas.
- Department of Environment and Conservation.
- Department of Fire and Emergency Services.
- Department of Water.
- Jandakot Airport.
- Water Corporation.
- Western Power.

Key issues raised by these agencies are discussed within the draft Master Plan report.

STAGE TWO - PUBLIC CONSULTATION

To ensure regional understanding and community support, the draft Master Plan report will be publicly advertised for a period of 42 days, to enable local community members and residents, regional and local sporting associations and clubs and the general public, the opportunity to view and comment on the proposed Master Plan.

Public consultation will incorporate a letter-box drop to nearby residents; letters to sporting associations, clubs and interested parties, in accordance with the Stage 1 consultation program; a public notice in a local newspaper and information available at the City of Canning website and civic centre. The City and Department of Planning will also hold a community information evening where interested parties can discuss the proposal with relevant staff.

It is anticipated that public consultation will commence upon adoption of the draft Master Plan for consultation by the Project Board and SPC.

Public consultation will be undertaken by the City of Canning in consultation with the Department of Planning, utilising the \$10,000 allocated to consultation costs as part of the project budget.

OFFICER'S COMMENTS:

The draft Canning Vale Sports Master Plan has been developed by the Department of Planning, City of Canning and Department of Sport and Recreation to accommodate an identified need for regional sporting facilities in the south-east corridor.

Consultation was undertaken with sporting agencies, regulatory authorities and the community as part of an initial fact finding process.

Adoption of the draft Master Plan to facilitate public consultation will enable sporting agencies, clubs, adjoining landowners and the broader community to consider the proposed Master Plan and its implementation program.

Further clarification on a number of constraints associated with the site are detailed below:

Road Network and Access

The site is bound by Clifton Road to the east and Johnson Road and Acourt Road to the west.

The Master Plan provides an indicative road and dual use path network for the site to guide further studies including a traffic assessment. The indicative road layout also provides a border between active recreation land uses in precincts 1, 2 and 3, and rehabilitation areas in Precinct 4.

The external road network is partly constructed and to facilitate the redevelopment of this site, the existing road network surrounding and connecting to the site, would be required to be upgraded.

It is noted that the Department of Planning is currently working with Jandakot Airport on the development of the Jandakot Eastern Link Road Alignment Study. The study proposes an additional link road to connect to Jandakot Airport from the east. The preferred Jandakot Eastern Link Road Alignment connects the Jandakot Airport to Ranford Road in Canning Vale, adjacent to the northern point of the Canning Vale Sports Master Plan site. In this regard it is noted that the development of the Jandakot Eastern Link Road in accordance with the preferred road alignment, could provide vehicle access to the north of the Canning Vale Sports Master Plan site.

The modification to, and expansion of, the existing road reserve network within the site, in addition to construction of internal and external roads will be required to facilitate this project.

Environment

The site is largely cleared and is in a degraded state as a result of previous sand mining activities. However, to ensure a considered approach to the redevelopment of the site, Natural Area Consulting were appointed and prepared the Canning Vale Sports Masterplan Flora and Vegetation Survey, January 2013.

As a result of the Flora and Vegetation Survey undertaken, a number of species were identified onsite, including two Priority 3 ecological communities and five potential

priority species. Furthermore, areas of primarily 'good', 'very good' and 'excellent' vegetation condition were considered. The areas identified as worthy of retention and rehabilitation have been identified to be retained for conservation purposes, primarily as part of Precinct 4 of the Canning Vale Sports Master Plan.

Servicing

A Cost and Servicing Assessment of the site was undertaken by Cardno in July 2013. The Cost and Servicing Assessment identified potential connections and supply from existing infrastructure in consultation with service agencies.

There is no anticipated difficulty in servicing of the site by water, electricity, telecommunications, gas infrastructure and waste water, including sewer and aerobic treatment units. However, connections and where necessary, upgrades to existing infrastructure will be required. Earthworks will also be required on site to provide level playing fields and to facilitate drainage.

It is noted that there is current provision to irrigate the site through scheme water, however, connections to a bore will be considered as part of further detailed studies.

Jandakot Underground Water Pollution Control Area

A Hydrological Feasibility Study was undertaken by Cardno in April 2013.

The site is located within the Jandakot Underground Water Pollution Control Area (UWPCA) and the Water Corporation is licensed to abstract water from the Jandakot groundwater system as part of the public drinking water supply for the Integrated Water Supply Scheme. The superficial aquifer at Jandakot is considered extremely vulnerable to contamination due to the shallow water table and direct recharge from rainfall. In order to protect the public water supply, land uses in the UWPCA are restricted by a series of Public Drinking Water Priority source areas.

The site is restricted by a Public Drinking Water Priority 1 (P1) source area in the north and a Priority 2 (P2) area in the south.

Reclassification of these groundwater protection zones would be required before development could be undertaken onsite. It is proposed to reclassify the site to enable Precincts 1, 2 and 3 to be reclassified as P3, with Precinct 4 reclassified as P1 and P2 (Attachment 3).

The site is further impacted by wellhead protection buffers for public water supply boreholes, which are prescribed to protect the quality of groundwater being extracted for drinking water. Two Water Corporation boreholes lie on or near the western boundary of the site and have protection status that may restrict the availability of water in some areas of the site.

Further Work

As part of the progression of this Master Plan project, a District Water Management Strategy will be undertaken by Cardno to further consider the management of water onsite.

It is acknowledged that upon adoption of a Master Plan, further studies would be required to be undertaken to refine the needs and priorities of sporting and recreational facilities for the site and to define the staging and implementation of development.

CONCLUSION

The draft Canning Vale Sports Master Plan provides a framework for further investigations into the potential development of regional sporting facilities at Lots 166 and 167 Clifton Street, Canning Vale.

This document will support the City of Canning to undertake further detailed studies and to seek funding for the development of a regional sporting facility in accordance with the Master Plan concept plan.

Public consultation of the draft report will identify for the community the anticipated scale and form of the redeveloped site, enabling further comment to be sought on the suitability of the concept plan. Public consultation will inform the community on the further actions required prior to implementation.

Attachment – Financial Implications

Financial Implications of Proposal (if applicable)							
Estimated additional land acquisition costs (Capital) \$ <u>N/A</u>							
Is there an existing budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
If yes – amount of Budget \$100,000 Budget Remaining \$43,916							
	Budget	Forward Estimates				Out Years (next 5 years)	TOTAL
	2013- 2014 \$'000	[Year 1] \$'000	[Year 2] \$'000	[Year 3] \$'000	[Year 4] \$'000		
Capital Cost	\$100						\$100,000
Less: Other Funding		\$140					\$140,000
Source of Funding:							
Revenue (Sales)							
MRIF							
WAPC	X						
Internal Funds							
Department of Sport and Recreation		X					
Total							

Has the Finance Branch been consulted and verified these details? Yes No

Attachment 1 - Site Plan





Department of **Planning**
Department of **Sport and Recreation**



Canning Vale Sports

MASTERPLAN

for public comment

SPC AGENDA PAGE 50

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website: www.planning.wa.gov.au
email: corporate@planning.wa.gov.au

tel: 08 6551 9000
fax: 08 6551 9001
National Relay Service: 13 36 77
infoline: 1800 626 477

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EXECUTIVE SUMMARY

The development of a sporting precinct in Canning Vale represents an opportunity to address a well-documented shortage of sporting and recreational space in the south-eastern suburbs of Perth. The Canning Vale Sports Master Plan project has sought to investigate the suitability of Lots 166 and 167 Clifton Road, Canning Vale for development for sporting and recreational purposes.

The project, undertaken jointly by the City of Canning, the Department of Planning on behalf of the Western Australian Planning Commission and the Department of Sport and Recreation, has involved research into demand from various sporting codes, consultation with the broader community and specialist studies assessing issues affecting the site, such as remnant vegetation and water management.

A Flora and Vegetation Survey has informed the positioning of conservation areas through identification of high-quality remnant vegetation and significant species, whilst guidance on water management issues (especially in relation to groundwater) has been provided by a Hydrological Feasibility Study. These issues have had a considerable influence on the developable area of the site, along with factors such as the Jandakot Airport Obstacle Limitation Surface and connectivity with external roads and services. Based on these investigations, it is concluded that the eastern portion of the site is most suitable for development for sporting and recreational purposes and that the western portion should be set aside for conservation. It is suggested that the site could be developed as several precincts:

- Precincts 1 and 2, comprising playing fields for various sporting codes and associated facilities;
- Precinct 3, comprising land for a recreation centre or similar facility, potentially including facilities such as hardcourts of various configurations and associated facilities such as function rooms; and
- Precinct 4, comprising areas of remnant vegetation and areas to be revegetated as part of measures to protect the Jandakot water mound.

The final specialist study, a Servicing and Cost Estimates Assessment, provided information on the servicing and cost implications of the draft Master Plan and concluded that although servicing connections will require upgrades, utility services of a suitable



Canning Vale Sports MASTERPLAN

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standard are available. It also provided a cost estimate for the project, suggesting that development of the site in accordance with the draft Master Plan was likely to cost \$60-70 million (2013).

This report concludes with an indicative guide to the process likely to be undertaken following the formal public consultation phase and endorsement of the final Master Plan by the Western Australian Planning Commission (WAPC). This includes a summary of the financial implications of implementing the Master Plan, recommendations for a number of further studies and measures to deal with potential risks.

The Master Plan provides an indicative representation of the manner in which Lots 166 and 167 Clifton Road, Canning Vale could be used as a sporting and recreational precinct. It provides a basis for future planning work but does not circumvent the need for more detailed feasibility assessment and design work. The project has found that use of part of the site for sporting and recreational purposes is realistic, however, a substantial body of further work is essential before development can proceed.





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1 PROJECT OVERVIEW

1.1 PURPOSE

The Canning Vale Sports Master Plan project seeks to investigate the potential for a 120 hectare parcel of land east of Jandakot Airport to be developed as a sporting and recreational precinct. Through research, public consultation and specialist studies, a number of opportunities and constraints affecting the site have been identified. These have informed the development of an indicative site layout that illustrates how the site could potentially be developed.

The project has been undertaken at a time of rapid population growth across the Perth metropolitan area. It is recognised that there is a shortage of sporting and recreational space in the south-eastern corridor, and the site represents an opportunity to develop a large-scale facility catering for a variety of sports and recreational activities within the existing urban area.

1.2 BACKGROUND

The project has emerged from recognition that active sporting spaces in the Canning and Gosnells municipal areas are in high and increasing demand. This particularly relates to space for organised sport and sporting clubs operating in rapidly developing parts of Canning Vale, Southern River, Harrisdale and Piara Waters.

State and local government-owned land at Lot 166 and 167 Clifton Road, Canning Vale has been identified as an opportunity to address this shortfall of sporting and recreational space. A master planning project was initiated toward the end of 2011 that sought to investigate the feasibility of using Lots 166 and 167 as a sporting and recreational precinct. The Project Plan provided for a partnership between three financial stakeholders, being the Western Australian Planning Commission, the Department of Sport and Recreation and the City of Canning, with the City of Gosnells participating in an advisory capacity. Representatives from these bodies were appointed to a Project Board to oversee the project and a Working Group to co-ordinate its development.

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2 PRELIMINARY RESEARCH

2.1 REGIONAL SPORT AND RECREATION FACILITIES STRATEGY

The Regional Sport and Recreation Facilities Strategy completed by Coffey International Limited in February 2012 for the South-East Regional Recreation Advisory Group (SERRAG) provides a useful synthesis of the context from which this project has emerged.

SERRAG seeks to co-ordinate a regional approach to the development and management of sporting and recreational facilities between local governments (including the City of Canning and City of Gosnells) and sporting associations. The Regional Sport and Recreation Facilities Strategy (the Strategy) found that active sporting spaces in the south-eastern corridor of the metropolitan region are in high demand and that relatively high projected population growth to 2031 suggests that such demand will remain strong over time.

Demographically, the Strategy found a relatively high proportion of couples with children in the region. On the basis of State-wide trends, it is considered likely that this will lead to ongoing high participation of children in Australian Rules football, soccer, netball, gymnastics and swimming. Among the adult population, growth in engagement in non-organised activities (such as swimming, aerobics, walking, running and cycling) is also noted as a general trend.

Through consultation with State sporting associations, the Strategy concluded that there is adequate provision for tennis, lawn bowls and golf in the region. However, the relevant associations for Australian Rules football, baseball, equestrian, hockey, little athletics, rugby (league and union), soccer and volleyball expressed a need for additional and/or improved facilities.

The Strategy identified a lack of co-operation and engagement between government agencies, local governments and sporting associations in planning, developing and managing facilities as a primary concern amongst stakeholders. The need for facilities to be developed and managed in accordance with environmentally sustainable design principles is also highlighted, partly due to concerns about water management and operational costs.

It is considered that the Canning Vale Sports Master Plan represents an opportunity to address the issues raised in the Strategy, not only in terms of provision of facilities for various sports but also in adopting a co-operative, holistic, consensus-based approach to facility funding, development and management, and incorporating environmentally-sensitive design.



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2.2 CONSULTATION

Consultation with regulatory authorities, sporting associations and clubs, and the general public was viewed from the outset as an essential component of the Master Plan project, and was guided by a Communication Management Strategy (CMS).

Regulatory authorities

Meetings were held with the following agencies to introduce the project and obtain preliminary feedback on the opportunities and constraints affecting the site:

- ATCO Gas;
- Department of Environment and Conservation;
- Department of Fire and Emergency Services;
- Department of Water;
- Jandakot Airport;
- Water Corporation; and
- Western Power.

Key issues raised by these agencies are discussed in Section 2.3 and 3.3 below, and a full summary of the issues raised is included at Appendix 2 of this report.

Sporting associations, clubs and the community

Consultation with sporting associations, clubs and the community sought to gauge support for the project and identify priorities. Approximately 3,500 surveys were distributed to local residents and sporting associations and a community information evening was held at Canning Vale Primary School in November 2012.

The results of the survey are consistent with established knowledge about shortages of venues for Australian Rules football, soccer and cricket in the Canning and Gosnells municipal areas. Swimming, tennis and indoor activities such as fitness classes, squash and volleyball also featured highly, and demand for ancillary child-care facilities is noted.

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2.3 SPECIALIST STUDIES

It was recognised through the preliminary research process that the feasibility of developing Lots 166 and 167 would be influenced by the issues of remnant vegetation and groundwater management. To investigate these issues, a Flora and Vegetation Survey and Hydrological Feasibility Study were undertaken. The findings of these studies are summarised in Section 3.3.

As the Master Plan developed, it became possible to investigate the manner in which the site could be serviced, building on feedback from service authorities obtained during the consultation phase of the project (Appendix 2). This included an estimate of the costs likely to be incurred in providing services to the site and in developing the facilities proposed. This work was undertaken in the form of a Servicing and Cost Estimates Assessment, which forms part of the Technical Appendices.





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3 THE SITE

3.1 LANDHOLDINGS

The Canning Vale Sports Master Plan has been developed for a 120 hectare site on Clifton Road in Canning Vale, east of Jandakot Airport (the site). It comprises the following landholdings:

Lot	Area (ha)	Owner	MRS
166	65.88	State of Western Australia	Reserved for 'Public Purpose - Special Use'
167	54.35	City of Canning	Zoned 'Rural-Water Protection' and 'Rural'

Both lots have previously been used as a sand quarry and are currently vacant.

3.2 OPPORTUNITIES

The site represents a rare opportunity to develop a regional-scale sporting precinct within the existing urban area, due to its size, predominantly flat natural topography and lack of remnant vegetation. It also benefits from relatively consolidated ownership, being contained on only two State and local government-owned land parcels.

3.3 CONSTRAINTS

Jandakot Underground Water Pollution Control Area

The site is substantially affected by the Jandakot Underground Water Pollution Control Area (UWPCA) designated under the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* (as amended). Consideration of the UWPCA and the relevant regulations was identified as a necessary part of the project by the Department of Water and the Water Corporation through the consultation process.



Figure 1: Aerial Photograph

Canning Vale Sports MASTERPLAN

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Generally, it is considered by these agencies that areas outside the UWPCA are most suitable for development, however consideration may be given to the use of such areas if a 'greater good' can be demonstrated.

The WAPC's *State Planning Policy No. 2.3 - Jandakot Groundwater Protection Policy* (SPP 2.3) provides guidance on the implications of this UWPCA for development on the basis of the following objectives:

- To ensure that all changes to land use within the Policy Area are compatible with long-term protection and maintenance of groundwater for public supply and maintenance of associated ecosystems;
- To prevent land uses likely to result in contamination of groundwater through nutrient or contaminant export;
- To balance environmental protection with the economic viability of the existing land uses;
- To maintain or increase natural vegetation cover over the Policy Area; and
- To protect groundwater quality and quantity in the Policy Area in order to maintain the ecological integrity of important wetlands.

SPP 2.3 operates within the broader guidelines of the WAPC's *State Planning Policy No. 2.7 - Public Drinking Water Source Policy* (SPP 2.7) and the Department of Environment and Conservation's Water Quality Protection Note entitled *Land use compatibility in Public Drinking Water Source Areas*.

As shown by **Figure 2**, the site is affected by Priority 1 (P1) and Priority 2 (P2) classification areas within the UWPCA. SPP 2.7 specifies the implications of the P1 and P2 classifications for land use.



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Priority 1

- Managed to ensure that there is no degradation of the water resource - risk avoidance;
- Low-intensity and low-risk land uses;
- Protection of the water resource outweighs virtually all other considerations;
- Implemented through the 'Public Purpose - Special Use' MRS reservation.

Priority 2

- Declared over land where low-risk development already exists to ensure that there is no increased risk of pollution to the water source - risk minimisation;
- Protection of the water resources is a high priority;
- Implemented through the 'Rural-Water Protection' MRS zone.

The Hydrological Feasibility Study warns that permissible development within the Priority 1 and Priority 2 areas is "**strictly limited**", and that in order to progress with the proposed development, "**it is highly likely [that] reclassification of the groundwater will be necessary**". This is consistent with advice given during the consultation phase by the Department of Water and the Water Corporation, although the Department of Water has since advised that it is unlikely to object to the reclassification of parts of the UWPCA required for the sporting complex.

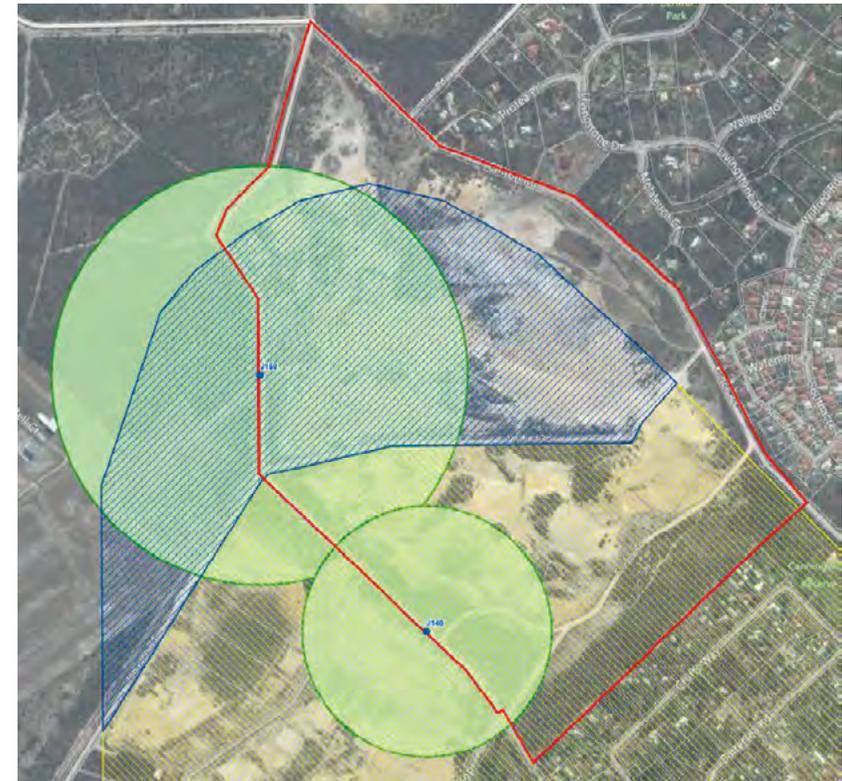


Figure 2: Jandakot UWPCA (Priority 1 in blue, Priority 2 in yellow) and Well Head Protection Zones (green, surrounding bores as marked).

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Well Head Protection Zones

SPP 2.7 also provides guidance on Well Head Protection Zones (WHPZs), which surround abstraction bores within Priority 1 and Priority 2 areas to a radius of 500 and 300 metres respectively. These seek to protect abstraction points from direct contamination.

Two water abstraction boreholes operated by the Water Corporation are located near the western boundary of the site, namely, bores J140 and J150. The former is within the Priority 2 area and is protected by a Well Head Protection Zone (WHPZ) with a 300 metre radius and the latter is within the Priority 1 area and protected by a WHPZ with a 500 metre radius. These bores and WHPZs are shown at Figure 2.

The issue of groundwater contamination in the vicinity of these abstraction bores is a primary concern of the Department of Water and the Water Corporation. The latter has drawn particular attention to contamination by hydrochloride and pesticides, which are used in the maintenance of turfed areas.

Jandakot Airport

The site is adjacent to Jandakot Airport, which is a general aviation airport ranked as Australia's busiest in terms of aircraft movements. Land in the vicinity of Jandakot Airport is subject to the WAPC's *State Planning Policy No. 5.3 - Jandakot Airport Vicinity* (SPP 5.3). The key objective of relevance to this project is that seeking to "minimise the impact of airport operations on existing and future communities with particular reference to aircraft noise". Aside from its aviation function, the Jandakot Airport site is recognised for its environmental value, being contained within Bush Forever Site 388.

SPP 5.3 defines a 'Core Area' and 'Frame Area' around the airport. The site is almost entirely within the Core Area, which comprises land affected by aircraft noise (within the Australian Noise Exposure Forecast (ANEF) 20 contour). This limits the development of noise-sensitive activities (including residential and rural-residential activities). However, sporting and recreational uses of the nature proposed in the Master Plan are conditionally acceptable.

The Master Plan has also been prepared within the parameters of Jandakot Airport's Protected Airspace. This consists of two invisible surfaces above the ground around the airport, namely, the Obstacle Limitation Surface (OLS) and the Procedures for Air Navigational Services - Aircraft Operations (PANS-OPS).

Consultation with Jandakot Airport during the consultation phase identified the OLS as being of primary relevance to the Master Plan. This is the lower of the two surfaces and provides protection from obstructions for aircraft flying into or out of the airport.



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Intrusions into the OLS are considered a 'Controlled Activity' and require approval. Intrusions include permanent structures (e.g. buildings, light towers), temporary structures (e.g. construction cranes) and non-structural disturbance (e.g. glare from light towers).

As shown in Figure 3 the part of the OLS affecting the site is largely coincident with the northern WHPZ, which is not proposed to be developed. Applications for approval to develop facilities on other parts of the site within the OLS will be referred by the local government to Jandakot Airport for their consideration if an infringement is likely to occur.

Remnant Vegetation

The site is predominantly cleared. However, several parcels of remnant vegetation covering some 18 hectares (primarily banksia woodland) remain in situ, and the former Department of Environment and Conservation drew attention to several environmental factors affecting the broader local area during the consultation phase. These issues have been investigated as part of a Flora and Vegetation Survey prepared by Natural Area Consulting.

The key findings of the Flora and Vegetation Survey (the Survey) are:

- No confirmed on-site populations of species listed under the *Wildlife Conservation Act 1950* as Threatened or Priority were found. However, five Threatened or Priority species found in the local area are considered likely to be in place on the site;

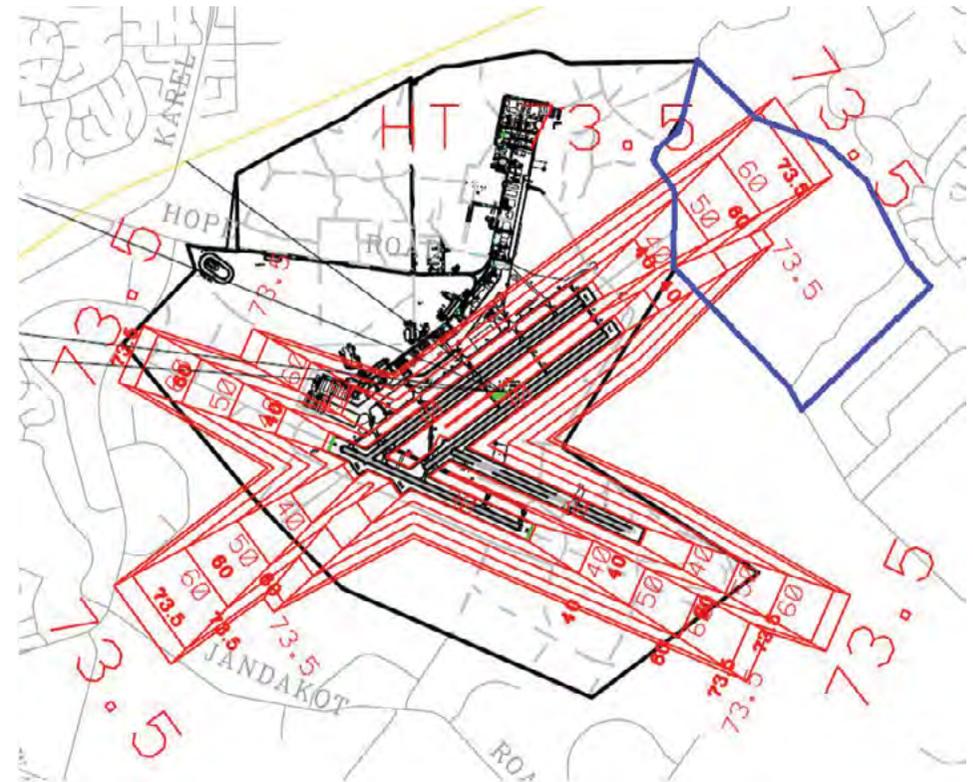


Figure 3: Jandakot Airport OLS. The site is outlined in blue.

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- No confirmed on-site populations of species listed under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth; EPBC Act) were found. However, two Endangered species found in the local area are considered likely to be in place on the site;
- Three species of 'significant flora' were identified;
- Two Priority 3 Ecological Communities (PECs) are present near the site, and are considered likely to be represented on the site itself;
- Remnant vegetation is considered to be in Good to Excellent condition;
- Three Bush Forever sites, five Conservation Category Wetlands and two Resource Enhancement Wetlands are located in close proximity to the site; and
- The banksia woodland on the site is considered ideal foraging habitat for various cockatoo species, including Carnaby's black cockatoo (listed under the Wildlife Conservation Act and the EPBC Act). Evidence of feeding by the latter was found. In addition, evidence of the southern brown bandicoot (quenda) was found.

In light of the findings of the Survey, it is clear that the vegetated areas of the site retain considerable environmental value, and the recommendations of the Survey should be acted upon at the development stage for the relevant precinct. These recommendations include to undertake:

- Targeted flora surveys for the aforementioned five Threatened or Priority species during known flowering times;
- Detailed quadrat surveys in spring to determine whether or not any PECs are located on the site; and
- A bandicoot survey to determine the extent of the population.

A key outcome of the Survey was its prioritisation of remnant vegetation in terms of conservation value. The Survey recommends that vegetation rated in Good condition or better be retained. Vegetation considered of high priority for retention is located primarily along the southern boundaries of the site, with smaller parcels adjacent to the boundary between Lot 166 and Lot 167, and on the north-eastern boundary of the site.



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Roads and Services

The road network surrounding the site is currently poorly developed and utility servicing is limited. Both will require extensive upgrading as development of the site in accordance with the Master Plan proceeds.

The site is abutted on all sides by road reserves, all of which are unconstructed. A new connection to Ranford Road from the intersection of the Leeming Road and Johnston Road reserves is being investigated as part the Jandakot Airport Eastern Link Road Planning Study, and a connection southward to Nicholson Road via Johnston / Acourt Road is also available. Clifton Road (located along the eastern boundary of the site) is likely to be used as a local road distributing traffic to various parts of the site, but will not be connected southward to Nicholson Road.

Network water, sewer, electricity, gas and telecommunications infrastructure is available in the local area, but new connections will need to be made in order to service the proposed development. This issue has been investigated in some detail by the Servicing and Cost Estimates Assessment prepared by Cardno:

- For buildings, a water supply is available from a main located within the Johnston Road reserve. For the irrigation of playing fields it is recommended that groundwater drawn from the superficial aquifer be used, subject to the availability of an abstraction licence from the Department of Water. Use of recycled greywater is unlikely to be permitted due to the site's location within the Jandakot Underground Water Pollution Control Area (UWPCA);
- Connection to the gravity sewer network within the residential estate east of Clifton Road is available, although Aerobic Treatment Units (ATUs) are recommended for more isolated sections of the site. Preliminary advice from the Department of Water indicates that ATUs are suitable for Priority 3 UWPCAs. A private pump station is also suggested, although this would require a connection of significant length through to Ranford Road;
- Electricity connections are available, although demand for electricity from the site (depending on the extent and timing of its development) may necessitate upgrades to the supply network;
- Telecommunications infrastructure (optic fibre) is available in the local area;
- Connection to the gas network requires an extension from a main along Bannister Road to the north.

Further demand analysis at the development stage is required for each item to ascertain the standard at which new service connections are to be installed and the impact the development will have on the respective networks. This will depend on factors such as the design and extent of buildings, the extent to which solar power and/or groundwater is used and the staging of the development.

4 A POTENTIAL LAYOUT

The Master Plan seeks to provide an indicative representation of the manner in which Lots 166 and 167 Clifton Road, Canning Vale could be developed as a sporting and recreational precinct. Sporting uses shown on the Master Plan have been included for planning purposes only, to provide a basis for assessments of servicing requirements and cost estimates.

The Master Plan does not circumvent the need for more detailed needs and feasibility analysis to assess the viability of accommodating any given sporting code or recreational activity on the site. Further consideration of the suitability of various facilities is essential prior to development proceeding. Such work would require substantial input from public authorities, sporting associations and community groups, and would be used to inform more detailed planning, source funding and identify suitable management arrangements.

A copy of the draft Master Plan appears as Figure 4. A full version appears at Appendix 1.

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Figure 4: Indicative Master Plan.



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4.1 DESIGN PROCESS

The preceding sections of this report have described the investigative stage of this project and its outcomes. As discussed, restrictions associated with the Jandakot Urban Water Pollution Control Area, Well Head Protection Zones and Jandakot Airport Obstacle Limitation Surface are of primary importance to the development of the site, and the issues of road and service access and remnant vegetation also warrant close consideration. Against these constraints is the opportunity to develop a large, regional-scale sporting complex, thus reducing the pressure on existing facilities in an area of relatively high population growth.

A design workshop held in February 2013 was a significant milestone for the project, representing a point at which the opportunities and constraints identified in the investigative phase of the project could be used to inform an indicative layout. Representatives of the Working Group member organisations and nearby local governments (the cities of Armadale, Cockburn and Melville) were invited to develop draft site plans within identified parameters. These were then used by the Working Group in preparing a single draft Master Plan, which was completed in May 2013 and has been used to inform the Servicing and Cost Estimates Assessment. It will also provide guidance on the future development of the site when more detailed design work is undertaken.

4.2 MOVEMENT NETWORK

Section 3.3 above introduced the issue of the road network surrounding the site being poorly developed. Notwithstanding this, the presence of road reserves on the eastern (Clifton Road) and western (Johnston /Acourt Road) boundaries of the site simplifies the process of improving access to the site. Collectively, these reserves provide connections to Nicholson Road to the south and, pending the outcome of the Jandakot Airport Eastern Link Road Planning Study, to Ranford Road in the north-east. As such, it is considered that the existing constraints to vehicular and service access to the site can be overcome through the development of existing unconstructed road reserves.

The internal road network proposed by the Master Plan seeks to capitalise upon the external links available to the site and its geographical features. The network comprises 20 metre wide reserves located to provide strong connectivity throughout the site, ready access to all proposed facilities and multiple entry/exit points to spread traffic at peak periods. Road reserves are positioned to separate conservation and revegetation areas from playing fields and facilities, in accordance with established urban design principles. Paved carriageways, on-street parking, street trees and services will be accommodated within the road reserves.

An extensive network of shared-use paths is proposed. Where possible, these will be incorporated within road reserves. Shared-use paths will facilitate safe movement for pedestrians and cyclists throughout the site separate to

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the road network and provide opportunities for active recreation, including running and cycling. The network seeks to link all major facilities and provide access to bushland areas within and adjacent to the site.

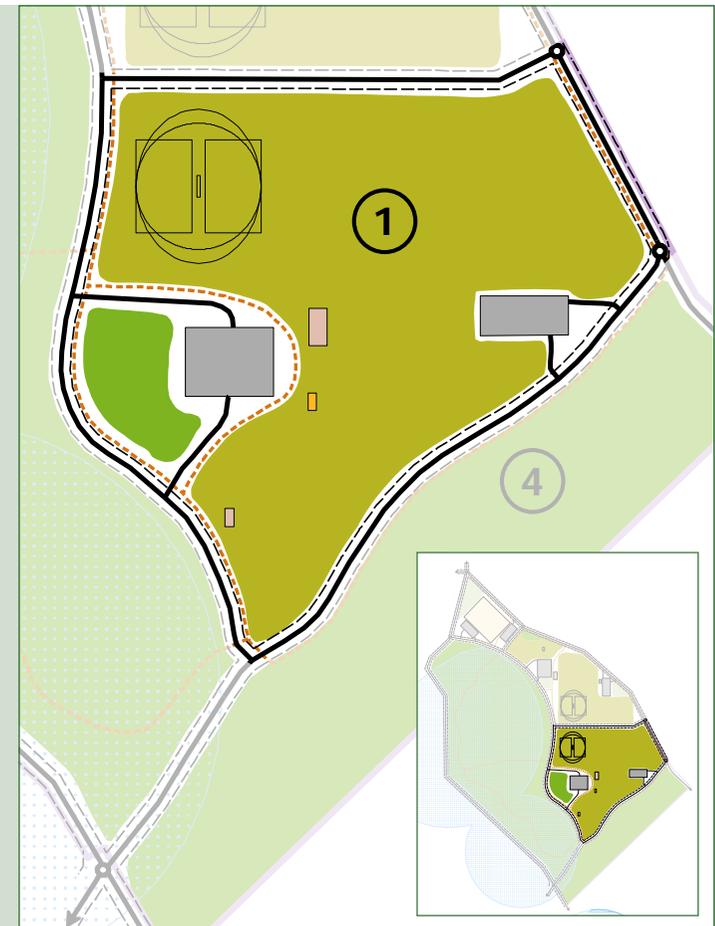
The internal movement network and its interface with the external local road network have been designed on the basis of the draft Master Plan. As noted elsewhere in this report, development of the site will not proceed without further design work being undertaken. This may result in modifications being made to the layout of the site. Such design work would need to be underpinned by a suitable traffic assessment to ensure that any proposed movement network was appropriate for the traffic volumes and flows likely to be experienced.

4.3 PRECINCT 1

Precinct 1 consists of turfed playing fields serviced by facilities including pavilions, change-rooms, storage, car-parking and floodlighting.

It is suggested for planning purposes that these areas could accommodate a range of sports including athletics, Australian Rules football, cricket, baseball/softball, rugby and/or soccer. It is likely that other sports and activities could be accommodated in this area, depending on the outcome of future needs and feasibility assessments.

A revegetation area within Precinct 1 is shown as part of the conservation program to be undertaken as the site is developed.





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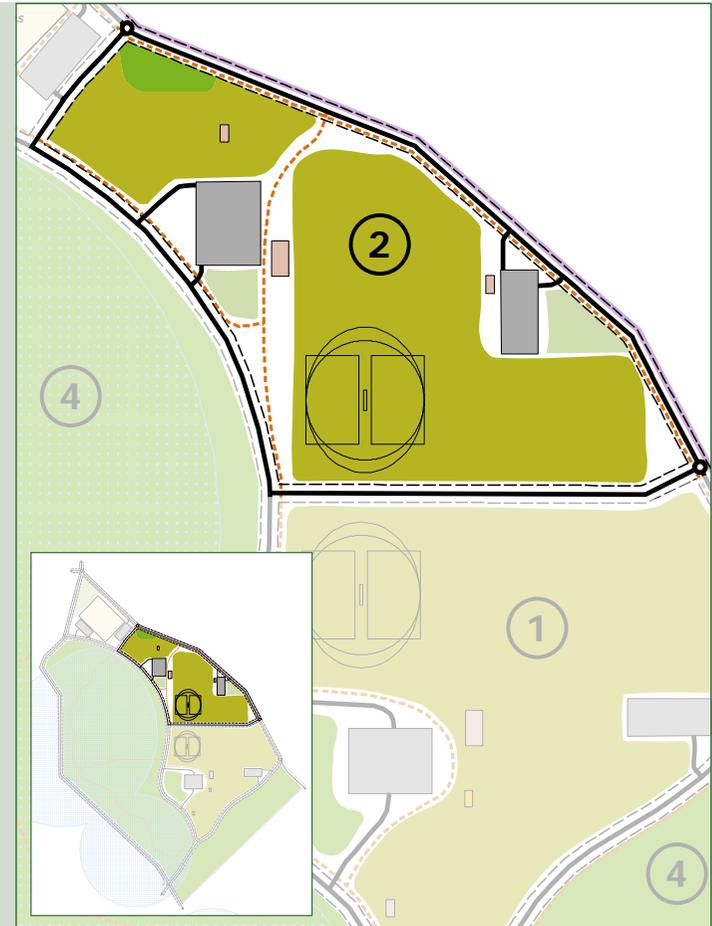
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4.4 PRECINCT 2

As for Precinct 1, Precinct 2 consists of turfed playing fields serviced by facilities including pavilions, change-rooms, storage, car-parking and floodlighting.

It is suggested for planning purposes that these areas could accommodate a range of sports including athletics, Australian Rules football, cricket, baseball/softball, rugby and/or soccer. It is likely that other sports and activities could be accommodated in this area, depending on the outcome of future needs and feasibility assessments.

Vegetation in the northern part of Precinct 2 is proposed to be retained to the greatest extent possible. This banksia woodland contains one of the three 'significant flora' species identified on the site, and is rated as being in Good condition and a high priority for retention by the Flora and Vegetation Survey.



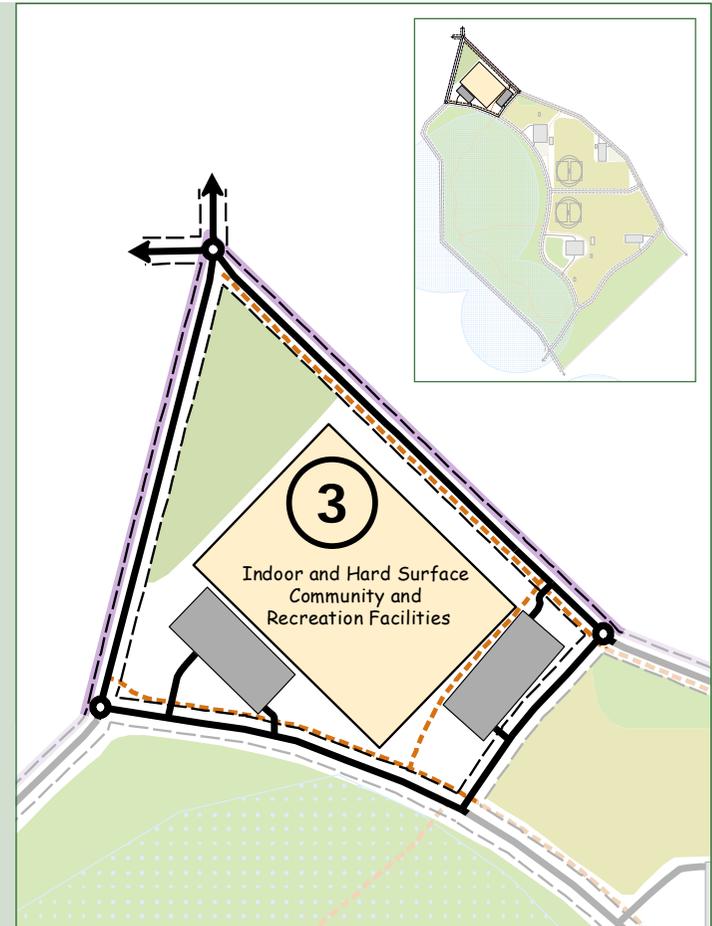
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4.5 PRECINCT 3

Precinct 3 contains an indicative building envelope for an recreation centre or similar facility, serviced by car-parks and passive recreational space.

An indoor recreation centre on Precinct 3 could include hardcourts (indoor and/or outdoor, accommodating (for example) basketball, netball, volleyball, badminton), tennis courts, squash courts, a gymnasium, community centre and/or day-care centre.





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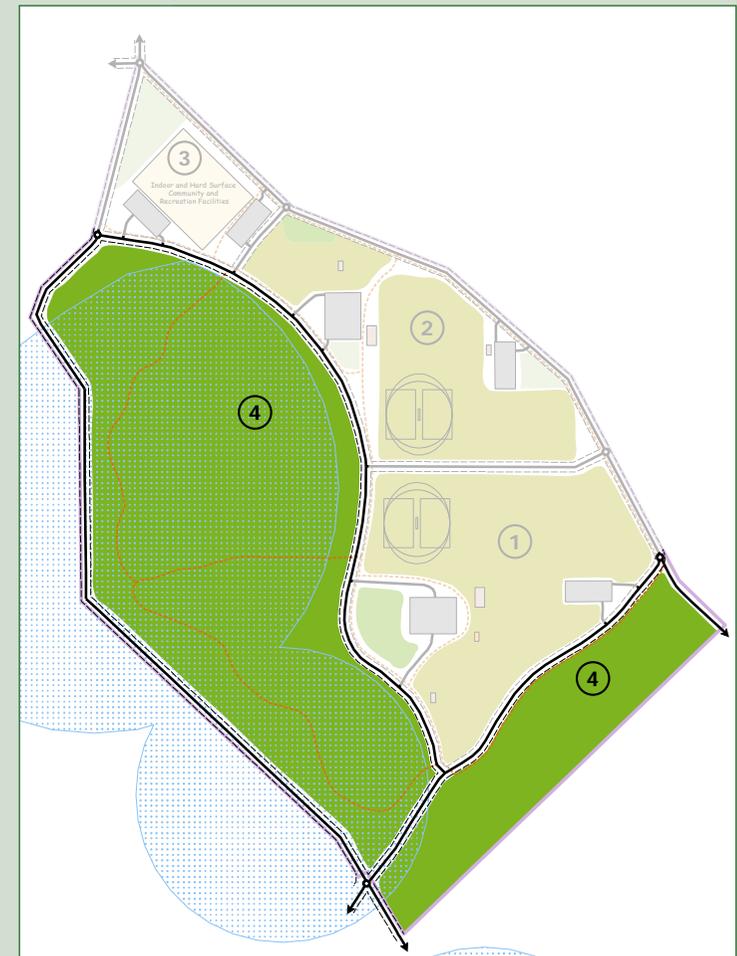
4.6 PRECINCT 4

Precinct 4 contains the two Well Head Protection Zones (WHPZs) affecting the site (within which development is restricted) and banksia woodland along the southern boundary of the site. Aside from shared-use paths and incidental development, Precinct 4 will be set aside for conservation purposes.

The majority of the recommendations of the Flora and Vegetation Survey have been adopted for this precinct. Much of the banksia woodland along the southern and western boundaries of the site is rated in condition as 'Good' or above and in priority for retention as 'High', and will be preserved. Cleared parts of the site will be remediated and revegetated.

Setting aside Precinct 4 for conservation and revegetation:

- Protects the WHPZs (and thus the abstraction bores discussed at Section 3.3) in their entirety and a significant proportion of the Jandakot Underground Pollution Control Area (UWPCA).
- Offsets any loss of vegetation in other parts of the complex, ensuring consistency with the objective under the WAPC's *State Planning Policy No. 2.3 - Jandakot Groundwater Protection Policy* (SPP 2.3) to "maintain or increase natural vegetation cover" over the UWPCA.
- Provides a buffer between the developed sporting complex and Bush Forever Site 388 to the west.
- Contributes to the creation of a green corridor between Bush Forever Site 388 and the Jandakot Regional Park to the south.
- Occupies a substantial part of the land within the Master Plan area affected by the Jandakot Airport Obstacle Limitation Surface.



5 IMPLEMENTATION

5.1 CAPITAL COSTS

The Master Plan includes a Servicing and Cost Estimates Assessment. Using the precincts discussed above as a basis) this concluded that funding in the order of \$60-70 million (2013) would be required to fully develop the site. This cost estimate demonstrates that this facility (if fully developed) would be of a significant scale.

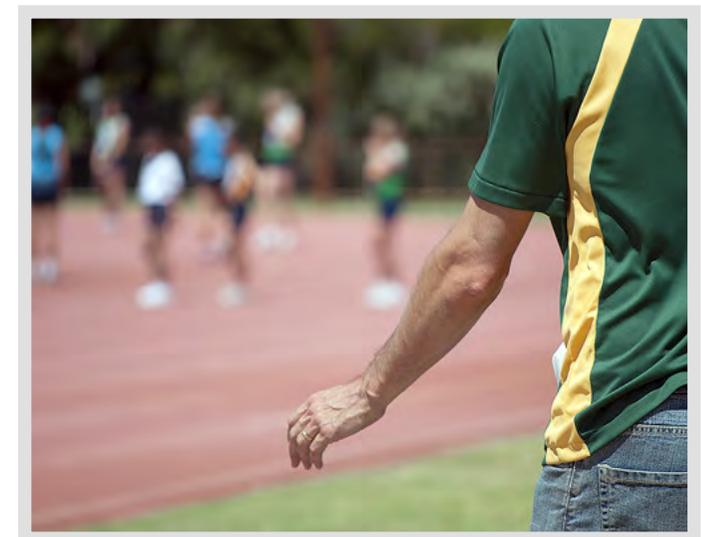
As such, it is likely that funding will be provided from a variety of sources and over a period of time, which cannot be estimated at this stage. Arrangements made in relation to sources and timing will have a significant bearing on the custodianship and staging of this project beyond the end of the Master Plan project.

5.2 FURTHER WORK

The Canning Vale Sports Master Plan project has sought to investigate the feasibility of developing Lots 166 and 167 Clifton Road, Canning Vale as a sporting and recreational precinct. In the context of the opportunities and constraints identified and demand for sporting space by a variety of sports and activities, an indicative layout has been prepared demonstrating the manner in which the site could be developed. This is to be used to inform more detailed planning, and is by no means an inflexible blueprint.

In this context, it is intended that this report provide a basis for further planning and design work. This may include (but is not limited to) the following (in no particular order):

- Reclassification of the Jandakot Urban Water Pollution Control Area (UWPCA) to accommodate the Master Plan and reflect the proposed conservation areas in Precinct 4 will be necessary. Reclassification will require endorsement by the Western Australian Planning Commission (see also Section 5.3);
- Using the Hydrological Feasibility Study as its basis, a District Water Management Strategy is required to provide a water management framework for the draft Master Plan;



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- Prioritisation of demand for various facilities by sporting, recreational and/or community groups will be required. This will include detailed needs and feasibility assessment;
- More detailed precinct-based design work will proceed on the basis of the information gathered through the aforementioned tasks. This is likely to include Local Water Management Strategies, traffic assessment/s, more detailed servicing investigations, architectural and landscape design work, and construction drawings; and
- Arrangements for the funding and management of the ongoing operation (including maintenance) of the facility will need to be made.

Much of this work (which generally relates to more detailed design work) is beyond the scope of this project but will use the draft Master Plan and associated technical appendices as its basis.

5.3 RISKS

The intention of the Master Plan project has been to investigate the feasibility of using the subject land as a sporting and recreational precinct. Several constraints affecting the site have been identified, and most (namely, Well Head Protection Zones, the Jandakot Airport Obstacle Limitation Surface, remnant vegetation and the lack of an established road and service network) can be accommodated.

However, the issue of development over the Jandakot Underground Water Pollution Control Area (groundwater mound) remains unresolved. Development over this area is strictly regulated, particularly within the Priority 1 area allocated over part of Lot 166. The Hydrological Feasibility Study states that if development is to proceed in the manner proposed, **“it is highly likely [that] reclassification of the groundwater will be necessary”**. This is generally consistent with advice given during the consultation phase by the Department of Water and the Water Corporation. The Department of Water has since advised that development in the manner proposed is most appropriately accommodated within the Priority 3 classification. In light of this, reclassification of the groundwater mound affecting the site in the manner shown at Figure 5 is necessary.

Reclassification is a matter for the Western Australian Planning Commission to address on the advice of relevant stakeholders, balancing various priorities. Preliminary advice from the Department of Water indicates that it is unlikely to object to the reclassification of those parts of Precincts 1, 2 and 3 that are currently within Priority 1 or 2 areas, given the conservation measures outlined in Section 4.6 above. However, the Water Corporation has indicated that due to a shallow water table and direct recharge from rainfall the superficial aquifer is considered to be highly vulnerable to contamination and should not be reclassified.

Information on whether or not reclassification of the groundwater mound in this area is feasible is beyond the scope of this project. It should be noted that the Master Plan as proposed is indicative. As well as requiring further

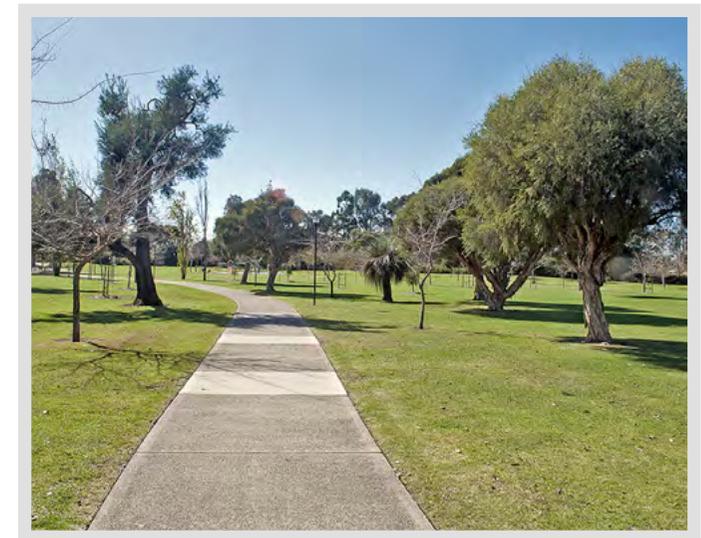
Canning Vale Sports MASTERPLAN

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needs and feasibility analysis (as discussed in Section 4), further investigation of the issues associated with the groundwater mound is necessary before the Western Australian Planning Commission can be approached with a formal proposal to reclassify the requisite land.

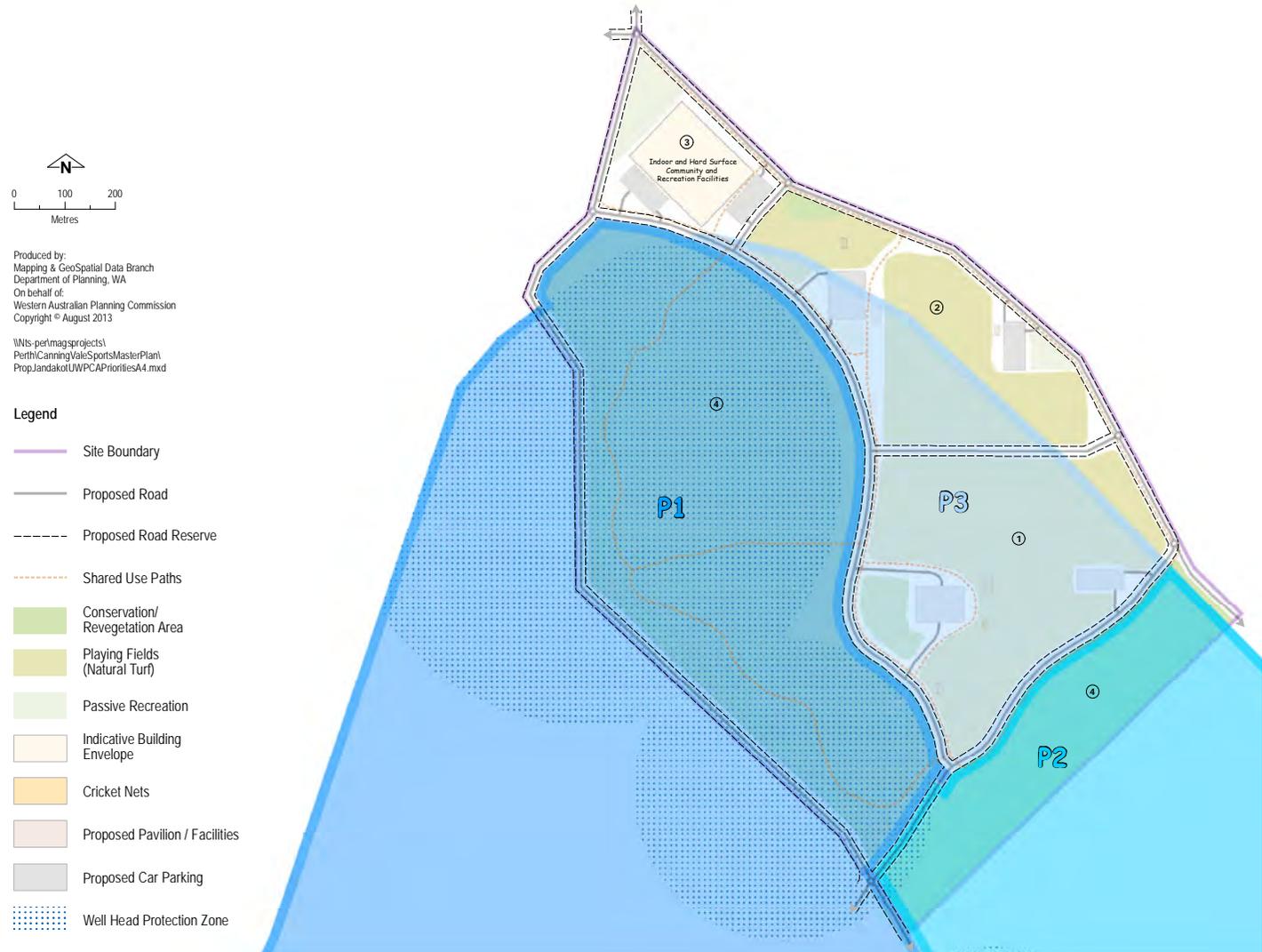
It is also noted that although road reserves are present in the local area to provide for vehicular and service access, a readily developable external connection to the site from the north (namely, Ranford Road) is currently absent. Such a connection is the subject of the Jandakot Eastern Link Road Planning Study (ongoing), which is investigating several options to connect the Jandakot Airport site to Ranford Road. This link is considered to be of high importance in ensuring that any sporting facilities provided on the Master Plan site are readily accessible from all directions, and that traffic load can be distributed efficiently. It is expected that a connection to Ranford Road via the existing Johnston Road / Clifton Road intersection will in time be constructed, however, the timeframe for this is unknown and may impact upon the delivery of facilities on the Master Plan site.





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Figure 5: Proposed reclassification of the Jandakot groundwater mound within the Master Plan site.

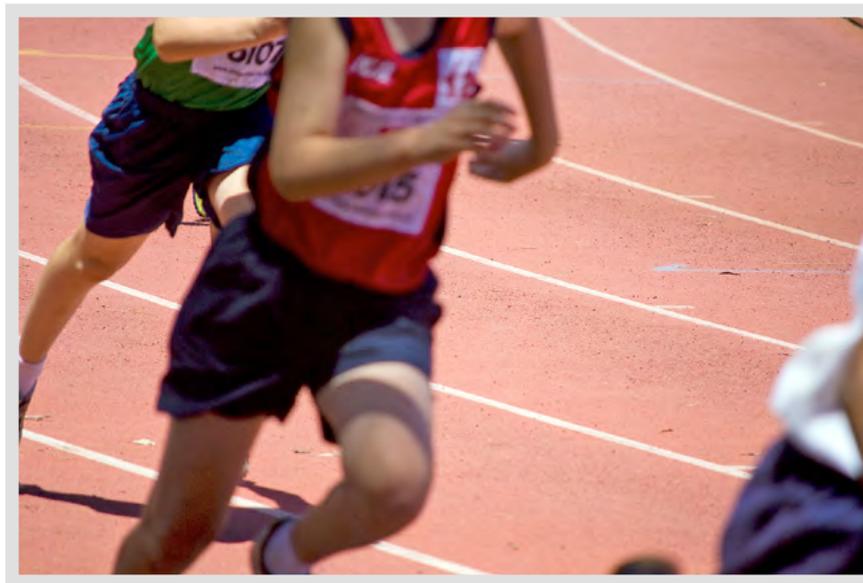


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6 CONCLUSION

The Canning Vale Sports Master Plan project has sought to investigate the feasibility of developing a sporting complex on Lots 166 and 167 Clifton Road, Canning Vale in order to address a well-documented shortage of active sporting space in the south-eastern corridor of Perth. On the basis of research and a number of specialist studies, it is considered that the use of part of this site for such a facility is realistic. An indicative Master Plan has been prepared illustrating a basic movement and service network and several precincts. This provides a framework for future needs and feasibility assessment, more detailed design work and, in due course, development.



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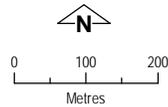


Canning Vale Sports MASTERPLAN

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APPENDIX 1

Indicative Master Plan



Produced by:
Mapping & GeoSpatial Data Branch
Department of Planning, WA
On behalf of:
Western Australian Planning Commission
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Perth\CanningValeSportsMasterPlan\
IndicativeLayout_TemplateFieldsA4.mxd

Legend

- Site Boundary
- Proposed Road
- Proposed Road Reserve
- Shared Use Paths
- Conservation/Revegetation Area
- Playing Fields (Natural Turf)
- Passive Recreation
- Indicative Building Envelope
- Cricket Nets
- Proposed Pavilion / Facilities
- Proposed Car Parking
- Well Head Protection Zone



Note: Templates shown for scaling purposes only

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APPENDIX 2

Summary of the outcomes of consultation with regulatory agencies

Agency	Comments
ATCO Gas	<ul style="list-style-type: none"> No works planned that would affect the site; Several options exist for connecting the site to a gas supply, depending on demand.
Department of Environment and Conservation	<ul style="list-style-type: none"> Resource Enhancement and Conservation Category wetlands nearby; Acid Sulphate Soils not a major concern; Several Threatened and Priority flora species are known to exist in the area; The local area contains known habitat for Carnaby's black cockatoo and the southern brown bandicoot.
Department of Fire and Emergency Services	<ul style="list-style-type: none"> Fire management requirements would be addressed in accordance with Planning for Bush Fire Protection at development stage; Issues of proximity to bushland, vehicular access, water supply (incl. hydrants) and location of structures likely to be primary considerations.
Department of Water	<ul style="list-style-type: none"> Land not within the Jandakot UWPCA is most suitable for development; The Priority 1 UWPCA area needs to be conserved. Ideally, this area would be revegetated, however, the Department of Water may reconsider this if a 'greater good' can be demonstrated; The Priority 2 UWPCA area is suitable for turfed playing fields; Any development must be compliant with the Jandakot Land Use and Water Management Strategy; The two Well Head Protection Zones (WHPZs) have particular implications for drainage; 'Fit for purpose and fit for location' principle applies. Recycled water is not favoured. If required, a trade-off program should be used to ensure that recycled water is used elsewhere.
Jandakot Airport	<ul style="list-style-type: none"> In-principle support; Obstacle Limitation Surface regulations must be addressed (reference made to the Civil Aviation Safety Authority's Manual of Standards, Part 139 - Aerodromes in this regard).

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Agency	Comments
Water Corporation	<ul style="list-style-type: none"> • Contact with the Water Corporation is necessary from an early stage of development and must continue throughout; • Two abstraction bores (J140 and J150) are located near the western boundary. The protection of these are the Water Corporation’s primary concern. Noted that the extent of the WHPZs is the Department of Water’s responsibility; • Contamination of abstraction areas by hydrochloride and pesticides (applied to turfed areas) is of primary concern to the Water Corporation; • Groundwater may be used to irrigate playing fields; if this is not available then use of recycled water is encouraged; • Connection of the site to a water supply depends on demand; an individual pump station may be desirable. No water connections are currently available, but connection should be possible; • Connection of the site to deep sewer depends on demand; an individual sewer main (as used at Canning Vale Prison) may be desirable.
Western Power	<ul style="list-style-type: none"> • Connection of the site to a power supply depends on demand. No power connections are currently available; • The nearest existing sub-station (adjacent to Jandakot Airport) services Fiona Stanley Hospital, and a new sub-station is proposed at Willetton; • Solar power should be considered.

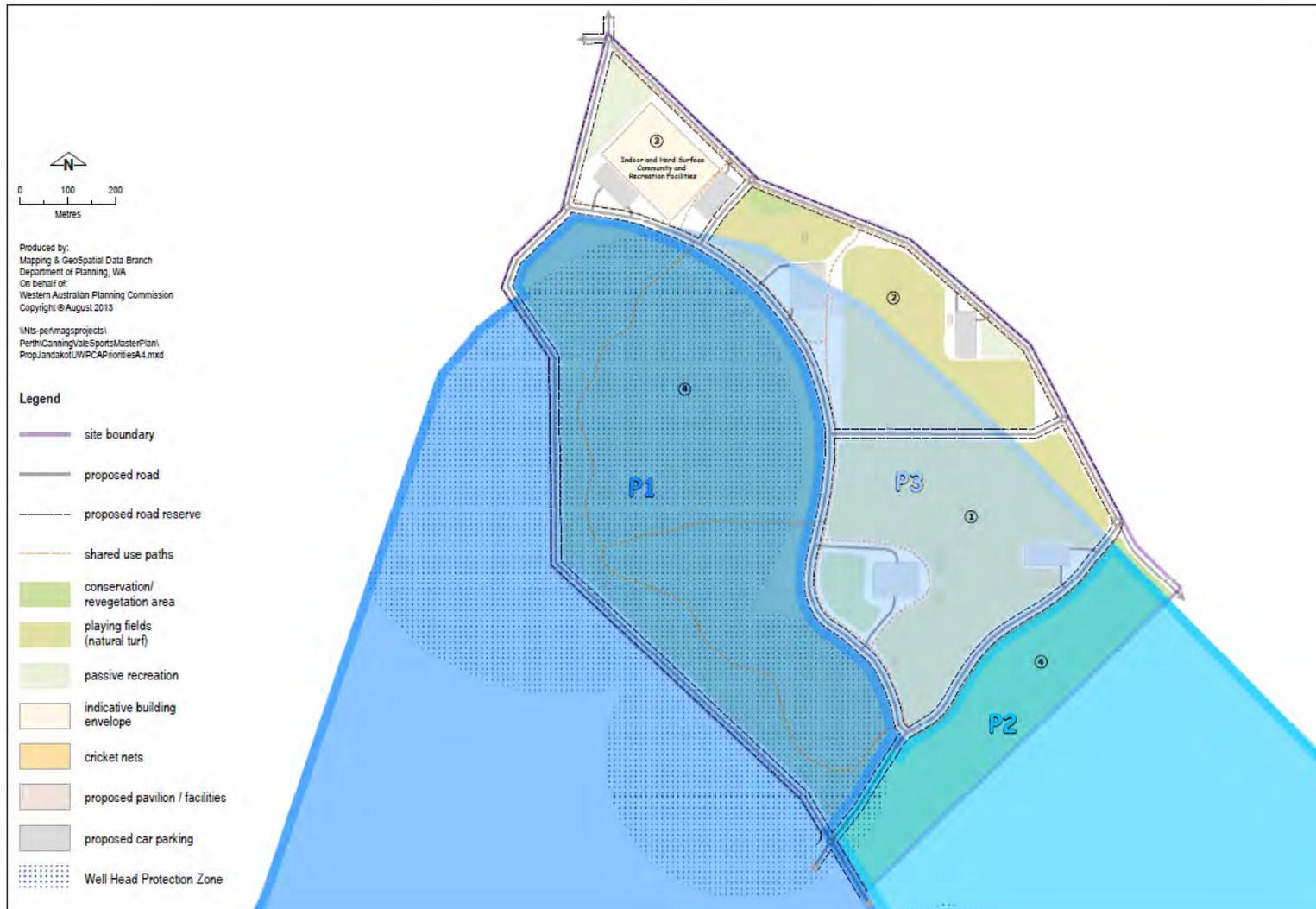


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PUBLIC SUBMISSION FORM







Government of Western Australia
Department of Sport and Recreation

CANNING VALE SPORTS MASTER PLAN PUBLIC CONSULTATION STRATEGY

Version:	0.3
Release Status:	DRAFT
Release Date:	27 August 2013
Author:	Victoria Brown
Owner:	Craig Shepherd
Client:	WAPC/City of Canning/ DSR
File Number:	DP/11/01537/1

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1 Purpose

This Public Consultation Strategy outlines how the broader community, sporting groups and other stakeholders will be involved in the preparation of the Canning Vale Sports Master Plan. It describes the means and frequency of communication to key parties (both internal and external) to the project; facilitates engagement with stakeholders through the establishment of a controlled flow of information; and provides a means by which feedback can be provided.

2 Engagement Procedure

A number of methods will be used to engage both internal and external parties. These will include (at a minimum), media releases, advertising campaigns, public events such as workshops and/or onsite meetings and any other form of internal and external communications as may be deemed necessary.

2.1 *Engagement Objectives*

The objectives of engaging and involving both internal and external stakeholders and other interested parties of the project are to:

- Collaboratively develop a Master Plan which addresses the recreation and sporting needs and requirements of the broader community.
- Generate discussion and consensus on the scope and objectives for the Master Plan.
- Ensure timely provision of relevant information to all stakeholders regarding the proposed complex format and the staged implementation process.
- Develop community, staff and management acceptance and ownership of the Master Plan as a guide to the staged development of the land for recreational purposes.

2.2 *Key Messages*

The key messages to be delivered to stakeholders (both internal and external) and other interested parties are:

The Master Plan will provide the indicative layout and costings for the physical development of the land for recreational purposes, identifying associated risks, constraints and opportunities associated with the site.

The Master Plan will establish strategies and desired outcomes that will guide the timelines, nature and extent of recreational development on the land. The land is required to be developed to cater for a variety of sporting codes and user groups and will be developed in a sustainable manner that does not impact on the Jandakot Water Mound or Well Head Protection Zones.

Feedback from the community, user groups and service agencies will inform the development of the Canning Vale Sports Master Plan.

2.3 Public Consultation Strategy

The Public Consultation Strategy will be a tool to deliver the key messages to Project Sponsors, sporting groups and community members and will include:

- Meetings and correspondence with key stakeholders, working group members and sporting groups in the area to share and engage in the planning process for the Master Plan.
- Advertisements and direct invitations to public workshops for the community and sporting groups to attend.
- Workshops with the community to seek agreements on the objectives of the draft Master Plan and the final Master Plan (plus associated documents).

3 Roles and Responsibilities

Name	Responsibilities
Department of Planning (DoP)	Lead agency for all correspondence and discussions as well as organisation and delivery of community engagement processes for the Canning Vale Sports Master Plan; project management role.
City of Canning (the City)	Partner for all correspondence and discussions as well as organisation and delivery of community engagement processes for the Canning Vale Sports Master Plan.
Department of Sport and Recreation (DSR)	Partner for all correspondence and discussions as well as organisation and delivery of community engagement processes for the Canning Vale Sports Master Plan.

4 Stakeholder Analysis

The following is a summary of the key stakeholders of the project, both internal and external with their information needs:

Internal Stakeholders (Project Sponsors):

Key Stakeholder	Information required from the project	Information to be provided to the project
DoP	Overarching Master Plan to guide subsequent recreation development and related town planning processes.	Master Plan which can be used to guide recreational development and related town planning processes.
City of Canning	Guiding objectives and clarity over how recreation facilities can be created on the land.	Agreed objectives and identified issues from the City's perspective which need to be considered.
DSR	Guiding objectives and clarity over how recreation facilities can be created on the land.	Potential recreational facilities that can be established on the land. Potential funding opportunities.

External Stakeholders

Key Stakeholder	Information required from the project	Information to be provided to the project
City of Gosnells	Guiding objectives and clarity over how recreation facilities can be created on the land.	Advisory capacity where required.
Department of Water (DoW)	Population figures/development format to enable drainage and water management analysis.	Ground and surface water related issues.
Water Corporation	Population figures/development format to plan for water servicing.	Water servicing capabilities and costs.
Western Power	Population figures/development format to plan for energy servicing.	Energy servicing capabilities and costs.
Department of Environment and Conservation	Boundaries and extent of Master Plan area to determine presence of priority species and other environmental assets or features which require protection.	Location and protection measures for priority species as well as any other environmental features, assets or issues which need to be considered.
Canning Vale and surrounds, community and residents	Impacts and potential development scenarios.	Preferred objectives and development scenarios and options from the community and residents perspective.

Key Stakeholder	Information required from the project	Information to be provided to the project
Football (WAFC)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Cricket (WACA)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Tennis (Tennis West)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Rugby Union (RWA)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Rugby League (WARL)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Hockey (HWA)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Swimming (SWA)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Baseball (BWA)	Extent of developable area and proposed needs from community and resident perspective	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.

Key Stakeholder	Information required from the project	Information to be provided to the project
Perth Racing	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Volleyball WA	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Little Athletics (WALA)	Extent of developable area and proposed needs from community and resident perspective.	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Greyhounds WA	Extent of developable area and proposed needs from community and resident perspective	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.
Soccer (FW)	Extent of developable area and proposed needs from community and resident perspective	To identify the most appropriate mix of recreational uses to ensure that a balanced suite of activities can be provided on the land from a sporting group perspective.

4.1 Past consultation or communications with stakeholders

The following are consultations/communications that have been carried out with stakeholders prior to the project:

Stakeholders	How were they consulted?	When
City of Canning Mayor, Minister for Planning, MLA Southern River	Initial discussions prior to commencing with the project	Early 2011
City of Gosnells	Meeting	Early 2012
Department of Sport and Recreation	Liaison on the procedure to be followed	Early 2012
Service Authorities	Appointed consultant(s) undertook consultation as part of feasibility studies	Late 2012 to Mid 2013

5 Public Consultation Plan

The following matrix shows how and when the communication and engagement processes will be delivered to the various stakeholders during the life of the project:

(Note: updated as required to reflect project needs during the life of the project)

Target Audience	Information Required	Frequency	Communication Method	Responsible	Timeframe
City of Canning, DSR	Project Initiation Notification	One-off	Email	Project Manager	At project initiation
City of Canning community	Newspaper release	One-off	Newspaper release (the Examiner of 26 April 2012)	City of Canning	At project initiation
City of Canning, DSR	Working group meetings	Monthly	Email	Project Manager	As required
City of Canning, Water Corporation, Western Power, DEC, DOW, Canning Vale and broader community	Invitations to public workshops	As needed	Email invitations, advertisements and media releases	Project Manager	As required
City of Canning, DSR, Water Corporation, Western Power, DEC, DOW, Canning Vale community	Feedback on objectives draft and final Master Plan	As needed	Email invitations, advertisements and media releases	Project Manager	As required
City of Canning, DSR	Lessons learned and recommendations for improvement	One-off at end of project	Lessons Report	Project Manager	End of Project

6 Community Engagement Methodology

In the development of the Canning Vale Sports Master Plan, different levels of communication and consultation has occurred with relevant stakeholders including the following:

Date	Consultation
August 2012	Consultation with DSR and the City on the intent of the project
October - November 2012	Consultation with service agencies regarding utility provision
November 2012	Collation of preliminary research with DSR and the City
October - November 2012	Consultation with sporting groups through a survey
November 2012	Meeting(s) with sporting groups
February 2013	Collation and review of submissions received by DSR and the City
August 2013	Presentation of draft Master Plan and report to West Australian Planning Commission and Project Board for consent to advertise
September - October 2013	Consultation on draft Master Plan and report with sporting groups and broader community
November 2013	Collation of submissions, amendment of report, as necessary, and adoption of Master Plan.



Methodology Considerations

The scale and district nature of the Canning Vale Sports Complex means that the Canning Vale Sports Master Plan is likely to receive attention from a wide range of stakeholders.

While there is a Working Group, there needs to be clear mechanisms for engaging more widely and more deliberatively, to build ownership of the Master Plan and support for the proposal, particularly the staged timeframe for implementation.

The Working Group represents the interests of local government, and key agencies. While this Working Group is critical to keep the strategy progressing at an operational level, it does not represent the spectrum of users or local residents. This Public Consultation Strategy will attempt to get input from the wide spectrum of interests, within the constraints of the time and resources available.

The design of the proposed methodology has taken into account the following:

- an analysis of those with a genuine stake in the Master Plan;
- the surrounding residents who may have an interest in the proposed Master Plan;
- special needs participants are likely to have - especially with respect to time (weekends/evenings), printed materials and access; and
- the time and skill capacity of individuals and organisations to participate in the program.

The table below illustrates the proposed methods, timing of activities, resources required and the responsible authority. This public consultation phase will seek formal comment from individuals and authorities who will utilise or be in proximity to, the Canning Vale Sports Complex. This phase will occur after approval from the WAPC and City of Canning has been received for consent to advertise.

Method	Timing	Resources	Responsibility
1. Educate			
<p>1. Direct mail outs to the identified stakeholder groups to inform stakeholder representatives of the draft Canning Vale Sports Master Plan being available for public comment.</p> <p>2. Direct mail outs to residents within proximity of proposed complex, utilising same radius as November 2012 consultation.</p> <p>3. Public notice in local newspaper(s) circulating in the area.</p> <p>4. Information to be provided on the City of Canning's website explaining the strategy and how people can be involved, including a submission form.</p> <p>5. Displays in the City of Canning's council offices with summary information.</p>	September	<p>Staff time and costs.</p> <p>Public Notice cost.</p> <p>Mail Out costs.</p>	<p>DoP to prepare mail out information sheet similar to that used for Jandakot Eastern Link.</p> <p>City of Canning to undertake mail out/letter drop and place newspaper adverts.</p>
2. Involve			
<p>6. Hold a public presentation(s) to:</p> <p>a) Provide an overview of the Master Plan and indicative staging of development;</p> <p>b) Seek feedback on the proposal.</p>	September /October	<p>Staff time and costs.</p> <p>Venue to be provided by City of Canning.</p>	DoP, DSR and City of Canning.
7. Targeted engagements with key stakeholder groups if required, e.g. Sporting Clubs	September	Staff time and costs.	DoP and City of Canning.
3. Finalising			
8. Collate submissions received.	October/ November	Staff time and costs.	City of Canning in consultation with DoP.
9. Amend Master Plan to reflect community comments (as necessary).	November	Staff time and costs.	DoP in consultation with City of Canning.
10. Present amended report, including all submissions received and any modifications undertaken, if necessary, to the Project Board for adoption.	November	Staff time and costs.	DoP in consultation with City of Canning.
11. Present amended report, including all submissions received and any modifications undertaken, if necessary, to the WAPC for adoption..	November	Staff time and costs.	DoP.
<p>12. Upon adoption of Master Plan report, undertake the following adoption notifications:</p> <p>a) Notification of the adoption of the Strategy on the City's website.</p>	November/ December	Staff time and costs.	City of Canning in consultation with DoP.

7 Evaluation and monitoring

Evaluation and monitoring the effectiveness of the Public Consultation Strategy of the project will be based on:

- Monitoring feedback throughout the stages and provide appropriate response as required.
- Measuring and evaluating strategies as they are implemented, against the communication objectives. Stakeholders will be asked for feedback on the communication and provide appropriate responses on:
 - Was the information effective?
 - Were stakeholders satisfied with the information?
 - Could an improvement be made to future messages, bulletins, etc?

8 Public Consultation Budget

All communication and engagement materials will be prepared in-house and as such, a considerable amount of additional costs are not anticipated. Expenditure may occur when advertisements are placed in local newspapers when milestones are achieved. In-kind resources will be sought from the City of Canning and Department of Sport and Recreation for public meetings held in Canning Vale and the collation and review of submissions. An appropriate time for community meetings will need to be identified.

9 Public Consultation Timeline

Key Project Planning Stages



Community Management Steps

ITEM NO: 9.4

CITY OF GREATER GERALDTON RESIDENTIAL DEVELOPMENT STRATEGY - FOR FINAL ENDORSEMENT

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Regional Planning and Strategy
AUTHORISING OFFICER:	Executive Director Regional Planning and Strategy
AGENDA PART:	E
FILE NO:	DP/12/01201/1
DATE:	28/06/2013
ATTACHMENT(S):	1: Location Map 2: Strategy Map 3: Commercial Activity Centres Strategy Map 4: Schedule of Submissions 5: Schedule of Modifications

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the attached Schedule of Submissions;*
- 2. endorse the City of Greater Geraldton Residential Development Strategy subject to the modifications listed in the attached Schedule of Modifications (Attachment 5) being carried out, as being consistent with 12A(3) of the Town Planning Regulations 1967.*

SUMMARY:

The City of Greater Geraldton has prepared a Residential Development Strategy ("the Strategy") in order to coordinate future residential development within the urban area of Geraldton. The Local Government has recommended modifications to the Strategy in response to matters raised during the advertising period and it is recommended the modifications be supported.

BACKGROUND:

The City of Greater Geraldton ("the City") is located in the Mid West region, approximately 430km north of Perth (**Attachment 1: Location Map**). The City was formed by the amalgamation of 3 local government areas and subsequently the current WAPC endorsed local planning framework includes a total of 4 local planning

schemes; two local planning strategies (Greenough and Mullewa); a rural strategy (Greenough); and a number of district and local level structure plans. A draft regional Planning and Infrastructure Framework (MWRPIF) has been prepared for the Mid West Region. The MWRPIF was advertised from 5 November 2011 to 20 January 2012. The Strategy is consistent with the principles and objectives contained within the MWRPIF, in particular the proposed role of the City as a primary activity centre for the Mid West region.

The Strategy has been jointly prepared with a draft Commercial Activity Centres Strategy (**Attachment 2: Strategy Map & Attachment 3: Commercial Activity Centres Strategy Map**). The documents are closely aligned and share an accompanying Background Report. It is intended that the indicative pattern of residential development identified by the Strategy be used to estimate the demand for commercial floor space requirements in the Geraldton Urban Area. Similarly, the proposed location of activity centres in the Strategy reflects the Commercial Activity Centre Strategy.

The Strategy aims to guide future residential development within the City and the 'Geraldton Urban Area' in particular, spurred by potential economic and population growth in the region. Three population growth scenarios are identified, based on low, medium and high growth projections. A target of up to 100,000 residents by 2021 is at the heart of the City's vision of capacity building to support an aspirational growth scenario, dependent on high economic growth due to increased mining activity in the region and the commencement of major construction projects in the region.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Town Planning Regulations 1967

Regulations 12A and 12B

Strategic Plan

Strategic Goal:

Planning

Outcomes:

- Effective delivery of integrated plans
- Planned local communities - developing a sense of place

Strategies:

- Implement state and regional planning priorities
- Improve local planning service capability

Policy

Number and / or Name:

- Local Planning Manual (LPM)
- State Planning Policy 3 - Urban Growth and Settlement (SPP 3)
- State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)
- State Planning Policy 2.5 - Agricultural and Rural Land Use Planning (SPP 2.5)
- Liveable Neighbourhoods (LN)
- Development Control Policy 3.4 - Subdivision of Rural Land (DC 3.4)
- Greater Geraldton Structure Plan 2011
- City of Greater Geraldton Local Planning Scheme No.

-
- 5 (LPS 5)
 - Draft Mid West Planning and Infrastructure Framework (MWPIF)

DETAILS:

Part 1 of the Strategy sets out the relevant background and supporting information, including a number of issues and challenges that have been used to inform the guiding principles outlined in Part 2 of the document. The eight guiding principles focus on the premise that activity centres are fundamental to creating and maintaining sustainable urban form. A number of associated outcomes and implementation measures are linked to each principle in order to guide decision making and the implementation of the Strategy.

The spatial extent of current and proposed future residential land uses for the 'Geraldton Urban Area', including rural living areas, are also provided at Part 2 (refer **Attachment 2**). Key proposals for future residential and activity centre development are incorporated with existing land uses, including zoned but undeveloped land, in order to guide future local planning scheme amendments, structure planning and a local planning scheme and strategy review. The key proposals are outlined as follows:

- general identification of sites for proposed district, large neighbourhood, neighbourhood and local scale activity centres;
- broad allocation of residential densities, in particular medium (R40 - R60) and high (R80+) densities located within appropriate activity centre walkable catchments;
- indication of future residential areas within the 'Geraldton Urban Area', that require rezoning and/or structure planning to further define the extent and type of residential development that should occur; and
- identification of Central Greenough, Mullewa and Walkaway as regional townsites and rural activity/service centres. A general approach to future residential development is outlined for each townsite.

Indicative staging based on the three population growth scenarios is provided at Part 2.9, which identifies general preferences for development.

Implementation of the Strategy is addressed at Part 3, with a number of strategic, statutory and infrastructure planning recommendations, including the following:

- review of the existing planning framework, in particular the preparation of a new local planning strategy and a single local planning scheme for the City, and local planning policies;
- informed zoning and land uses based on the Strategy's principles;
- building siting, design and residential interface treatments; and
- assessment of additional infrastructure requirements, such pedestrian and cycle access, car parking and amenity, health and community facilities.

The Strategy suggests that a review should occur with the Commercial Activity Centre Strategy upon reaching each of the City's population targets.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The Strategy has the potential to implement WAPC state planning policy through the local planning framework and guide future residential land use and development in the City of Greater Geraldton.

CONSULTATION:

The Strategy was advertised concurrently with the Commercial Activity Centre Strategy for a period of 47 days from 25 March - 10 May 2013, in accordance with section 12B of the *Town Planning Regulations 1967 (as amended)*. A total of 10 submissions were received, all from government agencies or utility providers, with no objections to the Strategy (**Attachment 4: Schedule of Submissions**). The Local Government has recommended minor modifications to the Strategy to address the submissions, as discussed below.

OFFICER'S COMMENTS:

Planning Considerations

The overall direction of the Strategy is to support development of higher density residential in the city centre and in the areas immediately surrounding key activity centres. The consolidation of commercial and residential development in community focal points or activity centres, as outlined in SPP 4.2 is supported. The proposed allocation of residential densities surrounding a hierarchy of activity centres as per **Attachment 2** is consistent with SPP 4.2. The Strategy restricts future residential development to the 'Geraldton Urban Area' and the townsites of Central Greenough, Mullewa and Walkaway is consistent with the key objectives of SPP 3.

The extent of the proposed 'Rural Living' area is consistent with the intent of SPP 2.5 and DC 3.4, given that it is confined to existing rural living areas zoned under LPS 5 and identified in the Greater Geraldton Structure Plan. The Waggrakine/Moresby and Moresby 'Future Residential Areas' include rural living as a potential development option, subject to further detailed planning, in particular structure planning. It is noted that securing land for rural living either through the local planning scheme or structure planning (i.e. where land is zoned 'Development' and land use is determined through structure planning) will only occur where proposals are consistent with WAPC rural planning policies.

As implied at Part 2.5 of the Strategy, the areas identified for future residential development will be subject to further detailed planning processes such as structure planning, as consistent with the intent of LN policy. Structure planning will be carried out in accordance with scheme requirements and having regard to the WAPC draft Model Text Provisions for Structure Plans. The land identified as 'Future Residential Areas' on the Strategy is consistent with the strategic intent of the Greater Geraldton Structure Plan. These areas are categorised as either 'Urban', 'Future Urban', 'Rural Living' and/or 'Development Investigation Areas' on the Greater Geraldton Structure Plan.

The implementation measures for strategic, statutory and infrastructure planning proposed at Part 3 reflect the orderly and proper planning practices currently utilised in planning for communities and are supported.

Modifications

The Local Government proposed a number of minor modifications to the Strategy Background Report and the Strategy document in response to the submissions. All of the modifications to include additional information and correct grammar or numbering are supported.

The Department of Housing requested that the former Spalding Primary School and a Crown land parcel on Mitchell Street in Spalding be included as 'Medium Density Residential (R30-R60)'. The modification is supported as it is consistent with the intent of SPP 3 and SPP 4.2. The land is identified as 'Urban' in the Greater Geraldton Structure Plan which will predominately cater for rising housing demand in Greater Geraldton in the immediate-term.

Conclusion

The Residential Development Strategy provides a sound basis to guide future residential land use and development within the City of Greater Geraldton and is in accordance with WAPC planning policy and legislative requirements. Endorsement subject to modifications is recommended.

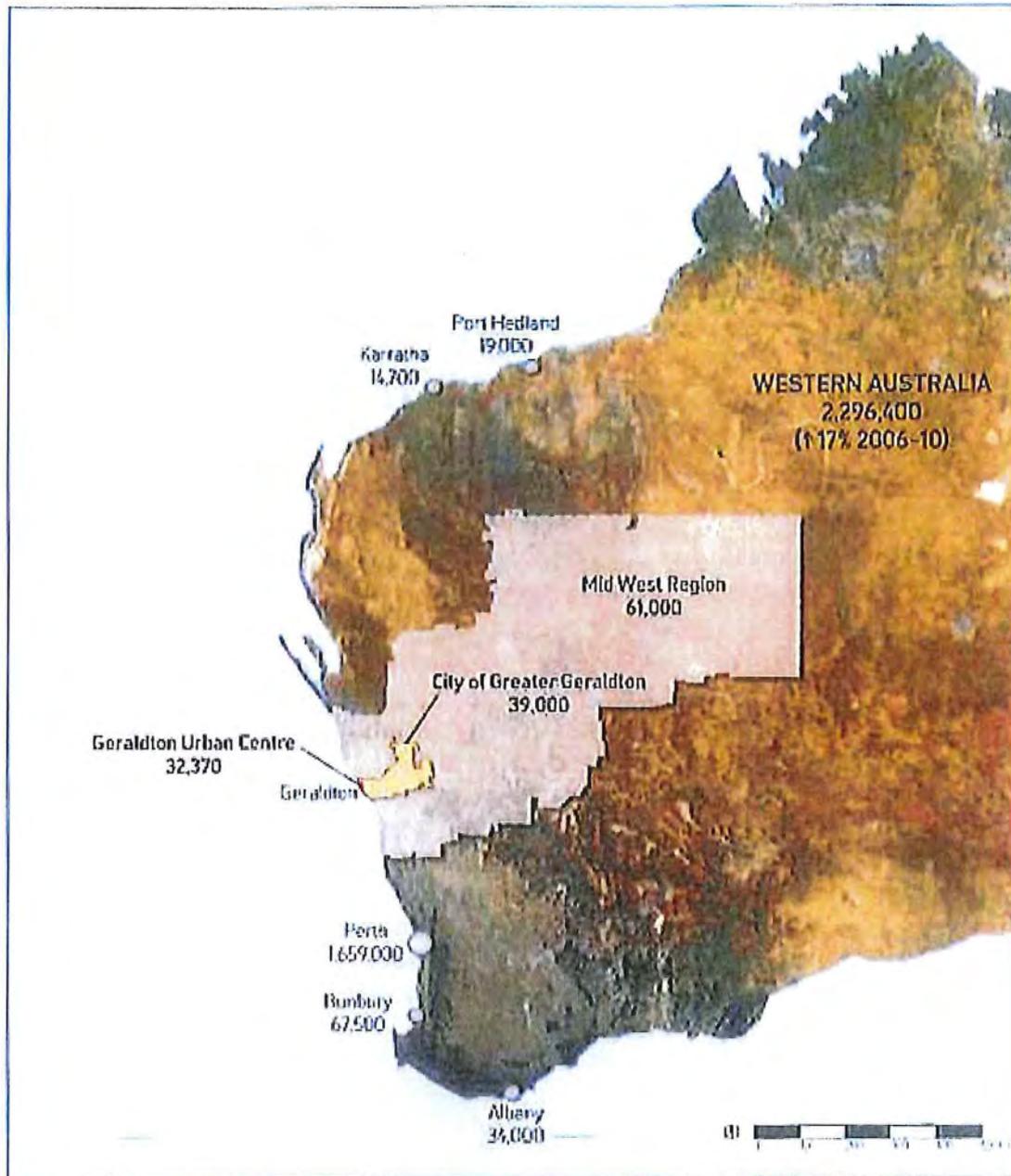


Figure 1 – Location of the City of Greater Geraldton in Western Australia

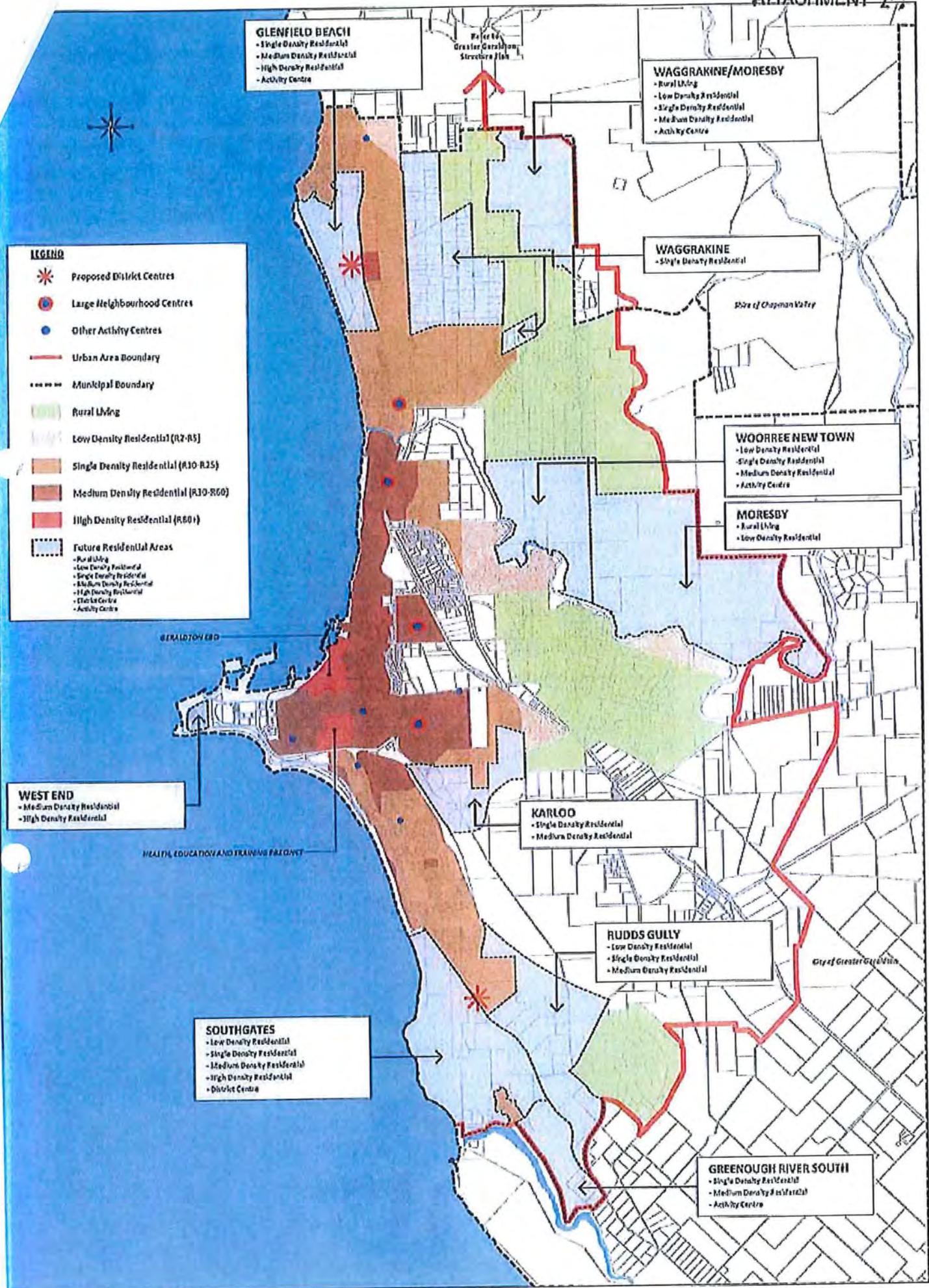


Figure 4: Residential Development Strategy Map (Geraldton)



SCHEDULE OF SUBMISSIONS
City of Greater Geraldton Residential Development Strategy

No	Name & Address	Summary of Submission	Local Government Recommendation	DoP / WAPC Recommendation
1	Western Power	Western Power only objects if alignments, easements or clearances are encroached or breached. Changes, if required, to the existing power system is the responsibility of the individual developer.	Comments relate to individual developments and not to the Strategy document.	Note submission. The comments of the Local Government are supported.
2	Public Transport Authority	PTA has no comment to make on the Bluff Point Area becoming medium density residential. — It is not clear what zoning is proposed for the site between Foreshore Drive, Marine Terrace, Forest and Durlacher Streets.	The site is identified in the Strategy as "High Density Residential (R80+)".	Note submission.
3	Department of Education	Based upon the projected residential densities the Department advises that it currently has adequate facilities built and proposed to cater for the anticipated student yield from future developments.	No comments.	Note submission.
4	Department of Agriculture and Food (DAFWA)	<p>DAFWA supports the planning and implementation of buffers zones and/or specific separation distances to minimise conflict between agricultural and incompatible land uses. DAFWA endorses Recommendation 12 - Residential Interface in the Residential Development Strategy which promotes the general principle of minimising land use conflict.</p> <p>The Department of Health (DoH) has released Guidelines for Separation of Agricultural and Residential Land Uses; Establishment of Buffer Areas.</p> <p>The guideline provides the DoH position for the establishment of buffers in new residential subdivisions where possible conflict with existing agricultural land uses may occur. When a residential or urban use is proposed next to an existing agricultural area, the buffer areas and separation distance should be located within the area being developed and should not be imposed on the existing agricultural land use. This principle protects the prior rights of agricultural producers to practice agriculture on rural land.</p> <p>DAFWA endorses the Residential Development Strategy's identification of important areas of agricultural land as highlighted in Section 1.4.8 (WORK; Economy and Commerce).</p> <p>DAFWA has also made several suggestions for changes to the strategy text in Section 3.3.4</p>	Uphold submission. Changes in the text are supported. Modify section 3.3.4 of the Background Report in accordance with the submission.	Uphold submission. The comments and textual changes to the Background Report proposed by DAFWA add value to the document and ensure accurate information is provided. The modification is supported.

		(Valuable Agricultural Land) of the Background Report in order to improve the clarity of the text.		
5	Department of Environment and Conservation (DEC)	<p>DEC advises the City to comply with:</p> <ul style="list-style-type: none"> All relevant sections of the Environmental Protection Act 1986 and the Contaminated Sites Act 2003 as well as their relevant subsidiary legislation; and The criteria set out in all relevant EPA guidance statements. In particular, EPA Guidance Statement No. 3 'Separation Distances between Industrial and Sensitive Land Uses (June 2005)' which outlines recommended separation distances from different industries to protect other users from emissions and discharges. <p>DEC anticipates that environmental planning issues will be appropriately managed through the City's planning process.</p>	No comments.	Note submission.
6	Department of Housing	<p>The Department supports the Strategy objectives as they align with the key principles in the State Affordable Housing Strategy. The Department is supportive of the focus which the Strategy places on housing affordability, aged and student housing and the intensification of development around activity centres.</p> <p>Spalding: The Strategy Map designates the western portion of Spalding as 'Medium Density (R30 - R60)', which appears to coincide with the walkable catchment of the Bluff Point Neighbourhood Centre. The Department submits that the medium density designation should be extended to include the former Spalding primary school site and adjacent are of crown land in Mitchell Street. The undeveloped lands are around 800m from the Bluff Point Neighbourhood Centre and offer the potential for diversity of housing, which may act as a catalyst for re-developing and rationalising the Department's older properties in the near vicinity. The R30 to R60 codings would provide a greater measure of flexibility in respect to meeting the requirements of smaller sized households.</p>	<p>Uphold Submission. Include the former Spalding primary school site (Lot 500 cnr Broome & Anderson Streets) and the Crown land (Lot 1124 Mitchell Street) as 'Medium Density Residential (R30 - R60)' on Figure 4: Residential Development Strategy Map (Geraldton Urban Area).</p> <p>The Department owns the former Spalding primary school site (Lot 500).</p> <p>The land parcels total around 8 hectares in size and represent a significant opportunity for redevelopment in the Spalding locality.</p> <p>The 'Commercial Activity Centres Strategy' identifies a local centre for Spalding adjacent to the sites on Mitchell Street and this could serve as an activity generator for the increase in residential density.</p>	<p>Uphold submission. The modification to include the former Spalding Primary School site and the Crown land parcel on Mitchell Street as 'Medium Density Residential (R30-R60)' is supported. The land is identified as 'Urban' in the Greater Geraldton Structure Plan (2011). The 'Urban' category will predominately cater for rising housing demand in Greater Geraldton in the immediate-term.</p> <p>The proposal is consistent with the intent of WAPC SPP 3 and SPP 4.2.</p>
7	Main Roads WA	In general supports the strategic planning approach adopted. Section 1.4.2 NATURE: Landscape, Resources	Uphold Submission. Renumber the recommendations in Section 3.0 accordingly.	Uphold submission. The comments of the Local Government are

		<p>and Heritage</p> <p>There is a lot of native vegetation within road reserves so we are very aware of the importance of preserving and protecting this native vegetation to contribute to the landscape and the environment.</p> <p>Recommendation 6 is not present in the document so may be missing or recommendations could be incorrectly numbered.</p>	<p>This is a textural error in the document and the recommendations need to be renumbered accordingly.</p>	<p>supported.</p>
8	State Heritage Office	<p>Part 2.2 of the Background Report details a number of planning instruments considered relevant. Part 2.2.1 'State Statutory Planning', makes reference to several State Planning Policies, and should also refer to State Planning Policy 3.5 Historic Heritage Conservation.</p> <p>It is encouraging to see a strong consideration of heritage within the draft Strategy, such as the recommendation for the design guidelines to address cultural and heritage protection. This will assist in ensuring that new development does not adversely affect the significance of heritage places and areas.</p>	<p>Uphold Submission. Under Section 2.2.1 include reference to State Planning Policy 3.5 Historic Heritage Conservation.</p> <p>The State Planning Policy gives useful guidance on the identification, planning and management of places of historic heritage significance and it is considered appropriate that it also be referenced.</p>	<p>Uphold submission. The modification is supported.</p>
9	Water Corporation	<p>Provided general comments on the effect of increasing density on water and wastewater services.</p> <p>Provided advice on the Corporation's review of water scheme planning.</p> <p>Provided advice on some constraints to the existing and planned water capacity for northern Geraldton.</p> <p>Recommendation 12 and Figures 24 and 25. Where buildings are proposed with these features consideration should be given to the existing services within the cross section.</p> <p>Provided details on water tank reserve storage in northern Geraldton.</p> <p>Provided details on the infill sewer programme projects and the remaining potential infill sewer areas.</p>	<p>No comments.</p>	<p>Note submission.</p>
10	Department of Health	<p>Water and Sewerage:</p> <p>All developments are required to comply with the provisions of the draft Country Sewerage Policy. Potable water must be of the quality specified under the Australian Drinking Water Quality Guidelines 2004.</p> <p>Public Health Impacts:</p> <p>The proposed draft Strategy provides the City the</p>	<p>Comments relate to individual developments and not to the Strategy document.</p> <p>The City is currently preparing a draft Public Health Plan to coincide with</p>	<p>Note submission. The comments of the Local Government are supported.</p>

		<p>opportunity to minimise land use conflicts and incompatible activities which is the most common issue in land use and development.</p> <p>You should consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process.</p>	<p>the Public Health Bill becoming law once passed by both Houses of Parliament.</p>	
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Schedule of Modifications
City of Greater Geraldton Residential Development Strategy

- (a) Modify Part 3.3.4 of the Background Report in accordance with the submission from the Department of Agriculture and Food.

To ensure accurate background information is provided, as recommended by the Department of Agriculture and Food.

- (b) Modify Figure 4 - Residential Development Strategy Map (Geraldton Urban Area) to include the former Spalding Primary School site (Lot 500 cnr Broome Street and Anderson Street) and the Crown Land parcel (Lot 1124 Mitchell Street) as 'Medium Density Residential (R30-R60)'.

The proposal is consistent with the intent for the land as per the updated strategic structure plan for Geraldton (the Greater Geraldton Structure Plan 2011) and the key objectives of State Planning Policy 3 - Urban Growth and Settlement and State Planning Policy 4.2 - Activity Centres for Perth and Peel. As recommended by the Department of Housing.

- (c) Renumber the recommendations at Part 3 - Implementation.

To rectify inaccurate numbering, as recommended by Main Roads Western Australia.

- (d) Include reference to State Planning Policy 3.5 - Historic Heritage Conservation at Part 2.2.1 of the Background Report.

To ensure accurate reference to relevant WAPC planning policy, as recommended by the State Heritage Office.

ITEM NO: 9.5

CITY OF GREATER GERALDTON COMMERCIAL ACTIVITY CENTRES STRATEGY - FINAL APPROVAL

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager - Central Regions
AUTHORISING OFFICER:	Executive Director - Regional Planning and Strategy
AGENDA PART:	E
FILE NO:	DP/12/01202/1
DATE:	16 Jul 2013
ATTACHMENT(S):	1. Location Map 2. Commercial Activity Centres Strategy Map 3. Residential Development Strategy Map 4. Schedule of Submissions

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the schedule of submissions (attachment 4 - schedule of submissions);**
- 2. endorse the commercial activity centres strategy in accordance with the Town Planning Regulations 1967 (as amended) subject to the following modifications being carried out:**
 - 2.1. Modifying Section 3.3.4 - Valuable Agricultural Land of the Background Report to read:**

"Agriculture continues to be the predominant land use in the City of Greater Geraldton. The area contains two distinct agricultural regions: the south-west agricultural region (mainly freehold or broad acre agricultural land) and the rangelands (pastoral country). Figure 27 shows the extent of the rangelands within the City of Greater Geraldton. Rangelands are generally suitable only for grazing cattle of sheep due to lower rainfall levels.

Within the City of Greater Geraldton, the south-west agricultural region is dominated by cropping, predominantly wheat, canola and lupins. There is also some livestock, mostly sheep and cattle. In the recent Geraldton-Greenough Local Rural Strategy (City of Greater Geraldton, 2008) it was noted that the region has excellent

potential for diversifying agricultural activities into non-traditional alternatives, for example, aquaculture, floriculture and silviculture. When considering the suitability of land for future residential development and other commercial activities the value of the land for agricultural activities should be considered. There is the potential for more high quality agricultural land adjacent to the urban, rural residential and industrial areas of Geraldton to be used for non-agricultural land uses due to the physical proximity of other existing land uses";

2.2. Modifying Section 2.2.1 - "State Statutory Planning" of the Background Report to include: "State Planning Policy 3.5 - Historic Heritage Conservation".

SUMMARY:

The City of Greater Geraldton has prepared a draft Commercial Activity Centres Strategy (the Strategy) in order to coordinate future commercial development within the urban area of Geraldton. The general intent of the Strategy is consistent with WAPC policy and endorsement is recommended subject to minor modifications.

BACKGROUND:

The City of Greater Geraldton (the City) is located in the Mid West region, approximately 430km north of Perth (**Attachment 1: Location Map**). The City was formed by the amalgamation of 3 local government areas and subsequently the current WAPC endorsed local planning framework includes a total of 4 local planning schemes; two local planning strategies (Greenough and Mullewa); a rural strategy (Greenough); and a number of district and local level structure plans. A draft Mid West Regional Planning and Infrastructure Framework (MWRPIF) has been prepared for the Mid West Region. The Strategy is consistent with the principles and objectives contained within the MWRPIF, in particular the proposed role of the City as a primary activity centre for the Mid West region.

The Strategy has been jointly prepared with a draft Residential Development Strategy (RDS). (**Attachment 2: Strategy Map & Attachment 3: RDS Map**). The RDS and the Strategy received consent to advertise from the WAPC in December 2012 and March 2013 respectively. The documents are closely aligned and share an accompanying *Background Report*. It is intended that the indicative pattern of residential development identified by the RDS is to be used to estimate the demand for commercial floor space requirements in the Geraldton Urban Area.

The Strategy aims to guide future commercial development within the City and the Geraldton Urban Area in particular, spurred by potential economic and population growth in the region. Three population growth scenarios are identified, based on low, medium and high growth projections. An aspiration of up to 100,000 residents by 2021 is at the heart of the City's vision, which is dependent on high economic growth due to increased mining activity in the region and the commencement of major construction projects such as the Oakajee Port. On 28 May 2013 Council resolved to adopt the Strategy for final approval subject to modifications and forward the Strategy

for WAPC endorsement in accordance with Regulation 12B of the *Town Planning Regulations 1967*.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Town Planning Regulations 1967
Regulations 12A and 12B
Appendix B - Model Scheme Text

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans
Planned Local Communities developing a sense of place

Strategies:

- Implement State and Regional Planning priorities
- Improve local planning service capability

Policy

Number and / or Name:

Local Planning Manual (LPM)
State Planning Policy 3 - Urban Growth and Settlement (SPP 3)
State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)
Liveable Neighbourhoods (LN)
Greater Geraldton Structure Plan 2011 (GGSP)
City of Greater Geraldton Local Planning Scheme No. 5 (LPS 5)
Draft Mid West Regional Planning and Infrastructure Framework (MWRPIF)

DETAILS:

The City has sought WAPC endorsement of the Strategy in accordance with regulation 12B of the *Town Planning Regulations 1967* (Regulations) which requires all Local Planning Strategies to be in accordance with regulation 12A(3), stating that a Strategy is to set out the long term planning directions for a local government; apply State and regional policies; and provide the rationale for the zones and other provisions of the Scheme.

The City has prepared an overarching *Background Report* containing social, economic and environmental data for the GUA and providing a foundation for the development of the Strategy and RDS. The Strategy report contains 9 sections, which can be split into 4 distinct parts as shown in Table 1 below:

Table 1 - Composition of the Strategy

Part	Section	Contents	Comments
1	1	Introductory brief	Introductory brief and economic aims
	2	Objectives of Strategy	
	3	Guiding principles	Eight guiding principles
2	4	Population modelling	Aspirational target figure of 100,000 residents
	5	Commercial activity trends	Intrastate and local commercial trends which will impact on future commercial development
3	6	Hierarchy of centres	Established the proposed future hierarchy model
	7	Future distribution of commercial activity	Estimates of the productivity per square metre to determine required floor space levels
4	8	Decision making structures	How development applications are to be administered
	9	Implementation	The implementation of the CACS through the relevant statutory and policy documents

GOVERNMENT AND CORPORATE IMPLICATIONS:

The Strategy has the potential to implement WAPC state planning policy through the local planning framework and guide activity centre land use and development in the City of Greater Geraldton.

CONSULTATION:

The Strategy was advertised for 47 days from 25 March 2013 to 10 May 2013. The Strategy received eight submissions (seven from Government agencies) with no objections (**Attachment 4 - Schedule of Submissions**).

Main Roads WA did not object, however sought clarification and further information for Section 8 - Decision Making Structures and Section 9 - Strategy Implementation. The Council dismissed these requests on the basis of the proposed decision making structure in section 8 of the report.

The Department of Agriculture and Food sought minor textual changes of a technical nature, relating to description of agricultural land in the *Background Report*. The State Heritage Office requests that SPP 3.2 - *Historic Heritage Conservation* be referred to in the Strategy. Both these requests are supported by Council and can be enacted as modifications prior to final WAPC endorsement.

OFFICER'S COMMENTS:

The Strategy aims to establish a hierarchy of the existing commercial centres in the Geraldton Urban Area; analyse current demographic, social and economic trends and subsequently develop a framework to encourage the further development of the centres into efficient and sustainable activity centres.

The previous report to the WAPC determined that the rationale used in the preparation of the Strategy was consistent with the relevant State policies. The assessment in the final endorsement is aimed at ensuring the correct implementation of the Strategy as well as addressing any matters that have arisen from the public advertising stage. A summary of assessment is provided at **Table 2**.

Table 2 - Summary of Assessment

Part	Section	Contents	Assessment Tool	Compliance
1	1	Introductory brief	N/A	N/A
	2	Objectives of the Strategy	SPP 4.2	Yes
	3	Guiding principles	City of GG values	Yes
2	4	Population modelling	WA Tomorrow LG modelling	Yes. CACS uses both WA Tomorrow projections and LG modelling to determine the aspirational figure
	5	Commercial activity trends	Local and State economic and commercial trends	Yes
3	6	Hierarchy of centres	SPP 4.2	Yes
	7	Future distribution of commercial activity	Current floor space and supply and demand projections	Yes
4	8	Decision making structures	SPP 3	Yes
	9	Implementation	SPP 4.2	Yes

As shown in Table 2, the Strategy complies the provisions set out in the relevant policy and planning framework.

Conclusion

The Strategy develops a hierarchical structure and a set of general objectives in order to provide a planning framework to guide commercial activity centre development in the GUA. The information contained within complies with Local and State Policy, with further consultation to be undertaken during the advertising process.

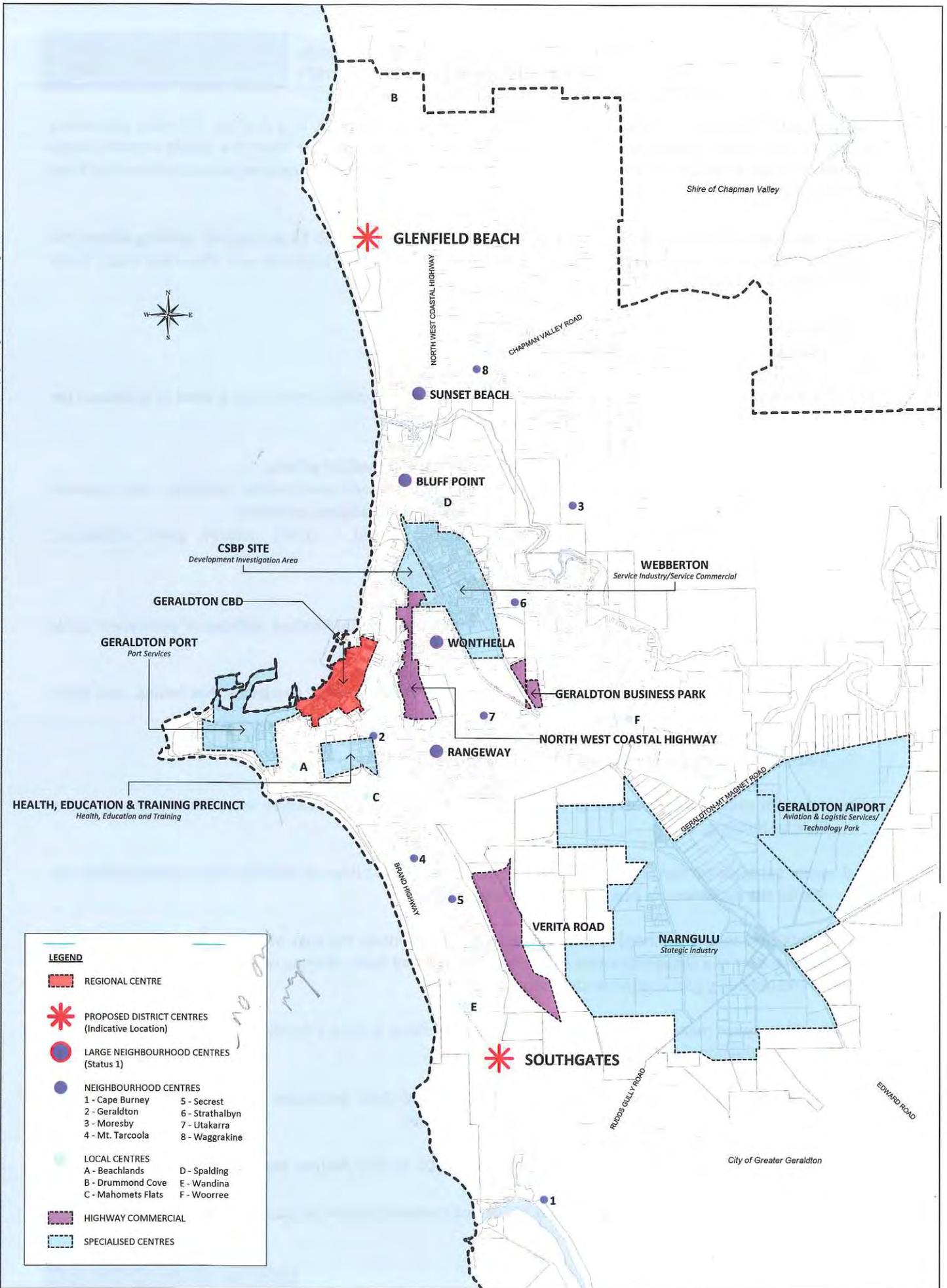
The Strategy sets out the long term activity-centre planning directions for the City, applies State and regional policy and can provide the rationale for zoning in the current and future Schemes and therefore addresses the requirements of regulation 12A(3) of the Regulations.

The Strategy is consistent with Part 2 of the LPM, and it is recommended that the WAPC grant endorsement in accordance with regulation 12B of the *Town Planning Regulations 1967*.

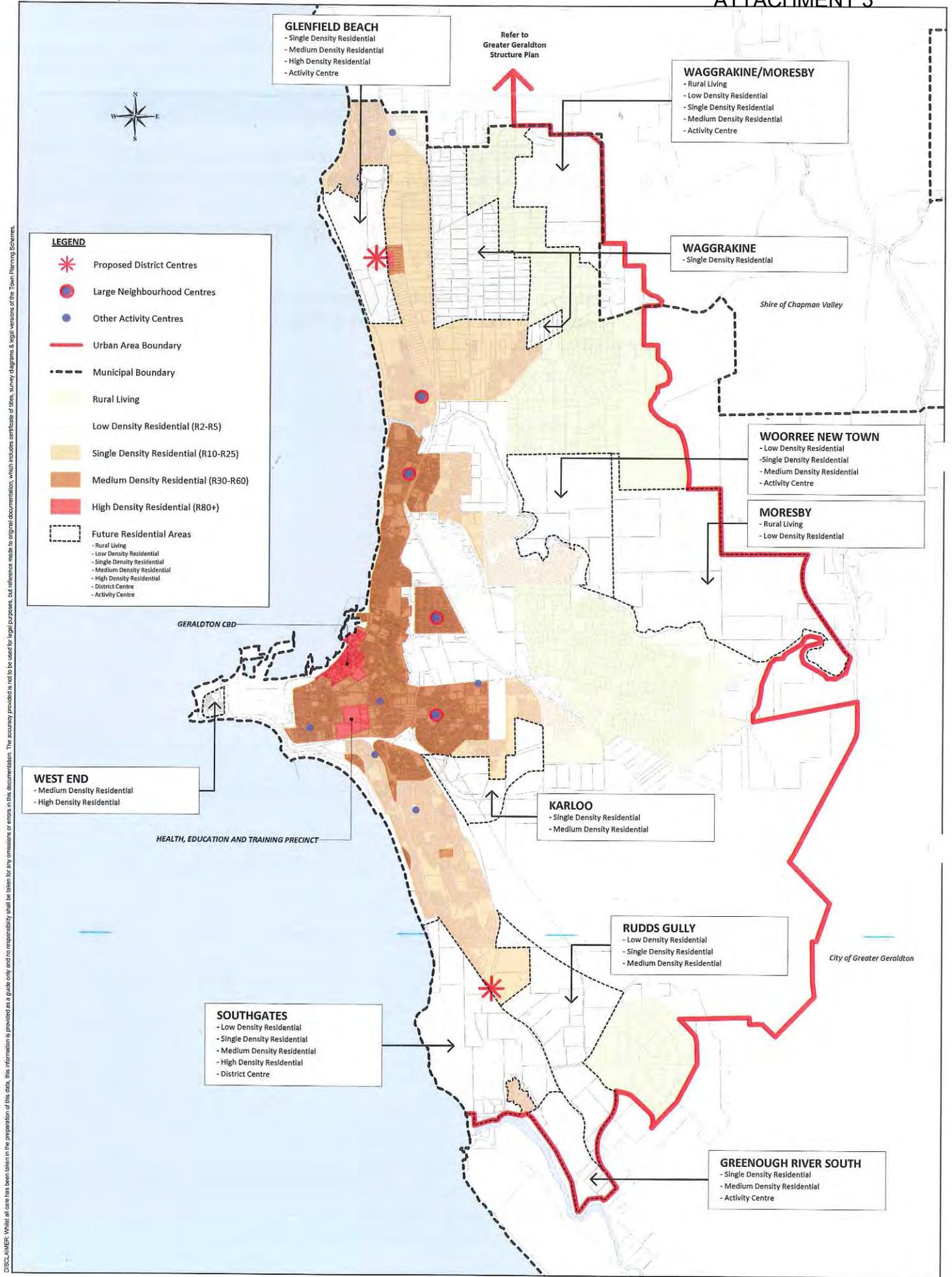


Figure 1 – Location of the City of Greater Geraldton in Western Australia

DISCLAIMER: Whilst all care has been taken in the preparation of this data, this information is provided as a guide only and no responsibility shall be taken for any omissions or errors in this documentation. The necessary provisions are not to be used for legal purposes, but reference made to original documentation which includes certificate of titles, survey diagrams & legal versions of the Town Planning Schemes.



Operator:	RJT
Department:	Town Planning
Drawing No:	LP/9/0014
Date:	26/01/12
Scale:	1:45,000 (A1)



DISCLAIMER: While all care has been taken in the preparation of this data, this information is provided as a guide only and no responsibility shall be taken for any omissions or errors in this documentation. The accuracy provided is not to be used for legal purposes, but reference made to original documentation, which includes certificate of files, survey diagrams & legal versions of the Town Planning Schemes.

Figure 4: Residential Development Strategy Map (Geraldton Urban Area)

Operator:	RJT
Department:	Town Planning
Drawing No:	LP/9/0063
Date:	19/09/12
Scale:	1:50,000 (A3)

City of Greater Geraldton Commercial Activity Centres Strategy Schedule of Submissions					
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	LG Recommendation	WAPC Recommendation
1 (03/04/13)	Western Power	Western Power only objects if alignments, easements or clearances are encroached or breached. Changes, if required, to the existing power system is the responsibility of the individual developer.	Comments relate to individual developments and not to the Strategy document.	Note Submission	1. Note.
2 (04/04/13)	John Rigter	This was a comprehensive report but did not mention some important facts. The health of the CBD depends on a sufficient supply of parking, otherwise it will continue in its downward trend. Also this parking should be free. The East Victoria Park Council should be held as an example of how it should be done.	The City has recently adopted a "City Centre Transport Planning & Car Parking Strategy" and a "City Centre Car Parking Management Plan" which adequately covers car parking issues in the CBD.	Note Submission	1. Note.
		Trading hours should be governed by the wishes of the people, and the lifestyle that they desire. Special days could be set aside for special occasions. Like open Marine Terrace on the Sunday of the Sunshine festival. Also have a special policy to retain the local identity of the City, Cities in Canada are trying to achieve that as they look as way as they support the locals, so that the City can its uniqueness.	The Retail Trading Hours Act 1987 applies to retail shops. The Background Report states: <i>In considering the merits of the deregulation of retail trading hours in it is suggested that rather than blanket deregulation of trading hours across the board, and in the interests of engendering city vitality over the medium to longer term, the City might consider the establishment of a special shopping / entertainment precinct which may feature deregulated trading hours as part of its profile. This may be used to reinforce the economic activation and creation of multiple value propositions in the City Centre.</i> Trading hours are a separate matter that Council considers on a number of occasions.	Note Submission	1. Note.
2 continued		The timing of the two large district centres planned for the South and North of the City	The Strategy makes a number of statements in support of retaining the	Note Submission	1. Note.

**City of Greater Geraldton
Commercial Activity Centres Strategy
Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	LG Recommendation	WAPC Recommendation
		<p>should only be allowed when the City is a certain size. I would think at least twice the size, otherwise they will completely suck out the life of central Geraldton, as other towns and cities in Australia found out when the retail stock in the centre empties because of the surplus supply that has happened because these boundary centres, and the town or city is suffering a down turn in growth, or worse a detracting in size. Mining is not going to grow much longer, the sector is already hitting bumps (Iluka and the Port that has been put on hold), so the continually growth of Geraldton depends on a lot of factors and the predictions could be way out going forward.</p>	<p>primacy of the CBD such as:</p> <p>7.2 GERALDTON CBD <i>The analysis assumes that existing and future demand for a discount department store is allocated to the CBD or future district centres. There is currently significant regional demand for a discount department store.</i></p> <p><i>If this demand is not to be met within the CBD in short-term there may be a planning argument for bringing forward the development of a DDS anchored district centre sooner than 2021. However given the principles outlined in Chapter 3 of this Strategy the strategic merits of this would need to be carefully considered by the City, based on detailed proposal by a proponent, in order to ensure the ongoing viability of retail in the CBD.</i></p> <p>7.3 DISTRICT CENTRES <i>The modelling of future district centres has been based on the development of a northern district centre by 2016 and a southern district centre by 2021.</i></p> <p><i>This timing of the development of these centres is designed to allow the Geraldton CBD to maximise its floorspace productivity.</i></p>		
2 continued			<p>Additionally the Strategy makes a specific recommendation:</p> <p><u>9.1.7 Geraldton CBD</u></p>		

**City of Greater Geraldton
Commercial Activity Centres Strategy
Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	LG Recommendation	WAPC Recommendation
			<i>Actively encourage the consolidation and prioritisation of the Geraldton CBD, which needs to continue to mature into an intense, diverse Regional Centre that provides a range of opportunities for work, leisure and accommodation.</i>		
3 (09/05/13)	Department of Agriculture and Food	<p>The Department of Health (DoH) has released Guidelines for Separation of Agricultural and Residential Land Uses; Establishment of Buffer Areas.</p> <p>The guideline provides the DoH position for the establishment of buffers in new residential subdivisions where possible conflict with existing agricultural land uses may occur. When a residential or urban use is proposed next to an existing agricultural area, the buffer areas and separation distance should be located within the area being developed and should not be imposed on the existing agricultural land use. This principle protects the prior rights of agricultural producers to practice agriculture on rural land.</p>		Note Submission	1. Note.
		DAFWA has also made several suggestions for changes to the strategy text in Section 3.3.4 (Valuable Agricultural Land) of the Background Report in order to improve the clarity of the text.	Changes in the text are supported.	Uphold Submission Modify Section 3.3.4 of the Background Report in accordance with the submission.	1. Uphold. Can be enacted as modification prior to final endorsement.
4 (09/05/13)	Department of Environment and Conservation	<p>DEC advises the City to comply with:</p> <ul style="list-style-type: none"> All relevant sections of the Environmental Protection Act 1986 and the Contaminated Sites Act 2003 as well as their relevant subsidiary legislation; and 		Note Submission	1. Note.

City of Greater Geraldton Commercial Activity Centres Strategy Schedule of Submissions					
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	LG Recommendation	WAPC Recommendation
		<ul style="list-style-type: none"> The criteria set out in all relevant EPA guidance statements. In particular, EPA Guidance Statement No. 3 'Separation Distances between Industrial and Sensitive Land Uses (June 2005)' which outlines recommended separation distances from different industries to protect other users from emissions and discharges. 			
		DEC anticipates that environmental planning issues will be appropriately managed through the City's planning process.		Note Submission	1. Note.
5 (13/05/13)	Main Roads WA	In general supports the strategic planning approach adopted.		Note Submission	1. Note.
		<p><u>Section 8 Decision Making Strategy</u></p> <p>The distinction between minor and major applications is supported, however further clarification could be useful, e.g. major applications could be defined as those that would cover in excess of a particular site area/floorspace.</p>	<p>It is not supported that the size of an application should be the determining factor if a development is considered major or minor. Figure 45 in the Strategy poses 3 questions which are the basis for determining if an application is major or minor:</p> <p>Does the project have a significant impact on the function of the activity centre?</p> <p>Is the project of a significant scale in the context of the centre?</p> <p>Is the project for a site strategically or visually important in the context of the centre?</p>	Dismiss Submission	2. Dismiss. As per LG response.
5 continued		<p><u>Section 9.1.2 Performance Based Decision Making</u></p> <p>There is no further clarification on what 'performance based decision making' is, which would be useful as it is suggested as a relatively</p>	Performance based decision making is relatively new but is a somewhat common term used in the industry and as such it is not considered that additional explanation is required in the Strategy.	Dismiss Submission	3. Dismiss. As per LG response.

**City of Greater Geraldton
Commercial Activity Centres Strategy
Schedule of Submissions**

Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	LG Recommendation	WAPC Recommendation
		new concept.	As the name indicates it measures the performance (or merits) of a development against the Strategy rather than its mere compliance with standards such as car parking, landscaping, floor area etc.		
		<p><u>Section 9.2.3 Promoting the Use of Public Transport</u></p> <p>Public transport is not discussed anywhere in the supporting text. References should be included in the objectives and principles 3 and 4.</p>	Public transport is noted as a part of the accessibility of activity centres (hence the recommendation in Section 9.2.3). It is the overall accessibility of the centre by various transport modes (not just from public transport) that is the focus and therefore no changes are recommended to the text.	Dismiss Submission	4. Dismiss. Public transport is noted in the Strategy.
		<p><u>Section 9.2.8 Highway Commercial Areas</u></p> <p>MRWA requests to be involved with any discussions in relation to highway commercial developments or the development of commercial areas as it will have direct impact on MRWA infrastructure.</p>	MRWA is a referral agency in all rezonings and development applications involving MRWA controlled road infrastructure.	Note Submission	5. Note.
		<p><u>Section 9.4 Defining Activity Centre Boundaries</u></p> <p>It is not clear who is responsible for providing roads and access infrastructure and whether this infrastructure would be within the boundaries of the 'Activity Centres'.</p>	The responsibility of infrastructure will be dependent on the individual specifics of the centre and development proposed. It may be a combination of both private and public but cannot be determined within the context of the Strategy.	Note Submission	6. Note.
6 (13/05/13)	State Heritage Office	Part 2.2 of the Background Report details a number of planning instruments considered relevant. Part 2.2.1 'State Statutory Planning', makes reference to several State Planning Policies, and should also refer to State Planning Policy 3.5 Historic Heritage Conservation.	The State Planning Policy gives useful guidance on the identification, planning and management of places of historic heritage significance and it is considered appropriate that it also be referenced.	Uphold Submission	1. Uphold. Can be enacted as modification prior to final endorsement.
6 continued		Part 3.2.4 of the Background Report states that 'in the context of the Commercial Activity Centres Strategy, it should also be noted that heritage places in the City may be of economic	There are a number of other statutory mechanisms that provide for heritage (such as town planning schemes, local planning policies and State Planning	Dismiss Submission	2. Dismiss. As per LG response.

City of Greater Geraldton Commercial Activity Centres Strategy Schedule of Submissions					
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	LG Recommendation	WAPC Recommendation
		value to the tourism opportunity'. However there is no reference made within the Strategy to heritage. It is suggested that the Strategy make some reference to this.	Policies) and specific reference to it is not considered necessary in the context of a Commercial Strategy.		
		Principle 5 makes reference to City places that have a clear and positive sense of identity. Heritage places may also contribute to the City's sense of identity, and to the creation of places that communities can care about. The principle provides good opportunity strengthen the importance of heritage through references to the contribution of heritage places.	The 8 guiding principles in the Strategy are centred around the growth and maintenance of activity centres. The value statement for Principle 5 states: <i>The City values places that have a clear and positive sense of identity ...</i> It is inherent in the statement that heritage contributes to a sense of identity and therefore no changes are recommended to the text.	Dismiss Submission	3. Dismiss. As per LG response.
7 (13/05/13)	Water Corporation	Provided general comments on the effect of increasing density on water and wastewater services. Provided advice on the Corporation's review of water scheme planning. Provided advice on some constraints to the existing and planned water capacity for northern Geraldton.		Note Submission	1. Note.
		There are potential opportunities for beneficial land uses within the Waste Water Treatment Plant (WWTP) buffers.		Note Submission	2. Note.
		Consider including the buffers on the strategy map.	There are a number of mechanisms for buffer areas to be identified and formally recognised the most effective being the town/local planning scheme. If the Water Corporation seeks to formally protect their asset then they should lodge a scheme amendment to include the buffer areas as was done for the Narngulu WWTP.	Dismiss Submission	3. Dismiss. As per LG response.

City of Greater Geraldton Commercial Activity Centres Strategy Schedule of Submissions					
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	LG Recommendation	WAPC Recommendation
7 continued		Waste Water Pumping Station (WWPS) buffer have not generally been significant but odour buffers should be measured from the site boundary and not a single point.		Note Submission	4. Note.
		General comment on Figure 7 regarding existing water and/or wastewater connection and capacity, and if Water Corp. planning review is required.		Note Submission	5. Note.
8 (14/05/13)	Department of Health	<u>Water and Sewerage:</u> All developments are required to comply with the provisions of the draft Country Sewerage Policy. Potable water must be of the quality specified under the Australian Drinking Water Quality Guidelines 2004.	Comments relate to individual developments and not to the Strategy document.	Note Submission	1. Note.
		<u>Public Health Impacts:</u> The proposed draft Strategy provides the City the opportunity to minimise land use conflicts and incompatible activities which is the most common issue in land use and development. You should consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process.	The City is currently preparing a draft Public Health Plan to coincide with the Public Health Bill becoming law once passed by both Houses of Parliament.	Note Submission	2. Note.

ITEM NO: 9.6

ADDITIONAL USE FOR THE OPERATION OF A CHILD CARE CENTRE AT THE ONSLOW PARK TENNIS CLUB - LOT 312 (NO. 85 - 99) ONSLOW ROAD, SHENTON PARK

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Metropolitan Central
AUTHORISING OFFICER:	Director, Metropolitan Central
AGENDA PART:	G
FILE NO:	12-50041-3
DATE:	13 August 2013
ATTACHMENTS:	Attachment 1 - Development Proposal Child Care Centre Attachment 2 - Location and Zoning Map
REGION SCHEME ZONING:	Parks and Recreation
LOCAL GOVERNMENT:	City of Subiaco
LOCAL SCHEME ZONING:	Parks and Recreation
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	27 May 2013
PROCESS DAYS:	65
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 312 (No. 85-99) Onslow Road, Shenton Park

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the additional child care centre use on Lot 312 (No. 85 - 99) Onslow Road, Shenton Park for the following reasons:

- 1. the proposed development would result in an intensification and change to the use of the land which would compromise the designated use of the land for Parks and Recreation purposes and would be contrary to the purposes specified by the Crown Management Order over the land.***
- 2. the site of the proposed development forms part of a large area of land reserved for Parks and Recreation under the Metropolitan Region Scheme that requires comprehensive planning to address issues resulting from the existing uses and development on the land, including restrictions to public access, and therefore the proposed development, if approved, would prejudice any future planning for the area and the use of the reserve for Parks and Recreation purposes.***

3. *the proposed development would prejudice the orderly and proper planning of the locality and the preservation of the amenities of the area.*

SUMMARY:

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

- This report is presented to Committee for determination because officers do not have delegation to determine an application where a recommendation is at significant variance with the recommendation made by the local government;
- The proposal is contrary to the purposes for which the land is reserved and is commercial in nature.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Development Approval - Part 10 of the P&D Act 2005
Section: Section 6

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

Policy
Number and / or Name: Development Control Policy DC 1.2- *Development Control - General Principles*
Development Control Policy DC 5.3 - *Use of Land Reserved for Parks and Recreation*
Planning Bulletin 72/2009 - *Child Care Centres*

INTRODUCTION:

The City of Subiaco has referred a development application seeking retrospective approval for a child care centre in a building currently occupied for use by the 'Onslow Park Tennis Club' (OPTC) has been referred to the Western Australian Planning Commission (WAPC) for determination. The development operates out of existing clubroom facilities on Rosalie Park, being Reserve 7214 (Lot 312) No. 85-93 Onslow Road, Shenton Park (**Attachment 1** - Development Proposal).

Under section 164 of the *Planning and Development Act 2005*, the WAPC has the power to determine development applications retrospectively.

The subject site is reserved for 'Public Purposes - Parks and Recreation' under the Metropolitan Region Scheme (MRS) and the City of Subiaco Town Planning Scheme (TPS) No. 4 (**Attachment 2** - Location and Zoning Map).

The development does not fall within the meaning of 'permitted development' under Clause 16 of the MRS and therefore requires the approval of the Commission. As

the land is reserved under the MRS the Commission is the sole determining authority.

Clause 30 of the MRS requires the WAPC to have regard to the following factors when determining a development application:

- *The purpose for which the land is zoned or reserved under the Scheme;*
- *The orderly and proper planning of the locality;*
- *The preservation of amenities of the locality.*

BACKGROUND:

Concurrent development application to expand existing clubrooms

A concurrent development application is also being considered by the Western Australian Planning Commission for additions and alterations to the existing clubroom facilities (WAPC: 12-50041-4). This application comprises refurbishment of the existing kitchen facilities, change rooms, toilets, temporary storage, office space and addition of a veranda. It is understood that the concurrent application will accommodate the child care centre use.

Previous WAPC decisions

The WAPC has refused similar uses on regional 'Parks and Recreation' reserves in the past, including:

- A child care centre at an existing Community Centre, proposed to be co-located with a 'Meals on Wheels' facility on Bernard Street, Claremont (WAPC reference: 02-50041-1, refused by the Statutory Planning Committee on 12 February 2008)
- A child care centre at the Bold Park School, on Powis Street, Wembley (WAPC reference: 31-50018-1, refused by the Statutory Planning Committee on 16 August 2008);

TENURE ARRANGEMENTS

Reserve 7214 (13.1231Ha) is known as 'Rosalie Park', is classified as an 'A' Class reservation and vested in the City of Subiaco (the City) which has the power to lease the site for a term of up to 21 years. The City leases the building to the OPTC which sublets the building to 'Smart Start Educational Services' which operates a child care centre from the premises. The site is the subject of a Crown management order which designates the use of the land for the purposes of 'Recreation'. The OPTC held a lease agreement with the City that commenced in April 1983 and expired in February 1992 (approximately nine years). The club has been on an 'over holding' agreement since. This agreement refers to the building only and excludes the tennis courts. The City has given its in-principle support to a new lease at its April 2012 Council meeting, with the same terms. Of the eleven tennis courts at Rosalie Park, seven courts are available to the OPTC and the City retains four courts to hire out to the general public.

CONSULTATION:

The City of Subiaco has neither objected or supported the proposal, but has provided the following comments:

- The use is inconsistent with the purpose for which the land is reserved;
- Council has previously provided support for submission of the development application with the WAPC;
- Council support is subject to the sub lease rental income from the child care centre being placed in a City trust account for future building works to the OPTC;
- Should the WAPC be of a mind to approve the application the centre should only operate between Monday to Friday from the hours of 9:00am through to 3:00pm.

Other Referral Agencies

The Department of Environment and Conservation (now known as the Department of Environment Regulation) and the Department of Water were consulted and have no objection to the proposal.

COMMENTS:

Proposed Use

Description

The proposal is for a child care centre accommodating up to 20 children operating throughout the year, four days a week (Monday, Tuesday, Thursday and Friday) and between the hours of 9:00am and 3:00pm. The child care centre has been licensed by the Department of Communities in the past, with its last child care centre operating license having expired in January 2013. This licence allowed the child care centre to operate on a fifth day (Wednesday) if required. The child care centre uses the clubroom, kitchen, toilets and adjacent non-court grassed areas. The OPTC uses the income generated from this sub-lease towards building extensions and upkeep of the subject clubroom building.

In support of the application the Council noted the following merits of the proposal:

- The child care centre has been in operation for nine years and there is no evidence to suggest that its operation has limited the use of Rosalie Park for recreational purposes and no complaints have been received in respect of this use;
- The continued use of the site is unlikely to increase the demand for parking or traffic management as it is already operational;
- The child care centre use is consistent with the desired future character of the precinct as outlined by the City's precinct planning policy for Shenton Park which identifies the locality as a sustainable neighbourhood with a range of service facilities.

Car parking, pedestrian and vehicular access

The clubrooms are adjoined by an existing 48 bay car parking area (City-managed, ticketed parking station) can be directly accessed from a dual use pathway off Onslow Road and is in close proximity to Thomas Street and Railway Road (which provide bus and rail links to the surrounding locality).

WAPC Policies

Development Control Policy DC 1.2 'Development Control - General Principles'

Development Control Policy DC 1.2 describes the general principles by which the WAPC will assess applications for its approval to commence development. With regard to land reserved under the MRS, Policy DC 1.2 states that a principal objective is to ensure that the use of reserved land is not prejudiced by development and the WAPC's decision is influenced by a proposal's scale, purpose, duration and impact (Clause 4.1.2).

Development Control Policy DC 5.3 - "Use of Land Reserved for Parks and Recreation"

Given the 'Parks and Recreation' reservation of the subject land, Development Control Policy DC 5.3 provides that the use and development of the land for purposes inconsistent with its reservation will not be supported. Further, Clause 3.4 of this policy states as follows:

"...The use and development of land reserved for Parks and Recreation which would result in long term restrictions to public access, notwithstanding the possible benefit which could be derived from the use and development to the general community or to a specific educational or religious group within the community, will not be supported..."

Conversely, Clause 4.2 (3)(b) of Development Control Policy DC 5.3 provides the WAPC the discretion to grant approval to private businesses where they are in accordance with a management plan endorsed by the Commission, are open to and provide services for the public and have a purpose which is ancillary and incidental to the primary purposes of the reservation. Clause 4.2 (3)(b) of Development Control Policy DC 5.3 also states that the WAPC will only normally grant its approval to private businesses which are in accordance with a management plan endorsed by the Commission. Council has confirmed that it has not prepared a management plan for Rosalie Park and there is a risk that approval of this development may prejudice future planning for the area.

Planning Bulletin 72/2009- Child Care Centres

Planning Bulletin 72/2009 emphasises that a need for a service does not justify development in inappropriate locations. The planning bulletin advocates that a child care centre should only be approved if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create hazards for children and families using the centre and pedestrians and road users at large. In respect of this, the application is not supported by either a traffic impact statement/assessment or a noise impact statement.

CONCLUSION:

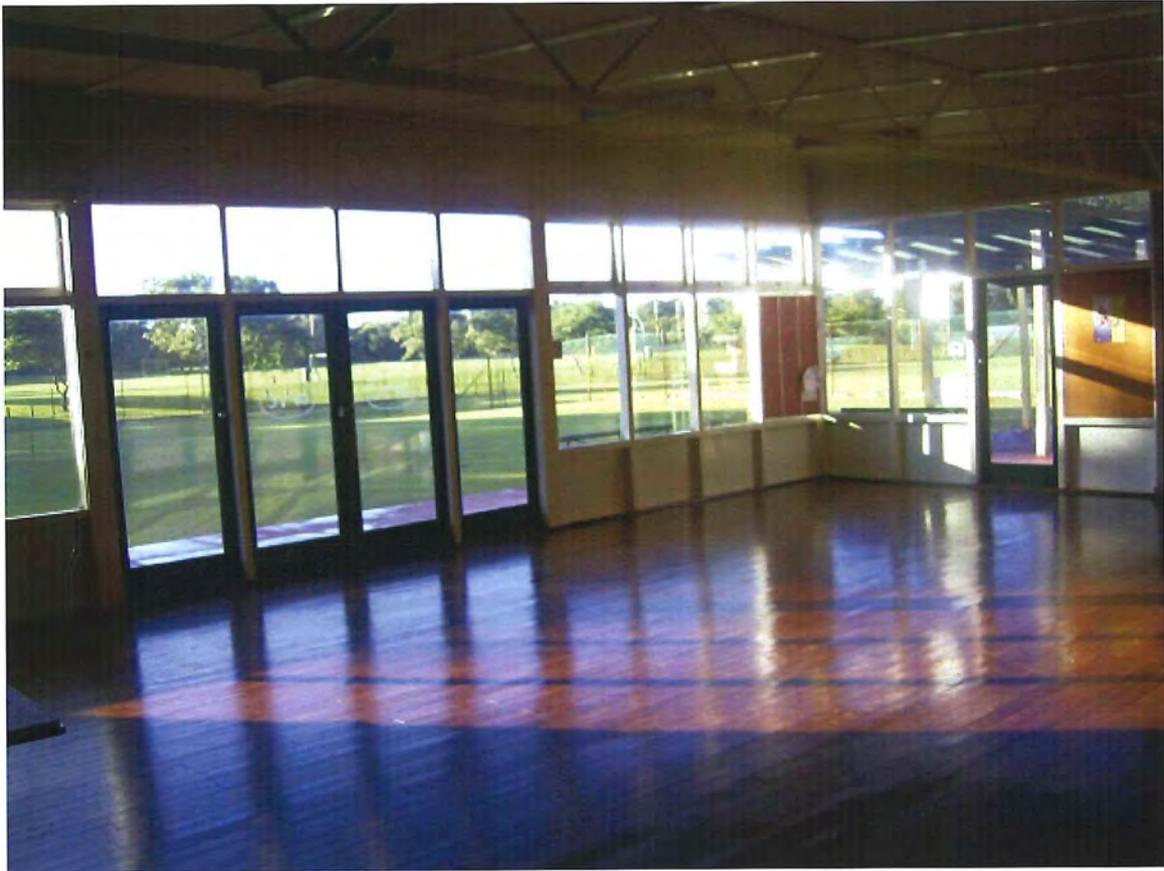
Overall, the development is contrary to the reserved status of the land under the MRS and TPS No. 4 and may prejudice future planning for the area and the use of the reservation for its intended recreational purposes. Refusal is recommended for the reasons detailed above.



SUBJECT LAND

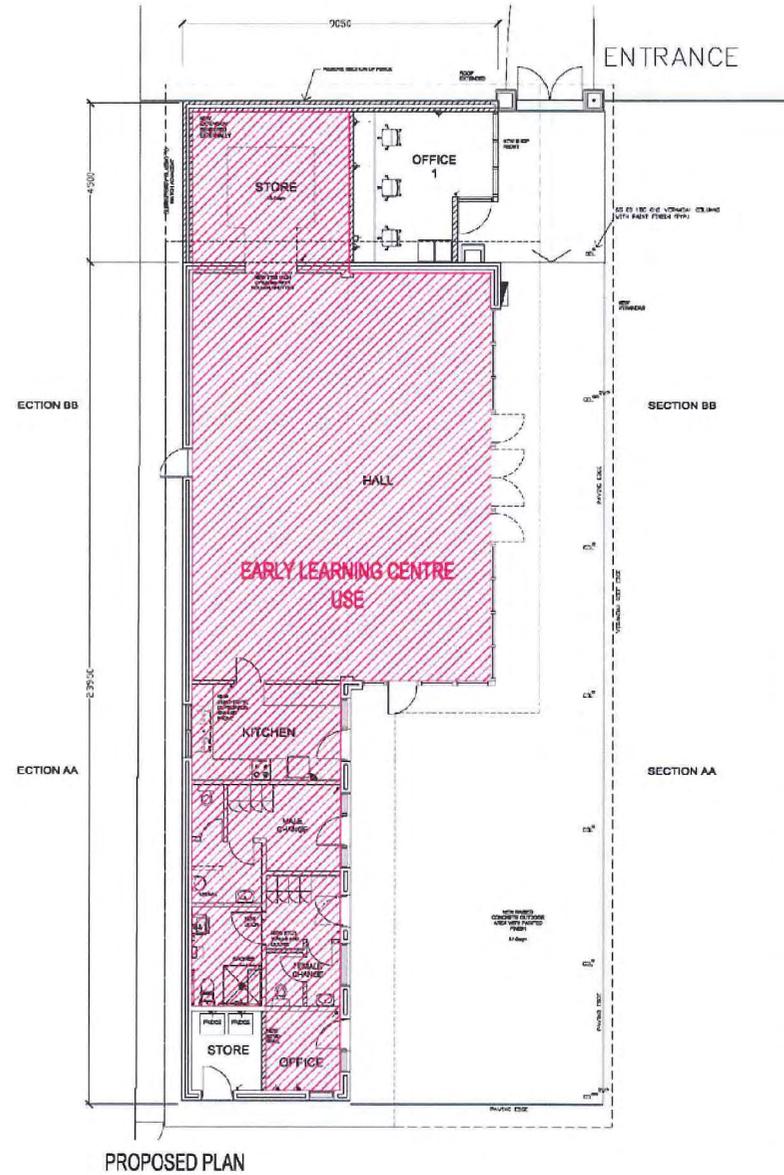












DEPARTMENT OF PLANNING
 27 MAY 2013
 FILE 12-52041-3

REVISIONS			
No.	Date	Description	By
1		ISSUED TO CITY OF SUBIACO	A
2		ISSUED TO CITY OF SUBIACO	A

CITY OF SUBIACO

CONTACT:
 JAMES EDWARDS
 PRESIDENT
 ONSLOW PARK TENNIS CLUB
 6425 100 004
 jedwards@onslowtennis.com.au

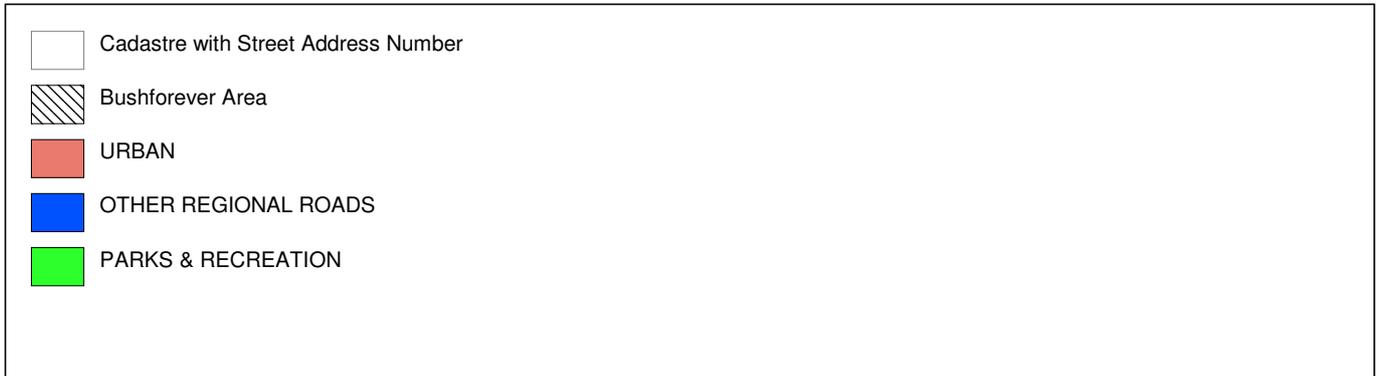
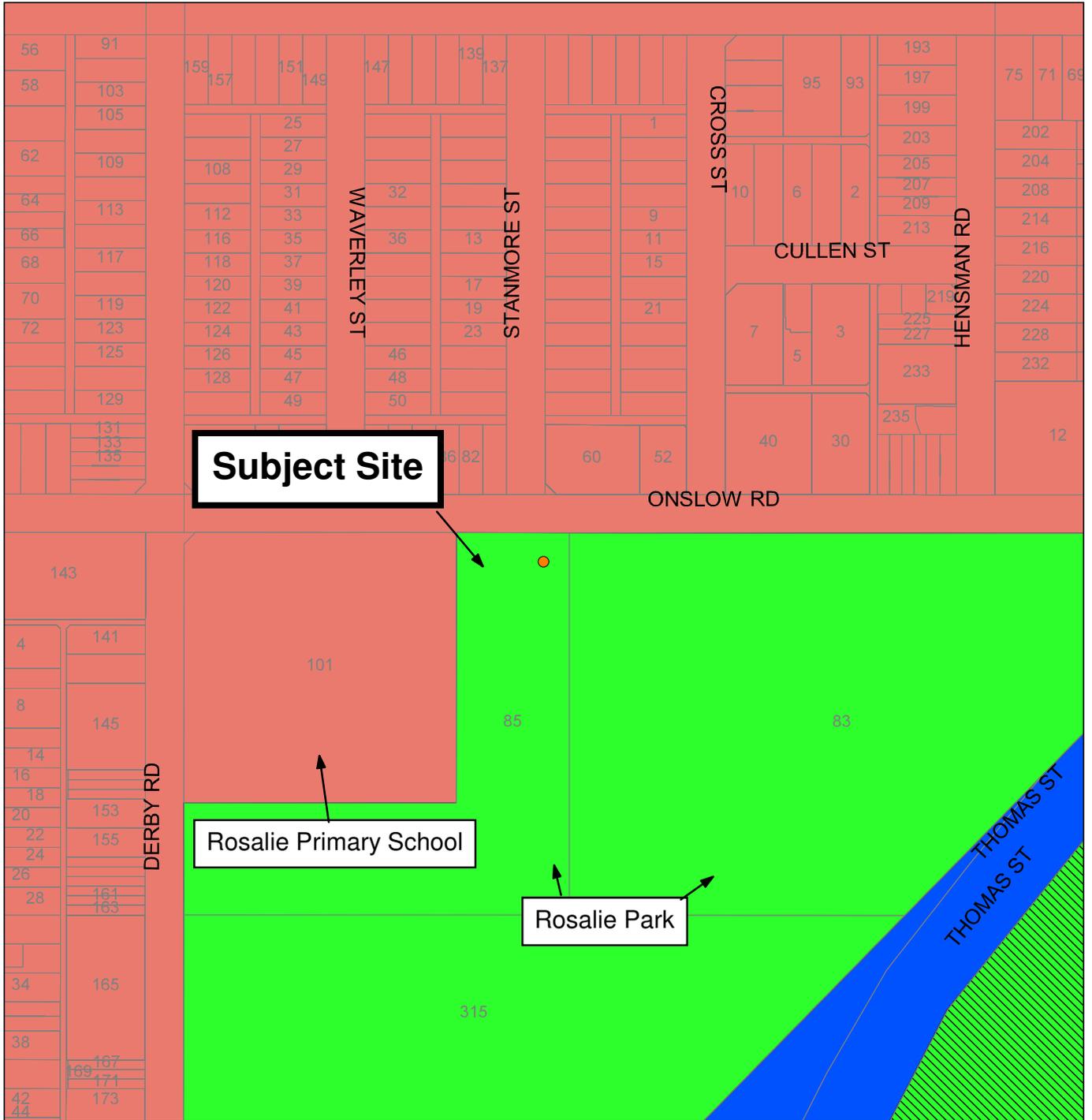
ONSLow PARK TENNIS CLUB
 CLUB HOUSE IMPROVEMENTS

EXISTING PLAN
 PROPOSED PLAN

DATE	DATE
01/09/12	01/09/12
DATE	DATE
01/09/12	01/09/12

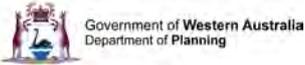
OPTC Club House Street (Site) Use Current and Proposed.dwg
 PROJECT No. 091
 DRAWING No. A2.01
 REVISION A

Check:
 The Designer's signature is valid.
 All amendments are within the scope of the job.



Prepared by: vcoleman
 Prepared for: 12-50041-3
 Date: Wednesday, August 14, 2013 11:42
 Plot identifier: P20130814_1141

DP INTERNAL USE ONLY

Proposed Development Application
 Lot 312 (Reserve 7214) Onslow Road
 Shenton Park

ITEM NO: 9.7

APPLICATION TO CONSTRUCT TWELVE GROUPED DWELLINGS AT NO. 6 (LOT 302) ALEXANDER ROAD AND NO. 229-233 (LOTS 6, 7 & 8) ORRONG ROAD, RIVERVALE

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer - Metropolitan Planning Central
AUTHORISING OFFICER:	Director - Metropolitan Planning Central
AGENDA PART:	G
FILE NO:	15-50108-1
DATE:	9 August 2013
ATTACHMENTS:	1 - Aerial Photograph 2 - Location & Zoning Plan 3 - Development Plans 4 - Vehicle Access Plan 5 - Preliminary Concept Plan 6 - Impact on Proposed Development
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Belmont
LOCAL SCHEME ZONING:	Residential R20/40
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	2 April 2013
PROCESS DAYS:	133 days
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 302 Alexander Road and Lots 6, 7 & 8 Orrong Road, Rivervale

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed development of 12 grouped dwellings at No. 6 (Lot 302) Alexander Road and No. 229-233 (Lots 6, 7 and 8) Orrong Road, Rivervale, pursuant to Clause 30 of the Metropolitan Region Scheme, subject to the following conditions and advice notes:

CONDITIONS:

- 1. The proposed vehicle access way(s) and crossover(s) as shown on the approved plan being constructed and drained, and thereafter maintained, to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.***

-
2. ***The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with Australian Standard 2890.1 and thereafter maintained to the specification of the local government and to the satisfaction of the Western Australian Planning Commission. All car parking bays provided for the visitors to the development shall be clearly marked and signposted for the exclusive use of the visitors to the development.***
 3. ***Access to the site from Orrong Road shall be restricted to 'left-in' only. Appropriate 'No Exit' signage and vehicular guide signs to prevent vehicles exiting onto Orrong Road to be installed and thereafter maintained to the specification of the local government and the satisfaction of the Western Australian Planning Commission.***
 4. ***Appropriate 'Keep Clear' pavement markings on Alexander Road to be provided to the specification of Main Roads WA and the satisfaction of the Western Australian Planning Commission.***
 5. ***Lighting being provided to access ways and visitor parking areas to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.***
 6. ***A Landscape Management Plan being prepared and approved prior to commencement of site works to the specification of the local government and the satisfaction of the Western Australian Planning Commission. Once approved, the Landscape Management Plan is to be implemented in its entirety.***
 7. ***Stormwater from all roofed and paved areas to be collected and contained on-site to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.***
 8. ***The surface finish of the boundary walls shall be to the satisfaction of the adjoining neighbour or, in the case of a dispute, to the satisfaction of the Western Australian Planning Commission.***
 9. ***A Waste Management Plan being submitted to the specification of the local government and to the satisfaction of the Western Australian Planning Commission prior to the first occupation of the development.***

ADVICE TO APPLICANT:

1. ***In respect to condition 1, the location of the proposed deceleration lane shall be guided by the City of Belmont's adopted Vehicle Access Plan.***
2. ***In respect to condition 6, all landscaping areas identified in the approved Landscape Management Plan shall be completed prior to the first occupation of the development and thereafter maintained by the owner(s)/occupier(s).***
3. ***No earthworks to encroach into the Orrong Road reserve.***

-
4. ***No walls, fences or letterboxes above 0.75 metres in height are to be constructed within 1.5 metres of where walls or fences adjoin vehicular access points to the site, a driveway meets a public street or two streets intersect, unless the further approval of the Western Australian Planning Commission is obtained.***
 5. ***Solid fences within the street setback area in excess of 1.2 metres in height are not permitted unless they comply with the Residential Design Codes.***
 6. ***Any existing crossovers not included as part of the proposed development are to be removed and the verge reinstated to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.***
 7. ***Construction work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and public holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.***

ADVICE TO MAIN ROADS WA:

Main Roads WA is advised that the Western Australian Planning Commission (WAPC) has assessed the application in light of the referral advice and background comments provided. The WAPC acknowledges that future planning for Orrong Road, between Barry Street and Kew Street, is underway but that this review has not yet been finalised with no estimated time for completion.

In light of the current planning design concept for Orrong Road not being assessed to be a seriously entertained planning document, the WAPC has made this decision taking into account the legislative requirements of the Metropolitan Region Scheme, the City of Belmont Local Planning Scheme No.15 and the City of Belmont's adopted Vehicle Access Plan, which do not require any additional road widening beyond the existing 'Other Regional Road' reserve.

SUMMARY:

- The City of Belmont (the City) has referred a development application for twelve (12) two-storey grouped dwellings to the Western Australian Planning Commission's (WAPC) for determination.
- The City recommends conditional support for the proposal as it complies with the City's Local Planning Scheme No.15 (LPS 15) and the Residential Design Codes (R-Codes).
- Main Roads Western Australia (MRWA) objects to the application on the basis that future road requirements for Orrong Road suggests that an additional 7.2 metres for road widening may be required outside of the current Orrong Road reserve in the future.

application due to possible future widening of Orrong Road, outside of the current MRS boundary. However, MRWA did provide conditions should the application be approved.

One of the conditions recommended by MRWA requires a section 70A notification to be placed on the certificate of title of the proposed lots advising that access to Orrong Road will be restricted to 'left-in' only once the internal access way is constructed through to Alexander Road. However, as the internal access way is proposed to be constructed to connect to Alexander Road as part of this application, this condition is not required. Suitable conditions have been included within the officer recommendation to ensure that no access is permitted out onto Orrong Road.

Infrastructure & Land Use Coordination

The Department's Infrastructure and Land Use Coordination branch have advised that there are no objections to the proposal on transport planning grounds subject to MRWA's road widening requirements being satisfied.

COMMENTS:

Background

On 26 July 2012, an application for thirteen (13) grouped dwellings was referred by the City to MRWA for comment. In response MRWA advised that the plans were unacceptable as a 4.1 metre widening of Orrong Road was required.

Following further discussion with the City, MRWA confirmed that the widening would be required on the northern side of Orrong Road due to the location of public utility services that would have to be relocated if the widening occurred on the southern side.

In response to the 4.1 metre road widening requirement, the applicant submitted amended plans for twelve (12) grouped dwellings (reduced from 13 primarily due to road requirements) which include an additional 4.1 metre setback from Orrong Road. In December 2012, MRWA advised that the amended plans were still unacceptable as the required road widening had now increased to 7.2 metres. The additional requirement arises from the need for a 3.1 metre wide deceleration lane (slip lane) into the subject site. The City advised that it was their understanding that the deceleration lane was to be incorporated into the initial 4.1 metre widening and was not to be an additional requirement taken from the subject lots. As such, the City supports the deceleration lane being within the Orrong Road reserve, in accordance with its adopted vehicle access plan, and not within the subject lots as required by MRWA.

On 2 August 2013, a meeting was held between the Department of Planning, MRWA and the City where the above issues were discussed. The City and MRWA have confirmed their positions in respect to the road widening but have agreed that the internal access way needs to be constructed to Alexander Road to reduce the impact on Orrong Road.

Metropolitan Region Scheme & City of Belmont Local Planning Scheme No.15

The subject site is zoned 'Urban' under the MRS.

Under LPS 15 the land is zoned 'Residential' with a density code of R20/40. The purpose and intent of the 'Residential' zone is:

"to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population".

It is considered that the proposal is consistent with the zoning under the MRS and LPS 15.

Residential Design Codes

The City advised that the proposal complies with the design requirements of the R-Codes and a decision on the design merits of the proposal is not required in this instance.

Traffic Assessment & Road Widening Requirements

Vehicle Access Plan

In accordance with LPS 15, clause 5.7.1 requires that coordinated access be provided through an adopted vehicle access plan for all residential development, other than single dwellings, abutting regional roads. A vehicle access plan for the subject site was adopted by Council after consultation with MRWA on 26 July 2005 (**Attachment 4 - Vehicle Access Plan**). The vehicle access plan shows a 3.1 metre wide deceleration lane incorporated into the existing Orrong Road reserve, which does not impact on the cadastral boundaries of the subject site.

The vehicle access plan also identifies the requirement for an internal access way at the rear of proposed units 1-5, connecting with Alexander Road. This access way is proposed to be constructed through Lot 302 and has been included as part of the current application. It is noted that the only development on Lot 302 will be the construction of the access way. No further development on Lot 302 is envisaged at this stage.

As mentioned previously, as this connection to Alexander Road is being provided, it is recommended that the access from Orrong Road be restricted to 'left-in' only.

MRWA Concept Plan

The current preliminary concept plan for Orrong Road, between Barry Street and Kew Street, depicts a 4.1 metre widening of the Orrong Road reserve. MRWA have confirmed that this concept plan does not include the 3.1 metres required for the deceleration lane into the site as defined in the vehicle access strategy. According to MRWA, the deceleration lane needs to be located beyond the 4.1 metre widening as identified on the concept plan (**Attachment 5 - Preliminary Concept Plan**).

In response to the original advice from MRWA requiring a 4.1 metre widening of Orrong Road, the applicant revised the development plans to satisfy this requirement and reduced the number of units from 13 to 12. Should an additional 3.1 metre widening also be imposed then this will significantly impact on the development proposal by either reducing the number of units or requiring a number of variations to the R-Codes, such as reductions in open space and outdoor living area. The impact of a 7.2 metre widening of the Orrong Road reserve on the proposed development is reflected in **Attachment 6 - Impact on proposed development**.

Comment

As mentioned previously, the subject site is zoned 'Urban' under the MRS and whilst the site abuts the 'Other Regional Road' reservation for Orrong Road, no part of the site is reserved. Whilst planning for this section of Orrong Road is acknowledged, a determination on the application can only be formulated based on the current statutory environment with due consideration to any seriously entertained planning proposals.

In the WAPC's previous determination of an application for the redevelopment of the East Fremantle Town Centre (file ref: 04-50007-1), the requirement from MRWA to provide an additional 5.0 metre widening of Canning Highway, over and above the existing MRS reservation, was addressed. In this decision, previous tribunal cases of *Marford Nominees Pty Ltd v State Planning Commission* and *Architects Haywood and Bakker Pty Ltd v North Sydney Council* were referenced, as they identified the four primary criteria which should be used to determine the weight that is to be given to a draft planning instrument, policy or draft amendment in a planning assessment process. These criteria are:

- (1) The degree to which the draft addresses the specific application;
- (2) The degree to which the draft is based on sound town planning principles;
- (3) The degree to which its ultimate approval could be regarded as "certain"; and
- (4) The degree to which its ultimate approval could be regarded as "imminent".

The MRWA preliminary concept plan does not specifically address the current application but rather deals with the section of Orrong Road between Barry Street and Kew Street. There is insufficient information in the preliminary concept plan to determine if it is based on orderly and proper planning and MRWA have not been able to advise on the completion date of this study. Accordingly, any additional widening requirement put forward by MRWA is not considered to be a seriously entertained planning proposal. On this basis, any decision regarding the current application can only be made with regard to the current zoning of the site and any adopted strategies, such as the City's vehicle access plan.

The 7.2 metre road widening requirement requested by MRWA is not supported for the following reasons:

- It is likely that either an amendment under the MRS or the adoption of a Planning Control Area will be required to facilitate the proposed widening of Orrong Road. These mechanisms have not been initiated and will ultimately take time to finalise; and

-
- The proposed MRWA road widening plan has not been finalised and is in conceptual form only. As such, the plan does not have any statutory weight.

WAPC Determination

As the subject lot abuts Orrong Road, any application abutting this reserve is to be determined by the WAPC unless delegated to the local authority.

The Notice of Delegation states the following:

"Notice of delegation to local government of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme.

3. *Referral requirements for development on land on or abutting a Primary Regional Road or Other Regional Roads Reservation.*

Development applications that are on land that abuts or that are fully reserved as Primary Regional Roads (PRR) or Other Regional Roads (ORR) in the MRS shall be referred to the relevant Public Authority, where required, for comment and recommendation, before being determined by the local government....."

MRWA assumed responsibility for Orrong Road on 8 July 2005 and it became a proclaimed MRWA road on 30 September 2011. Pursuant to Schedule 1(b) of the delegation:

"Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination".

Due to the City's support for the application and in light of the objection from MRWA, the application is required to be determined by the WAPC under the MRS.

CONCLUSION:

It is considered that the proposal represents appropriate residential development for the 'Urban' zone under the MRS and satisfactorily meets the requirements of LPS 15, the R-Codes and the City's adopted vehicle access strategy.

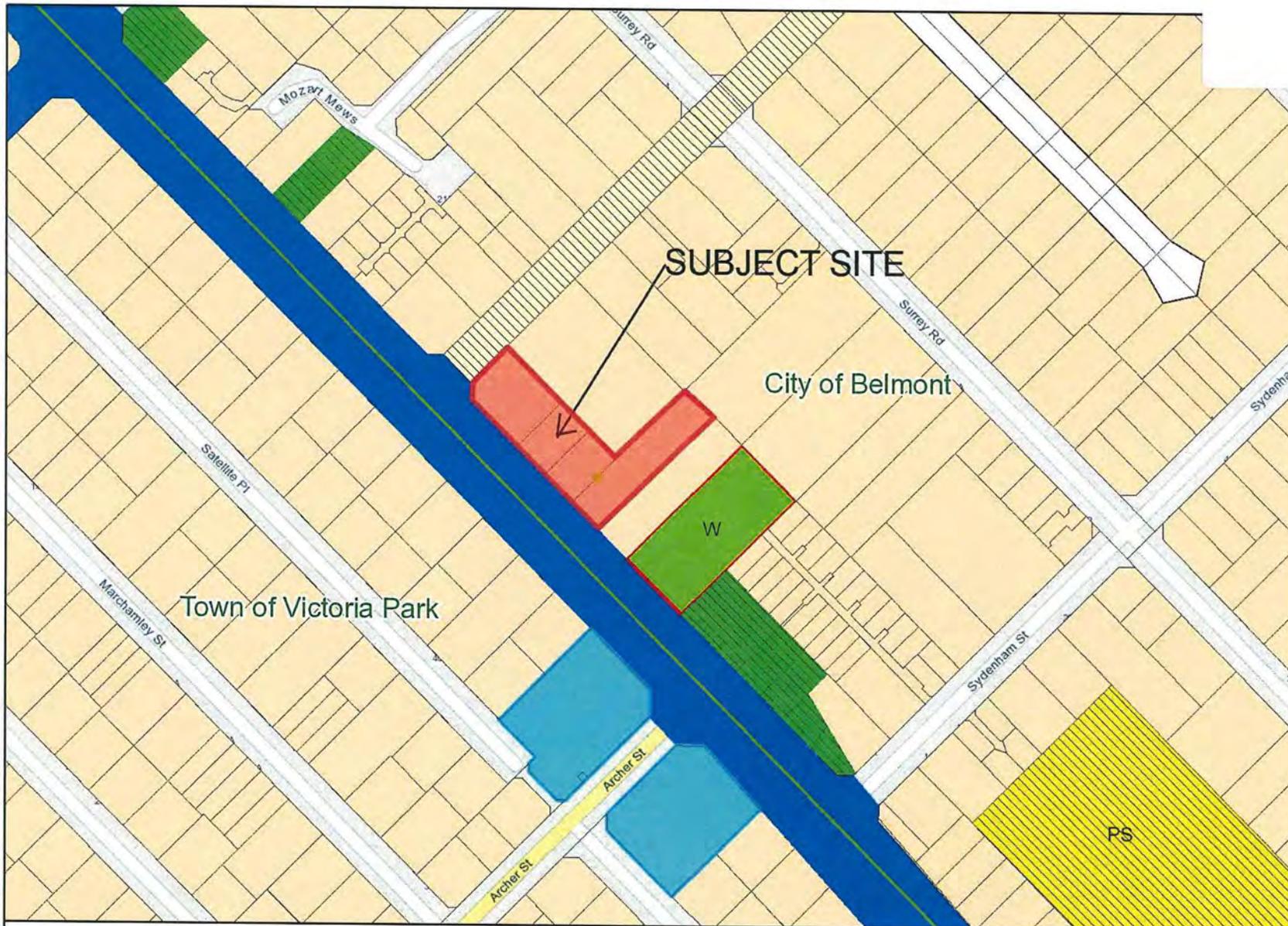
The only issue of significance relates to MRWA's request for an additional road widening requirement of 3.1 metres which is to be taken from the subject site. Whilst a 4.1 metre widening of Orrong Road is reflected in MRWA's preliminary concept plan and is supported by the City and the applicant, a widening of 7.2 metres is not. The application should be assessed against the current zoning of the land together with any applicable statutory requirements. The planning being undertaken by MRWA for the section of Orrong Road between Barry Street and Kew Street has not reached a stage where it can be considered a seriously entertained planning document. On this basis, it is not accepted as a reasonable basis to determine the

application. It is therefore recommended that this application be approved subject to conditions.



Aerial Photograph - Lot 302 Alexander Road and Lots 6, 7 & 8 Orrong Road, Rivervale

Source: Google Maps



Legend

- Local government area
- Cadastre
- W.A. Coastline
- GBRS - Reserves**
- other regional roads
- port installations
- pp - airport
- pp - high school
- pp - hospital
- pp - prison
- pp - public utilities
- pp - special uses
- pp - technical school
- pp - university
- primary regional roads
- railways
- regional open space
- state forests
- waterways
- MRS - Reserves**
- civic and cultural
- other regional roads
- parks and recreation
- parks and recreation - restricted
- port installations

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.

Map was produced using DoP's PlanViewWA.

Location & Zoning Plan - Lot 302 Alexander Road and Lots 6, 7 & 8 Orrong Road, Rivervale

INTERNAL USE ONLY

PlanViewWA
[Link to viewer](#)

0 0.09 0.2 Kilometres

 1: 3,412
 at A4
 Projection: WGS 1984 Web Mercator Auxiliary Sphere

Produced by: **FUNCTIONALITY TO COME**
 Date produced: **12-Aug-2013**

TITLE : FEATURE SURVEY
 CLIENT : T. TRANG
 BUILDER : IN-VOGUE

SURVEYED : 27 & 30/04/12
 MAP REF : 374 C 6

LOT : LOTS 6, 7 & 8 ORRONG ROAD & LOT 302 ALEXANDER RD.
 SUBURB : RIVERVALE
 AUTHORITY : CITY OF BELMONT

DP : 45852 & 36632
 C/T :

P.O. Box 119 Warriston VIC 3955
 www.surveylinks.com.au
 Email: links@surveylinks.com.au
 Ph. (08) 9354 8511 Fax. (08) 9354 8522

LINKS
 Surveying

SHEET 49 of 53
 BUILDER REF No 25647
 SCALE 1:200
 DWG No 21370002
 REV A

NOTE: This plan is current as of the date of survey. NOT FOR CONSTRUCTION purposes without site consultation. The cadastral boundary position is approximate & requires survey confirmation. Check Landgate Plan & Certificate of Title for Encumbrances including Easements, Covenants, Conditions etc. All SERVICES require verification from the relevant AUTHORITY - suggest contacting "Call Before You Dig" for underground services & a site inspection.

WATER
 STOP VALVE: SV
 HYDRANT: HY
 FLUSH POINT: FP
 WATER TAP: TP
 WATER MARKER: WM
 WATER METER: M

SURVEY
 PEG FOUND: PF
 PEG DISTURBED: PD
 PEG GONE: PG
 CONTROL POINT: CP
 DATUM: D

SITE RECORDS
 STATUS: LOCATED, AVAILABLE, NO SERVICE, COMMENT

SERVICE
 WATER: []
 SEWERAGE: []
 GAS: []
 TELSTRA: []
 POWER: []
 DRAINAGE: []
 AREA: ESTAB. COASTAL DISTANCE >1Km
 LOT: AREA: APPROXIMATE AHD

SEWERAGE
 SEWER MANHOLE: SMH
 INSPECT. SHAFT: IS
 INSPECT. OPENING: IO
 HOUSE CONNECTION: HC
 TELSTRA MARKER: TM
 TELSTRA FIT: TEL
 TELSTRA MH: TML
 DRAINAGE SW MANHOLE: DSMH
 GRATE: GR
 SIDE ENTRY PIT: SEP

GROUND COVER
 SANDY / GRASS / WEED
 BUILDING RUBBLE / RUBBISH

HC 1
 SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL: 14.50
 SEWER BROUGHT UP: 1.50
 DEPTH TO CONNECTION: 0.58

HC 2
 SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL: 14.51
 SEWER BROUGHT UP: 1.50
 DEPTH TO CONNECTION: 0.59

HC 3
 SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL: 14.58
 SEWER BROUGHT UP: 2.00
 DEPTH TO CONNECTION: 0.59

HC 4
 SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL: 14.69
 SEWER BROUGHT UP: 1.50
 DEPTH TO CONNECTION: 0.91

HC 5
 SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL: 14.79
 SEWER BROUGHT UP: 2.20
 DEPTH TO CONNECTION: 0.61

UNIT	LOCATION	GRAND m²	B'PAVED m²
UNIT 1	Courtyard, Patches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 2	Courtyard, Patches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 3	Courtyard, Patches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 4	Courtyard, Patches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 5	Courtyard, Patches & Paths	00.00	19.33
	Garage Garage	41.87	00.00
UNIT 6	Courtyard, Patches & Paths	00.00	22.92
	Garage Garage	39.09	00.00
UNIT 7	Courtyard, Patches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 8	Courtyard, Patches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 9	Courtyard, Patches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 10	Courtyard, Patches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 11	Courtyard, Patches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 12	Courtyard, Patches & Paths	00.00	21.58
	Garage Garage	25.42	00.00

NOTES: UNIT 1
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 215.82 m²
 (+ CP 56.14 m²) = 271.96 m²
 SITE COVERAGE: 127.21 m² (46.77%)

NOTES: UNIT 2
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 214.98 m²
 (+ CP 56.14 m²) = 271.12 m²
 SITE COVERAGE: 127.21 m² (46.92%)

NOTES: UNIT 3
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 215.27 m²
 (+ CP 56.14 m²) = 271.41 m²
 SITE COVERAGE: 127.21 m² (46.87%)

NOTES: UNIT 4
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 214.02 m²
 (+ CP 56.14 m²) = 270.16 m²
 SITE COVERAGE: 127.21 m² (47.07%)

NOTES: UNIT 5
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 229.86 m²
 (+ CP 56.14 m²) = 286 m²
 SITE COVERAGE: 109.03 m² (38.12%)

NOTES: UNIT 6
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 236.92 m²
 (+ CP 56.14 m²) = 293.06 m²
 SITE COVERAGE: 113.65 m² (39.10%)

NOTES: UNIT 7
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 195.32 m²
 (+ CP 56.14 m²) = 251.46 m²
 SITE COVERAGE: 118.05 m² (55.84%)

NOTES: UNIT 8
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 195.32 m²
 (+ CP 56.14 m²) = 251.46 m²
 SITE COVERAGE: 118.05 m² (55.84%)

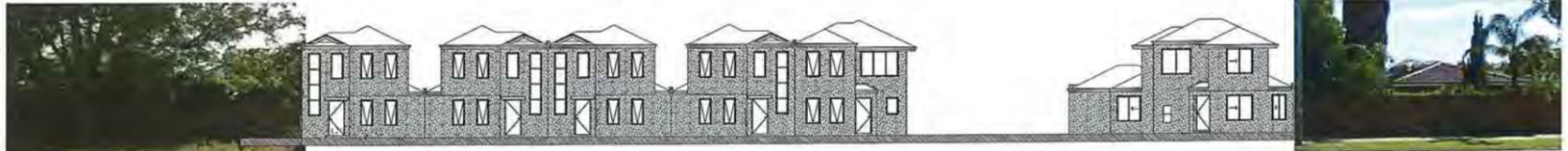
NOTES: UNIT 9
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 195.32 m²
 (+ CP 56.14 m²) = 251.46 m²
 SITE COVERAGE: 118.05 m² (55.84%)

NOTES: UNIT 10
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 195.32 m²
 (+ CP 56.14 m²) = 251.46 m²
 SITE COVERAGE: 118.05 m² (55.84%)

NOTES: UNIT 11
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 195.32 m²
 (+ CP 56.14 m²) = 251.46 m²
 SITE COVERAGE: 118.05 m² (55.84%)

NOTES: UNIT 12
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 213.10 m²
 (+ CP 56.14 m²) = 269.24 m²
 SITE COVERAGE: 106.07 m² (39.40%)

HATCH DENOTES EXTENT OF OVERSHADOWING AT NOON ON JUNE 21st
 223.28m² (10%) OF OVERSHADOWING ONTO ADJACENT BLOCK

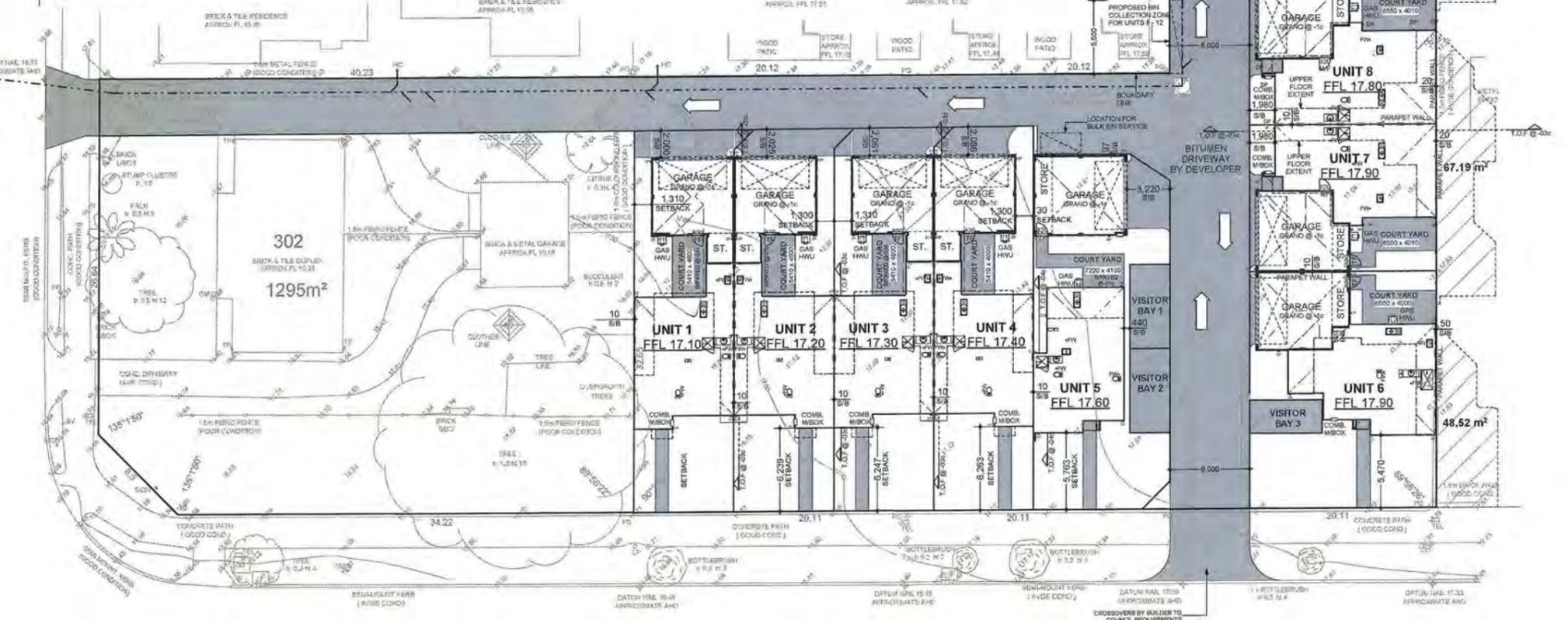


STREETSCAPE

DEPARTMENT OF PLANNING
 13 AUG 2013
 FILE 15-50108-1

AMENDED PLAN
 supersedes plan
 date stamped
 - 2 APR 2013

ALEXANDER ROAD



ORRONG ROAD

SITE PLAN
 1:200

PLANNING DRAWINGS
 THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED: _____

OWNER	WITNESS
OWNER	WITNESS
BUILDER	WITNESS

REV	VO #	DATE	CHK
02	PLANNING	DB 28.02.13	CG
03	SHIRE REQ.	CG 21.03.13	CG

Sub-contractors to verify all dimensions on site.

UNITS 1 - 5

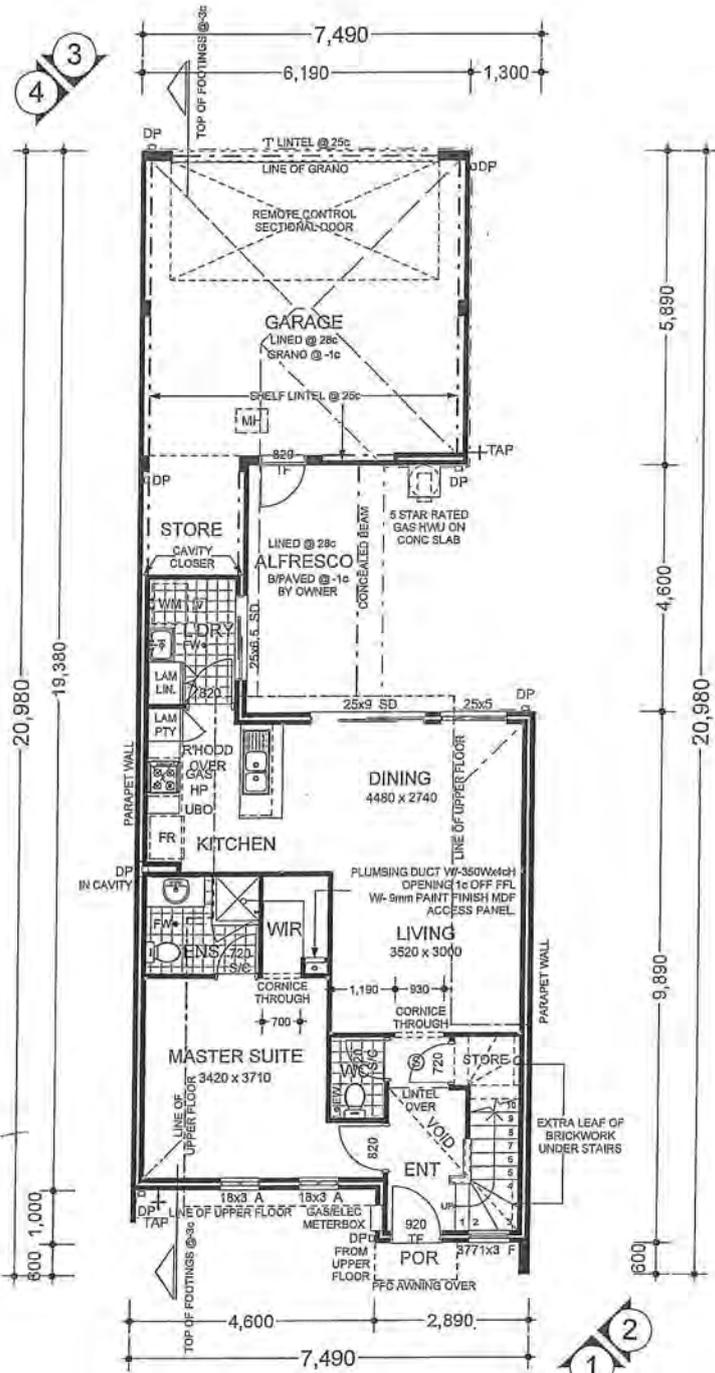
Floor Areas - All Stories			
Floor	Location	Area	Perimeter
1st floor			
	UPPER FLOOR	52.36	33.36
		52.36 m ²	33.36 m
Ground floor			
	GROUND FLOOR	74.83	39.88
	GARAGE/STORE	40.72	28.24
	PORCH	1.09	4.52
		116.64 m ²	72.64 m
		169.00 m ²	106.00 m

ROOF AREA(S) ON FLAT:
Ground Floor
 25° 38' PITCHED ROOF = 75.07m²
Upper Floor
 25° 38' PITCHED ROOF = 60.21m²
TOTAL AREA 135.28m²

NOTE:
 • ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS

Ⓢ DENOTES HARD-WIRED SMOKE DETECTOR

WIND CLASSIFICATION AS PER A.S. 4055:
 N1 - FOR GROUND STOREY OF RESIDENCE
 N1 - FOR UPPER STOREY OF RESIDENCE
 NOTE: FOR RESIDENCES GREATER THAN DOUBLE STOREY REFER TO THE ENGINEERS OFFICE.



GROUND FLOOR PLAN

1:100

DEPARTMENT OF PLANNING
 02 APR 2013
 15-50108-1
 FILE

<p>65 Wallers Drive, Osborne Park, W.A. 6017. Telephone: (08) 9202 9200. Facsimile: (08) 9202 9201. P.O. Box 65, Westfield Shopping Centre, Inglebrook, W.A. 6918.</p>		<p>2-Storey Designer Movogue</p>	<p>ONE OFF</p>
<p>Sub-contractors to verify all dimensions on site.</p> <p>PLANNING DRAWINGS THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.</p>		<p>MODEL N° 90002</p>	<p>© COPYRIGHT</p>
<p>CLIENT: THI TRANG</p> <p>ADDRESS: Strata Lot 4 of LOT 302 (UNIT 4) ORRONG ROAD RIVERVALE</p>		<p>REV NO # DRN DATE CHK</p> <p>1 DUC 15.11.12 FMW</p> <p>2 DUC 10.12.12 DUC</p>	<p>DATE:</p> <p>OWNER: WITNESS:</p> <p>OWNER: WITNESS:</p> <p>BUILDER: WITNESS:</p>
<p>SHEET N° 13 OF 53</p> <p>JOB N° 25650</p> <p>REVISION DATE 1 10.12.12</p>		<p>SPC AGENDA PAGE 148</p>	

UNITS 1 - 5

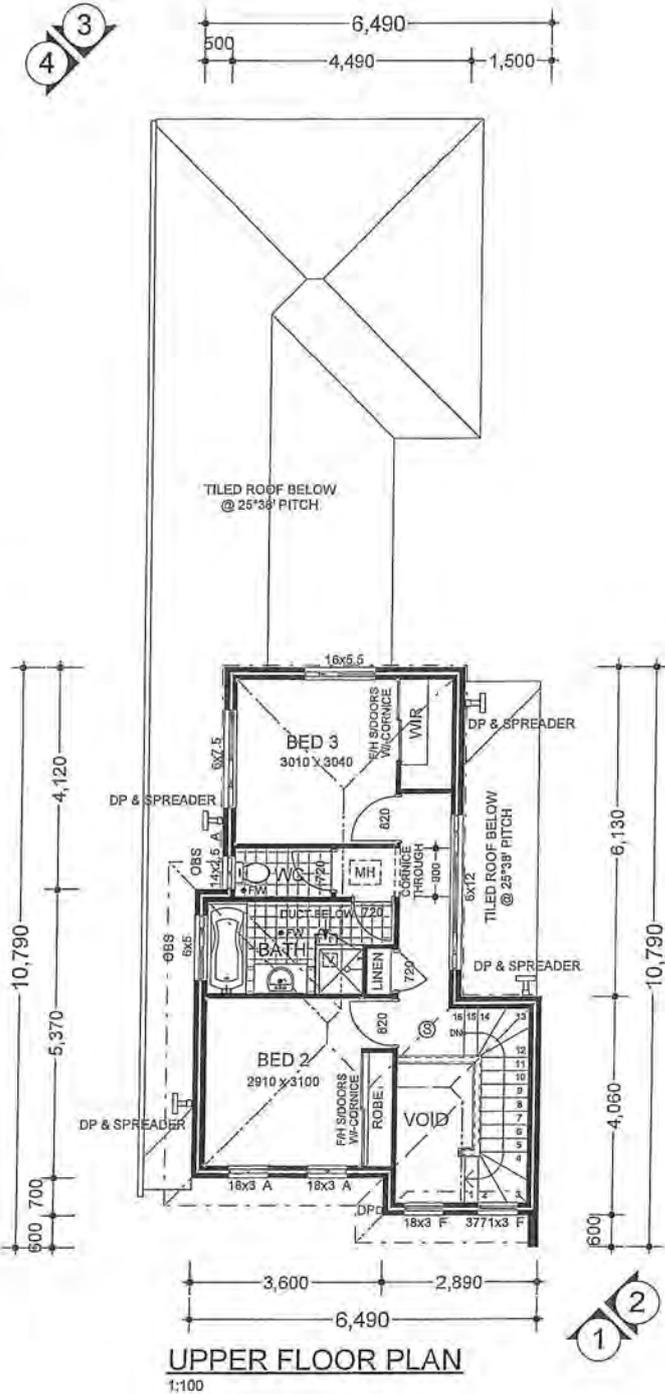
Floor Areas - All Stories			
Floor	Location	Area	Perimeter
1st floor	UPPER FLOOR	52.36	33.36
		52.36 m ²	33.36 m
Ground floor	GROUND FLOOR	74.83	39.88
	GARAGE/STORE	40.72	29.24
	PORCH	1.09	4.52
		116.64 m ²	72.64 m
		169.00 m ²	106.00 m

ROOF AREA(s) ON FLAT:
Ground Floor
 25° 38' PITCHED ROOF = 75.07m²
Upper Floor
 25° 38' PITCHED ROOF = 60.21m²
TOTAL AREA 135.28m²

NOTE:
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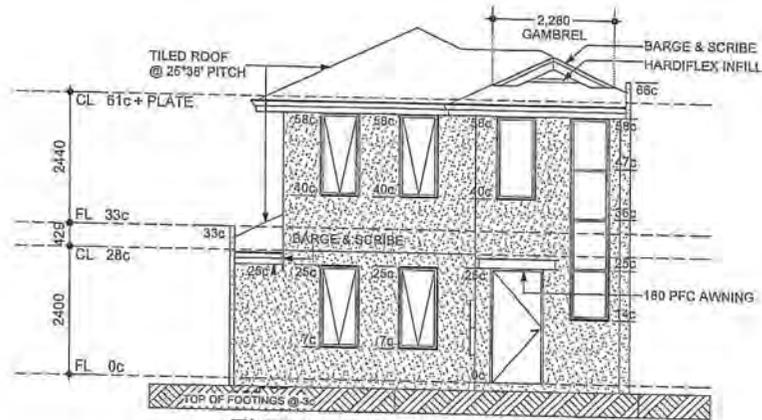


UPPER FLOOR PLAN
1:100

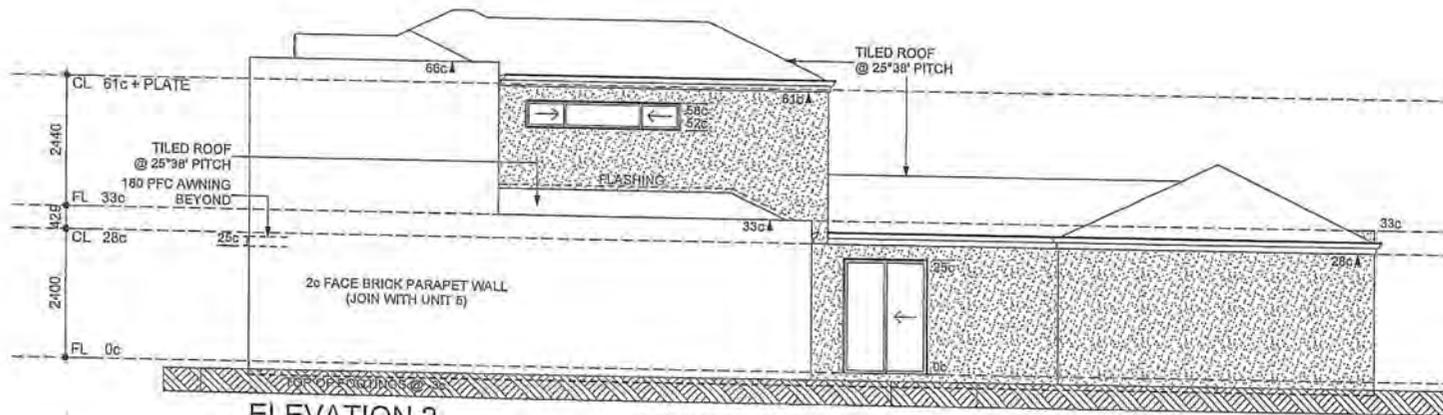
DEPARTMENT OF PLANNING
 02 APR 2013
 15-50108-1

SHEET N° 14 OF 53 JOB N° 25650 REVISION DATE 10.12.12		ADDRESS: Strata Lot 4 of LOT 302 (UNIT 4) ORRONG ROAD RIVERVALE		CLIENT: THI TRANG		BUILDER: OWNER: OWNER: OWNER: WITNESS: WITNESS: WITNESS:		Sub-contractors to verify all dimensions on site. PLANNING DRAWINGS THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT. DATED:		60 Wallers Drive, Osborne Park, W.A. 6017 Telephone: (08) 9202 9200 Fax: (08) 9202 9201 P.O. Box 50, Westfield Shopping Centre, Innaloo, W.A. 6916.		@ COPYRIGHT MODEL N° 90002 2-Storey Design		ONE OFF
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UNITS 1 - 5



ELEVATION 1
1:100



ELEVATION 2
1:100

DEPARTMENT OF PLANNING
02 APR 2013
15-50168-1
FILE

ONE OFF

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Telephone: (08) 9202 9200.
Facsimile: (08) 9202 9201.
P.O. Box 55, Westfield Shopping Centre,
Innsloo, W.A. 6918.

Rev. 5/2012 N°: 11415. A.B.N. 64 058 654 705. A Division of SPH GROUP Pty Ltd

REV	VO #	DRN	DATE	CHK
1	ITEM 2	DUC	10.12.12	DUC

Sub-contractors to verify all dimensions on site.

PLANNING DRAWINGS

THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED: / /

OWNER WITNESS
OWNER WITNESS
BUILDER WITNESS

CLIENT:

THI TRANG

ADDRESS:

Strata Lot 4 of
LOT 302 (UNIT 4)
ORRONG ROAD
RIVERVALE

SHEET N° 15 OF 53
= PLANNING

JOB N° 25650

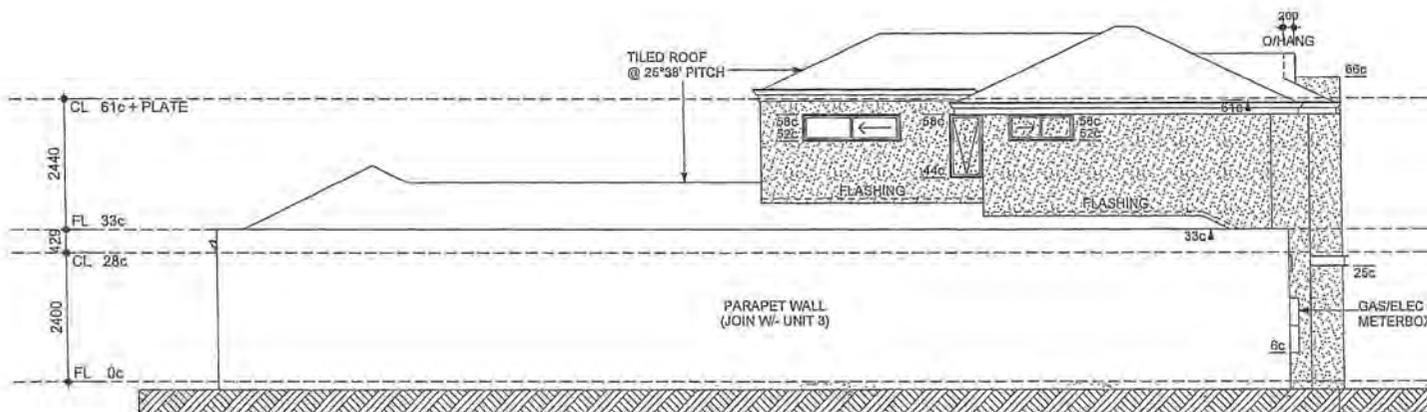
REVISION DATE
1 | 10.12.12

UNITS 1 - 5



ELEVATION 3

1:100



ELEVATION 4

1:100

ONE OFF

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Telephone: (08) 9202 9200.
Facsimile: (08) 9202 9201.
P.O. Box 55, Westfield Shopping Centre, Innaloo, W.A. 6918.

Reg. Builder N°: 11415, A.B.14, 84 095 664 705, A Division of 2004 GROUP Pty Ltd

REV	VO #	DRN	DATE	CHK
1	ITEM 2	DUC	10.12.12	DUC

Sub-contractors to verify all dimensions on site.

PLANNING DRAWINGS

THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED:

OWNER WITNESS

OWNER WITNESS

BUILDER WITNESS

CLIENT:

THI TRANG

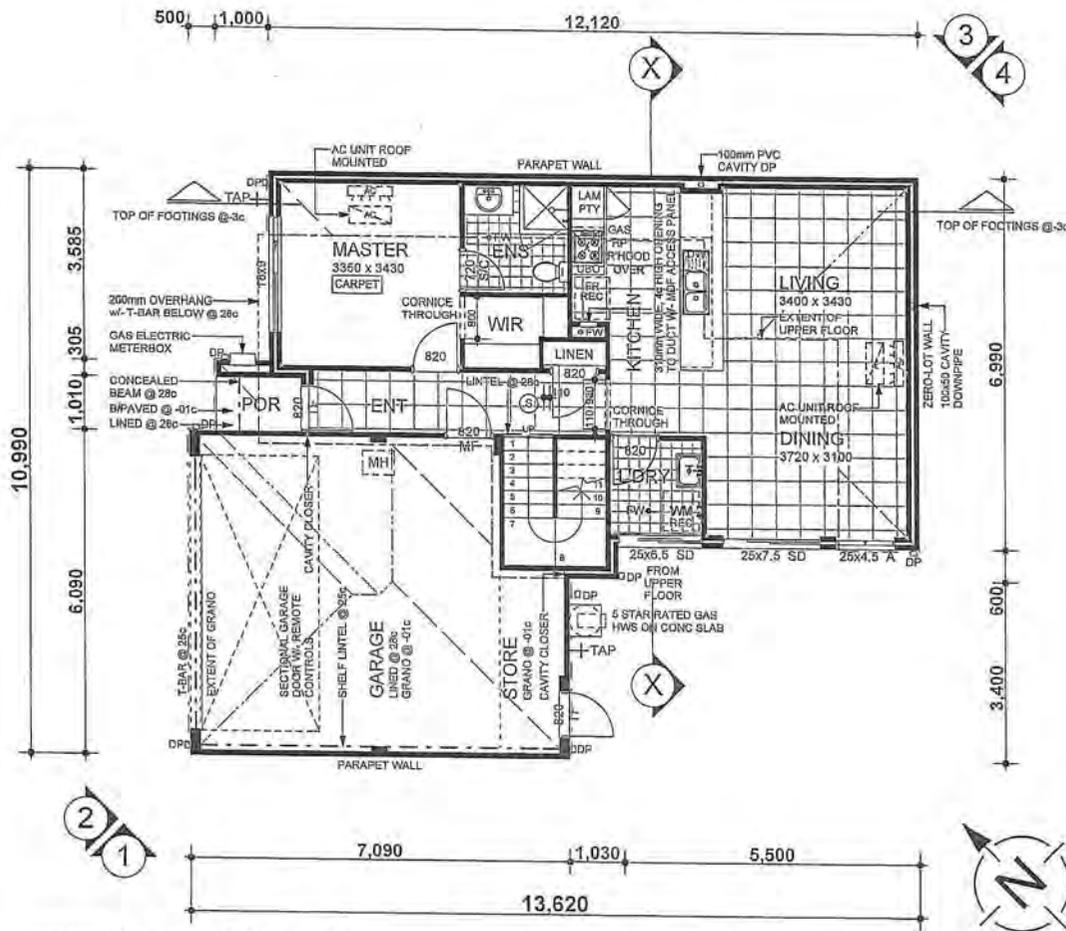
ADDRESS:

Strata Lot 4 of
LOT 302 (UNIT 4)
ORRONG ROAD
RIVERVALE

DEPARTMENT OF PLANNING
02 APR 2013
15_50108-1
FILE

SHEET N°	16 OF 53
JOB N°	25650
REVISION DATE	1 10.12.12

UNITS 6 - 12



GROUND FLOOR PLAN
1:100

Floor Areas - All Stories			
Floor	Location	Area	Perimeter
1st floor			
	UPPER FLOOR	51.34	34.42
		51.34 m ²	34.42 m
Ground floor			
	GROUND FLOOR	76.82	38.42
	GARAGE/STORE	34.99	23.78
	GARAGE/STORE	4.55	9.66
	PORCH	1.92	5.83
		118.08 m ²	78.69 m
		169.42 m ²	113.11 m

NOTE:
• ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS

Ⓢ DENOTES HARD-WIRED SMOKE DETECTOR

ROOF AREA(s) ON FLAT:
Ground Floor
25° 38' PITCHED ROOF = 66.00m²
Upper Floor
25° 38' PITCHED ROOF = 59.13m²
TOTAL AREA 125.13m²

WIND CLASSIFICATION AS PER A.S. 4055:
N1 - FOR GROUND STOREY OF RESIDENCE
N1 - FOR UPPER STOREY OF RESIDENCE
NOTE: FOR RESIDENCES GREATER THAN DOUBLE STOREY REFER TO THE ENGINEERS OFFICE.

ONE OFF

© COPYRIGHT MODEL N° 90002



65 Walters Drive, Osborne Park, W.A. 6017.
Telephone: (08) 9202 9200.
Facsimile: (08) 9202 9201.
P.O. Box 55, Westfield Shopping Centre, Innaloo, W.A. 6918.

Reg. Builder No: 11419; A.B.N. 84 095 664 705; A Division of JWH GROUP Pty Ltd

REV	VO #	DRN	DATE	CHK
01	SHIRE REGS	AC	11.05.12	LT
			06.02.13	CG

Sub-contractors to verify all dimensions on site.
PLANNING DRAWINGS
THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

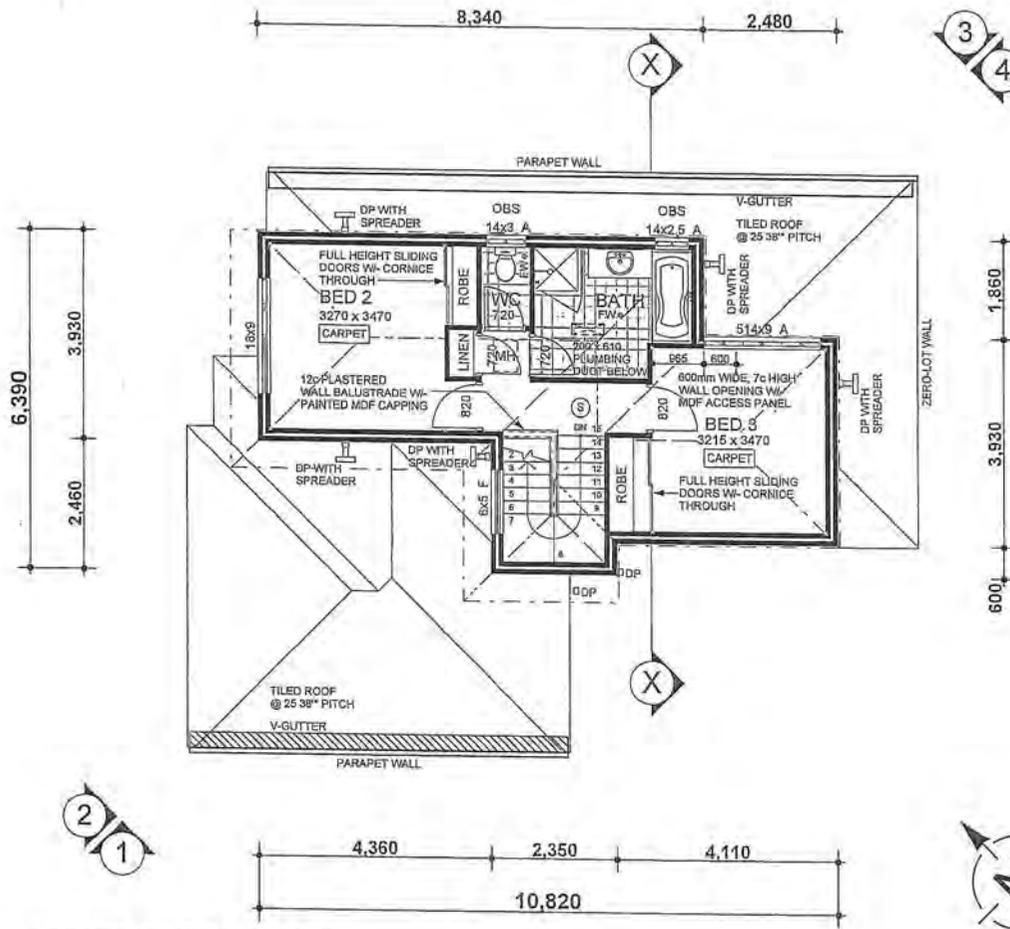
DATED:.....
OWNER WITNESS
OWNER WITNESS
BUILDER WITNESS

CLIENT:
THI TRANG
ADDRESS:
LOT #17
STRATA 11
ORRONG ROAD
RIVERVALE

DEPARTMENT OF PLANNING
02-APR-2013
FILE 15-50108-1

SHEET N°	41 OF 53
JOB N°	25657
REVISION DATE	01 06.02.13

UNITS 6 - 12



UPPER FLOOR PLAN
1:100

Floor Areas - All Stories			
Floor	Location	Area	Perimeter
1st floor			
	UPPER FLOOR	51.34	34.42
		51.34 m ²	34.42 m
Ground floor			
	GROUND FLOOR	76.62	39.42
	GARAGE/STORE	34.98	23.76
	GARAGE/STORE	4.55	9.66
	PORCH	1.92	5.83
		118.08 m ²	78.68 m
		169.42 m ²	113.11 m

NOTE:
• ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS

(S) DENOTES HARD-WIRED SMOKE DETECTOR

ROOF AREA(S) ON FLAT:
Ground Floor
 25° 38' PITCHED ROOF = 66.00m²
Upper Floor
 25° 38' PITCHED ROOF = 59.13m²
TOTAL AREA 125.13m²

WIND CLASSIFICATION AS PER A.S. 4055:
 N1 - FOR GROUND STOREY OF RESIDENCE
 N1 - FOR UPPER STOREY OF RESIDENCE
 NOTE: FOR RESIDENCES GREATER THAN DOUBLE STOREY REFER TO THE ENGINEERS OFFICE.

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 Facsimile: (08) 9202 9201.
 P.O. Box 55, Westfield Shopping Centre, Innaloo, W.A. 6918.

REV	VO #	DRN	DATE	CHK
01	SHIRE REGS	AC	06.02.13	CG

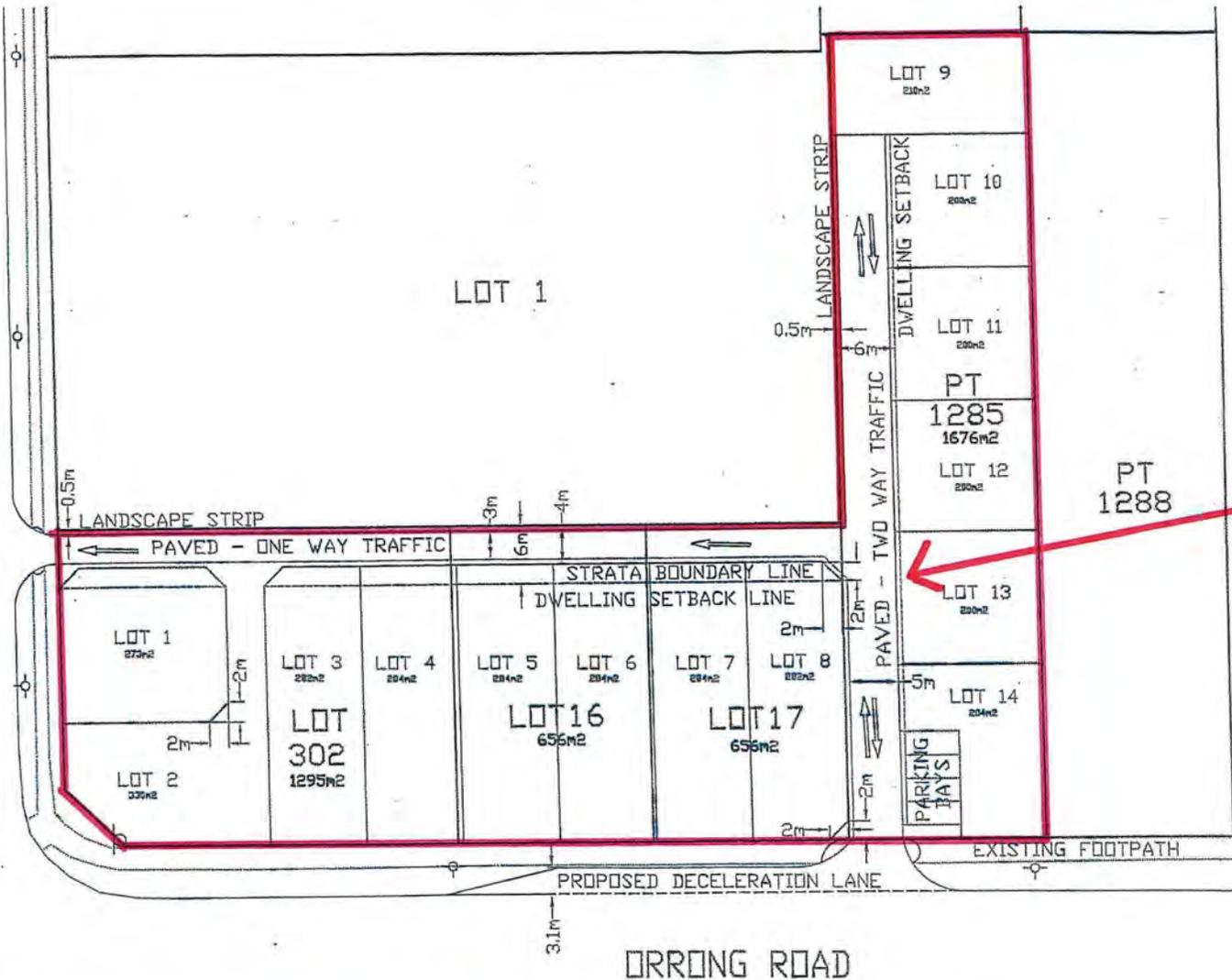
Sub-contractors to verify all dimensions on site.
PLANNING DRAWINGS
 THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED:
 OWNER WITNESS
 OWNER WITNESS
 BUILDER WITNESS

CLIENT:
THI TRANG
 ADDRESS:
 LOT #17
 STRATA 11
 ORRONG ROAD
 RIVERVALE

DEPARTMENT OF PLANNING
 02 APR 2013
 FILE 15-50108-1

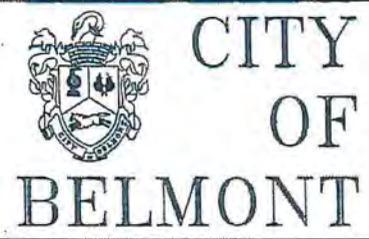
SHEET N°	42 OF 53
JOB N°	25657
REVISION DATE	01 06.02.13



SUBJECT SITE

FILE
02 APR 2013
15:50:08-1
DEPARTMENT OF PLANNING & DEVELOPMENT
ALEXANDER ROAD

NOTES



SURVEY	TUPD
CD ROM	
DESIGNER	P.TAN
DRAWN	M.BROPHY
ESTIMATE No.	
CHECKED	<i>Ptan 26/7/05</i>
AUTHORISED	<i>M.Brophy 26/07/05</i>

ACCESS PLAN			
PROPOSED STRATA DEVELOPMENT LOTS 302, 16, 17 & 1285 ORRONG ROAD			
SCALES	HOR. 1: 500	VER. 1: N/A	DATUM ADOPTED
DATE DRAWN	1 JUNE 2005		HORIZONTAL - PGK VERTICAL - AHD
ORIG DWG SIZE			A3

SHEET No.	01
TOTAL SHEETS	01
DRAWING No.	42-05

Adopted - Item 11.6
OCM 26/07/2005

LEGEND

- PROPOSED ROAD CARRIAGEWAY
- PROPOSED ROAD REQUIREMENT
- R.O.W BOUNDARY TO BE INCLUDED AUTHORITY TOWN PLANNING



SUBJECT SITE

4.1m WIDENING

REFER TO CITY OF BELMONT
VEHICLE ACCESS PLAN DRG N° 42-05

ALEXANDER ROAD

ARCHER STREET

SATELLITE PLACE

JOINS DRG 60239855_403-SK-0004

MATCHLINE

DEPT OF PLANNING
 - 3 APR 2013
 FILE 15-50108-1

PRELIMINARY CO
 NOT TO BE USED FOR
 CONSTRUCTION PURPOSES

AECOM

AECOM Australia Pty Ltd A.B.N. 20 095 024 925

ORRONG ROAD H027
 BARRY STREET TO KEW STREET

TITLE : FEATURE SURVEY		LOT : LOTS 6, 7 & 8 ORRONG ROAD & LOT 302 ALEXANDER RD.	
CLIENT : T. TRANG	SURVEYED : 27 & 30/04/12	SUBURBS : RIVERVALE	DP : 45852 & 36632
BUILDER : IN-VOGUE	MAP REF : 374 C 6	AUTHORITY : CITY OF BELMONT	CIT :

LINKS Surveying
 P.O. Box 118 Williston WA 6955
 Web: www.surveylinks.com.au
 Email: links@surveylinks.com.au
 Ph: (08) 9354 8511 Fax: (08) 9354 8522

NOTE: THIS PLAN is issued by the City of Survey, NOT FOR CONSTRUCTION purposes without its consideration. The on-site boundary POSITION is APPROXIMATE & requires survey verification. Check Landmark Plan & Conditions of Title for Encumbrances including Easements, Covenants, Conditions etc. All SERVICES require verification from the relevant AUTHORITY - suggest contacting "Did You Dig" for underground services & a site inspection.

SHEET 49 of 53 BUILDER REF No 25647 SCALE 1:200 DWG No 21370002 REV A

WATER

STOP VALVE \square SV
 HYDRANT \square HT
 FLUSH POINT \square FP
 WATER TAP \square TP
 WATER MARKER \square WM
 WATER METER \square W

SURVEY

PEG FOUND \square PF
 PEG DISTURBED \square PD
 PEG DONE \square PG
 CONTROL POINT \square CP
 DATUM \square D

SERVICE LEGEND

POWER

CONSUMER POLE \square CP
 POWER POLE \square PP
 LIGHT POLE \square LP
 STAY POLE \square SP
 5, WIRE ANCHOR \square SWA
 LUG CABLE BOX \square LCB
 CABLE MH \square CMH
 CABLE O/DIVE \square CO
 GAS \square G
 GAS MARKER \square GM
 GAS METER \square GM
 GAS VALVE \square GV

HC 1

SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL 14.50
 SEWER BROUGHT UP 1.90
 DEPTH TO CONNECTION 0.58

HC 2

SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL 14.51
 SEWER BROUGHT UP 1.90
 DEPTH TO CONNECTION 0.58

HC 3

SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL 14.58
 SEWER BROUGHT UP 2.00
 DEPTH TO CONNECTION 0.59

HC 4

SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL 14.63
 SEWER BROUGHT UP 1.90
 DEPTH TO CONNECTION 0.51

HC 5

SEWER CONNECTION POSITION APPROXIMATE ONLY
 SEWER INVERT LEVEL 14.79
 SEWER BROUGHT UP 2.20
 DEPTH TO CONNECTION 0.61

UNIT	LOCATION	GRAND m ²	B'PAVED m ²
UNIT 1	Courtyard, Porches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 2	Courtyard, Porches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 3	Courtyard, Porches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 4	Courtyard, Porches & Paths	00.00	17.77
	Garage Garage	40.72	00.00
UNIT 5	Courtyard, Porches & Paths	00.00	19.33
	Garage Garage	41.67	00.00
UNIT 6	Courtyard, Porches & Paths	00.00	22.92
	Garage Garage	39.09	00.00
UNIT 7	Courtyard, Porches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 8	Courtyard, Porches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 9	Courtyard, Porches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 10	Courtyard, Porches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 11	Courtyard, Porches & Paths	00.00	20.13
	Garage Garage	39.54	00.00
UNIT 12	Courtyard, Porches & Paths	00.00	21.88
	Garage Garage	35.42	00.00

NOTES: UNIT 1
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 215.82 m²
 (+ CP 58.14 m²) = 271.56 m²
 (+ CP 58.14 m²) = 271.56 m² (48.77%)
 SITE COVERAGE: 127.21 m² (59.21%)

NOTES: UNIT 7
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 155.32 m²
 (+ CP 58.14 m²) = 211.48 m²
 (+ CP 58.14 m²) = 211.48 m² (136.84%)
 SITE COVERAGE: 118.08 m² (75.84%)

NOTES: UNIT 11
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 155.32 m²
 (+ CP 58.14 m²) = 211.48 m²
 (+ CP 58.14 m²) = 211.48 m² (136.84%)
 SITE COVERAGE: 118.08 m² (75.84%)

NOTES: UNIT 12
 RESIDENTIAL ZONING: R30
 GUIDELINES AS PER R-CODES
 SITE AREA: 213.10 m²
 (+ CP 58.14 m²) = 269.24 m²
 (+ CP 58.14 m²) = 269.24 m² (126.32%)
 SITE COVERAGE: 109.07 m² (50.40%)

SITE RECORDS

STATUS

LOCATED L
 AVAILABLE A
 NO SERVICE NS
 CONNECTION C

SERVICE

WATER W
 SEWERAGE S
 GAS G
 TELSTRA T
 POWER P

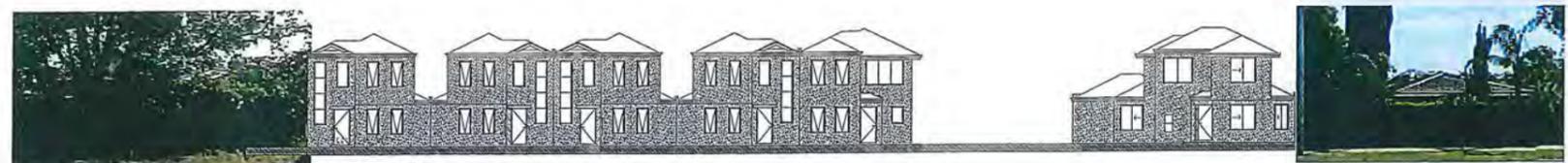
AREA: ESTAB.
 COASTAL DISTANCE >1Km
 LOT: AREA:
 APPROXIMATE AHD

SEWERAGE

SEWER MANHOLE \square SMH
 INSPECT. SHAFT \square ISH
 INSPECT. OPENING \square IO
 HOUSE CONNECTION \square HC
 TELSTRA \square TEL
 TELSTRA MARKER \square TM
 TELSTRA PIT \square TPT
 TELSTRA MH \square TMH
 DRAINAGE \square DR
 SW MANHOLE \square SWM

GROUND COVER

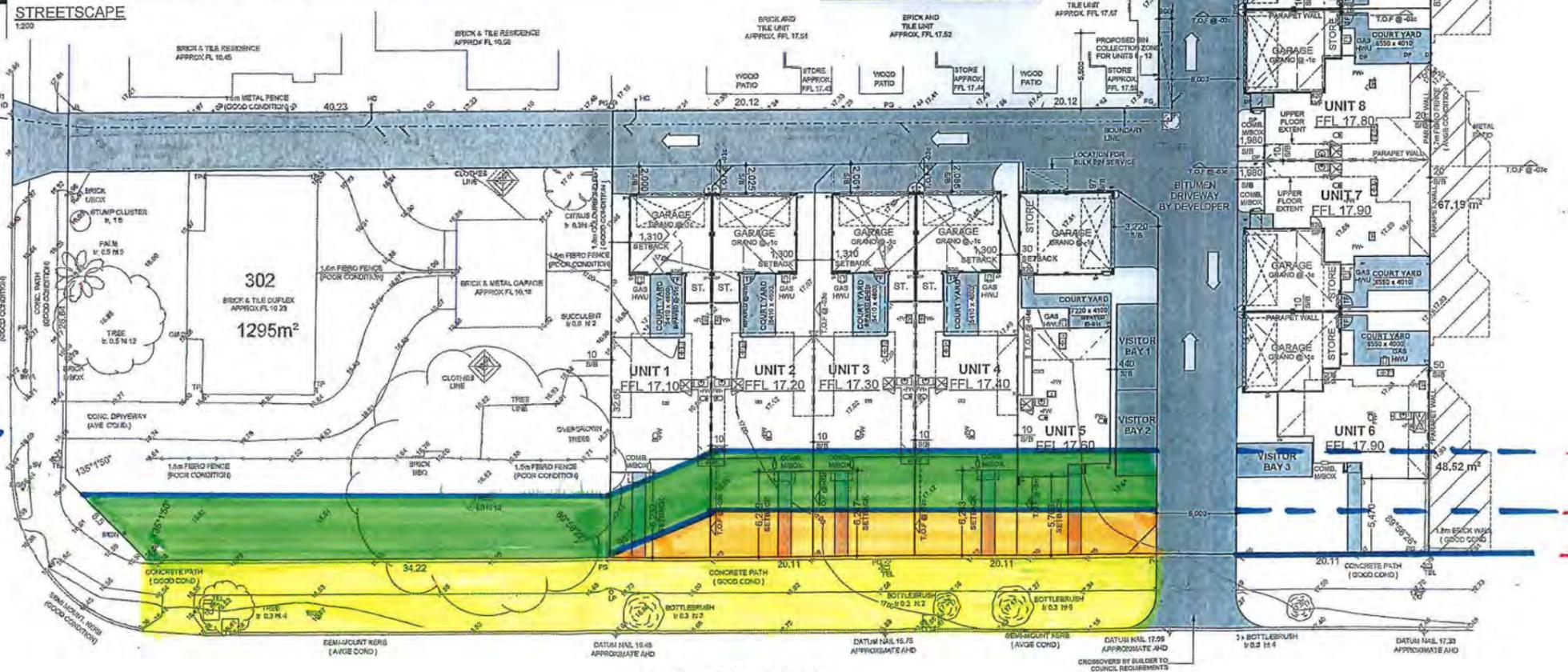
SANDY / GRASS / WEED
 BUILDING RUBBLE / RUBBISH



Rebated verge 4.1m wide

Deceleration Lane 3.1m wide

Orrong Road pavement widening



PLANNING DRAWINGS

THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED: _____

OWNER: _____ WITNESS: _____

OWNER: _____ WITNESS: _____

BUILDER: _____ WITNESS: _____

REV	VO #	DATE	CHK
01	PLANNING	DB 28.02.13	CG
02	SHIRE REQ.	CO 21.03.13	CG

Sub-contractors to verify all dimensions on site.

SITE PLAN
 1:200

HATCH DENOTES EXTENT OF OVERSHADOWING AT NOON ON JUNE 21st
 223.38m² (13%) OF OVERSHADOWING ONTO ADJACENT BLOCK

1288
 BRICK AND TILE UNITS
 WELL CLEAR

4.1m
 3.1m
 7.2m

ITEM NO: 9.8

SHIRE OF EXMOUTH EXMOUTH SOUTH (DISTRICT) STRUCTURE PLAN - FINAL ENDORSEMENT

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager - Central Regions
AUTHORISING OFFICER:	Executive Director Regional Planning and Strategy
AGENDA PART:	G
FILE NO:	SPN/0530/1
DATE:	31 July 2013
ATTACHMENTS:	1. Location Map 2. Town Planning Scheme 3 - Zoning Map 3. Exmouth South Structure Plan Map 4. Shire of Exmouth Council Resolution - Approval with Modifications 5. Schedule of Submissions
LGA RECOMMENDATION(S):	Final Adoption
REGION DESCRIPTOR:	Gascoyne
RECEIPT DATE:	8 July 2013

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the Schedule of Submissions (Attachment 5) and support inclusion of all modifications adopted by the Shire of Exmouth, as per the Council resolution of 20 June 2013;**
- 2. endorse the Exmouth South Structure Plan, subject to the following modifications:**
 - 2.1 amend the Structure Plan map - include (P1) after Public drinking water protection, and better reflect boundaries of the protection area;**
 - 2.2 amend the Structure Plan section 6.6.1 - include (P1) after 'Acknowledge primacy of the Exmouth Water Reserve' and before 'for protection of public drinking water';**
 - 2.3 include reference to SPP 2.7 Public Drinking Water Source policy within section 3.3 State Policies; and**

2.4 include as last paragraph within section 5.4.3 Mineral and Petroleum Resources the following:

"It is important for existing resource extraction sites, where there are resources that will last for a number of years, to be identified in the Structure Plan and protected from developments that would conflict with the extraction. Protection of construction material sites is important because all developments require supplies of cost effective, high quality resources".

SUMMARY:

At its latest Ordinary Meeting held 20th June 2013 the Council for the Shire of Exmouth resolved that the Exmouth South Structure Plan be adopted, subject to modifications, and provided to the Western Australian Planning Commission (WAPC) for final endorsement. The draft Structure Plan provides a strategic and non-statutory approach to district structure planning for Exmouth South. Subject to the minor modifications outlined above, the draft Structure Plan is deemed consistent with the planning framework and is recommended for final endorsement.

BACKGROUND:

The Exmouth South Structure Plan incorporates the area outlined as Exmouth Townsite South and Learmonth Locality within the Town Planning Scheme No. 3 (TPS 3) (refer to **Attachments 1 and 2** above). TPS 3 clause 5.11 outlines requirements for structure planning but does not specifically designate or require this in the Exmouth South area. There is currently no local planning strategy in place for the Shire of Exmouth.

In October 2011, consultants for MG Kailis Pty Ltd submitted a request to the Shire of Exmouth to amend TPS 3 to facilitate the development of a marine supply base and lay-down area on Lots 1, 101, 112 and 220 Minilya - Exmouth Road, Learmonth to service the North-West off shore oil and gas industry and fishing industry. Council decided to defer decision on the initiation of the amendment pending a comprehensive study/risk analysis of the proposal and site options study. Council further decided to take a strategic approach to planning in the area as there is no strategic document that covers the area at a district scale. Council was also seeking confidence that engagement with the oil and gas sector would not be solely proponent driven.

Council's decision became the catalyst for development of the Exmouth South Structure Plan, and was subsequently funded through the Royalties for Regions' Northern Planning Program (NPP) and administered by the Local Government Assistance Program (LGAP) at the Department of Planning.

The key objectives for the Structure Plan are:

1. complete a comprehensive study/risk analysis on the marine supply base proposals and site options.
2. engage the community and industry in the analysis and strategic planning to fully understand the demand and impacts of any potential supply base.

-
3. take a strategic approach to planning for the Exmouth South area, as there is currently no strategic document in place for the area at a district scale.

The draft Exmouth South Structure Plan was subsequently compiled and advertised by the Local Government from 27 February 2013 to 8 May 2013. On 20 June 2013 the Council adopted the Structure Plan with modifications, and forwarded the amended Structure Plan to the WAPC for final approval (**Attachment 4**).

It should also be noted that the NPP and the LGAP are funding and managing a Local Planning Strategy and Local Planning Scheme review and the Exmouth South Structure Plan will provide further strategic guidance into this process.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

s. 14 Functions of the WAPC

Strategic Plan

Strategic Goal:

2. Planning

Outcomes:

Effective delivery of integrated plans

Strategies:

P4. Develop integrated infrastructure and land use plans for the State

Policy

Number and / or Name:

SPP1 State Planning Framework
SPP2 Environment and Natural Resources Policy
SPP2.5 Agricultural and Rural Land Use Planning
SPP2.6 State Coastal Planning Policy
SPP2.9 Water Resources
SPP3.0 Urban Growth
SPP3.4 Natural Hazards and Disasters
SPP6.3 Ningaloo Coast

DoP & WAPC Structure Plan Preparation Guidelines

DETAILS:

The Structure Plan is bounded by the Exmouth Townsite Structure Plan boundary in the north, the near-shore waters of the Exmouth Gulf south into Gales Bay, the Commonwealth Land (Defence) communications tower area south of Learmonth RAAF Base and Airport, and the 'zigzag' boundary of the Cape Range National Park to the west (refer to **Attachment 1**).

The majority of the area is zoned Rural and is under Pastoral Lease (Exmouth Gulf Station), with the remainder being largely Recreation and Open Space, and Public Purposes zone (Exmouth Aerodrome and Commonwealth Defence land). Small portions of the Structure Plan are currently Industrial and Special Use zone on Freehold Lots, i.e. special rural estate and strategic industrial.

The Structure Plan establishes two precincts:

1. Mowbowra - directly south of the Exmouth Townsite - proposes Rural Residential (eco-estate), with additional reserves and recreational / tourism facilities.
2. Badjirrajirra - directly south of the Mowbowra precinct - proposes further investigations for a potential marine supply base, lay down area and general industry investigations; as well as conservation and landscape protection areas.

The remainder of the land lies south of the above precincts. The focus of the Structure Plan proposals in this area are centred on recreation, land based and marine conservation, and tourism opportunities. Heron Point is also identified for aquaculture and marine based industry investigations, as per the site options analysed within the document (**Attachment 3**).

The focus of the Structure Plan has been on targeted evaluation and stakeholder engagement to develop an issues based strategic Structure Plan. Preparation of the Plan was conducted in three stages:

1. issues paper and recommendations for a preferred Marine Supply Base site - including community survey, literature review, identification of opportunities and constraints.
2. draft Exmouth South Structure Plan - released for public comment by the Local Government.
3. final Exmouth South Structure Plan - currently adopted by Council.

Consultation is discussed further below.

Section 5 of the Structure Plan outlines planning issues within the area, and provides detail on the analysis and comparative site assessment undertaken for a potential marine supply base, as related to proposed Local Planning Scheme Amendment 27.

Section 6 provides the Structure Plan proposals, stating that the overall objective (vision) of the Structure Plan is:

To provide a strategic, long term land use plan to facilitate responsible economic development balanced with the need for conservation, landscape and heritage protection, and compatible with the requirements of Defence and communications and internationally significant activities.

20 subsequent objectives are then provided for key elements of the Structure Plan, with specific actions listed to achieve these. These proposals are further discussed in the Officers Comments below.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Final endorsement of the Structure Plan should not have any foreseeable implications government and corporate implications.

CONSULTATION:

The Shire of Exmouth underwent consultation with the relevant agencies and stakeholders prior to completion of the Draft Structure Plan. The local community was also consulted at this time via a community survey and issues paper released by Council in April 2012.

Council advertised the draft Exmouth South Structure Plan from 27 February 2013 to 8 May 2013, with relevant agencies and organisations notified. It is noted that consent to advertise was not sought from the WAPC prior to public advertising, however there is also no requirement for this listed within the Shire of Exmouth TPS 3. Fifteen (15) submissions were received from agencies, organisations and individuals. Submissions were considered by Council and modifications made to the draft Structure Plan prior to adoption (**Attachment 4**). The submissions are summarised in a Schedule of Submissions and is attached as **Attachment 5**.

Key issues outlined in the submissions include:

- Concerns from residents in the Cape Wilderness Estate regarding increasing operations and development at the Exmouth Aerodrome, and subsequent impacts on amenity and property values within the adjacent Estate.
- Concerns regarding environmental impacts of increased industry and marine supply base activities on the environment and marine life within the Exmouth Gulf.

In regards to concerns surrounding the Exmouth Aerodrome, it is noted that a Master Plan is currently being prepared for the Exmouth Aerodrome and will include community consultation for this process. The proposed Aircraft Noise Exposure Forecast Study identified in actions 6.16.4 and 6.9.3 of the Structure Plan will also assist in establishing a noise and safety buffer area and encroachment of incompatible land uses.

Environmental impacts regarding any proposed Marine Supply Base will be subject to referral and assessment at scheme amendment stage under the *Environmental Protection Act 1986* and *Environmental Protection and Biodiversity Conservation Act 1999* processes. This is discussed further in Officers comments, as it relates to proposed Amendment 27 of the Shire of Exmouth TPS 3.

Department of Mines and Petroleum (DMP) provided comment on the draft Structure Plan, of which the majority of their comments have been included or approved for inclusion as a modification within the document. One DMP requested modification was endorsed by Council and currently remains outstanding, requiring inclusion in section 5.4.3 Mineral and Petroleum Resources. It is therefore recommended that the below be included as a last paragraph within the section *"It is important for existing resource extraction sites, where there are resources that will last for a number of years, to be identified in the Structure Plan and protected from developments that*

would conflict with the extraction. Protection of construction material sites is important because all developments require supplies of cost effective, high quality resources".

OFFICER'S COMMENTS:

Structure Plan Preparation Guidelines (2012) - WAPC and Department of Planning

The Exmouth South Structure Plan represents a non-statutory district structure plan, and as such meets the criteria of being "strategic in nature and prepared over land that is either not yet zoned for urban land use and development or that requires a guiding framework to ensure coordination in subsequent layers of more detailed planning and development is achieved". It is recognised that the Structure Plan does not currently follow the configuration required in section 4.2 of the Structure Plan Preparation Guidelines. However, commencement of the plan was conducted prior to release of the Guidelines and the content addresses the relevant requirements within the Guidelines.

The Structure Plan is also consistent with requirements outlined in clause 5.11 of TPS 3.

SPP 6.3 Ningaloo Coast

The proposed Exmouth South Structure Plan is consistent with the Ningaloo Coast Regional Strategy and Land Use Plan (2004), and guiding principles for SPP6.3. However, there is a potential conflict with the policy via the establishment of a Special Rural Eco-Estate and Marine Supply Base outside of the established townsite.

The Exmouth South Structure Plan includes a proposal for the "creation of a sustainable, low density eco-estate that provides lifestyle choice and responds appropriately to the landscape and environmental features of the area" with section 6.3 outlining objectives and actions to undertake detailed investigations into the feasibility and suitability of the proposal.

This proposal does provide a potential long term expansion directly south of the Exmouth townsite boundary. However, the Exmouth-Learmonth (North West Cape) Structure Plan (1998) states its objective for special / rural residential to locate within the townsite, and connected to services wherever possible. The Exmouth Townsite Structure Plan (2004) also does not support expansion of residential opportunities beyond the townsite due to servicing constraints and high costs of provision, as well as the current supply of lots within the townsite surpassing projected demand to 2027.

Further discussions with the Local Government have outlined that special rural eco-estate opportunities are currently not possible within the existing townsite due to constraints on land availability. There is also no current proposals for the special rural use, however the intention is to highlight a potential location within the structure plan as a long term option.

While flagging this area as special rural eco-estate is appropriate at a broad strategic planning level. Future planning investigations and approvals will need to ensure development proposals and planning approvals proceed in accordance with the planning framework, and in particular SPP 6.3 Ningaloo Coast requirements.

Section 5.4 Economic Development incorporates an overview of the Marine Supply Base investigation and site analysis options undertaken as part of the structure planning process. As outlined above, this arose from a request to amend the local planning scheme to allow for a marine supply base facility (land and marine based) on the current Kailis site (Amendment 27).

Five sites are examined within the Structure Plan area via a desktop assessment and comparative analysis. The overall conclusions in relation to the site location were:

- Subject to environmental assessment and approvals, development of a marine supply base(s) would have overall benefits to the Shire and the region;
- Site 1 (Pt. Murat) and Site 2 (Exmouth Boat Harbour) have significant constraints and do not warrant further investigations;
- Site 3 (Strategic Industry) and Site 4 (Kailis) both have sufficient merit to warrant detailed investigations; and
- Site 5 (Heron Point) may have sufficient merit to warrant detailed investigations but is less prospective than site 3 and 4.

Site 3 (Strategic Industry) and Site 4 (Kailis) are within the boundary of the Exmouth South Structure Plan. The Structure Plan subsequently includes the sites as "marine supply base, lay down area and general industry investigations". Objectives and actions (section 6.7 and 6.12) for these two sites focus on the need for further detailed investigation to determine suitability for marine supply base and lay down area functions.

Outlining potential development sites and sites for further investigation is deemed appropriate at this level of planning. Future proposals for the development of the Marine Supply Base will require detailed investigations and scheme amendments as part of the planning approval process. This will provide a mechanism for assessment of any future proposals against the planning framework and the *Environmental Protection Act 1986*. Further public consultation will also be required as part of this process, and may go some way in addressing public concerns in regards to the potential marine impacts and aspects.

Water

The Exmouth South Structure Plan provides details on water resources and supply constraints within the area, and further provides objectives and actions related to water reserves, creek corridors, drainage and flood management. As per Better Urban Water Management, a Local Water Management Strategy is typically required at Structure Planning stage and was previously completed for the Exmouth Townsite Structure Plan (2011). However, as the Exmouth South Structure Plan provides a more 'strategic' structure plan function with limited details on on-the-ground proposals it is considered appropriate to retain the preparation of a District Water Management Strategy as an action (6.21.1) to be completed at the local planning strategy phase, currently underway.

Further, there is currently a Priority 1 (P1) Public Drinking Water Source Area (the Exmouth Water Reserve) located west and south of the Exmouth Townsite, within the Mowbowra and Badjirrajirra precincts. It is recommended that the P1 designation be reflected within the Structure Plan document, associated maps and legends, as well as inclusion of SPP 2.7 Public Drinking Water Source Policy within section 3.3 State Policies. This water reserve and designation is also not reflected within the Shire of Exmouth Local Planning Scheme (1999).

Conclusion

The Exmouth South Structure Plan provides a strategic approach to district structure planning and addresses the relevant content requirements within the DoP and WAPC Structure Plan Preparation Guidelines. Two potentially contentious proposals are outlined within the Structure Plan relating to the marine supply base site and special rural eco-estate. However, it is recognised that these are only broad proposals at this stage and will be subject to further detailed planning and scheme amendment processes, which will provide the necessary information to determine their appropriateness for future development, as well as provide opportunities for further public consultation. It is recommended that the Structure Plan be endorsed subject to minor modifications.



Location Plan

LEGEND

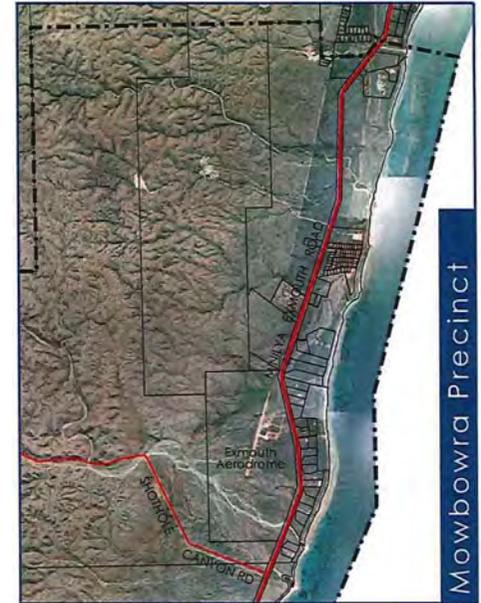
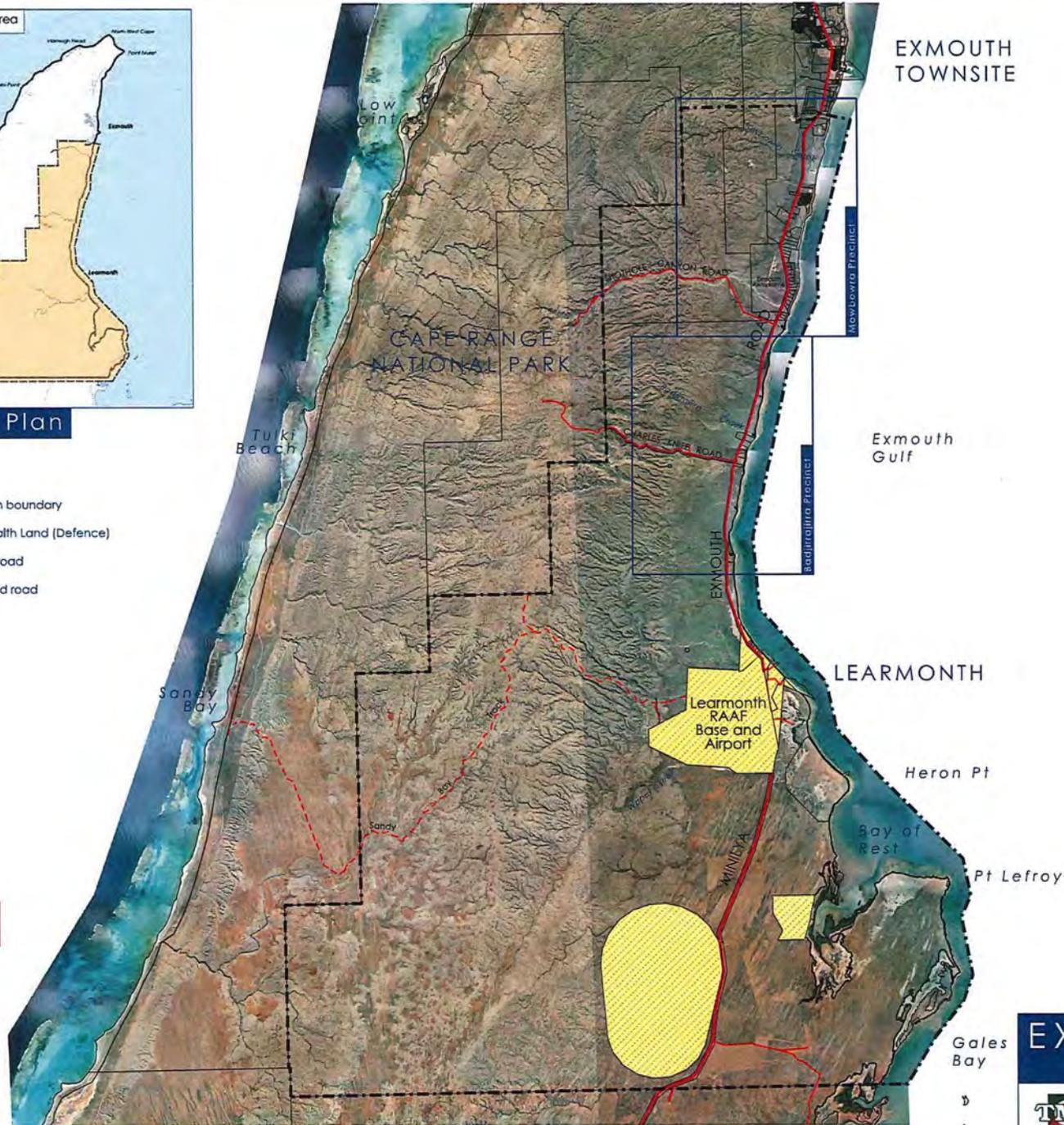
- Structure plan boundary
- Commonwealth Land (Defence)
- 2 wd sealed road
- 2 wd unsealed road

PLAN 1



Date:
June 2013

Scale:
1:20 000 @ A3
1:10 000 @ A1



Mowbowra Precinct
(Enlargement)



Badjirra Precinct
(Enlargement)

EXMOUTH SOUTH
Structure Plan

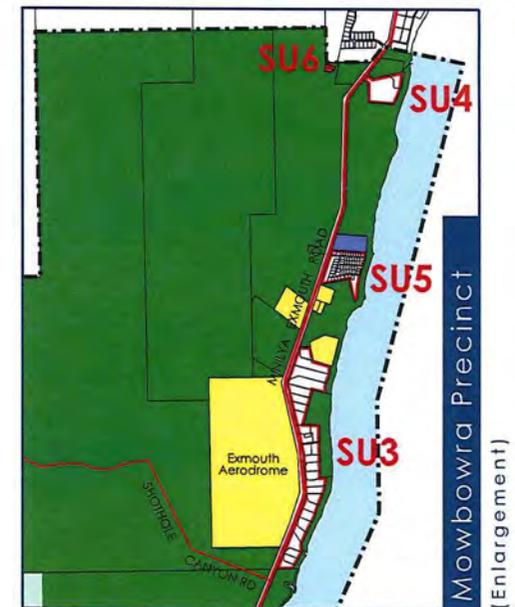
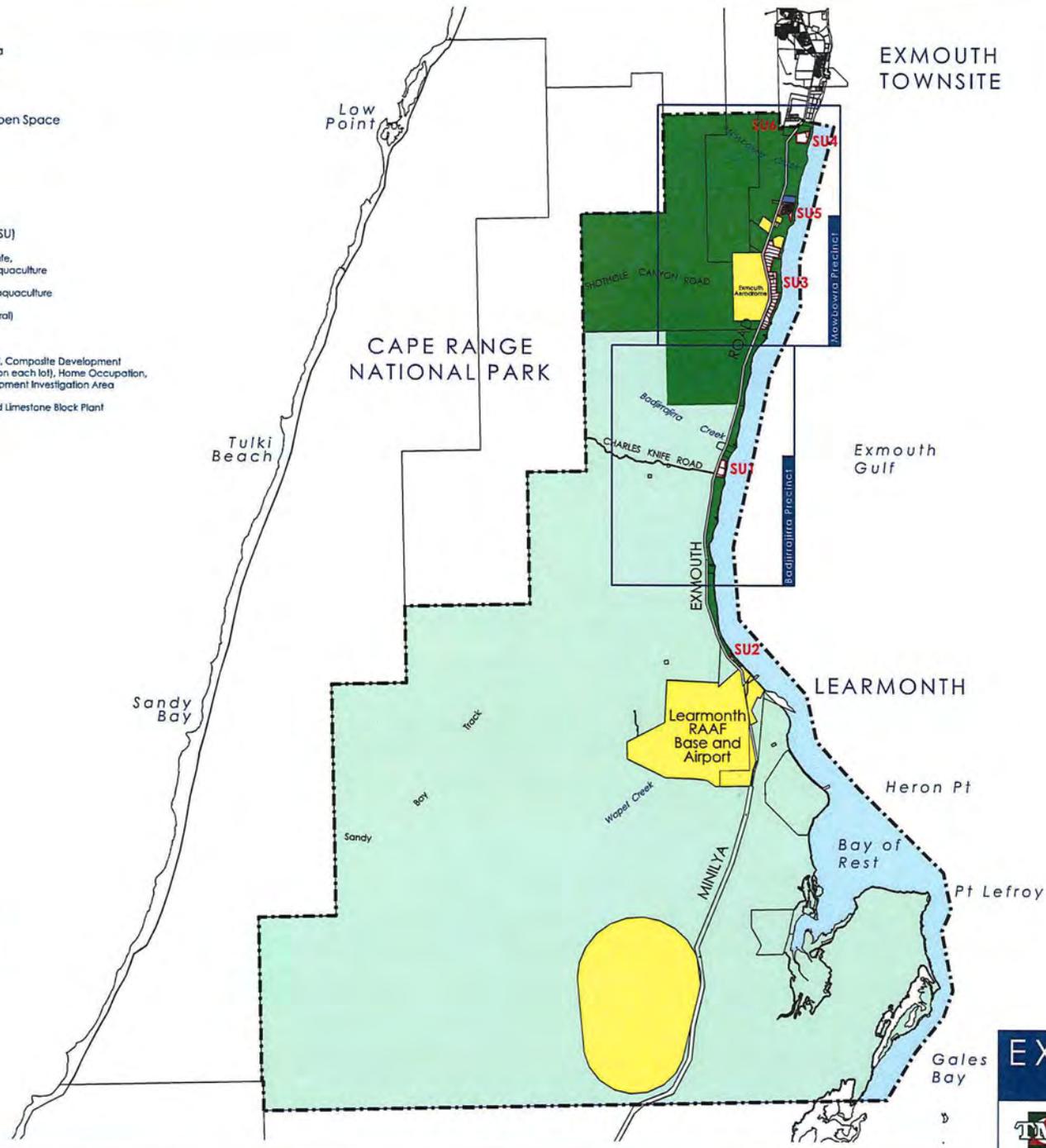


Structure Plan Area

LEGEND

-  Structure Plan Area
- LOCAL SCHEME RESERVES
-  Public Purposes
-  Recreation and Open Space
- ZONES
-  Industrial
-  Pastoral

- OTHER
-  Special Use Area (SU)
- SU1 Fish processing, fish shop, cafe, caravan park, residential, aquaculture
- SU2 Fish processing, residential, aquaculture
- SU3 Wilderness Estate (special rural)
- SU4 Aquaculture
- SU5 Strategic Industrial, Industrial, Composite Development (Industrial and single house on each lot), Home Occupation, Public Open Space, Development Investigation Area
- SU6 Concrete Batching Plant and Limestone Block Plant
-  Ocean



PLAN 3



Date:
June 2013

Scale:
1:20 000 @ A3
1:10 000 @ A1

EXMOUTH TOWNSITE

CAPE RANGE NATIONAL PARK

Exmouth Gulf

LEARMONTH

EXMOUTH SOUTH
Structure Plan



Existing Zoning

Mowbowra Precinct
(Enlargement)

Badjirajira Precinct
(Enlargement)

ATTACHMENT 2

LEGEND

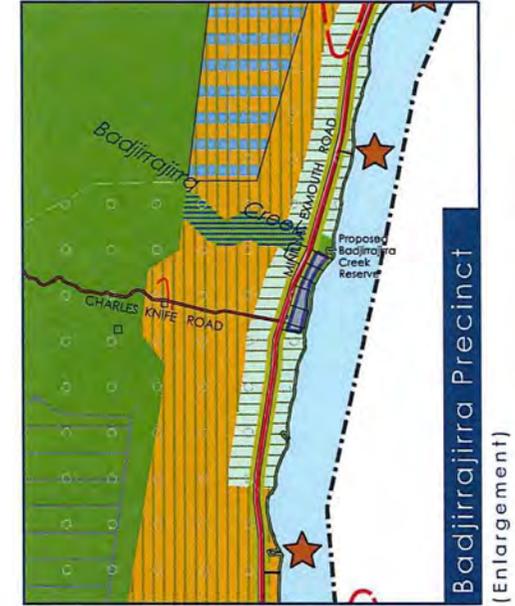
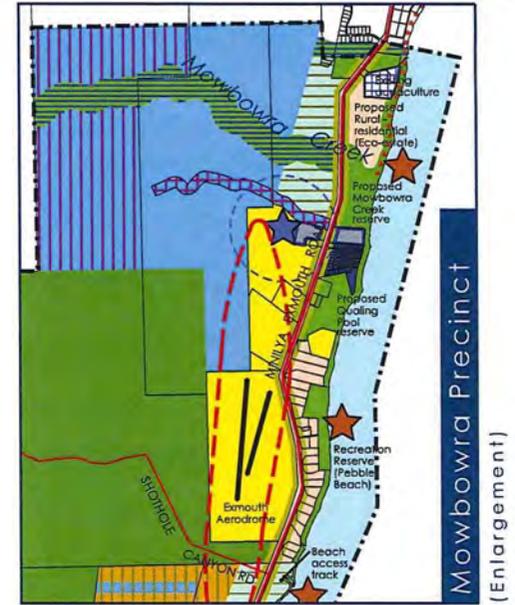
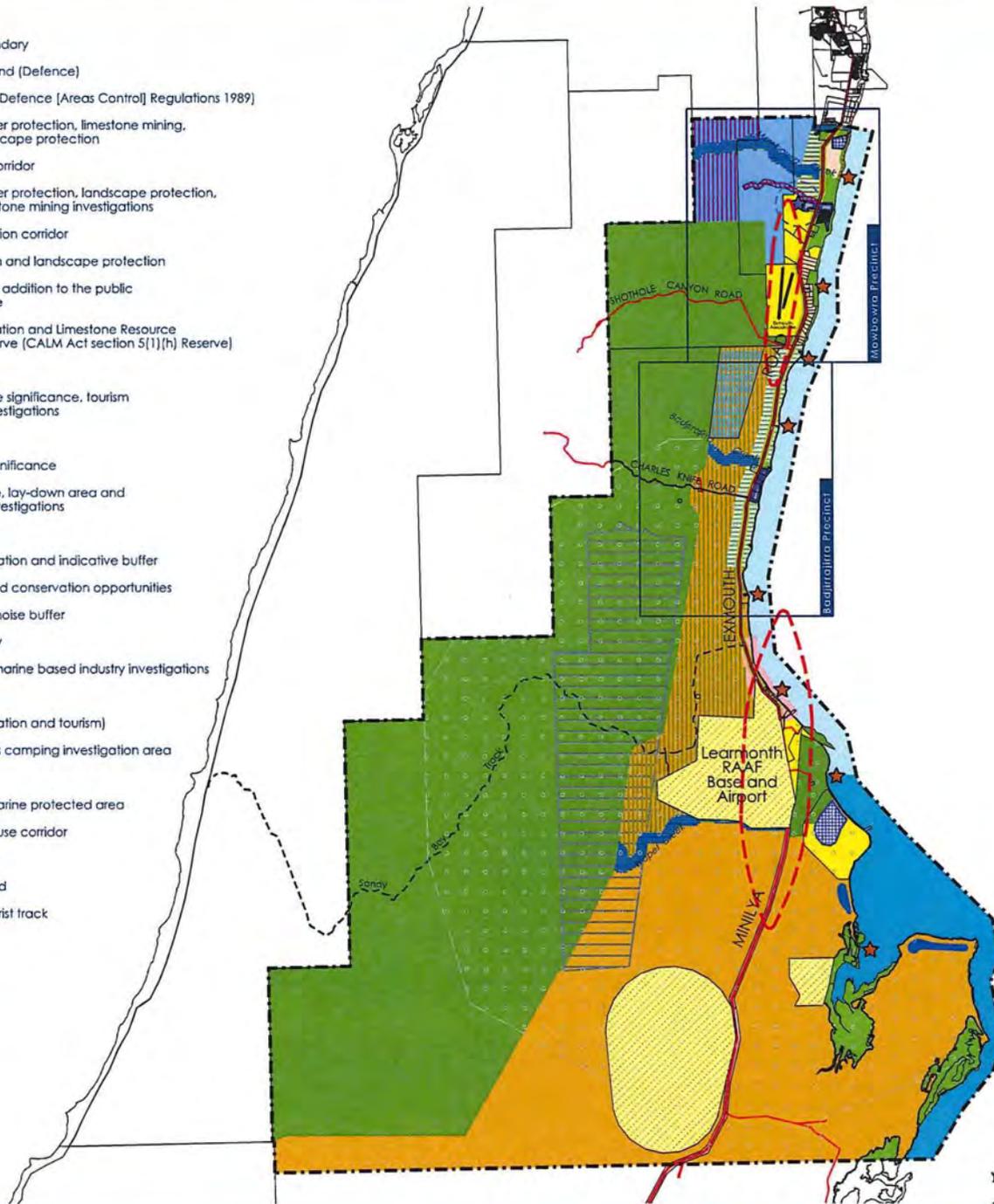
- Structure plan boundary
- Commonwealth Land (Defence)
- Height limits apply (Defence [Areas Control] Regulations 1989)
- Public drinking water protection, limestone mining, conservation, landscape protection
- Mining haul road corridor
- Public drinking water protection, landscape protection, conservation, limestone mining investigations
- Landscape protection corridor
- Rural - conservation and landscape protection
- Areas proposed for addition to the public conservation estate
- Proposed Conservation and Limestone Resource Management Reserve [CALM Act section 5(1)(h) Reserve]
- Pastoral land
- Pastoral, landscape significance, tourism and education investigations
- Public purposes
- Military heritage significance
- Marine supply base, lay-down area and general industry investigations
- Industry - special
- Proposed power station and indicative buffer
- Park, recreation and conservation opportunities
- Indicative aircraft noise buffer
- Aerodrome runway
- Aquaculture and marine based industry investigations
- Rural - residential
- Day use site (recreation and tourism)
- Tourism - wilderness camping investigation area
- Ocean
- Recommended marine protected area
- Drainage multiple use corridor
- 2 wd sealed road
- 2 wd unsealed road
- Proposed 4WD tourist track
- Bridle trail

PLAN 9



Date:
June 2013

Scale:
1:20 000 @ A3
1:10 000 @ A1



EXMOUTH SOUTH
Structure Plan

Structure Plan



Mowbowra Precinct
(Enlargement)

Badjirajirra Precinct
(Enlargement)

Your Ref:
Our Ref: OCR7763, LP.PL.8
Enquiries: Rhassel Mhasho

Handwritten note: - 6 JUL 2013
SPN 0730



1st July 2013

Johan Gildenhuis
Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6000

Dear Sir

FINAL ADOPTION - EXMOUTH SOUTH STRUCTURE PLAN

At its latest Ordinary Meeting held 20th June 2013 Council of the Shire of Exmouth made the following resolution in regard to the Exmouth South Structure Plan: -

1. *Resolve that the Exmouth South Structure Plan be adopted with the following modifications;*
 - a) *Modify Section 5.2.3.2 (pg. 27) to include 'The Sandy Bay Track 4WD tourist drive is supported in the Cape Range National Park Management Plan No. 65 2010, though it is noted that in the short term, access to the top of the range should be from the western side only. The management plan also recommends access to be subject to a permit or monitoring and management system that enables DEC to obtain information on the use levels and patterns and manage environmental impacts, visitor safety and visitor expectations.'*
 - b) *Modify Section 4.6 (pg. 18) to include 'Management of the coast and foreshore is to take into consideration the proliferation of recreational and management tracks and off road vehicle use, with consideration being given to rationalisation of tracks and management of off road activity.'*
 - c) *Modify Section 5.6.5 (pg. 41) to include 'the DWMS should address other relevant matters as outlined in Section 4.2 Stage 2: District Planning, of Better Urban Water Management (WAPC 2008).'*
 - d) *Modify Section 4.2 (pg. 16) to include 'As noted in the sections listed above, there is potential for contamination of groundwater resources from above-ground land uses due to the karstic nature of the unconfined aquifers. Although the depth to groundwater west of the tidal interface (<5km from the coast) is generally > 100m, this could be shallower adjacent to drainage lines and waterways. Waterways may function as recharge areas to groundwater, as implied in*



Section 4.2. Confined aquifers are recharged in specific areas where water leaks from overlying aquifers, or where the aquifer rises to meet the surface. It is important for the protection of values for future water supply, and the environment, for both confined and unconfined groundwater resources, that this is noted within the structure plan to guide future structure plans and development.'

- e) Modify Section 2.1.2 (pg. 3) to include 'LandCorp (previously the Industrial Lands Development Authority) was granted Management Orders for Reserve 38865 (30.5888ha) and Reserve 37812 in 1984. The Management Orders provides LandCorp with the authority to lease part of all of Reserve 38865 for any period for industrial uses and Reserve 37812 as a quarry for up to 5 years (refer to the attached location plan and Titles).'*
- f) Modify Section 1.2 (pg. 2) to include 'Other industries include fishing, defence, limestone extraction, oil and gas, pastoralism, retail and consumer services, building and construction, transport, and various community and business services.' in the third paragraph.*
- g) Modify Section 5.3.3 (pg. 32) changing the heading to Mineral and Petroleum Resources.*
- h) Modify Section 5.3.3 (pg. 32) to include 'The Exmouth South Structure Plan area is in the Northern Carnarvon Basin and is underlain by sedimentary rocks. The bedrock comprises mainly exposed Tulki Limestone, of Middle Miocene age (approximately 15 million years old). There is also minor Exmouth Sandstone, of Pleistocene age (about 2 million years old) in the central south of the plan area. Sandplain, alluvium, colluvium, and tidal deposits of more recent times overlie the bedrock mainly along the eastern coast. The Tulki Limestone contains sections of high-grade limestone. The younger surficial sediments provide a source of additional basic raw materials such as aggregate, gravel, sand, and clay.'*
- i) Modify Plan 5 to include 22 MINEDEX sites for construction materials (limestone, aggregate, sand, gravel and clay. This includes two operating limestone mines and a proposed lime processing plant.*
- j) Modify Section 5.3.3 (pg. 32) to include 'Limestone and other basic raw material deposits (sand, gravel, aggregate, and clay) occur within the Structure Plan area, and are covered by granted mining tenements and pending tenements.'*
- k) Modify Section 5.3.3 (pg. 32) to be changed to 'It is expected that there will be future proposals for access to limestone resources within and beyond existing lease areas. Any future application would need to take into account requirements under the Environmental Protection Act 1986 and the Mining Act 1978.'*
- l) Create Section 5.3.6 Petroleum resources and include 'The area is also prospective for hydrocarbons in the sedimentary rocks of the Northern Carnarvon Basin. The Exmouth South Structure Plan area includes parts of the Cape Range and Rough Range anticlines (elongated domes), which are highly prospective for hydrocarbons. Indeed, Rough Range was the site of the first oil discovery in Western Australia, in 1953 by Wapet at Rough Range 1, three km south of the plan area. The major tracks up and across Cape Range were originally access roads for*

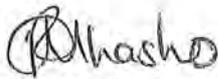
oil exploration wells. The principal targets for drilling are Cretaceous sandstones, approximately 120 million years old, overlain by Cretaceous shales, at depths greater than about 1 000 m. Targets have also been identified beneath the coastal plains surrounding the anticlinal ranges.'

- m) *Modify Section 6.1 (pg. 43) changing the overall objective to 'To provide a strategic, long-term land use plan to facilitate responsible economic development balanced with the need for conservation, landscape and heritage protection, and compatible with the requirements of Defence and communications and internationally significant scientific activities.'*
 - n) *Modify section 5.3 (pg. 28) to include It is important for existing resource extraction sites, where there are resources that will last for a number of years, to be identified in the Structure Plan and protected from developments that would conflict with the extraction. Protection of construction material sites is important because all developments require supplies of cost-effective, high-quality resources.*
 - o) *Modify Section 5.3.1 (pg. 28) to only use the terminology marine supply base investigation area.*
 - p) *Modify Section 5.1.4 (pg. 24) Cape Wilderness Estate removing it from section 5.1 to become its own section under 5.7.*
 - q) *Modify Section 5.6 (pg. 38) heading changed to 'Servicing'.*
 - r) *Modify Plan 7 to include:*
 - i. *'Area south of Charles Knife Road is marked with stripped hatching to be classified 'Rural-Conservation and landscape protection';*
 - ii. *'Portion of land south of Mowbowra Creek base colour to be updated to be identified 'Rural Conservation and Landscape protection';*
 - iii. *'Adjust colour of small portion of land north of Learmonth from Heritage to Commonwealth land';*
 - iv. *'Tail portion of land east of Learmonth to be classified as Public Purpose'.*
2. *Within 21 days of making its determination the Council is to forward to the Commission:*
- i. *A copy of the modified Exmouth South Structure Plan;*
 - ii. *A summary of all submissions, comments and advice received by the Council in respect of the Exmouth South Structure Plan, and the Council's decision's or comments in relation to these;*
 - iii. *Any other information the Council considers may be relevant to the Commission's consideration of the Exmouth South Structure Plan.*
3. *Advise those who made a submission on the Exmouth South Structure of Councils decision.*

Sixteen submissions were received during the public comment period. A copy of the Council report from the June meeting, including the schedule of submissions is attached along with two signed copies of the already amended Exmouth South Structure plan for assessment and endorsement.

In the meantime, should you have any queries in respect to the above please do not hesitate to contact the undersigned on 9949 3000.

Yours faithfully



Rhassel Mhasho
Executive Manager Town Planning

EXMOUTH SOUTH STRUCTURE PLAN: SCHEDULE OF SUBMISSIONS

	Submission From	Submission	Recommendation	Modifications	WAPC Recommendation
1	Department of Defence	<p>Thank you for providing the Department of Defence (Defence) with the opportunity to provide input into the Draft Exmouth South Structure Plan. I note that the Structure Plan is a high level district plan that will provide a framework for the provision and arrangements of future land use.</p> <p>The Structure Plan includes a number of high priority objectives and subsequent actions that would impact on the future strategic direction of the region. There are two specific objectives that have implications for Defence and on-going operations at RAAF BASE Learmonth, they include: objectives “6.9 Exmouth Aerodrome” and “6.16 Learmonth RAAF Base and Airport”. As such, Defence would like to make the following comments.</p> <p>Exmouth Aerodrome I note that objective “6.9 Exmouth Aerodrome” indicates that Council is looking at Exmouth aerodrome to operate as a regional aviation hub providing civilian aviation services independent of, but mutually with, Learmonth RAAF Base and Airport. Given that the civilian aviation operations at Learmonth are co-located with RAAF Learmonth any increase in civilian movements is likely to have implications on Defence operations. Defence would need to be involved in any future review of Learmonth Airport Capacity.</p> <p>Any decision regarding the potential future expansion of Exmouth Aerodrome would need to consider the following implications:</p> <ol style="list-style-type: none"> 1. Currently the circuit areas of RAAF Learmonth and Exmouth Airfields do not overlap, however any expansion of the Exmouth airport would require Air Traffic Control to investigate the impact as the current approach paths for RAAF Learmonth is through the Exmouth circuit area (and vice versa for any new Exmouth approaches). 2. Exmouth airfield is not currently an instrument capable airfield. Consequently, in the case of poor weather operations, the local operators launch and recover from Learmonth. If the council’s intent is to have Exmouth Airfield available for full civil operations, then navigation instruments would be required as part of their development. 3. In the event of an upgrade for Exmouth airfield to cater for day/night operations and instrument approach, airspace procedures would need to be redesigned. 4. Regarding a single air traffic control facility. <ol style="list-style-type: none"> a.) Defence’s position is that Defence may on occasions provide an Air Traffic 	<p>Noted</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted. Defence to be involved in any future review of Learmonth Airport Capacity.</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p>	Nil	Noted

		<p>Control Service for Learmonth for a particular exercise or operation, however the level of service, if provided, is dependent upon the individual exercise or operational requirements. Defence would continue to operate from Learmonth as required, and airspace and procedures would need to be designed to cater for the two operational airfields in close proximity.</p> <p>b.) If Air Traffic Control is required at Learmonth or Exmouth for civilian purposes, this is an expensive proposition, which Council would need to fund.</p> <p>Learmonth RAAF Base and Airport The strategic objective “6.16 Learmonth RAAF Base and Airport” on page 49 of the report acknowledges the strategic and Defence significance that RAAF Learmonth and Airport have within the region. This objective also includes a reference to an indicative aircraft noise buffer and acknowledges that the RAAF Base and Airport and surrounding area is affected by building and structure height limits under the Defence (Areas Control) Regulations (D(AC)R)1989. Defence is responsible for the ANEF for RAAF Base Learmonth and is supportive of the inclusion of an indicative buffer area in the absence of an updated ANEF and the D(AC)R as shown in the land use Structure Plan (Plan 7) of the draft report.</p> <p>Additional comments Defence owns a 200 acre parcel of land in the Bay of Rest and this is correctly indicated on both Plan 1 and 2 of the Structure Plan. However, Plan 3 of the report indicates that this area is zoned as ‘Pastoral’, defence requests that this land be zoned consistent with all Defence land.</p>	<p>No change to advertised structure plan (submission clearly supports the draft Structure Plan).</p> <p>No change to advertised structure plan. Plan 3 accurately shows the current zones and reservations under TPS 3 however the new Local Planning Scheme No 4 should include Defence land in the Public Purposes reservation.</p>		
2	Cape Conservation	<p>Cape Conservation Group Inc. (CCG) is a locally based volunteer group whose character is “to protect and preserve the North West Cape – now and for future generations”. We have been advocating for the environment for over 20 years and have a strong membership and support within the local community.</p> <p>CCG is:</p> <ol style="list-style-type: none"> 1. Highly supportive of the proposed conservation reserve which includes the Bay of Rest 2. Recommends consultation with the EPA regarding any potential impacts on Stygofauna 3. Strongly opposes a Marine Supply Base on the North West Cape 	<p>No change to advertised structure plan (clearly supports the draft Structure Plan)</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted.</p>	Nil	Noted

	<p>Background Information Recommendations for Environmental Protection of Exmouth Gulf</p> <p>The WA appointed World Heritage Consultative Committee recommended the entire Exmouth Gulf to be included in the Ningaloo Coast World Heritage nomination (WHCC, 2004, p. 108). Recognition of the international conservation values of Exmouth Gulf were confirmed by the International Union for Conservation of Nature (IUCN) when they recommended the Ningaloo Coast World Heritage nomination be accepted and that Exmouth Gulf be considered for inclusion in the boundary (IUCN, 2011, p. 24). The IUCN recommendation is based on the “ecological linkages between the Ningaloo Reef and the gulf, in particular the extensive mangrove stands and other shallow water habitats that function as nurseries and adult foraging grounds for many species” (ICUN, 2011, p. 24).</p> <p>Critical Resting Location for migrating Humpback Whales and calves</p> <p>The use of the western and central portions of Exmouth by migrating Humpback Whales for resting with calves has been well established and there is now sufficient evidence to “identify the region as critical” for Humpback Whales and Dugongs (Jenner and Jenner, 2005, p.2). The Humpback whales who use Exmouth Gulf are thought to be the largest population of the species (Salgado Kent, Jenner, Jenner, Bouchet and Rexstad, 2010, p. 2) and creates the southern hemisphere’s highest density of Humpback whales (per. Comms. Curt Jenner – WA Centre for Whale Research). The value of this resting site needs to be considered in the context of the entire migratory pathway. Significant shipping increases have been evident through-out the Pilbara, with continued increases expected with several large future Pilbara projects such as the nearby Wheatstone, Pluto and James Price Point LNG projects, expansions of several ports for Iron Ore export and a planned Common User Facility.</p> <p>Shipping has been shown to displace Humpback Whales (Tyack, 2008) – studies in Exmouth Gulf have shown they have a space abundance which is impacted by vessels (Braithwaite, Meeuwig and Jenner, 2012, p.2; Jenner, Jenner and McCauley, 2012, p. 33). Displacement by vessels is particularly important in the confined spaces of Exmouth Gulf (Braithwaite, Meeuwig and Jenner, 2012, p. 2). An alternative method of study – studying stress markers in presence and absence of shipping – support the finding shipping movements impact negatively on whales (Rolland, Parks, Hunt, Castellote, Corkeron, Nowacek, Wasser and Kraus, 2012, p. 1). The effects of displacement from vessels may not be immediately apparent but could impact on calf survival (Braithwaite, Meeuwig and Jenner, 2012, p. 9)</p> <p>Humpback whales have already been displaced on the migratory pathway such as Cockburn Sound and Dampier Archipelago. The cumulative impact of the increased Pilbara shipping should be considered in evaluating the importance of the Exmouth Gulf to the species. Displacement from Exmouth Gulf could have a detrimental effect at a population level (Jenner, Jenner and McCauley, 2012, p. 33). Shipping presence has been shown to increase whale activity (Jenner, Jenner and McCauley, 2012, p. 33) wasting vital energy stores which could result in greater susceptibility to predators, disease or exhaustion (Jenner, Jenner and McCauley, 2012, p. 33). In addition to concerns from shipping movements (and presence) the risk of ship strike is increased (Bannister, Kemper and Warneke, 1996, p. 31).</p> <p>Significant Population of Dugongs</p>	<p>No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p> <p>Any proposed development that may impact Humpback Whales and Dugongs will be subject to the <i>Environmental Protection Act 1986</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p>		
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	<p>Exmouth Gulf hosts a significant population of 1000 Dugongs (Gales, McCauley, Lanyon and Holley, 2004, p. 284). Boats can cause acoustic disturbance impacting on Dugongs (Marsh et al., 2002, p. 9). This may account for reports of dugongs ceasing to use areas once boat traffic increases. Dugongs react with a ‘flight’ behaviour to boating traffic – and spend a longer time reacting to slower moving boats (Hodgson, 2007, p.57). This high energy response is unlikely to be sustained for any length of time and could be using significant energy stores usually only spent in threatening situations (e.g. predators) (Gales et al, 2004, p. 4). Dugongs are much slower than other marine mammals to respond to approaching boats (Penrose, 2005, p. 16). Calves are particularly vulnerable due their near surface proximity (Penrose, 2005, p. 16). Background noise can interfere with the dugongs ability to sense an approaching boat (Penrose, 2005, p. 16). While high speed boats are more likely to strike a dugong, all boating marine presence is likely to have an impact. Dugongs are of particular concern with the impacts of increased shipping traffic as a slight reduction in adult survivorship can cause chronic decline (Marsh et al, 2002, p.1).</p> <p>Precedents set acknowledging impact of vessel traffic in Exmouth Gulf</p> <p>There have been precedents et on industrial traffic using Exmouth Gulf in recent years. During the appeals process of the Wheatstone project it was established that any use of Exmouth as a marine base (as a supply source, supply loading or as a personnel base) would require referral to the EPA (Appeals Covenor, 2011, p. 24). Additionally in 2012 there was a condition placed on the Apache Energy Coniston/Novara Project requiring no support vessels were allowed to utilise Exmouth Gulf from September 15 to October 31 due to the presence of resting Humpback whales and calves (DSWEPaC, 2012, Condition 8).</p> <p>Risk of introduced species</p> <p>The shallow, warm waters of the Exmouth Gulf are susceptible to the introduction of introduced species of particular concern if vessels come from high-risk international ports (e.g. Singapore, frequently used by oil and gas companies). For example in 2006 an infectious agent (Oyster Oedema syndrome) spread throughout pearl leases in Exmouth Gulf with 2.8 million oysters dying – at significant economic cost (Humphrey and Barton, 2009, p. 1). Preventing such events is much easier to manage than trying to eradicate introductions – often described as ‘impossible’.</p> <p>Additional environmental values of Exmouth Gulf</p> <p>There also a number of other environmental values of Exmouth Gulf which should be taken into consideration:</p> <ul style="list-style-type: none"> • The mangroves to the eastern margins of the Gulf are regionally significant (EPA, 2001, p. 5) • A number of protected marine turtles utilize Exmouth Gulf including the endangered Loggerhead turtle and the vulnerable Green turtle (Hodgson, 2007, p. 28). 	<p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p> <p>Any proposed development that may have an unacceptable environmental impact on the environment (including Exmouth Gulf) will be subject to the <i>Environmental Protection Act 1986</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p>		
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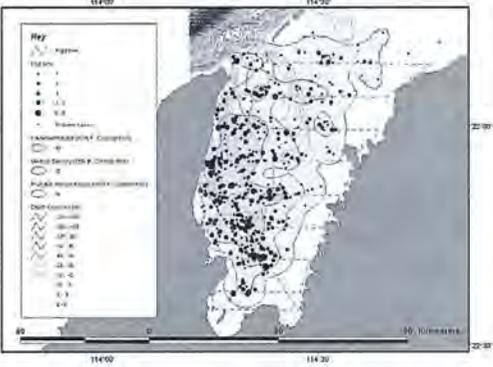
		<ul style="list-style-type: none"> • Shallow gulf waters are believed to be a nursery area for prawns, fish and sharks (Fisheries Environmental Management Plan for the Gascoyne Region (Dept of Fisheries, 2002, p. 3). • The algal mats, mangroves and shallow water of the Gulf are important primary producers for marine and estuarine food webs in the gulf (Lovelock, Grinham, Adame and Penrose, 2010, p. 43). • The eastern waters of Exmouth Gulf are listed on the directory of important wetlands (Environmental Australia, 2001, p. 110) <p>Once again we thank-you for this opportunity to provide comment.</p>			
3	Department of State Development	<p>The DSD supports economic growth through state initiatives and by facilitating the development of major resource projects throughout Western Australia. As part of this role, the Department is responsible for developing Strategic Industrial Areas.</p> <p>The Department's strategic industrial land division is responsible for implementing the Heavy Use Industrial Land Strategy. The Heavy Use Industrial Lands Strategy aims to make strategic industrial areas project ready, by achieving land based estate approval in preparation for occupancy by proponents.</p> <p>A strategic industrial area is a large industrial area of State significance which:</p> <ul style="list-style-type: none"> • Often includes onshore and port components; • Usually contains resource related industries, processing and/or transport activities and supporting industries; and • Requires multi-modal transport, utility infrastructure and adequate buffering from other land-uses. <p>I note that the Draft Structure Plan includes the terminology of 'Strategic Industrial Area'. Given the area it is suggested that more appropriate terminology is used to describe the intended land use as a 'Strategic Industrial Area' has specific meaning.</p> <p>I note that the Shire has previously consulted with DSD regarding the aims of the structure plan and this is referenced in Table 1.</p>	<p>Noted</p> <p>Noted</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>The terminology 'Strategic Industrial Area' is currently used in TPS 3 for Special Use Area SU5. The matter raised in the submission should be examined during preparation of Local Planning Scheme No 4,</p>	Nil	Noted
4	Resident Lot 312 Minilya-Exmouth Rd, Cape Wilderness Estate	<p>As a resident in the Cape Wilderness Estate and rate payer, I have a number of questions and grievances in relation to the South Structure Plan and I would like these to be addressed in your meeting with the Shire Councillors and a written reply.</p> <ol style="list-style-type: none"> 1. While there is a mention of the plan in your March 2013 newsletter, the article had no detail as to what the plan covered, making it very easy to overlook. We have received no letter about the plan, despite being key stakeholders as residents in the area. We were not contacted by TME along with other stakeholders when the plan was written up. While we are a minority, I believe it 	<p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Extensive community and stakeholder engagement was undertaken in early 2012 to identify issues and</p>	Nil	Noted

	<p>would have been a courtesy to have provided us with some notice that the proposal was being put in place.</p> <p>When were we going to be notified? It is quite obvious that you are already ramping up the use of the light airstrip with the lights being used at night.</p> <p>2. In 5.1.4 Cape Wilderness Estate Special Rural Area, I find the argument that the lots should not be further developed due to 'potential landscape impacts' in conflict with the proposal of the further development of the Exmouth Aerodrome. No issue of 'potential landscape impacts' is mentioned in relation to what I see as a major development with far greater impact on the landscape and environment than domestic dwellings.</p> <p>How do you address this anomaly?</p> <p>3. I understand that the proposal is in its infancy however as a ratepayer I am</p>	<p>opportunities. 1815 community surveys were distributed to households and businesses.</p> <p>Further stakeholder engagement was undertaken with interviews with community groups, government agencies, businesses and landowners. Note that there was no follow up, as there is a statutory 42 day consultation period for the drafted structure plan, giving residents this opportunity to provide comment.</p> <p>Runway lights have been available for many years at Exmouth Aerodrome. In 2012, the lighting system was decommissioned due to age and deterioration and solar lights have replaced the previously powered system. The difference in systems is that solar lights are active all night, where powered lights required manual or pilot activation.</p> <p>Noted.</p> <p>No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Section 5.1.4 recommends against development of additional special rural lots to the south of the existing Cape Wilderness Estate. It does not discuss further development of the existing lots. Developing additional Special Rural lots to the south would extend housing development, albeit low density, along the high landscape value coastal strip. That is very different to progressive development of Exmouth Aerodrome which is a vital public facility located west of the Minilya-Exmouth Road.</p> <p>There is no move to relocate RPT or Helicopter offshore flights from Learmonth to Exmouth with the exception of RFDS (once certain improvements such as fencing are made to meet their operational</p>		
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	<p>concerned about the amount of money that has just been spent on extending the tarmac at the Learmonth Aerodrome when it seems that you are looking to move flights to Exmouth Aerodrome.</p> <p>How long do you envisage the new apron being used before you plan to divert the light aircraft that would use the new apron to the light airstrip?</p> <p>4. I am also already concerned about the noise impact of increased usage of the light airstrip. The number of flights has increased dramatically over the past 12 months. One of the more noticeable is the hovering or run down of the Bristows helicopters. I am not sure what the procedure is but at times they have the aircraft running for 20 – 30 minutes at a time. I feel like this is a taste of the amount of noise we are likely to experience in the future.</p> <p>Plan 7 has the buffer zone conveniently ending at the road. What assurances can you give the residents in the Cape Wilderness Estate that the quiet environment we purchase land out there for, is not going to be encroached upon by further and more intense aircraft noise?</p> <p>5. I suspect that this plan will go ahead despite our concerns. I also anticipate that it will take a number of years for it to come to fruition. However if it becomes a reality, it will not only impact the lifestyle of the residents out there but also the value of our properties for re-sale.</p> <p>Has there been any consideration given to compensation for our loss of the quiet lifestyle we initially purchased the land for and for the possible decrease in value of our properties?</p> <p>I understand the positive impact that this proposal would have on the community not having travel as far to the aerodrome. As an ambulance officer, this would dramatically decrease our turnaround time for the transfer of patients to the RFDS. It would possibly</p>	<p>criteria). Exmouth Aerodrome is seen as the preferred site for GA/microlite tourist market, fixed based operators and maintenance facilities to support offshore oil and gas industries (helicopter & closed charter operations) and RFDS operations. Civil RPT and off-shore transfer helicopter operations would remain at Learmonth as long as that facility was available to the Shire. No change to advertised Structure Plan.</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>The matter of claims for compensation arising from injurious affection caused by a planning scheme are dealt with under Part 11 Division 2 of the <i>Planning and Development Act 2005</i>. It is very unlikely that any claim for compensation arising from the proposed Structure Plan would be successful.</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council). Refer above claims of compensation.</p> <p>Noted, supports structure plan.</p> <p>Noted</p> <p>Written response will be given to advise of the outcome of the Ordinary</p>		
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		<p>also have benefits for the tourism industry and fly in fly out workers.</p> <p>What I would like you to consider is the impact that it will have on the residents of the Cape Wilderness Estate. I would also like for us to be acknowledged as stakeholders and treated accordingly. There is no reason why you cannot have open correspondence and discussions with us. I would like to be notified of timeframes and developments; and to be consulted at pivotal points of your decision making processes.</p> <p>I look forward to your written response addressing my concerns.</p>	Council meeting.		
5	Resident Lot 312 Minilya-Exmouth Road., Cape Wilderness Estate	<p>We were very surprised to find in this draft plan the intention of the shire to relocate the domestic air terminal and heliport from Learmonth to the Light Airstrip.</p> <p>As a resident of the Cape Wilderness Estate it seems that we were not worthy of any consolation for this report and in particular the planned changes to the light airstrip which will have significant impact on us.</p> <p>Therefore we would like to lodge our objection to the light airstrip being upgraded to take jets and for the heliport that is currently based at Learmonth to be relocated back to the light airstrip.</p>	<p>Noted.</p> <p>No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>There is no move to relocate RPT or Helicopter offshore flights from Learmonth to Exmouth with the exception of RFDS (once certain improvements such as fencing are made to meet their operational criteria). Exmouth Aerodrome is seen as the preferred site for GA/microlite tourist market, fixed based operators and maintenance facilities to support offshore oil and gas industries (helicopter & closed charter operations) and RFDS operations. Civil RPT and off-shore transfer helicopter operations would remain at Learmonth as long as that facility was available to the Shire.</p> <p>Extensive community and stakeholder engagement was undertaken in early 2012 to identify issues and opportunities. 1815 community surveys were distributed to households and businesses. Further stakeholder engagement was undertaken with interviews with community groups, government agencies, businesses and landowners. Note that there was no follow up, as there is a statutory 42 day consultation period for the drafted structure plan, giving residents this opportunity to provide comment. The Master Plan currently being prepared for Exmouth Aerodrome will include</p>	Nil	Noted

	<p>We understand that the Shire is also preparing the “ Exmouth Aerodrome Master Plan”. Who is preparing this? What information is available about it? Are the residents of the Cape Wilderness Estate going to be consulted?</p> <p>The Draft Exmouth South Structure Plan seems to point to the RAAF removing the right for domestic services to operate out of Learmonth. Is this correct? What have the discussions been with the RAAF? What are these restriction imposed by the Department of Defence? Having lived in the Northern Territory I know that both the Darwin and Tindal Air bases are fully operational bases that continue to have domestic and commercial airlines operating alongside the RAAF.</p> <p>These statements in the plan have caused distress to many of the residents of the estate. It came as quite a shock that was planned when nothing has been said by the Shire regarding this publicly before.</p> <p>It would seem that the significant infrastructure currently used at Learmonth will be abandoned. The cost to replicate those buildings at the light airstrip and build a complete new airstrip capable of taking jets as well as relocating the dump is going to be an enormous amount. What does the Shire expect this to cost? Where is the money coming from?</p> <p>Obviously our objection is mostly due to the impact of noise and subsequent reduced value of our property. At the present the Bristow helicopters leave the light airstrip each morning and come back at varying times. However if they are going to be transferring passengers from domestic flights to the helicopters at the light airstrip they will be going all day long. As we all know they are incredibly noisy – hence the need to enclose the cafe area at the current airport. We will have them running all day only 500 – 600 mtrs from our house.</p>	<p>stakeholder consultation with Wilderness Estate residents.</p> <p>No Changes, the submission: offers comment or critique which is noted by Council.</p> <p>At the October OCM, Council endorsed the preparation of a Master Plan for Exmouth Aerodrome. The master plan sets the future forecasts and development of Exmouth Aerodrome and the residents of the Wilderness Estate will be consulted in preparation of the plan. It is anticipated the plan will be complete by the end of 2013.</p> <p>The relocation of all aviation activities currently undertaken at Learmonth Airport to Exmouth Aerodrome is not envisaged to occur provided that our lease can be continued with the Department of Defence at Learmonth beyond the current lease term which expires in 2033. Should the lease not be renewed, Council needs to plan for a viable option for the continuation of RPT services. There is no indication from Defence at this time that a new lease will not be offered beyond 2033.</p> <p>(Refer to above comment on community and stakeholder engagement)</p> <p>(Refer to above comment on airport master planning)</p> <p>The Aircraft Noise Exposure Forecast study identified in 5.16.4 and 5.9.3 proposed to be undertaken looks to determine the impact of noise on surrounding facilities and residential areas and determine appropriate flight paths to reduce the noise impact and</p>		
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		We hope you take into consideration our objections and also keep the residents informed of what is planned.	create noise and safety buffer areas around aircraft operations. Noted		
6	PhD candidate – Humpback whale research, UWA	<p>Thank you for the opportunity to make comments on the Exmouth South Structure Plan.</p> <p>The proposed Exmouth South Structure Plan focuses primarily on the terrestrial environment. As some of the activities proposed in the Exmouth South Structure Plan will impact the marine environment, I believe the document should have addressed the marine environment. Specifically, I believe that Exmouth Gulf should have been acknowledged as a resting ground for humpback whales and that any proposed marine activity should have due regard for this status.</p> <p>My specific concern is the following: Increased vessel noise in Exmouth Gulf may displace resting humpback whales. As such, the development of a marine supply base should be considered with caution.</p> <p>Rationale:</p> <ul style="list-style-type: none"> Exmouth Gulf is a recognised resting area for humpback whales (<u>Department of the Environment and Heritage, 2005</u>) and is believed to be a critical habitat for humpback whales (<u>Jenner and Jenner, 2005</u>). Humpback whales rest in the central and western portions of Exmouth Gulf (Fig. 1),  <p>Figure 1. Location of humpback whale pods sighted in Exmouth Gulf during 2004 and 2005 (from Jenner & Jenner 2005)</p> <ul style="list-style-type: none"> Noise in the water column has been shown to cause stress (Rolland et al., 2012) and habitat abandonment (Wartzok, 2009) in several species of whales. Increased vessel noise increases activity levels of humpback whale calves. Humpback whale mothers then expend energy by moving the calf away from the stimulus (Jenner et al., 2010). Humpback whale mothers must conserve as much energy as possible 	<p>Noted.</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p> <p>Any proposed development that may have an unacceptable environmental impact on the environment (including Exmouth Gulf) will be subject to the <i>Environmental Protection Act 1986</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>It is also noted that one of the proponents of a marine supply base has demonstrated a significant reduction in the number of prawn fishing vessels and their movements in the Exmouth Gulf in recent years.</p>	Nil	Noted

		<p>as they will not feed until they reach their Antarctic feeding grounds – thousands of kilometres south of Exmouth Gulf.</p> <ul style="list-style-type: none"> Increased vessel traffic in Exmouth Gulf is likely to result in whale displacement near areas close to vessels (Jenner et al., 2010). Displacement from resting areas may affect humpback whale survival at a population level (Jenner et al., 2010). Humpback whales are protected under the Environmental Protection and Biodiversity Conservation Act (1999). <p>Due to the risks of vessel noise displacing humpback whales, I urge the Exmouth Shire to exercise caution when considering any activity of a marine nature that will increase vessel traffic in Exmouth Gulf humpback whale resting area.</p>			
7	Resident Lot 308 Minilya-Exmouth Road., Cape Wilderness Estate	<p>We are writing in response to the Draft Exmouth South Structure Plan and wish to lodge our concerns and opposition to a number of items.</p> <p>On page 25 the plan mentions upgrading the Exmouth Aerodrome to accommodate civil aircraft operations. We strongly oppose this plan.</p> <p>Our property is across the road from the Exmouth Aerodrome and yet this is the first we have learnt of your plans. Where is the due process and consultation with key stakeholders? We have received no letter of intent, or communication that the plan – a detailed 79 page document – contained a development proposal that would directly affect use. We are the closest neighbour to the Exmouth Aerodrome, rate payers and people who are proactively involved in the Exmouth community, so not to be contacted by the Shire is either a huge oversight or a strategy to lessen comment on your Exmouth South Structure Plan.</p>	<p>Noted.</p> <p>No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>There is no move to relocate RPT or Helicopter offshore flights from Learmonth to Exmouth with the exception of RFDS (once certain improvements such as fencing are made to meet their operational criteria). Exmouth Aerodrome is seen as the preferred site for GA/microlite tourist market, fixed based operators and maintenance facilities to support offshore oil and gas industries (helicopter & closed charter operations) and RFDS operations. Civil RPT and off-shore transfer helicopter operations would remain at Learmonth as long as that facility was available to the Shire.</p> <p>Extensive community and stakeholder engagement was undertaken in early 2012 to identify issues and opportunities. 1815 community surveys were distributed to households and businesses. Further stakeholder engagement was undertaken with interviews with community groups, government agencies, businesses and landowners. Note that there was no follow up, as there is a statutory 42 day consultation period for the drafted structure plan, giving residents this opportunity to provide comment. The</p>	Nil	Noted

	<p>If the Shire’s plans to upgrade the Exmouth Aerodrome were to proceed, the impact on the neighbouring residents in the Cape Wilderness Estate would be immense. The increased exposure to noise, emissions, and aircraft flight paths directly opposes the lifestyle that attracted us to purchase at Cape Wilderness Estate in the first place. We question the validity of the buffer zone detailed on Plan 7 ask what your sound mitigation plans for existing residents would be.</p> <p>Not only would our quality of lifestyle be greatly reduced, the value of our property – our only asset – would be devalued.</p> <p>When we purchased Lot 308, operations at the Light Aircraft Strip did not significantly impact our property. Over the years there has been an increase in usage, with commercial helicopters operating form the Exmouth Aerodrome. However for it to be developed into the main civilian airport servicing Exmouth is something we could not have foreseen or approve, and it is deeply disturbing for us.</p> <p>On page 24 the plans mentions that the development of additional special rural lot to the south of the existing Cape Wilderness Estate is not recommended due to ‘potential landscape impacts’. And yet on the following page it details developing the Exmouth Aerodrome – what about the potential landscape impacts of developing the aerodrome? How do you address this inconsistency in the planning?</p> <p>The civilian terminal at the Learmonth Aerodrome has recently been enclosed to facilitate air conditioning, at a huge financial expense. And the tarmac extended, also at great cost. How do you justify investing rate payers and tax payers funds into these assets and then plan to move flights to the Exmouth Aerodrome?</p> <p>We request that our comments are tabled and discussed in your meetings about the draft Exmouth South Plan, and that we receive a written reply advising outcomes from the meetings, detailing how the Shire intends to proceed in this matter.</p> <p>We also request that the Shire of Exmouth arrange a meeting with the residents of the Cape Wilderness Estate, so as to explain some of the finer details of the plan and allow residents to voice their concerns. This would provide an opportunity for the Shire to fully appreciate the gravity this plan has on its community members and rate payer’s lives.</p>	<p>Master Plan currently being prepared for Exmouth Aerodrome will include stakeholder consultation with Wilderness Estate residents.</p> <p>The Aircraft Noise Exposure Forecast study identified in 5.16.4 and 5.9.3 proposed to be undertaken looks to determine the impact of noise on surrounding facilities and residential areas and determine appropriate flight paths to reduce the noise impact and create noise and safety buffer areas around aircraft operations.</p> <p>Refer above comments re: relocation of Learmonth is not intended.</p> <p>Developing additional Special Rural lots to the south would extend housing development (albeit low density) along the high landscape value coastal strip. That is very different to progressive development of Exmouth Aerodrome which is located west of the Minilya-Exmouth Road and is a vital public facility on a single site.</p> <p>Refer above comments re: relocation of Learmonth is not intended.</p> <p>Written response will be given to advise the outcome of the Ordinary Council meeting.</p> <p>The Shire has no plans for separate meetings with particular interest groups. The Shire is presently preparing a whole of Shire Local Planning Strategy and new Local Planning Scheme No 4. Members of the public will have a further opportunity to express their views during this process.</p>		
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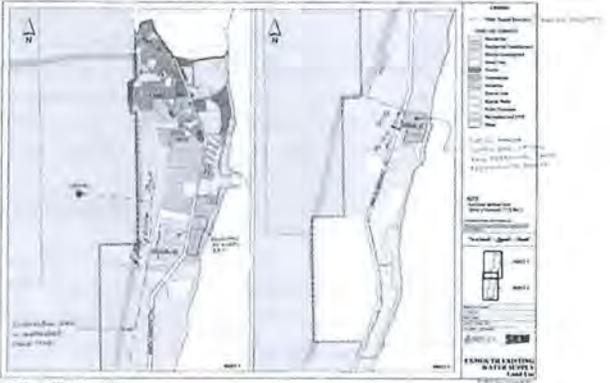
8	(Melanie Richards) for J.V and M..J Richards	<p>We own property known as Lot 313 Pebble Beach Road, Cape Wilderness Estate in the Shire of Exmouth, and write to record our concern that our interests are likely to be adversely affected by the TME (Town Planning Management Engineering Pty Ltd) proposal included in the above structure plan, that Exmouth Aerodrome operate as a regional aviation hub providing civil aviation services.</p> <p>Having visited Exmouth for increasingly longer periods over a number of years, we made the decision in 2008 to buy vacant land in the Cape Wilderness Estate specifically for the amenity issues offered by the estates unique nature. We've now invested in the construction of a substantial residence, with a view to enjoying a quiet lifestyle surrounded predominantly by native vegetation and wildlife. The proposed expansion of the nearby aerodrome service and terminal facilities to accommodate turboprop and ultimately, narrow bodied jet aircraft, would significantly disrupt our quiet enjoyment of life and disturb the existing peaceful conditions. Noise, safety, security and privacy issues are all likely to be compromised, with more vehicular as well as air traffic in the area. These detrimental impacts also have the potential to adversely affect our property value, and therefore our financial investment.</p> <p>At a general level, we understand upgrades, including extension of the runway, have recently been made to the existing civil airport terminal facilities and infrastructure, at a significant cost to the Shire of Exmouth. For Council to commit to further major expanse to duplicate these facilities at the aerodrome site would be foolish in the extreme and could not be reasonably supported by ratepayers or the community as a whole.</p> <p>Please note our strong opposition to the propose changes to the existing airport/aerodrome operations.</p>	<p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>There is no move to relocate RPT or Helicopter offshore flights from Learmonth to Exmouth with the exception of RFDS (once certain improvements such as fencing are made to meet their operational criteria). Exmouth Aerodrome is seen as the preferred site for GA/microlite tourist market, fixed based operators and maintenance facilities to support offshore oil and gas industries (helicopter & closed charter operations) and RFDS operations. Civil RPT and off-shore transfer helicopter operations would remain at Learmonth as long as that facility was available to the Shire.</p> <p>Noted.</p>	Nil	Noted
9	DEC	<p>DEC's Pilbara Region and Exmouth District are generally supportive of the Structure Planning Process which the Shire is undertaking. Good strategic planning has the potential to satisfy environmental, economical and social outcomes, and guide development within the region. The following dot points are further explained in the advice notes below.</p> <ul style="list-style-type: none"> • DEC is supportive of the identified conservation areas and the recognition of the environmental significance of the Structure plan area; • DEC recommends that recreational impacts are identified and appropriately addressed as part of the Draft Structure Plan; • DEC does not support the current TPS No. 3 Scheme Amendment 27 for the Marine Supply Base; • DEC considers supporting information provided in relation to the Marine Supply Base to be limited (including potential terrestrial and marine 	<p>No change to advertised structure plan (submission clearly supports the draft Structure Plan)</p> <p>No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the draft Structure Plan).</p>	Two modifications	Support modifications

		<p>environmental impacts);</p> <ul style="list-style-type: none"> • Grazing is having a significant environmental impact within the Draft Structure Plan area and this should be recognised; and • DEC does not support any further expansion to resource extraction without appropriate environmental assessment. 	<p>Noted</p> <p>Noted, proposed development will be subject to EPA Act.</p>		
		<p>Advice Notes</p> <p>Conservation Estate:</p> <p>DEC strongly supports the areas proposed for inclusion in the public conservation estate. DEC further suggests consideration be given to incorporating the narrow strip of pastoral lease into conservation estate or a joint management agreement. The difficulties of managing the narrow portion of pastoral lease north of Learmonth following the 2015 exclusion process have been acknowledged (page 64). Inclusion of this area as conservation estate would allow contiguous management from Cape Range to Exmouth Gulf. If this were to occur, DEC acknowledges consideration would need to be given to other land uses (eg. Aerodrome).</p> <p>DEC strongly support implementation of the conservation and management of significant creeks and adjacent corridors. In addition, DEC strongly supports the formal recognition of the significant environmental, remoteness and landscape values of the marine waters south of Wapet Creek that are noted in the Draft Structure Plan (Page 34, Section 5.4.1; Page 50, Section 6.17). The Draft Structure Plan acknowledges that these waters are identified as a ‘recommended marine protected area under the Ningaloo coast regional strategy Carnarvon to Exmouth (WAPC, 2005). This is also reflected in the EPA’s Position Statement No.1, Environmental Protection of Cape Range Province (1999) and the Report of the Marine Parks and Reserves Selection Working Group, A Representative Marine Reserve System for Western Australia (1994).</p> <p>In recognition of the significant environmental and remoteness values of the area, DEC also recommends the inclusion of Unallocated Crown Land (UCL) at Bay of Rest and Gales Bay into the conservation reserve system, thereby allowing contiguous management with the adjacent marine protected area. The promotion of ‘Wilderness Camping’ at Bay of Rest and Gales Bay (Page 47, Section 6.11.4) is considered inappropriate given the areas high conservation values and its “remote” status in tourism and landscape terms (Page 33, Section 5.3.5).</p> <p>Furthermore, promotion of camping at Exmouth Gulf Station, particularly at Bay of Rest and Gales Bay, is likely to result in increased visitation to nearby island nature reserves, many of which have significant conservation values. This has the potential for increased disturbance to wildlife and the introduction of feral animals and weeds. The issue of island quarantine and biodiversity protection should be factored into any decision to promote tourism activities in the area. These issues should be identified and appropriately managed as part of the Draft Structure Plan.</p>	<p>No change to advertised structure plan (submission clearly supports the draft Structure Plan)</p> <p>No change to advertised structure plan (submission clearly supports the draft Structure Plan)</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council). The draft Structure Plan identifies two areas as “Tourism – wilderness camping investigation area”. The investigations should address issues such as the risk of increased visitation to nearby island nature reserves and</p>		

	<p>DEC does not support any marine based industry, other than small-scale aquaculture, at Heron Point. The area has high conservation values, is recommended for inclusion within a marine protected area and is a section of the Exmouth Gulf considered 'Remote' in tourism and landscape terms (page 33). A marine supply base is considered inconsistent with these values.</p> <p>Marine Supply Base:</p> <p>DEC does not support the development of multiple marine supply bases along the Exmouth Gulf. The development of minor facilities should be limited to areas where industrial infrastructure already exists. DEC does not support the Kailis site for a marine supply base. Comment regarding TPS No.3 Scheme Amendment 27 was provided to the Shire of Exmouth on 22 February 2013, due to an administrative error to full extent of the regions comments were not provided. The full version of DEC's comments was provided to the Shire of Exmouth and the WAPC on 10 April 2013 (See attachment A).</p> <p>DEC is concerned that decisions regarding potential sites for a marine supply base are being solely based on the report produced by MP Rogers and Associates (2012, Appendix 2). The report acknowledges that the work was desktop based and was completed in a short time frame (Page 2, Appendix 2), and the environmental assessment of the marine operations was beyond the scope of the report (Page 21, Appendix 2). DEC considers that any overarching document, such as the Draft Structure Plan, should be holistic in its approach and take all environmental and visual amenity impacts into consideration from the outset. This included site specific and cumulative impacts.</p> <p>Comments from the Centre for Whale Research (Table 1, Page 62) have not been captured in the Draft Structure Plan. CWR's research reinforces that industrialization of the Exmouth Gulf, including the development of a Marine Supply Base, is likely to have an impact on critical habitat for humpback whales.</p> <p>Reference is made to a visual amenity plan to control landscaping and building development on the land each side of the Minilya-Exmouth road between Learmonth airport and Exmouth town site. Reference is also made (Page 40 ; Section 5.6.4) to the</p>	<p>determine if environmental impacts can be suitably managed.</p> <p>Noted.</p> <p>No change to advertised structure plan (submission offers comment or critique which is noted by Council). The Structure plan identifies Heron point as potentially suitable for aquaculture and marine based industry investigations. A marine support facility is not identified on the Structure Plan as being suitable at Heron Point.</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the Structure Plan).</p> <p>No change to advertised structure Plan (submission is amongst widely divergent viewpoints received on the issue and the Council considers the advertised Structure Plan the best option).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the Structure Plan).</p> <p>Any proposed development that may have an unacceptable environmental impact on the environment (including Exmouth Gulf) will be subject to the <i>Environmental Protection Act 1986</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>No change to advertised structure plan (submission provides an alternative or suggested approach that</p>		
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	<p>visual impacts of the rubbish tip, from both the road and the air, “conflicting with tourism images and objectives of the Shire”. DEC believes that the development of a marine supply base at the Kailis site will similarly conflict with tourism images and objectives of the Shire, given its prominent location entering the Exmouth town site, as well as its visibility from Charles Knife tourist drive. The Comparative Assessment of Marine Support Facility Options (Appendix 3) states that “development of the (Kailis) site is likely to be compatible with landscape impact and tourism values”. DEC does not agree with this statement given that the site is part of the view shed from Charles Knife tourist drive.</p> <p>In relation to the community survey undertaken by the Shire, DEC notes that absentee landowners show significantly greater support for additional engagement with oil and gas sector (Page 13, Appendix 1) and a purpose built marine support facility (page 15, Appendix 1) when compared with responses from local residents and businesses. The significant differences between sections of the community and the risk of oversimplifying the survey findings are highlighted (page 23, Appendix 1). Furthermore, DEC highlights the significant numbers of comments (53) were made for “no work camps/FIFO” (Page 12, Appendix 1). This community opinion is conflicting with the development proposed at the Kailis site, which includes workforce accommodation.</p> <p>Pastoral leases:</p> <p>Aerial surveys by DEC show goats are occurring within Cape Range and are encroaching on Cape Range National Park from neighbouring pastoral leases, therefore grazing pressures are not limited to the coastal plain, as the Draft Structure Plan suggests. Uncontrolled grazing, especially within conservation estate can pose a significant threat to biodiversity values. If goats are to be recognised as stock, appropriate infrastructure, specifically goat control fencing is required to be established, and the Draft Structure Plan should reflect the requirement for this. Improved fencing and the control of stock would also improve the safety of Minilya Exmouth Rd (objective 6.10, Page 46).</p> <p>Recreational Impacts:</p> <p>The Structure Plan notes that the pastoral lease boundary commences 40 metres landward from the high water mark. Should Exmouth Gulf Station wish to pursue the concept of wilderness camping (Page 47 and 64), this setback must be observed. Coastal camping operations by the same leaseholders at Ningaloo Station have not observed pastoral lease boundaries and have encroached onto conservation estate.</p>	<p>the Council considers would not achieve a better outcome).</p> <p>The Kailis site is a ‘brownfield’ long-established industrial site (used for seafood processing) rather than a ‘greenfield’ site. The existing site is already in the viewshed from Charles Knife tourist drive. It is inaccurate to refer to the Kailis site location as “entering the Exmouth Town Site”.</p> <p>It is also noted that LandCorp has existing Management Orders over two adjacent reserves enabling granting of leases for industrial and quarry uses respectively.</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the Structure Plan).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the Structure Plan).</p> <p>Wilderness camping investigation areas have been identified on the Structure Plan as setback from the coast.</p>		
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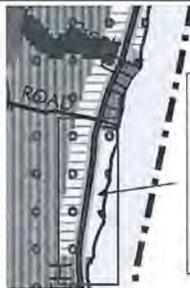
		<p>The Sandy Bay Track 4WD tourist drive is supported in the Cape Range National Park Management Plan No. 65 2010, though it is noted that in the short term, access to the top of the range should be from the western side only. The management plan also recommends access to be subject to a permit or monitoring and management system that enables DEC to obtain information on the use levels and patterns and manage environmental impacts, visitor safety and visitor expectations. These aspects should also be acknowledged in the Structure Plan.</p> <p>Management of the coast and foreshore (Page 18, Section 4.6) should take into consideration the proliferation of recreational and management tracks and off road vehicle use, with consideration being given to rationalisation of tracks and management of off road activity.</p> <p>Resource Extraction:</p> <p>With respect to the “Proposed Conservation and Limestone Resource Management Reserve (CALM Act section 5(1)(h) Reserve)”, DEC acknowledges the “significant environmental and landscape values in the area” (page 32). DEC agree that any new applications to exploit additional limestone resources within and beyond the existing mining leases should be referred to the EPA under Section 38 of the Environmental Protection Act 1986.</p> <p>Page 38 notes that potential contamination of water resources can be caused by “activities associated with the exploration and production of geothermal and petroleum leases”. DEC recommends that a precautionary approach be incorporated into the Structure Plan with respect to these activities, particularly in relation to hydraulic fracturing. The impacts of hydraulic fracturing on groundwater resources and water supplies need to be thoroughly investigated.</p>	<p>Modify</p> <p>Modify.</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the Structure Plan).</p> <p>No change to advertised structure plan (submission addresses issues beyond the scope of the Structure Plan).</p>	<p>Modify Section 5.2.3.2 (pg. 27).</p> <p>Modify Section 4.6 (pg. 18).</p>	
10	Department of Water	<p>The Department of Water (DoW) has no objections to the Draft structure plan being advertised for public comment. Overall the document is of a high standard and comprehensively addresses matters relevant to water resource management.</p> <p>The DoW is supportive of the proposals presented within Section 6, specifically the preparation of a District Water Management Strategy (DWMS) for the Exmouth South Structure Plan. As described in Section 5.6.5 of the Draft structure plan, the DWMS should provide design objectives and include flood modelling, but also address other relevant matters as outlined in Section 4.2 Stage 2: District Planning, of <i>Better Urban Water Management</i> (WAPC 2008).</p> <p>It is recommended the following comments regarding waterways and recharge of groundwater resources be included and addressed in the appropriate sections eg Section 4.2, Section 5.4.3 and Section 6.</p> <p>As noted in the sections listed above, there is potential for contamination of groundwater resources from above-ground land uses due to the karstic nature of the unconfined aquifers. Although the depth to groundwater west of the tidal interface (<5km from the coast) is generally > 100m, this could be shallower adjacent to drainage lines and waterways. Waterways may function as recharge areas to groundwater, as implied in Section 4.2. Confined aquifers are recharged in specific areas where water leaks from overlying aquifers, or where the aquifer rises to meet the surface. It is important for the protection of</p>	<p>No change to advertised structure plan (submission clearly supports the draft Structure Plan)</p> <p>Modify</p> <p>Modify</p>	<p>Two modifications.</p> <p>Modify Section 5.6.5 (pg. 41).</p> <p>Modify Section 4.2 (pg. 16)</p>	Support modifications

		values for future water supply, and the environment, for both confined and unconfined groundwater resources, that this is noted within the structure plan to guide future structure plans and development.		
11	Water Corporation	<p>The Water Corporation does not object to the Structure Plan in principle; however it is subject to the following additional advice to that which was previously been provided.</p> <p>Water Supply Planning - Water Land Use Plan Please find attached [below] the water land use plan completed as part of a planning and capacity review of the Exmouth Scheme in 2009/2010. This planning review took into account the draft Exmouth Town Site Structure Plan. Also marked is the extent and size of the water conveyance system. The distribution/reticulation mains was delivered to the area known as Pebble Beach for potable water use. The development of the special use light industrial area (Ingram St) occurred after the distribution/reticulation mains extension was delivered.</p> <p>The Marine Supply Base proposed location 3 is at the southern end of the Corporations water scheme. Proposed rezonings in this area requiring a water service which have not yet been considered on current water land use plan, will require further water scheme planning reviews.</p> <p>Water Reserve Protection The water reserve boundary does not appear to have been shown correctly on the draft structure plan maps.</p> <p>Please note the information on 'Protecting Exmouth's Water Reserve' brochure for protection of water reserves. http://www.water.wa.gov.au/PublicationStore/first/101317.pdf</p> 	<p>Noted.</p> <p>No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>No Change, The Exmouth Groundwater Catchment Reserve is correctly shown in the Structure Plan maps.</p>	<p>Nil</p> <p>Noted</p>

12	Department of Mines and Petroleum	<p>The Geological Survey of Western Australia (GSWA) has assessed this document on behalf of the Department of Mines and Petroleum (DMP) with respect to access to and development of mineral and petroleum resources, geothermal energy, and basic raw materials. GSWA's comments and suggested changes in italics are as follows:</p> <p>1.2 Background Limestone extraction should be included in the list of industries in the third paragraph. i.e. 'Other industries include fishing, defence, <i>limestone extraction</i>, oil and gas, pastoralism, retail and consumer services, building and construction, transport, and various community and business services.'</p> <p>4.5 Geoheritage Sites GSWA is pleased to note that the plan recognises the three National and State registered geoheritage sites within the area (the Charles Knife Road, a portion of the Shothole Canyon, and a Pleistocene fossil coral reef at the mouth of Mowbowra Creek).</p> <p>5.3.3 Limestone Mining As the mineral resources of the area include other basic raw materials (sand, aggregate, clay) in addition to limestone, a more general title than 'Limestone Mining' is appropriate. There are also petroleum exploration activities in the Structure Plan area, therefore we recommend the title of '<i>Mineral and Petroleum Resources</i>, i.e. 5.3.3 <i>Mineral and Petroleum Resources</i> GSWA strongly suggests that Structure Plans contain relevant background information on the natural resources of the Shire. Suggested comments on the geological aspects of the mineral resources, which could be incorporated into the Structure Plan under the heading "Mineral and Petroleum Resources", are as follows: <i>'The Exmouth South Structure Plan area is in the Northern Carnarvon Basin and is underlain by sedimentary rocks. The bedrock comprises mainly exposed Tulki Limestone, of Middle Miocene age (approximately 15 million years old). There is also minor Exmouth Sandstone, of Pleistocene age (about 2 million years old) in the central south of the plan area. Sandplain, alluvium, colluvium, and tidal deposits of more recent times overlie the bedrock mainly along the eastern coast.</i> <i>The Tulki Limestone contains sections of high-grade limestone. The younger surficial sediments provide a source of additional basic raw materials such as aggregate, gravel, sand, and clay.'</i></p> <p>The GSWA maintains a database of mines, mineral deposits, and prospects, called MINEDEX, which can be found on the DMP website at http://www.dmp.wa.gov.au/3970.aspx. The Exmouth South Structure Plan area contains 22 MINEDEX sites for construction materials (limestone, aggregate, sand, gravel and clay. This includes two operating limestone mines and a proposed lime processing plant.</p> <p>As the Structure Plan area is mostly covered by granted mining tenements, add the following. <i>'Limestone and other basic raw material deposits (sand, gravel, aggregate, and clay) occur within the Structure Plan area, and are covered by granted mining tenements and pending tenements.'</i></p> <p>Currently, there are three mining leases (M08/62, 6, 145), one miscellaneous licence (L08/10), two temporary reserves (TR70/5980, 2614), four exploration licences (E08/1782, 1780, 1051, 1781), and three prospecting licences (P08/553-5), focussed on limestone. In</p>	<p>Modify</p> <p>No Change.</p> <p>Modify</p> <p>Modify</p> <p>Modify</p> <p>Modify</p> <p>Modify</p> <p>Modify</p> <p>Noted</p>	<p>Modify Section 1.2 (pg. 2)</p> <p>Modify Section 5.3.3 (pg. 32)</p> <p>Modify Section 5.3.3 (pg. 32)</p> <p>Modify Plan 5</p> <p>Modify Section 5.3.3 (pg. 32)</p>	Support modifications
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	<p>addition there are also 13 registered tenement applications. See attached map Figure 2. As the tenement situation changes significantly over time it is recommended that up-to-date detailed information on Mining Act tenements relative to cadastre, be obtained from the TENGRAPH system at DMP's website http://www.dmp.wa.gov.au/3980.aspx</p> <p>To more accurately reflect the process for mining access, the last sentence of Paragraph 2 should be changed to <i>'It is expected that there will be future proposals for access to limestone resources within and beyond existing lease areas. Any future application would need to take into account requirements under the Environmental Protection Act 1986 and the Mining Act 1978.'</i></p> <p>We recommend using the Environmental Protection Act's Final Guidance No. 3 (2005) Separation Distances between Industrial and Sensitive Land Uses, which gives 300-500 m buffers, depending on size, from sensitive land uses. This will apply to the two operating sites at Murat Road (Exmouth Quarries) and Exmouth Limestone (Exmouth Quarries).</p> <p>For petroleum resources add <i>'The area is also prospective for hydrocarbons in the sedimentary rocks of the Northern Carnarvon Basin. The Exmouth South Structure Plan area includes parts of the Cape Range and Rough Range anticlines (elongated domes), which are highly prospective for hydrocarbons. Indeed, Rough Range was the site of the first oil discovery in Western Australia, in 1953 by Wapet at Rough Range 1, three km south of the plan area. The major tracks up and across Cape Range were originally access roads for oil exploration wells. The principal targets for drilling are Cretaceous sandstones, approximately 120 million years old, overlain by Cretaceous shales, at depths greater than about 1 000 m. Targets have also been identified beneath the coastal plains surrounding the anticlinal ranges.'</i></p> <p>5.5.2 Geoheritage We are pleased that you have stated in Section 5.5.2 of the Structure Plan, for State Geoheritage Sites, that the Director of the Geological Survey of Western Australia should be consulted prior to undertaking any significant site development with the potential to adversely impact on Geoheritage values.</p> <p>6.1 Overall Objective As stated in 1.2 Background <i>'sustainable planning is striving for simultaneous attainment of environmental protection, social advancement and economic prosperity objectives to meet the needs of the current generation without compromising the needs of future generations.'</i></p> <p>For consistency with the above, an improved overall objective would be <i>'To provide a strategic, long-term land use plan to facilitate responsible economic development balanced with the need for conservation, landscape and heritage protection, and compatible with the requirements of Defence and communications and internationally significant scientific activities.'</i> Agency Contact Consultation p 63 Please note that the officer shown for DMP (Steve Lance of the Environmental Division) does not represent the DMP for land use planning and resource matters. If you have any further queries on these, including the provision of digital data for your map preparation, please contact Elias Peiris, Senior Geologist, Land Use Geoscience, tel 9222 3533 or email elias.peiris@dmp.wa.gov.au</p>	<p>Modify</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Modify</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Modify</p>	<p>Modify Section 5.3.3 (pg. 32)</p> <p>Crete new section 5.3.6</p> <p>Modify Section 6.1 (pg. 43)</p>	
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		<p>GENERAL COMMENTS</p> <p>GSWA is pleased that the Structure Plan acknowledges the mining tenements (granted and pending) existing over the area.</p> <p>Geology, mining and petroleum tenements, and mineral deposit information for the area can be viewed using GeoVIEW.WA – DMP’s interactive geological map viewer on http://dmp.wa.gov.au/7113.aspx. Maps can be produced either directly using this software, or by downloading digital data for use in GIS software. It is recommended that you use these systems in your land-use planning studies.</p> <p>On Crown land, construction materials are defined as a ‘mineral’ and hence there is need for mining leases under the <i>Mining Act 1978</i> for construction material extraction. On private property, commercial construction material extraction is authorised by the Shire through the grant of Extractive Industry Licences. It is very likely that mining of construction materials will be required for all new infrastructure (roads, bridges, telecommunications etc.) to be built in the Exmouth South area.</p> <p>It is important for existing resource extraction sites, where there are resources that will last for a number of years, to be identified in the Structure Plan and protected from developments that would conflict with the extraction. Protection of construction material sites is important because all developments require supplies of cost-effective, high-quality resources.</p>	<p>Noted</p> <p>Noted</p> <p>Modify</p>	<p>Modify section 5.3.</p>	
13	Taylor Burrell Barnett	<p>Further to my discussion with Larry Guise (TME), the following mapping anomalies have been clarified to assist the correct interpretation of the ESSP for translation into the proposed LPS. We reached agreement on the following:</p> <p>The Structure Plan – PLAN 7</p>	<p>Modify</p>	<p>Modify Plan 7.</p>	<p>Support modification</p>



We are assuming the area within red boundary should be classified as 'Rural – conservation and landscape protection'. i.e. part of pastoral lease exclusion area.

Agreed
The area east of Minilya-Exmouth Road was intended to be classified as 'Rural –conservation and landscape protection.'
Striped hatching to be applied.



What is intended for the area within red boundary? –There is no corresponding notation in the legend. 'Rural –conservation and landscape protection'?

The area highlighted was intended to be classified as 'Rural-conservation and landscape protection'.
Base colour to be updated to match legend.



Discuss extent of military heritage shading (pink). Query mainly in regard to land west of Minilya-Exmouth Road.
Triangular portion is Commonwealth land.

TME advised that the pink shading is a combination of Military Heritage and the subterranean waterways (refer to Plan 4 – Environmental Conservation Features). The Legend is therefore unclear and more correctly should read: "Military heritage significance and subterranean waterway protection". As a suggestion Section 5.3.1 (pg 36) and Structure Plan Proposal Section 6.15 (Pg 45) should be updated to refer to the protection of the subterranean waterway as part of the heritage precinct initiatives.
Note: The triangular portion coloured pink should be classified as Commonwealth Land (Defence) on the Structure Plans, not Military heritage significance.



Query re: public purpose classification of land outside commonwealth landholding. Was this intended to be colour green – 'area proposed for addition to the public conservation estate'.

Agreed
The 'tail' currently classified as Public Purposes should be classified as 'area proposed for addition to the public conservation estate'.



General query – extent of 'green' shading in this locality.

Extent of 'green' shading correct. TME recommendation based on known site constraints – Mangroves, Wapet Creek Mouth, Subterranean Waterway, Aboriginal Heritage.

Marine Supply Base and Structure Plan Terminology:
As a general comment, Section 5.3.1 – Marine Supply Base raises the issues of terminology and furthermore notes that the terms 'marine support facility,' 'marine supply base' and 'marine support services' are technically different but used interchangeably. Whilst the Structure Plan report references this as an issue, no consistency in terminology is then adopted by the Structure Plan report itself.

Under the Section 5.3.1 Heading - Marine Supply Base, section 5.3.1.1 refers to marine support facility, section 5.3.1.2 refers to marine support services, Section 5.3.1.3 refers to marine support facility, Section 5.3.1.4 refers to marine supply base. Section 5.3.1.6 -

Modify the advertised structure plan to include this additional relevant information related to omissions, inaccuracies or a lack of clarity.

Modify Section 5.3.1 (pg. 28)

		<p>Overall Marine Supply Base Conclusions makes recommendations in regard to marine supply bases, in particular Site 3 and Site 4 as warranting further investigation. Therefore, there is the expectation that these recommendations would find their way on to the face of the Structure Plan as 'Marine Supply Base Investigation Areas'. The legend of the Structure Plan – PLAN 7, however, refer to Site 3 (Strategic Industry) and Site 4 (Kailis) as 'Marine support facility, lay-down and general industry investigations, rather than Marine Supply Base Investigations as per the report's overall conclusions. I have discussed this particular item with TME, and Larry indicated that he would be giving it further consideration and no doubt will comment further when providing advice to the Shire on the submissions received during advertising.</p> <p>From the perspective of the LSP, we will need to adopt clear terminology moving forward, in anticipation that this item is resolved during Council's adoption of the ESSP following assessment of submissions.</p> <p>3. Proposed Rural Residential area north of Mowbowra Creek. Having sought clarification from TME as to the form of development envisaged for this locality, I am supportive of this locality being identified as Proposed Rural Residential in the LSP at this point in time. I note that Section 6.0 – Structure Plan Proposals, sub section 6.3 – Special Rural Eco Estate sets out appropriate action statements. It may be useful for consistency if this terminology was also used elsewhere in the report and on the legend of the Structure Plan (currently Rural Residential). Alternatively, the word Eco-Estate could be deleted from the heading of Section 6.3. If the Eco Estate terminology is to be adopted, it would be useful if the Structure Plan Report had a separate section informing the rationale behind its classification and its intended form of development. A separate heading within Section 5.0 - Planning Issues would assist.</p> <p>4. Other Matters that may require attention, though not critical to the recommendations of the report.</p> <ul style="list-style-type: none"> • Note: Cape Wilderness Estate Special Rural Area is itemised as section 5.1.4 under the Heading 5.1 Crown Land. The Cape Wilderness Estate is Freehold Land, not Crown Land. • Note: Section 5.6 Heading should read SERVICING, not water supply as it covers servicing matters generally. • Proposed Conservation and Limestone Resource Management Reserve is clearly shown on PLAN 4 as a layer on top of the 'Area proposed for addition to the public conservation estate'. When translated on to the Structure Plan, the Conservation and Limestone Resource Management Reserve (grey) does not appear as a layer. If the plan is read literally (without PLAN 4 to inform the correct information), the 'area proposed for addition to the public conservation estate' (green) is substantially less in area. This is obviously not the intent but is a drafting challenge. <p>The review of the ESSP for the purpose of LSP consistency has been beneficial. The document itself is sound – it is quite often the case that a 'fresh eye' picks up anomalies as per the above comment. Trust this assists.</p>	<p>Noted. No Change to advertised Structure Plan (submission offers comment or critique which is noted by Council).</p> <p>The rationale for this was contained in 5.1.3 Unallocated Crown Land.</p> <p>Modify</p>	<p>Modify section 5.1.4 (pg. 24)</p> <p>Modify Section 5.6 (pg. 38)</p>	
14	Department of Regional Development and Lands – Pastoral Lands	<p>In 2015, all Pastoral Leases terms expire and a renewal process is underway. As a part of this process, two exclusions have been identified on Exmouth Gulf station. These exclusions are detailed in the attached "Exclusions" document, while the attached "Balance" document is a plan for the balance of the Station post 30 June 2015. Renewal, subject to compliance with the conditions detailed in the LAA, will result in a new look</p>	<p>No change to advertised structure plan (submission makes points already addressed in the advertised Structure Plan)</p>	<p>Nil</p>	

		<p>lease with the same conditions and term as the current lease.</p> <p>The attached documents will also provide some clarity regarding the pastoral lease boundaries, which are located 40m landward of the high tide water mark.</p> <p>Examinations of our own records show that there is no current diversification permit or separate tenure arrangement in existence on the station in question. Whilst the Exmouth South Strategy might identify, or seek to identify tourism activity sites, the LAA clearly defines “pastoral purposes” and the requirements for diversification permits. Any application for such must be lodged by the lessee to the Department of Regional Development and Lands as the LAA (s18 & 134) requires the consent of the Minister for any dealing on a pastoral lease, strategy or no strategy.</p> <p>As stated above, “pastoral purposes” is clearly defined in the LAA. All diversification activities undertaken on a pastoral lease must remain subsidiary to the pastoral activity. Therefore, there is no scope for tourism activities to become the dominant land use on a pastoral lease. However, with the proposed tenure options involved in RDL’s Rangelands Reform Program, there may be tenure mechanisms delivered which would allow for tourism activity to become the dominant land use – provided native title requirements are met as per the Native Title Act 1993. As these proposed land tenure options are still awaiting legislative amendments, I am unable to provide any further comment.</p> <p>Information regarding the Rangelands Reform Program and the tenure options involved can be found on the RDL website</p>	<p>Noted</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted. No change to advertised structure plan (submission offers comment or critique which is noted by Council).</p> <p>Noted</p>		
15	LandCorp	<p>As discussed on 15 April 2013 LandCorp requests to add some extra comments on the Exmouth South Structure Plan from the previous October 2012 comments.</p> <p>LandCorp (previously the Industrial Lands Development Authority) was granted Management Orders for Reserve 38865 (30.5888ha) and Reserve 37812 in 1984. The Management Orders provides LandCorp with the authority to lease part of all of Reserve 38865 for any period for industrial uses and Reserve 37812 as a quarry for up to 5 years.</p> <p>LandCorp believes that its site conforms to the overall intent of the Exmouth South Structure Plan, however is not listed in the draft document as yet, as such we formally request its listing. Further to this an application has been submitted (15 April 2013) for funding from the Northern Planning Program 2013/14. Funding to undertake an investigation leading to an Outline Development Plan for Reserve 38865 and we request the Shire of Exmouth’s formal support.</p> <p>As you are well aware a potential Marine Supply Base at Exmouth subject to investigations will add another tier to the Exmouth economy, providing for new investment and employment opportunities. LandCorp looks forward to working with the Shire of Exmouth and the Exmouth Community in its further investigations of this site.</p>	<p>Modify</p> <p>No change to advertised structure plan (submission clearly supports the draft Structure Plan)</p> <p>Noted, no change to advertised Exmouth South Structure Plan.</p>	One modification	Modify Section 2.1.2 (pg. 3)
16	Exmouth Gulf Station	<p>May I firstly congratulate you and your Shire for a true personal consultation with me on behalf of Ningaloo and Exmouth Gulf stations.</p> <p>The maps depict areas A,B,C,D & E and the proposed development, as per our management plan, of those areas are, [1] Area E: Wilderness lodges with limited day use.</p>	<p>These comments are noted for consideration in preparation of the Shire’s new Local Planning Strategy and Town Planning Scheme having missed the closure date for the consultation process.</p>	Nil	

	<p>[2] Area A: Wilderness camping. [3] Area B: Wilderness camping: [4] Area C: Wilderness lodges and camping: [5] Area D: Wilderness lodges and camping.</p> <p>As the planning area being considered is north of Exmouth Gulf stations homestead I have not included any comments on the area south of that boundary.</p> <p>The exact co ordinances of each area is on our master plan.</p> <p>The Northern boundary of the Exmouth Gulf pastoral area depicted on map two of the Exmouth South structure plan is incorrect and may need adjusting.</p> <p>In relation to 6.14 of the Exmouth structure plan , "Sandy bay 4WD track" extensive consultation with Exmouth Gulf station owners will need to proceed any change of road alignment across the pastoral lease.</p> <p>In relation to the Exmouth structure plan "Pastoral land" the following is recommended, [1] Section 6.11.3 should be amended to include areas A,B,C,D & E [listed above and on maps] as potential nature based tourism areas,</p> <p>[2] Section 6.11.4 should contain the above listed areas and not be restricted to the two areas mentioned, Bay of Rest and Gales Bay.</p>	<p>Areas C and D are already identified in Plan 7 as Tourism Wilderness camping investigation areas. \</p> <p>Noted</p> <p>The northern boundary is depicted correctly on Plan 2, no change.</p> <p>The Strucutre plan already states consultation with the owner of Ningaloo Station is to be carried out regarding formalisation of the Sandy Bay track, no change.</p> <p>Refer above comments</p> <p>Noted and to be further investigated in the preparation of the new Local Planning Strategy and Scheme.</p>		
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ITEM NO: 9.9

SUBDIVISION TO CREATE 2 LOTS FOR SPECIAL RESIDENTIAL PURPOSE - LOT 120 EAGLEHAWK DRIVE, RAVENSWOOD – SHIRE OF MURRAY

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Perth and Peel Planning Peel Planning, Perth and Peel Planning
AUTHORISING OFFICER:	Director Peel Planning, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	148238
DATE:	6 August 2013
ATTACHMENT(S):	1. Location Plan 2. Plan of Subdivision 3. Subdivision Guide Plan
REGION SCHEME ZONING:	PRS: RURAL
LOCAL GOVERNMENT:	Shire of Murray
LOCAL SCHEME ZONING:	Special Residential
LGA RECOMMENDATION(S):	Conditional Support
REGION DESCRIPTOR:	MAND
RECEIPT DATE:	25 June 2013
PROCESS DAYS:	42
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 120 Eaglehawk Drive, Ravenswood

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 120 Eaglehawk Drive, Ravenswood as shown on the plan date-stamped 25 June 2013. This decision is valid for three years subject to the following condition(s) and advice:

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***

present on Lot 2 at the time of subdivision approval being demolished and materials removed from the lot. (Local Government)

- 3. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)**
- 4. The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land. (Local Government)**
- 5. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A reticulated sewerage service is not available to the lot/s.'
(Local Government)**
- 6. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.'
(Western Australian Planning Commission)**
- 7. 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)**
- 8. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)**

ADVICE:

- 1. In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.**

The application is presented to Committee as approval of the application would not be consistent with Development Control Policy 2.5 - Special Residential Zones (DC2.5).

CONSULTATION:

The Shire of Murray supports the application subject to conditions.

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

The Department of Environment and Conservation (DEC) advises it has no comments on this proposal and it expects the planning system will appropriately address environmental planning issues. It is noted that no special environmental issues have been identified by the DEC.

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

COMMENTS:

The site is zoned Rural in the Peel Region Scheme and Special Residential in the Shire of TPS4.

Lot Size

TPS4 provisions require a minimum lot size of 6000m². The application does not comply with the minimum lot size requirements as lot sizes of 5997m² are sought.

Under DC2.5 the Commission will have regard for the relevant provisions of the TPS and will condition an approval in such a way as to give effect to these provisions. In this instance it is not possible to condition the approval in a manner which reflects the 6000m² lot size requirement for both lots.

The site is the only lot within an estate of 52 lots which is large enough to justify further subdivision. For this reason approval is unlikely to set a precedent for further subdivision.

Subdivision Guide Plan

TPS4 requires a SGP be prepared for the Special Residential zone and that subdivision and development accord with the special provisions of Schedule 10.1 for the site or any variation to the SGP approved by the WAPC. Although the SGP does not contemplate subdivision of the lot into two, it would be considered onerous to require a formal modification of the SGP in this instance, as the variation to the SGP is considered to be relatively minor.

Planning and Development Act 2005 (PDA)

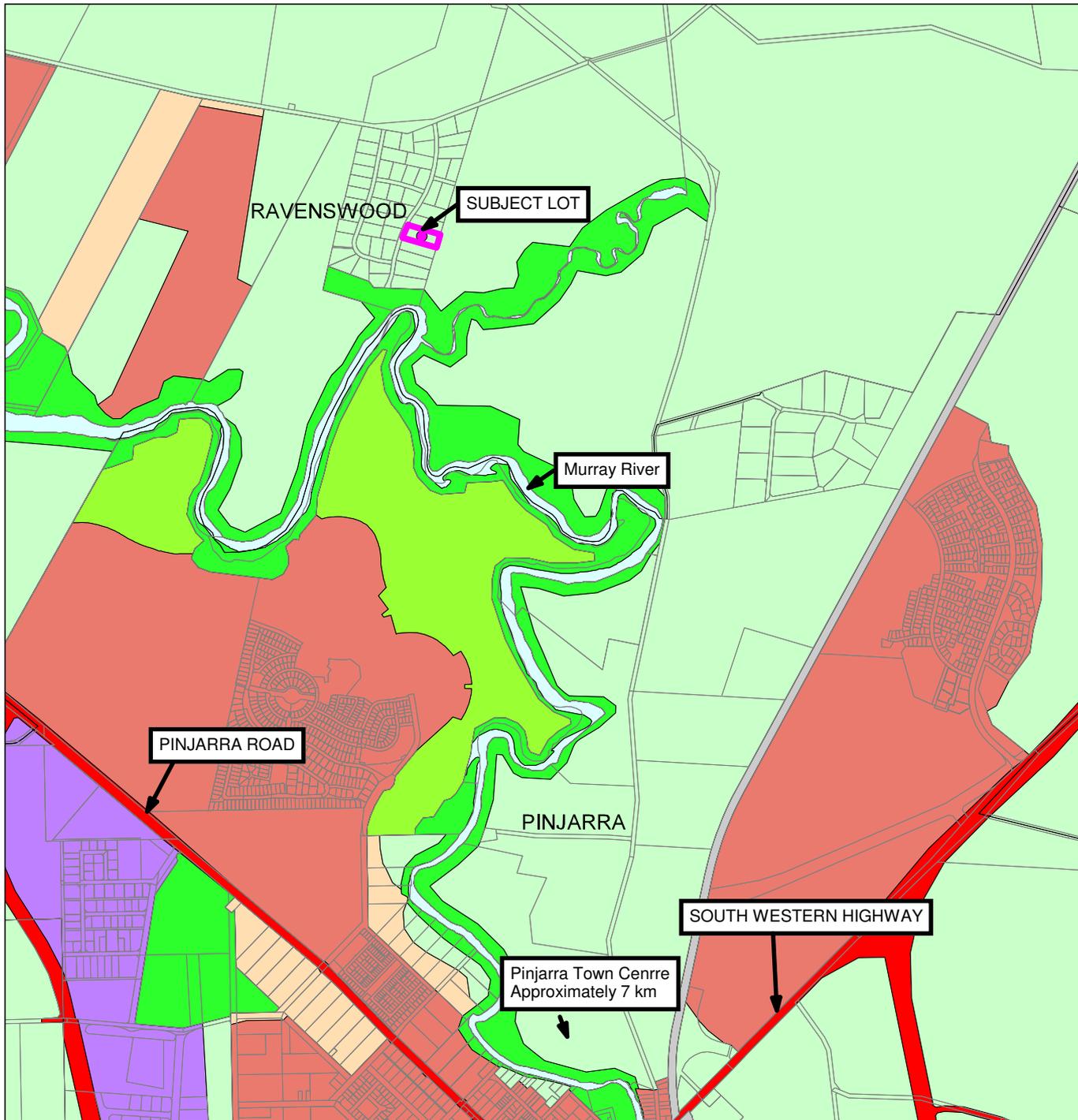
The PDA at 138(3)(c)(i) enables the WAPC to approve a plan where in its opinion the conflict is of a minor nature or under 138(3)(e) where the local government has not made any objection. The application satisfies both requirements.

Nambeelup North Dandalup Local Rural Strategy

The lot is located in the Shire of Murray *Nambeelup North Dandalup Local Rural Strategy* (NNDLRS) endorsed by the WAPC in March 2012. The NNDLRS recognises the existing Special Residential zone, however, is silent on further subdivision of the land.

CONCLUSION:

It is recommended that the application is approved subject to standard conditions.



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

Scale 1:30,000
 0 0.5 km

Prepared by: Iharris
 Prepared for: 148238
 Date: Tuesday, July 30, 2013 16:02
 Plot identifier: P20130730_1602

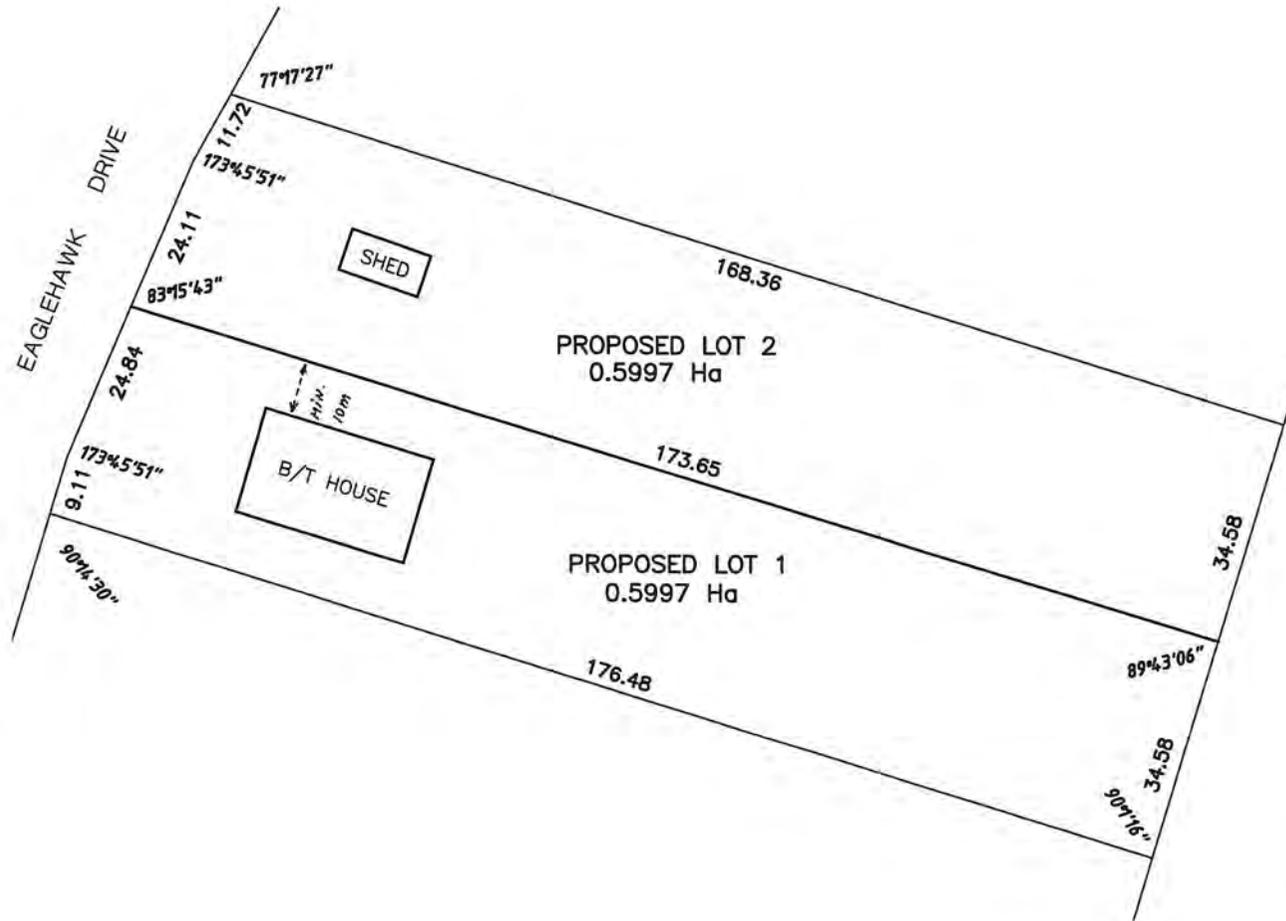
DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

LOCATION PLAN
 Lot 120 Eaglehawk Drive
 RAVENSWOOD

**"PROPOSED SUBDIVISION OF LOT 120(#61) EAGLEHAWK DRIVE
RAVENSWOOD."**

(Shire of Murray)



THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY, POSITIONED OVER EVIDENCE OF OCCUPATION. IT SHOULD BE NOTED THAT UNDERGROUND SERVICES ARE SHOWN BUT NEED TO BE VERIFIED BY THE RELEVANT AUTHORITY PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION, AND THE CERTIFICATE OF TITLE SHOULD BE CHECKED FOR EASEMENTS AND ENCUMBRANCES. THEREFORE, NO RESPONSIBILITY IS TAKEN FOR BOUNDARY POSITIONS AND SERVICE LOCATIONS.

ORIGINAL LOT 120	1.1994 Ha
PROPOSED LOT 1	0.5997 Ha
PROPOSED LOT 2	0.5997 Ha

AUSURV Pty. Ltd.
Consulting Surveyors
25 DAVEY STREET
MANDURAH WA 6210
PH: 1800 AUSURV
FAX: 9581 7734
EMAIL: mandurah@ausurv.com.au

CLIENT: MR, STEVEN DILLON
TITLE: PROPOSED SUBDIVISION
No. 61 EAGLEHAWK DRIVE
RAVENSWOOD
LOT 120 ON PLAN 22924

SCALE: 1:800 @ A3
SURVEYED: _____ DATE: _____
DRAWN: MC DATE: _____
APPROVED: GC DATE: 06/06/13
HORIZONTAL DATUM: ASSUMED
VERTICAL DATUM: LANDGATE

SPC AGENDA PAGE 205

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**"PROPOSED SUBDIVISION OF LOT 120(#61) EAGLEHAWK DRIVE
RAVENSWOOD."**

(Shire of Murray)

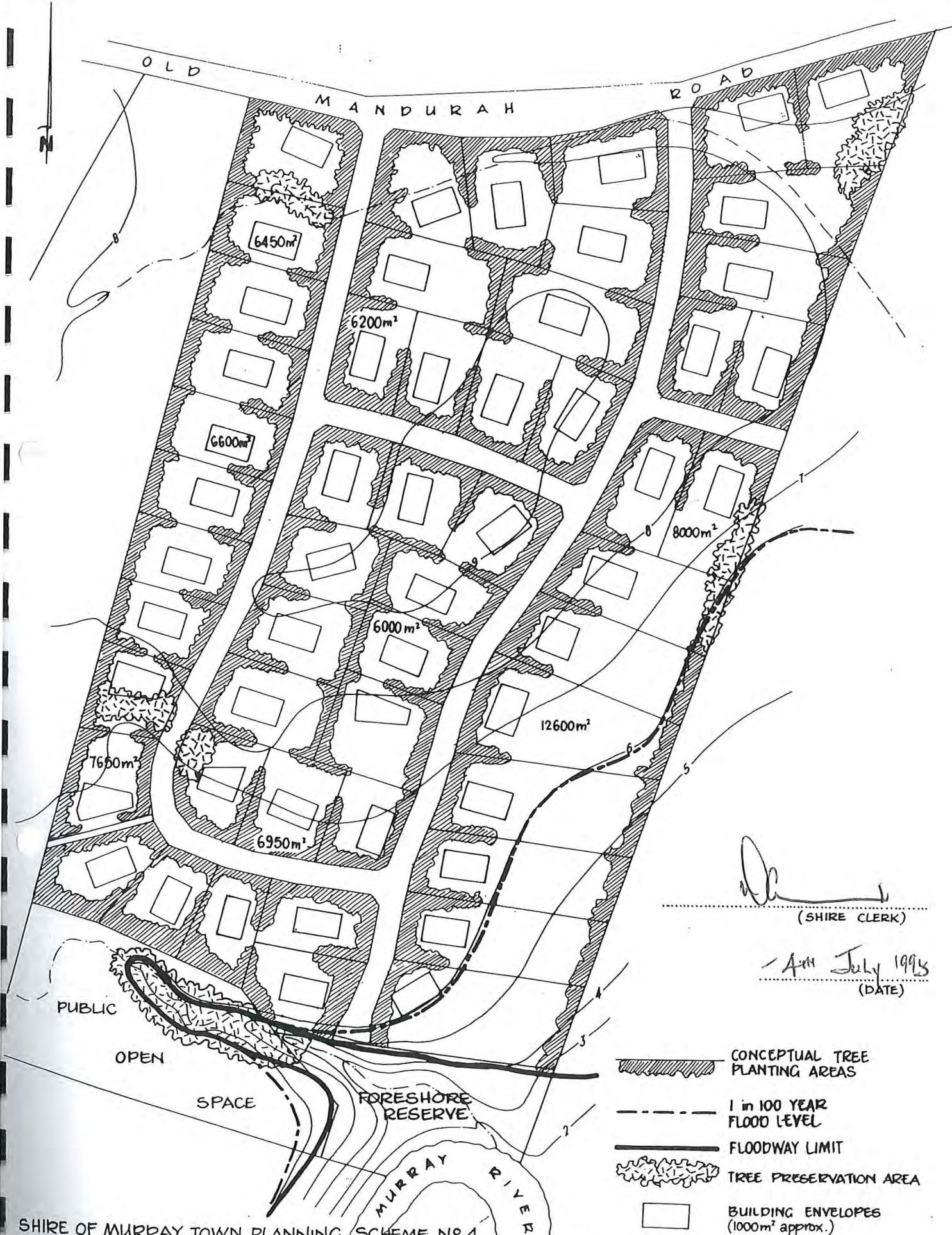


DEPARTMENT OF PLANNING
MANDURAH OFFICE
25 JUN 2013
FILE 148238

THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY, POSITIONED OVER EVIDENCE OF OCCUPATION. IT SHOULD BE NOTED THAT UNDERGROUND SERVICES ARE SHOWN BUT NEED TO BE VERIFIED BY THE RELEVANT AUTHORITY PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION, AND THE CERTIFICATE OF TITLE SHOULD BE CHECKED FOR EASEMENTS AND ENCUMBRANCES. THEREFORE, NO RESPONSIBILITY IS TAKEN FOR BOUNDARY POSITIONS AND SERVICE LOCATIONS.

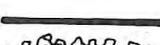
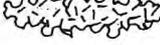
ORIGINAL LOT 120 1.1994 Ha
PROPOSED LOT 1 0.5997 Ha
PROPOSED LOT 2 0.5997 Ha

 AUSURV Pty. Ltd. Consulting Surveyors PH: 1800 AUSURV FAX: 9581 7734 EMAIL: mandurah@ausurv.com.au 25 DAVEY STREET MANDURAH WA 6210	CLIENT	MR. STEVEN DILLON	SCALE	1:800 @ A3		REVISION NO.	A
	TITLE	PROPOSED SUBDIVISION No. 61 EAGLEHAWK DRIVE RAVENSWOOD LOT 120 ON PLAN 22924	SURVEYED	DATE	HORIZONTAL DATUM	VERTICAL DATUM	LANDGATE
			DRAWN	MC	DATE 05/06/13	ASSUMED	
			APPROVED	GC	DATE	JOB NUMBER	



[Signature]
 (SHIRE CLERK)

4th July 1995
 (DATE)

-  CONCEPTUAL TREE PLANTING AREAS
-  1 in 100 YEAR FLOOD LEVEL
-  FLOODWAY LIMIT
-  TREE PRESERVATION AREA
-  BUILDING ENVELOPES (1000m² approx.)



Note: All areas and dimensions are subject to survey

SHIRE OF MURRAY TOWN PLANNING SCHEME NO 4

SUBDIVISION AND DEVELOPMENT GUIDE PLAN

PT LOT 3 OLD MANDURAH ROAD; PINJARRA.

ITEM NO: 9.10

SUBDIVISION TO CREATE THREE LOTS FOR FARMING, CONSERVATION AND HOMESTEAD PURPOSE – LOT 14 WOODLANDS ROAD, PORONGURUP – SHIRE OF PLANTAGENET

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Great Southern Team
AUTHORISING OFFICER: A/Executive Director, Regional Planning and Strategy
AGENDA PART: H
FILE NO: 147938
DATE: 12 August 2013
ATTACHMENT(S): 1 - subdivision plan
2 - zoning map
REGION SCHEME ZONING: N/A
LOCAL GOVERNMENT: Plantagenet
LOCAL SCHEME ZONING: Rural
LGA RECOMMENDATION(S): Approve
REGION DESCRIPTOR: Albany
RECEIPT DATE: 9 May 2013
PROCESS DAYS: 83
APPLICATION TYPE: Subdivision
CADASTRAL REFERENCE: Lot 14 Woodlands Road Porongurup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the subdivision of Lot 14 Woodlands Road Porongurup for the following reasons:

- 1. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as the balance lot is not suitable for the continuation of an agricultural rural land use.***
- 2. The proposed subdivision is contrary to the objectives of State Planning Policy 2.5 as it would result in the ad hoc fragmentation of rural land, and increase potential for land use conflict.***
- 3. The proposed subdivision is contrary to State Planning Policy 2.5 as it creates rural living lots on land that has not been identified for closer settlement in an endorsed local planning strategy or zoned in the local planning scheme.***

4. Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the Rural Zone in this locality causing unplanned breakdown of landholdings.

SUMMARY:

The application proposes the subdivision of rural zoned Lot 14 Woodlands Road into three lots; a conservation lot of 3.8 ha; a homestead lot of 1.8 ha and a balance agricultural lot of 26.3 ha. The proposal is inconsistent with WAPC policy in that the proposal; is not supported by any strategic plans; and the balance lot is not suitable or practical for rural agricultural purposes and is more akin to a rural lifestyle lot.

This application is brought to SPC concurrently with other applications for the subdivision of rural land for conservation lot purposes in the Great Southern Region.

It is recommended the application be refused.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: *Planning and Development Act 2005*
Part 10 - Subdivision and development control

Strategic Plan

Strategic Goal: Regulation
Outcomes: Effective, consistent and enforceable regulation
Strategies: Improve, streamline and simplify regulatory processes within a risk based framework.

Policy

Number and / or Name: SPP 2.5 Agricultural and Rural Land Use Planning (2002)
SPP 2.5 Land Use Planning in Rural Areas (2012)
DC 3.4 Subdivision of Rural Land (2008)
DC 3.4 Subdivision of Rural Land (2012)

SPP 2.5 Agricultural and Rural Land Use Planning (SPP 2.5 2002) and SPP 2.5 Land Use Planning in Rural Areas (SPP2.5 2012)

These policies inter alia, protect agricultural land resources by minimising ad hoc fragmentation of rural land; plan and provide for rural settlement; minimise the potential for land use conflict and require local government to identify areas for closer settlement in an endorsed Local Planning Strategy.

The revised policy is awaiting approval by the Minister for Planning and granting of consent by the Governor before being available to the public. The State Administrative Tribunal has accepted the revised SPP 2.5 as a seriously entertained planning instrument.

DC 3.4 Subdivision of Rural Land

This policy contains a general policy requirement that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholding) and more intensive agriculture uses should be properly planned through the preparation

of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

DC3.4 allows subdivision to create conservation lots to preserve significant environmental features provided that; the vegetation is identified as worthy of protection in a strategic document; the lot is an appropriate configuration; the lot has an appropriate conservation covenant; and the balance of the lot can be used for agricultural purposes.

DC3.4 allows subdivision to create a homestead lot to allow an existing house on a farm to continue to be occupied.

DC3.4 has also been revised with the revised version (DC3.4 2012) endorsed by the WAPC on the 28th February 2012. It is yet to be publicly released. The State Administrative Tribunal has accepted revised DC 3.4 as a seriously entertained planning instrument.

BACKGROUND:

The Great Southern Office has received a number of applications in recent months for the subdivision of rural land in the Shires of Denmark and Plantagenet and the City of Albany to create a conservation lot and balance agricultural lot subject to the conservation lot provisions of DC3.4 (cl 4.8 2008, cl 6.5 2012). The applications are all accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency.

The applications have highlighted a number of issues with the interpretation and application of WAPC policy with regard to conservation lots. These applications are brought to SPC concurrently to confirm;

1. The proposals represent rural settlement/rural living proposals and are therefore not supported.
2. The Commissioner of Soil and Land Conservation is not an appropriate covenanting agency in this instance as no assessment of environmental significance has occurred.

The application proposes the subdivision of Lot 14 Woodlands Road, Porongurup in the Shire of Plantagenet into three lots; a conservation lot of 3.8 ha (Lot 3); a homestead lot of 1.8 ha (Lot 2) and a balance agricultural lot of 26.3 ha (Lot 1) (**Attachment 1**). Lot 14 is currently uses for cattle grazing. The land is adjacent to Porongurup National Park.

The land is zoned 'Rural' in the Shire of Plantagenet Town Planning Scheme no 3. (TPS3). Land to the east, south and west is reserved for 'Recreation'.

CONSULTATION:

The Shire of Plantagenet support the application subject to conditions.

The Department of Parks and Wildlife (DPaW) (former Department of Environment and Conservation) support the application and advise that despite its small size, the area is in excellent condition and is more varied in composition when compared with the adjoining area of national park. DPaW advise a conservation covenant with them

rather than the National Trust or other agency is strongly preferred as the DPaW conservation covenant programme is the preferred scheme for biodiversity conservation purposes, especially where the adjoining lands are also managed by DPaW. This would facilitate good cross-boundary management for conservation with the added benefit of a locally based national park manager and would enable maximum co-ordination of management and protection and on-going best conservation outcomes for the area.

The Commissioner for Soil and Land Conservation advises in principle support to be the covenanting agency has already been provided, however he has since been advised that DEC would prefer to be the covenanting agency.

There were no other objections from referral agencies.

OFFICERS COMMENTS:

Assessment of vegetation

It is current practice that if an agency agrees to covenant the vegetation on the proposed conservation lot, the application is considered to meet the requirements of DC3.4 in determining the vegetation has been identified as worthy as protection. Advice from DPaW or other covenanting agencies is relied upon to determine the value of the vegetation. This application is accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency and DPaW have confirmed they are willing to be the covenanting agency, and even though the lot is quite small, its proximity to the national park and its excellent condition, DPaW are willing to make an exception to the usual requirements for inclusion in its conservation covenant program.

Lot size

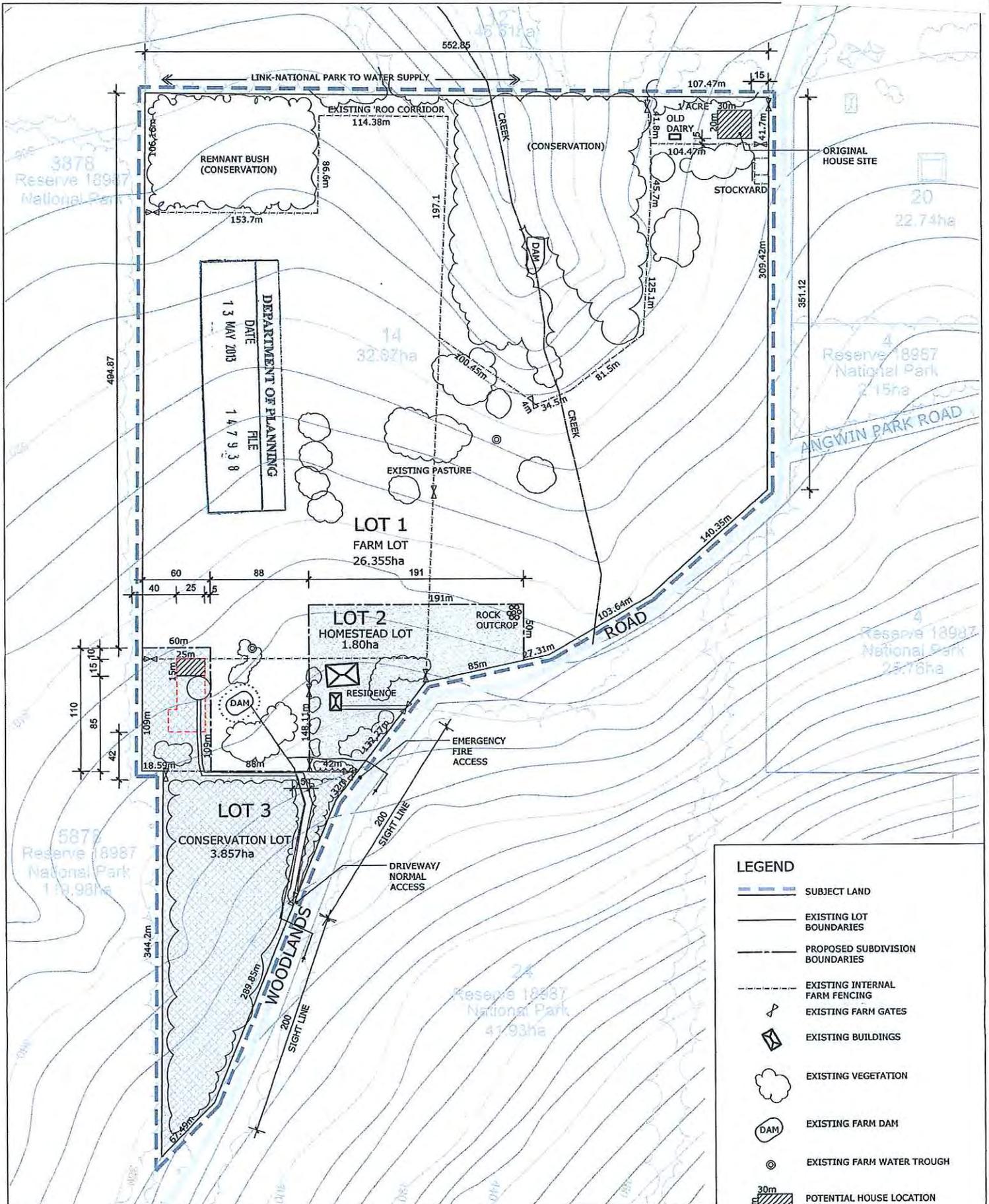
The spate of recent applications received propose conservation lots of a size ranging from 3.8 ha to 30 ha and balance agricultural lots ranging in size from 7.6 ha to 28 ha. This application proposes a conservation lot of 3.8 ha and an balance agricultural lot of 26.3 ha. With regard to lot size, DC3.4 (cl 4.8 of 2008, cl 6.5 of 2012) requires the size of the conservation lot to be endorsed as suitable by the covenanting agency and the remaining agricultural lot to be of sufficient areas to be capable and suitable for agricultural/rural use.

Regardless of the quality and value of the vegetation and willingness of an agency to administer the covenant and the balance lot being able to maintain activities such as cattle grazing; continued application of the conservation lot provisions of DC3.4 in the Great Southern has the potential to create a 'scattergun' approach to rural settlement with no regard to settlement strategy.

Notwithstanding the homestead lot, it is considered this application is creating two lots of a size more akin to a rural living lot. SPP 2.5 requires that prior to subdivision for closer settlement, land should be identified in an endorsed LPS and zoned in the TPS for that purpose. Lot 14 has not been identified in the LPS or TPS for closer settlement and this proposal is considered to be ad hoc fragmentation of rural land. It will result in additional dwelling entitlements, with the potential for increased land use conflict, contrary to the objectives of SPP2.5.

CONCLUSION

Notwithstanding the homestead lot, the proposal will create two additional lots, of a size akin to lots used for rural living, in the rural zone. The land has not been identified for rural living or closer settlement in the Shire of Plantagenet Local Planning Strategy or appropriately zoned in the Shire of Plantagenet Town Planning Scheme No 3 and is therefore contrary to the objectives of SPP2.5 (2002) and SPP2.5 (2012) and DC3.4 (2008) and DC3.4 (2012). The application does not meet the special circumstances of DC3.4 (2008) and DC3.4 (2012) for subdivision of rural land to create a conservation lot as the balance lot is not suitable for agricultural use. Refusal is recommended.



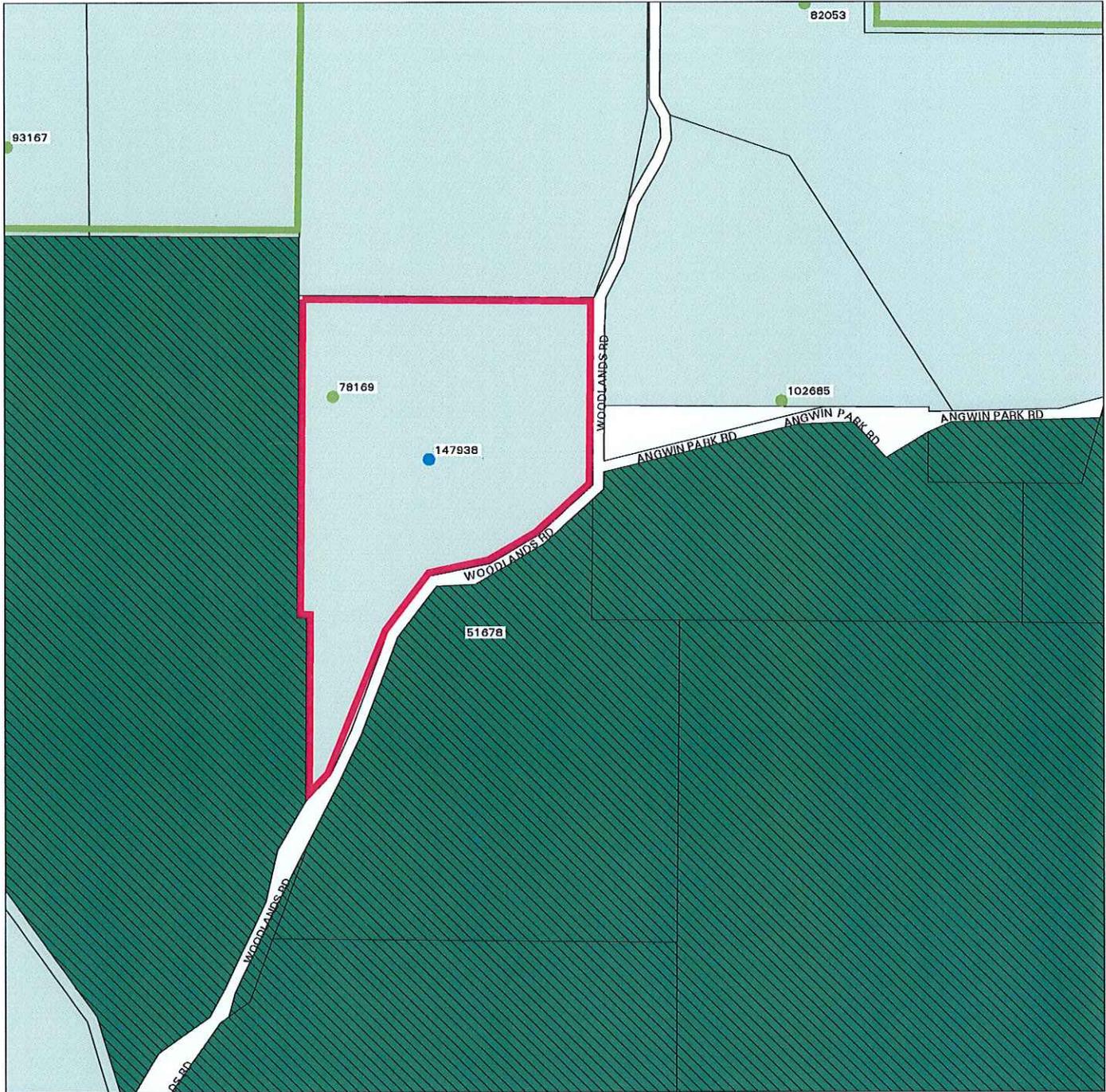
PROJECT
SUBDIVISION PLAN
 LOT 14 WOODLANDS ROAD
 PORONGURUP, SHIRE OF
 PLANTAGENET

ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY

Stephen Jennings
 Planning and Development
 234 Woodlands Road, Porongurup
 WA 6324, Australia
 Tel 08 9853 1283 Mobile 0427 387 552
 Email StephenJennings@bbnet.com.au
 ABN 19 064 373 116

FIGURE 1 NORTH

0 20 50 100m
 SCALE 1:3000 @A3
 DATE 08.05.13
 DRAWN DN



Subdivision Application 147938 (MGA ref 576254mE 6164111mN Zone 50)

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

-  APPROX LOCATION OF APPLICATION
-  CADASTRAL BOUNDARY
-  OUTSTANDING
-  APPROVED
-  OUTSTANDING
-  APPROVED
-  RURAL
-  RECREATION

141667s.eps

ITEM NO: 9.11

SUBDIVISION TO CREATE TWO LOTS FOR FARMING AND CONSERVATION PURPOSE - LOT 605 SOUTH COAST HIGHWAY KENTDALE – SHIRE OF DENMARK

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Great Southern Team
AUTHORISING OFFICER:	A/Executive Director, Regional Planning and Strategy
AGENDA PART:	H
FILE NO:	148031
DATE:	7 August 2013
ATTACHMENTS:	1 - subdivision plan 2 - zoning map 3 - correspondence from Commissioner for Soil and Land Conservation 4 - advice from DAFWA
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	Denmark
LOCAL SCHEME ZONING:	Rural
LGA RECOMMENDATION(S):	Approve
REGION DESCRIPTOR:	Albany
RECEIPT DATE:	16 May 2013
PROCESS DAYS:	83
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 605 South Coast Highway Kentdale

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the subdivision of Lot 605 South Coast Highway Kentdale for the following reasons:

- 1. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as it does not meet the exceptional circumstances where rural subdivision can be considered as the vegetation has not been identified in a strategic planning document or by the relevant environmental agencies for further protection.**
- 2. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as the Commissioner for Soil and Land**

Conservation is not an appropriate agency to administer the necessary environmental conservation covenant.

- 3. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as the balance lot is not suitable for the continuation of an agricultural rural land use.***
- 4. The proposed subdivision is contrary to the objectives of State Planning Policy 2.5 as it would result in the ad hoc fragmentation of rural land, and increase potential for land use conflict.***
- 5. The proposed subdivision is contrary to State Planning Policy 2.5 as it creates rural living lots on land that has not been identified for closer settlement in an endorsed local planning strategy or zoned in the local planning scheme.***
- 6. Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the Rural Zone in this locality causing unplanned breakdown of landholdings.***

SUMMARY:

The application proposes the subdivision of rural zoned Lot 605 South Coast Highway Kentdale into two lots; a conservation lot of 30.33 ha, and a balance agricultural lot of 7.6 ha ha. The proposal is inconsistent with WAPC policy in that the proposal; is not supported by any strategic plans; is not supported by an appropriate environmental agencies covenanting program; and the balance lot is not suitable or practical for rural agricultural purposes and is more akin to a rural lifestyle lot.

This application is brought to SPC concurrently with several other applications for the subdivision of rural land for conservation lot purposes in the Great Southern Region.

It is recommended the application be refused.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10 - Subdivision and development control

Strategic Plan

Strategic Goal:

Regulation

Outcomes:

Effective, consistent and enforceable regulation

Strategies:

Improve, streamline and simplify regulatory processes within a risk based framework.

Policy

Number and / or Name:

SPP 2.5 Agricultural and Rural Land Use Planning (2002)
SPP 2.5 Land Use Planning in Rural Areas (2012)
DC 3.4 Subdivision of Rural Land (2008)
DC 3.4 Subdivision of Rural Land (2012)
Shire of Denmark Town Planning Scheme No 3
Shire of Denmark Local Planning Strategy

Shire of Denmark Town Planning Scheme No 3 (TPS3)

The land is zoned 'Rural' under TPS3, with the purpose and intent of the zone being for the range of normal activities conducted in the Shire and to protect such land from inappropriate uses. The scheme is silent on subdivision of rural land. TPS3 allows, at clause 5.3.2, two single houses to be built on any lot in the Rural zone.

Shire of Denmark Local Planning Strategy 2011 (LPS)

The land is designated as 'General Agriculture' in the LPS. The LPS states Council will only support subdivision of rural land in accordance with the provisions of the LPS and will generally not support subdivision which further fragments any land within the General Agricultural areas, in accordance with DC3.4.

SPP 2.5 Agricultural and Rural Land Use Planning (SPP 2.5 2002) and SPP 2.5 Land Use Planning in Rural Areas (SPP2.5 2012)

These policies *inter alia*, protect agricultural land resources by minimising ad hoc fragmentation of rural land; plan and provide for rural settlement; minimise the potential for land use conflict and require local government to identify areas for closer settlement in an endorsed Local Planning Strategy.

The revised policy is awaiting approval by the Minister for Planning and granting of consent by the Governor before being available to the public. The State Administrative Tribunal has accepted the revised SPP 2.5 as a seriously entertained planning instrument.

DC 3.4 Subdivision of Rural Land

This policy contains a general policy requirement that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholding) and more intensive agriculture uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

DC3.4 allows subdivision to create conservation lots to preserve significant environmental features provided that; the vegetation is identified as worthy of protection in a strategic document; the lot is an appropriate configuration; the lot has an appropriate conservation covenant; and the balance of the lot can be used for agricultural purposes.

DC3.4 has also been revised with the revised version (DC3.4 2012) endorsed by the WAPC on the 28th February 2012. It is yet to be publicly released. The State Administrative Tribunal has accepted revised DC 3.4 as a seriously entertained planning instrument.

BACKGROUND:

The Great Southern Office has received a number of applications in recent months for the subdivision of rural land in the Shires of Denmark and Plantagenet and the City of Albany to create a conservation lot and balance agricultural lot subject to the conservation lot provisions of DC3.4 (cl 4.8 2008, cl 6.5 2012). The applications are all accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency.

The applications have highlighted a number of issues with the interpretation and application of WAPC policy with regard to conservation lots. These applications are brought to SPC concurrently to confirm;

1. The proposals represent rural settlement/rural living proposals and are therefore not supported.
2. The Commissioner of Soil and Land Conservation is not an appropriate covenanting agency in this instance as no assessment of environmental significance has occurred..

This application proposes the subdivision of Lot 605 South Coast Highway Kentdale in the Shire of Denmark into two lots; a conservation lot of 30.3 ha (Lot A) and a balance agricultural lot of 7.6 ha (Lot B) (**Attachment 1**). Lot 605 is currently used for cattle grazing and seasonal silage. There is a dwelling and several outbuildings on Lot A. The western boundary abuts the Kent River.

The land is zoned 'Rural' in the Shire of Denmark Town Planning Scheme No 3. (**Attachment 2**).

CONSULTATION:

The Shire of Denmark advise the application does not conflict with the provisions of the rural zone and advise the Local Planning Strategy supports the creation of Conservation lots, however this proposal is creating lots that are not consistent with the predominant lot sizes in the immediate surrounds. The Denmark-Nornalup Heritage Rail Trail traverses the northern boundary of Lot B and there is currently an easement registered on the title for access purposes. The Shire is willing to support the application and seek the portion of the trail be ceded to the Crown and be amalgamated into adjoining Reserve 42507 which is the majority of the Denmark-Nornalup Heritage Rail trail for the positive community benefit that will result as it is unlikely the Shire would purchase the land outright.

The Department of Agriculture and Food WA (DAFWA) support the creation of the conservation lot and advise it provides suitable riparian buffering to the minor tributaries that flow into the Kent River. DAFWA advise that whilst Lot B is not identified as Priority Agricultural Land (PAL) it is uncertain if Lot B is of a sufficient size to be used for agricultural purposes.

The Department of Parks and Wildlife support the creation of the conservation lot and advise it is adjacent to the Thames Block Forest Conservation Area.

The Department of Mines and Petroleum object to the proposal as they have serious concerns about the potential impact that conservation covenants may have with respect to access to carry out exploration and extraction of minerals and could act as a severe disincentive to exploration due to real or perceived constraints.

There were no objections from other referral agencies.

OFFICERS COMMENTS:

Assessment of vegetation

It is current practice that if an agency agrees to covenant the vegetation on the proposed conservation lot, the application is considered to meet the requirements of

DC3.4 in determining the vegetation has been identified as worthy as protection. Advice from DPaW or other covenanting agencies is relied upon to determine the value of the vegetation. This application is accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency.

As a result of the number of recent applications, the Commissioner for Soil and Land Conservation has recently informed the Department of Planning that a new policy is being developed to guide the Commissioner's decision making in whether to administer conservation covenants arising from conservation lot subdivision in accordance with DC3.4 (**Attachment 3**). The Commissioner advises that until the new policy is operational, his Office is reluctant to negotiate new conservation covenants created solely for the purposes of an applicant securing conservation lot subdivision.

DAFWA advise in considering their initial advice the WAPC should be aware that Soil and Land Conservation Covenants do not include stewardship provisions or a management plan, are not regularly monitored and differ significantly from covenants administered by DEC and the National Trust (**Attachment 4**).

DC3.4 requires, 'a conservation covenant in perpetuity with the DEC, the National Trust of Australian (WA) or an alternative authority acceptable to the WAPC.' It is recommended that the WAPC determines, in this instance, the Commissioner of Soil and Land Conservation is not appropriate as the covenanting agency for the following reasons; soil and land covenants are primarily for the purpose of preventing soil erosion rather than preserving significant environmental features; there is limited assessment carried out on the suitability of the vegetation or suitability of the lot for retaining environmental values; there is no requirement for a management plan and there is no stewardship program.

Lot size

The spate of recent applications received propose conservation lots of a size ranging from 3.8 ha to 30 ha and balance agricultural lots ranging in size from 7.6 ha to 28 ha. This application proposes a conservation lot of 30.3 ha and an balance agricultural lot of 7.6 ha. With regard to lot size, DC3.4 (cl 4.8 of 2008, cl 6.5 of 2012) requires the size of the conservation lot to be endorsed as suitable by the covenanting agency and the remaining agricultural lot to be of sufficient areas to be capable and suitable for agricultural/rural use.

Regardless of the quality and value of the vegetation and willingness of an agency to administer the covenant and the balance lot being able to maintain activities such as cattle grazing; continued application of the conservation lot provisions of DC3.4 in the Great Southern has the potential to create a 'scattergun' approach to rural settlement with no regard to settlement strategy.

It is considered this application is creating two lots of a size more akin to a rural living lot. SPP 2.5 requires that prior to subdivision for closer settlement, land should be identified in an endorsed LPS and zoned in the TPS for that purpose. Lot 605 has not been identified in the LPS or TPS for closer settlement and this proposal is considered to be ad hoc fragmentation of rural land.

This subdivision proposal is contrary to SPP2.5 as it will result in additional dwelling entitlements, with the potential for increased land use conflict. The risk of increased land use conflict is exacerbated in the Shire of Denmark as the local planning scheme allows for two single dwellings to be built on a rural zoned lot.

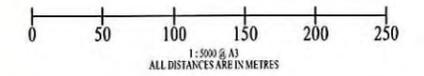
CONCLUSION

The proposal will create two lots, of a size akin to lots used for rural living, in the rural zone. The land has not been identified for rural living or closer settlement in the Shire of Denmark Local Planning Strategy or appropriately zoned in the Shire of Denmark Town Planning Scheme No 3 and is therefore contrary to the objectives of SPP2.5 (2002) and SPP2.5 (2012) and DC3.4 (2008) and DC3.4 (2012). The application does not meet the special circumstances of DC3.4 (2008) and DC3.4 (2012) for subdivision of rural land in that the Commissioner for Soil and Land Conservation is not an appropriate covenanting agency and the balance lot is not suitable for agricultural use. Refusal is recommended.

**PROPOSED
CONSERVATION SUBDIVISION
LOT 605 PARKER ROAD
KENTDALE WA 6333**

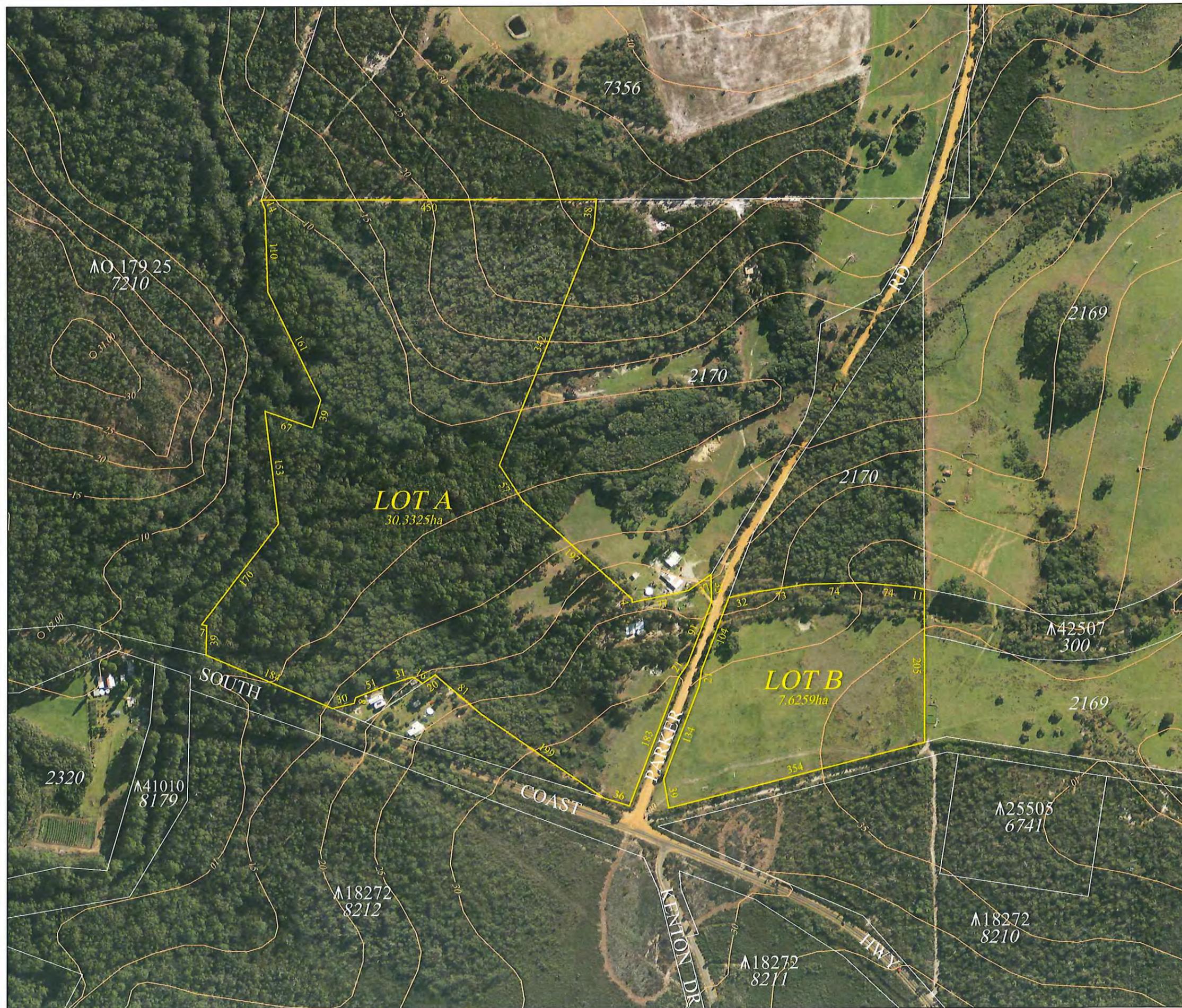
ORIGINAL PLANNER:	JD
ORIGINAL DRAFTER:	ABS
CREATED DATE:	21/05/2013
AERIAL DATA:	LANDGATE 2010
CADASTRAL DATA:	SCDB
TOPOGRAPHIC DATA:	LANDGATE

THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES.
BOUNDARY LINES ARE REPRESENTATIONAL ONLY AND ARE SUBJECT TO SURVEY.



J			
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A	ORIGINAL	ABS	21/05/2013
REVISION	DESCRIPTION	DRAFTER	DATE

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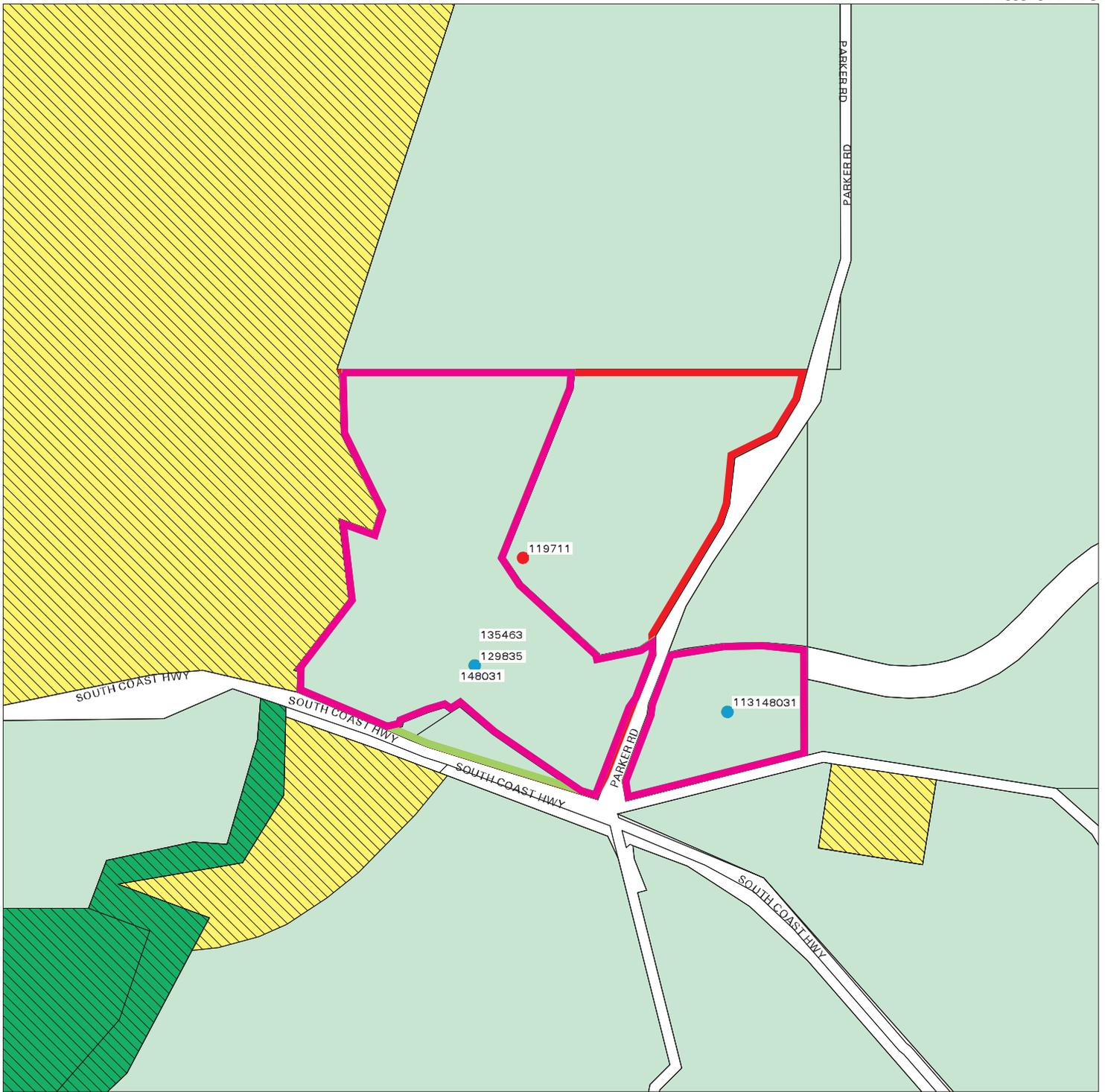


DEPARTMENT OF PLANNING	
DATE	FILE
28 MAY 2013	148031

Ref: 1817-01A



Denmark Survey & Mapping
PO Box 339
1/55 Strickland St, Denmark 6333
(08) 9848 2262



Subdivision Application 148031 (MGA ref 503834mE 6132086mN Zone 50)

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

- APPROX LOCATION OF APPLICATION
- CADASTRAL BOUNDARY
- OUTSTANDING
- APPROVED
- REFUSED
- OUTSTANDING
- APPROVED
- REFUSED
- RURAL
- PUBLIC USE
- PARKS AND RECREATION

141871s.eps



Department of Agriculture and Food



31 July 2013

Ms Cath Meaghan
Department of Planning
Locked Bag 2506
PERTH WA 6001

DEPARTMENT OF PLANNING ALBANY OFFICE
06 AUG 2013
FILE:

Dear Ms Meaghan

CONSERVATION COVENANTS UNDER *SOIL AND LAND CONSERVATION ACT 1945* FOR THE SUBDIVISION OF CONSERVATION LOTS

Over recent months, the Commissioner has received a number of requests for in-principle support for conservation covenants under the *Soil and Land Conservation Act 1945 (the Act)* to support applications for the subdivision of rural land under section 6.5 Conservation of biodiversity and natural heritage of the Western Australian Planning Commission (WAPC) Development Control Policy 3.4 Subdivision of rural land (conservation lots).

In most cases, I have provided in principle support for the creation of new conservation covenant but in doing so I have indicated that this does not infer that I support rural subdivision.

Correspondence from the Department of Planning (DoP) has highlighted issues with using the Act's covenants to create of conservation lots.

Department of Agriculture and Food Western Australia Agreement to Reserve and Conservation Covenants do not include stewardship provisions and, in this and other ways, differ significantly from the covenants administered by Department of Environment and Conservation and the National Trust.

In response to the growing number of requests I have decided that a new policy and associated procedures are needed to guide decisions on whether to administer conservation covenants arising from conservations lot subdivision. In developing the policy over the next few months I would welcome input from the WAPC and the DoP in relation to the conservation lot subdivision.

OFFICE OF THE COMMISSIONER OF SOIL AND LAND CONSERVATION

3 BARON-HAY COURT SOUTH PERTH WESTERN AUSTRALIA 6151
(POSTAL ADDRESS: LOCKED BAG No 4 BENTLEY DELIVERY CENTRE WA 6983)
TELEPHONE: (08) 9368 3282 FACSIMILE: (08) 9368 3654

I wish to advise that until this policy is developed and endorsed, my Office is reluctant to negotiate new conservation covenants created solely for the purposes of securing conservation lot subdivision.

Yours sincerely

A handwritten signature in black ink that reads "G. Wheaton". The signature is written in a cursive style with a long horizontal stroke extending from the end of the name.

Glen Wheaton
Deputy Commissioner for Soil and Land Conservation

cc Steve Peterson, Planning Manager, Department of Planning



Government of **Western Australia**
Department of **Agriculture and Food**



5 August 2013

c/- Kelsie Lewis
WAPC – Great Southern Office
PO Box 1108
ALBANY WA 6330
Kelsie.Lewis@planning.wa.gov.au

Dear Kelsie

**APPLICATION 148031 – LOT 605 SOUTH COAST HIGHWAY, (PARKER ROAD)
KENTDALE**

I am writing to clarify the position of the Commissioner of Soil and Land Conservation and the Department of Agriculture and Food Western Australia (DAFWA) in regard to this application.

The Commissioner has already provided in principle support to be the covenanting authority if this is supported by the Western Australian Planning Commission (WAPC) (email to Ms J Dowling 2 May 2013). The next step in the process is for the landholder or agent to submit an Interest Only Deposited Plan (IODP) to Landgate. This process can take up to 12 months to complete. DAFWA is not aware that an IODP has been lodged.

In considering this advice, the WAPC should be aware of the difference between vegetation covenants under the *Soil and Land Conservation Act (the Act)* and the covenanting schemes listed in Development Control Policy 4.3.

DAFWA's Agreements to Reserve and Conservation Covenants include neither stewardship provisions, nor a management plan and, in this and other ways, differ significantly from the covenants administered by the Department of Environment and Conservation and the National Trust.

The Office of the Soil and Land Conservation does not regularly monitor conservation covenants. The Commissioner responds to complaints made by third parties about the management of conservation covenants.

DAFWA's Southern Agricultural Region Director, Steve Porritt, also responded to this application (1 July 2013). This letter supported the subdivision but requested a notification is put on the title of Lot A stating that the adjacent land is used for agricultural purposes.

Yours sincerely

A handwritten signature in black ink, appearing to read 'HPercy', written in a cursive style.

Heather Percy
A/DIRECTOR
LAND AND WATER ASSESSMENT

ITEM NO: 9.12

SUBDIVISION TO CREATE TWO LOTS FOR FARMING AND CONSERVATION PURPOSE - LOT 656 HAREWOOD ROAD SCOTSDALE – SHIRE OF DENMARK

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Great Southern Team
AUTHORISING OFFICER:	A/Executive Director, Regional Planning and Strategy
AGENDA PART:	H
FILE NO:	148075
DATE:	7 August 2013
ATTACHMENTS:	1 - subdivision plan 2 - zoning map 3 - correspondence from Commissioner for Soil and Land Conservation 4 - advice from DAFWA
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	Denmark
LOCAL SCHEME ZONING:	Rural
LGA RECOMMENDATION(S):	Refuse
REGION DESCRIPTOR:	Albany
RECEIPT DATE:	16 May 2013
PROCESS DAYS:	83
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 656 Harewood Road Scotsdale

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the subdivision of Lot 656 Harewood Road, Scotsdale for the following reasons:

- 1. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as it does not meet the exceptional circumstances where rural subdivision can be considered as the vegetation has not been identified in a strategic planning document or by the relevant environmental agencies for further protection.***
- 2. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as the Commissioner for Soil and Land Conservation is not an appropriate agency to administer the necessary environmental conservation covenant.***

-
3. ***The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as the balance lot is not suitable for the continuation of an agricultural rural land use.***
 4. ***The proposed subdivision is contrary to the objectives of State Planning Policy 2.5 as it would result in the ad hoc fragmentation of rural land, and increase potential for land use conflict.***
 5. ***The proposed subdivision is contrary to State Planning Policy 2.5 as it creates rural living lots on land that has not been identified for closer settlement in an endorsed local planning strategy or zoned in the local planning scheme.***
 6. ***Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the Rural Zone in this locality causing unplanned breakdown of landholdings.***

SUMMARY:

The application proposes the subdivision of rural zoned Lot 656 Harewood Road Scotsdale into two lots; a conservation lot of 16.06 ha, and a balance agricultural lot of 26.2 ha. The proposal is inconsistent with WAPC policy in that the proposal; is not supported by any strategic plans; is not supported by an appropriate environmental agencies covenanting program; and the balance lot is not suitable or practical for rural agricultural purposes and is more akin to a rural lifestyle lot.

This application is brought to SPC concurrently with several other applications for the subdivision of rural land for conservation lot purposes in the Great Southern Region.

It is recommended the application be refused.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10 - Subdivision and development control

Strategic Plan

Strategic Goal:

Regulation

Outcomes:

Effective, consistent and enforceable regulation

Strategies:

Improve, streamline and simplify regulatory processes within a risk based framework.

Policy

Number and / or Name:

SPP 2.5 Agricultural and Rural Land Use Planning (2002)

SPP 2.5 Land Use Planning in Rural Areas (2012)

DC 3.4 Subdivision of Rural Land (2008)

DC 3.4 Subdivision of Rural Land (2012)

Shire of Denmark Town Planning Scheme No 3

Shire of Denmark Local Planning Strategy

Shire of Denmark Town Planning Scheme No 3 (TPS3)

The land is zoned 'Rural' under TPS3, with the purpose and intent of the zone being for the range of normal activities conducted in the Shire and to protect such land from inappropriate uses. The scheme is silent on subdivision of rural land. TPS3 allows, at clause 5.3.2, two single houses to be built on any lot in the Rural zone.

Shire of Denmark Local Planning Strategy 2011 (LPS)

The land is designated as 'General Agriculture' in the LPS. The LPS states Council will only support subdivision of rural land in accordance with the provisions of the LPS and will generally not support subdivision which further fragments any land within the General Agricultural areas, in accordance with DC3.4.

SPP 2.5 Agricultural and Rural Land Use Planning (SPP 2.5 2002) and SPP 2.5 Land Use Planning in Rural Areas (SPP2.5 2012)

These policies *inter alia*, protect agricultural land resources by minimising ad hoc fragmentation of rural land; plan and provide for rural settlement; minimise the potential for land use conflict and require local government to identify areas for closer settlement in an endorsed Local Planning Strategy.

The revised policy is awaiting approval by the Minister for Planning and granting of consent by the Governor before being available to the public. The State Administrative Tribunal has accepted the revised SPP 2.5 as a seriously entertained planning instrument.

DC 3.4 Subdivision of Rural Land

This policy contains a general policy requirement that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholding) and more intensive agriculture uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

DC3.4 allows subdivision to create conservation lots to preserve significant environmental features provided that; the vegetation is identified as worthy of protection in a strategic document; the lot is an appropriate configuration; the lot has an appropriate conservation covenant; and the balance of the lot can be used for agricultural purposes.

DC3.4 has also been revised with the revised version (DC3.4 2012) endorsed by the WAPC on the 28th February 2012. It is yet to be publicly released. The State Administrative Tribunal has accepted revised DC 3.4 as a seriously entertained planning instrument.

BACKGROUND:

The Great Southern Office has received a number of applications in recent months for the subdivision of rural land in the Shires of Denmark and Plantagenet and the City of Albany to create a conservation lot and balance agricultural lot subject to the conservation lot provisions of DC3.4 (cl 4.8 2008, cl 6.5 2012). The applications are all accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency.

The applications have highlighted a number of issues with the interpretation and application of WAPC policy with regard to conservation lots. These applications are brought to SPC concurrently to confirm;

1. The proposals represent rural settlement/rural living proposals and are therefore not supported.
2. The Commissioner of Soil and Land Conservation is not an appropriate covenanting agency in this instance as no assessment of environmental significance has occurred..

The application proposes the subdivision of Lot 656 Harewood Road Scotsdale in the Shire of Denmark into two lots; a conservation lot of 16.06 ha (Lot A) and a balance agricultural lot of 26.23 ha (Lot B) (**Attachment 1**). Lot 656 is currently used for cattle grazing, seasonal silage and a small plantation of pines trees. There is a dwelling and several outbuildings on Lot A.

The land is zoned 'Rural' in the Shire of Denmark Town Planning Scheme No 3. (**Attachment 2**).

CONSULTATION:

The Shire of Denmark does not support the application and recommends it be refused as; it will create two lots that are not consistent with the prevailing lot sizes in the locality conflicting with DC3.4; it conflicts with the provisions of the Shire's Local Planning Strategy (2011) and Town Planning Scheme Policy No 29 Rural Settlement Strategy as it will result in the further breakdown of farming lots; it appears to be creating two conservation lots; and there is no additional demonstrated community benefit with this subdivision proposal.

The Department of Agriculture and Food WA (DAFWA) support the creation of the conservation lot as it provides a suitable remnant vegetation protection in perpetuity however advise the land is identified as Priority Agricultural Land and the proposed subdivision does risk the removal of high quality agricultural land with sufficient flexibility or capability for buffering and/or water supply for potential future intensive agricultural land use.

The Department of Parks and Wildlife advise the remnant vegetation on Lot A provides significant connection to the intact vegetation on the adjacent Water Catchment Area Crown Reserve and support the protection of this vegetation by conservation covenant.

The Department of Mines and Petroleum object to the proposal as they have serious concerns about the potential impact that conservation covenants may have with respect to access to carry out exploration and extraction of minerals and could act as a severe disincentive to exploration due to real or perceived constraints.

There were no objections from other referral agencies.

OFFICERS COMMENTS:

Assessment of vegetation

It is current practice that if an agency agrees to covenant the vegetation on the proposed conservation lot, the application is considered to meet the requirements of

DC3.4 in determining the vegetation has been identified as worthy as protection. Advice from DPaW or other covenanting agencies is relied upon to determine the value of the vegetation. This application is accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency.

As a result of the number of recent applications, the Commissioner for Soil and Land Conservation has recently informed the Department of Planning that a new policy is being developed to guide the Commissioner's decision making in whether to administer conservation covenants arising from conservation lot subdivision in accordance with DC3.4 (**Attachment 3**). The Commissioner advises that until the new policy is operational, his Office is reluctant to negotiate new conservation covenants created solely for the purposes of an applicant securing conservation lot subdivision.

DAFWA advise in considering their initial advice the WAPC should be aware that Soil and Land Conservation Covenants do not include stewardship provisions or a management plan, are not regularly monitored and differ significantly from covenants administered by DEC and the National Trust (**Attachment 4**).

DC3.4 requires, 'a conservation covenant in perpetuity with the DEC, the National Trust of Australian (WA) or an alternative authority acceptable to the WAPC.' It is recommended that the WAPC determines, in this instance, the Commissioner of Soil and Land Conservation is not appropriate as the covenanting agency for the following reasons; soil and land covenants are primarily for the purpose of preventing soil erosion rather than preserving significant environmental features; there is limited assessment carried out on the suitability of the vegetation or suitability of the lot for retaining environmental values; there is no requirement for a management plan and there is no stewardship program.

Lot size

The spate of recent applications received propose conservation lots of a size ranging from 3.8 ha to 30 ha and balance agricultural lots ranging in size from 7.6 ha to 28 ha. This application proposes a conservation lot of 16.06 ha and an balance agricultural lot of 26.2 ha. With regard to lot size, DC3.4 (cl 4.8 of 2008, cl 6.5 of 2012) requires the size of the conservation lot to be endorsed as suitable by the covenanting agency and the remaining agricultural lot to be of sufficient areas to be capable and suitable for agricultural/rural use.

Regardless of the quality and value of the vegetation and willingness of an agency to administer the covenant and the balance lot being able to maintain activities such as cattle grazing; continued application of the conservation lot provisions of DC3.4 in the Great Southern has the potential to create a 'scattergun' approach to rural settlement with no regard to settlement strategy.

It is considered this application is creating two lots of a size more akin to a rural living lot. SPP 2.5 requires that prior to subdivision for closer settlement, land should be identified in an endorsed LPS and zoned in the TPS for that purpose. Lot 656 has not been identified in the LPS or TPS for closer settlement and this proposal is considered to be ad hoc fragmentation of rural land.

This subdivision proposal is contrary to SPP2.5 as it will result in additional dwelling entitlements, with the potential for increased land use conflict. The risk of increased land use conflict is exacerbated in the Shire of Denmark as the local planning scheme allows for two single dwellings to be built on a rural zoned lot.

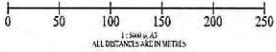
CONCLUSION

The proposal will create two lots, of a size akin to lots used for rural living, in the rural zone. The land has not been identified for rural living or closer settlement in the Shire of Denmark Local Planning Strategy or appropriately zoned in the Shire of Denmark Town Planning Scheme No 3 and is therefore contrary to the objectives of SPP2.5 (2002) and SPP2.5 (2012) and DC3.4 (2008) and DC3.4 (2012). The application does not meet the special circumstances of DC3.4 (2008) and DC3.4 (2012) for subdivision of rural land in that the Commissioner for Soil and Land Conservation is not an appropriate covenanting agency and the balance lot is not suitable for agricultural use. Refusal is recommended.

SUBDIVISION PLAN
 LOT 656 HAREWOOD ROAD
 SCOTSDALE WA 6333

ORIGINAL PLANNER:	JD
ORIGINAL DRAFTER:	ABS
CREATED DATE:	28/01/2013
AERIAL DATA:	LANDGATE 2011
CADASTRAL DATA:	SCDB 02/02/12
TOPOGRAPHIC DATA:	LANDGATE

THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES.
 BOUNDARY LINES ARE REPRESENTATIONAL ONLY AND ARE SUBJECT TO SURVEY.



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THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES.
 BOUNDARY LINES ARE REPRESENTATIONAL ONLY AND ARE SUBJECT TO SURVEY.

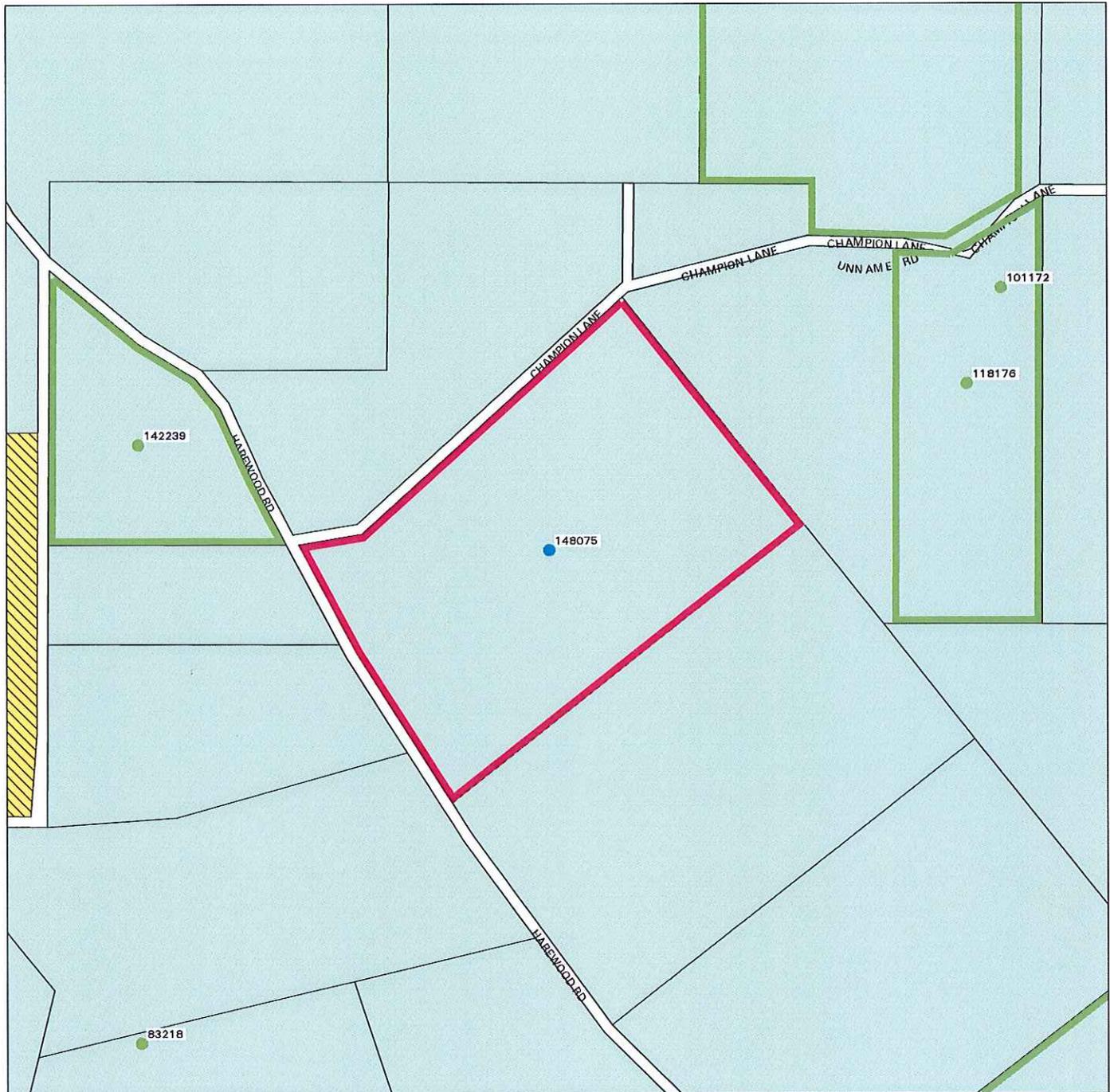
DEPARTMENT OF PLANNING
 DATE 06 JUN 2013
 FILE 148075
 Ref: 1805-01A



Denmark Survey & Mapping
 PO Box 339
 1/55 Strickland St, Denmark 6333
 (08) 9648 2262



ATTACHMENT 1



Subdivision Application 148075 (MGA ref 522668mE 6138357mN Zone 50)

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

-  APPROX LOCATION OF APPLICATION
-  PUBLIC USE
-  CADASTRAL BOUNDARY
-  OUTSTANDING
-  APPROVED
-  REFUSED
-  OUTSTANDING
-  APPROVED
-  RURAL

141999s.eps



Department of **Agriculture and Food**



31 July 2013

Ms Cath Meaghan
Department of Planning
Locked Bag 2506
PERTH WA 6001

DEPARTMENT OF PLANNING ALBANY OFFICE
06 AUG 2013
FILE:

Dear Ms Meaghan

CONSERVATION COVENANTS UNDER SOIL AND LAND CONSERVATION ACT 1945 FOR THE SUBDIVISION OF CONSERVATION LOTS

Over recent months, the Commissioner has received a number of requests for in-principle support for conservation covenants under the *Soil and Land Conservation Act 1945 (the Act)* to support applications for the subdivision of rural land under section 6.5 Conservation of biodiversity and natural heritage of the Western Australian Planning Commission (WAPC) Development Control Policy 3.4 Subdivision of rural land (conservation lots).

In most cases, I have provided in principle support for the creation of new conservation covenant but in doing so I have indicated that this does not infer that I support rural subdivision.

Correspondence from the Department of Planning (DoP) has highlighted issues with using the Act's covenants to create of conservation lots.

Department of Agriculture and Food Western Australia Agreement to Reserve and Conservation Covenants do not include stewardship provisions and, in this and other ways, differ significantly from the covenants administered by Department of Environment and Conservation and the National Trust.

In response to the growing number of requests I have decided that a new policy and associated procedures are needed to guide decisions on whether to administer conservation covenants arising from conservations lot subdivision. In developing the policy over the next few months I would welcome input from the WAPC and the DoP in relation to the conservation lot subdivision.

I wish to advise that until this policy is developed and endorsed, my Office is reluctant to negotiate new conservation covenants created solely for the purposes of securing conservation lot subdivision.

Yours sincerely

A handwritten signature in black ink, appearing to read "G. Wheaton". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Glen Wheaton
Deputy Commissioner for Soil and Land Conservation

cc Steve Peterson, Planning Manager, Department of Planning



Government of **Western Australia**
Department of **Agriculture and Food**



5 August 2013

c/- Kelsie Lewis
WAPC – Great Southern Office
PO Box 1108
ALBANY WA 6330
Kelsie.Lewis@planning.wa.gov.au

Dear Kelsie

APPLICATION 148075 LOT 656 HAREWOOD ROAD DENMARK

I am writing to clarify the position of the Commissioner of Soil and Land Conservation and the Department of Agriculture and Food Western Australia (DAFWA) in regard to this application.

The Commissioner has already provided in principle support to the covenanting authority if this subdivision is supported by the Western Australian Planning Commission (WAPC) (email to Ms J Dowling 13 May 2013). The next step in the process is for the landholder or agent to submit an Interest Only Deposited Plan (IODP) to Landgate. This process can take up to 12 months to complete. DAFWA is not aware that an IODP has been lodged.

In considering this advice, the WAPC should be aware of the difference between vegetation covenants under the *Soil and Land Conservation Act* (the Act) and the covenanting schemes listed in Development Control Policy 4.3.

DAFWA's Agreements to Reserve and Conservation Covenants do not include stewardship provisions or a management plan and other ways, differ significantly from the covenants administered by the Department of Environment and Conservation and the National Trust.

The Office of the Soil and Land Conservation does not regularly monitor conservation covenants. The Commissioner responds to complaints made by third parties about the management of conservation covenants.

ENTERED

DEPARTMENT OF PLANNING ALBANY OFFICE
08 AUG 2013
FILE: 148075

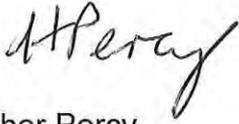
Agricultural Resource Risk Management

3 Baron-Hay Court South Perth Western Australia 6151
Telephone (08) 9780 6262 Facsimile (08) 9368 3355

www.agric.wa.gov.au
SPC AGENDA PAGE 237

DAFWA's Southern Agricultural Region Director, Steve Porritt, also responded to this application (2 July 2013). This letter noted that the proposed subdivision may impact on Priority Agricultural land and therefore may not be consistent with the Shire of Denmark's Local Planning Scheme. This letter recommended amending the boundary of proposed lot A to minimise the loss of Priority Agricultural Land and the requirement for setbacks and buffers to minimise land use conflict.

Yours sincerely

A handwritten signature in black ink, appearing to read 'H Percy', written in a cursive style.

Heather Percy
A/DIRECTOR
LAND AND WATER ASSESSMENT

ITEM NO: 9.13

SUBDIVISION TO CREATE TWO LOTS FOR FARMING AND CONSERVATION PURPOSE - LOT 4194 GARDENER ROAD KENTDALE – SHIRE OF DENMARK

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Great Southern Team
AUTHORISING OFFICER:	A/Executive Director, Regional Planning and Strategy
AGENDA PART:	H
FILE NO:	147958
DATE:	6 August 2013
ATTACHMENT(S):	1 - subdivision plan 2 - zoning map 3 - correspondence from Commissioner for Soil and Land Conservation 4 - advice from DAFWA
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	Denmark
LOCAL SCHEME ZONING:	Rural
LGA RECOMMENDATION(S):	Refuse
REGION DESCRIPTOR:	Albany
RECEIPT DATE:	16 May 2013
PROCESS DAYS:	83
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 4194 Gardener Road Kentdale

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the subdivision of Lot 4194 Gardener Road Kentdale for the following reasons;

- 1. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as it does not meet the exceptional circumstances where rural subdivision can be considered as the vegetation has not been identified in a strategic planning document or by the relevant environmental agencies for further protection.***
- 2. The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as the Commissioner for Soil and Land Conservation is not an appropriate agency to administer the necessary environmental conservation covenant.***

3. ***The proposed subdivision is contrary to Development Control Policy 3.4 Subdivision of Rural Land as the balance lot is not suitable for the continuation of an agricultural rural land use.***
4. ***The proposed subdivision is contrary to the objectives of State Planning Policy 2.5 as it would result in the ad hoc fragmentation of rural land, and increase potential for land use conflict.***
5. ***The proposed subdivision is contrary to State Planning Policy 2.5 as it creates rural living lots on land that has not been identified for closer settlement in an endorsed local planning strategy or zoned in the local planning scheme.***
6. ***Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the Rural Zone in this locality causing unplanned breakdown of landholdings.***

SUMMARY:

The application proposes the subdivision of rural zoned Lot 4194 Gardener Road Kentdale into two lots; a conservation lot of 27.7 ha, and a balance agricultural lot of 27.9 ha. The proposal is inconsistent with WAPC policy in that the proposal; is not supported by any strategic plans; is not supported by an appropriate environmental agencies covenanting program; and the balance lot is not suitable or practical for rural agricultural purposes and is more akin to a rural lifestyle lot.

This application is brought to SPC concurrently with other applications for the subdivision of rural land for conservation lot purposes in the Great Southern Region.

It is recommended the application be refused.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10 - Subdivision and development control

Strategic Plan

Strategic Goal:

Regulation

Outcomes:

Effective, consistent and enforceable regulation

Strategies:

Improve, streamline and simplify regulatory processes within a risk based framework.

Policy

Number and / or Name:

SPP 2.5 Agricultural and Rural Land Use Planning (2002)
 SPP 2.5 Land Use Planning in Rural Areas (2012)
 DC 3.4 Subdivision of Rural Land (2008)
 DC 3.4 Subdivision of Rural Land (2012)
 Shire of Denmark Town Planning Scheme No 3
 Shire of Denmark Local Planning Strategy

Shire of Denmark Town Planning Scheme No 3 (TPS3)

The land is zoned 'Rural' under TPS3, with the purpose and intent of the zone being for the range of normal activities conducted in the Shire and to protect such land from inappropriate uses. The scheme is silent on subdivision of rural land. TPS3 allows, at clause 5.3.2, two single houses to be built on any lot in the Rural zone.

Shire of Denmark Local Planning Strategy 2011 (LPS)

The land is designated as 'General Agriculture' in the LPS. The LPS states Council will only support subdivision of rural land in accordance with the provisions of the LPS and will generally not support subdivision which further fragments any land within the General Agricultural areas, in accordance with DC3.4.

SPP 2.5 Agricultural and Rural Land Use Planning (SPP 2.5 2002) and SPP 2.5 Land Use Planning in Rural Areas (SPP2.5 2012)

These policies *inter alia*, protect agricultural land resources by minimising ad hoc fragmentation of rural land; plan and provide for rural settlement; minimise the potential for land use conflict and require local government to identify areas for closer settlement in an endorsed Local Planning Strategy.

The revised policy is awaiting approval by the Minister for Planning and granting of consent by the Governor before being available to the public. The State Administrative Tribunal has accepted the revised SPP 2.5 as a seriously entertained planning instrument.

DC 3.4 Subdivision of Rural Land

This policy contains a general policy requirement that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholding) and more intensive agriculture uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.

DC3.4 allows subdivision to create conservation lots to preserve significant environmental features provided that; the vegetation is identified as worthy of protection in a strategic document; the lot is an appropriate configuration; the lot has an appropriate conservation covenant; and the balance of the lot can be used for agricultural purposes.

DC3.4 has also been revised with the revised version (DC3.4 2012) endorsed by the WAPC on the 28th February 2012. It is yet to be publicly released. The State Administrative Tribunal has accepted revised DC 3.4 as a seriously entertained planning instrument.

BACKGROUND:

The Great Southern Office has received a number of applications in recent months for the subdivision of rural land in the Shires of Denmark and Plantagenet and the City of Albany to create a conservation lot and balance agricultural lot subject to the conservation lot provisions of DC3.4 (cl 4.8 2008, cl 6.5 2012). The applications are all accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency.

The applications have highlighted a number of issues with the interpretation and application of WAPC policy with regard to conservation lots. These applications are brought to SPC concurrently to confirm;

1. The proposals represent rural settlement/rural living proposals and are therefore not supported.
2. The Commissioner of Soil and Land Conservation is not an appropriate covenanting agency in this instance as no assessment of environmental significance has occurred.

This application proposes the subdivision of Lot 4194 Gardener Road Kentdale in the Shire of Denmark into two lots; a conservation lot of 27.7 ha (Lot A) and a balance agricultural lot of 27.9 ha (Lot B) (**Attachment 1**). Lot 4194 is currently used for cattle grazing and seasonal silage. There is a dwelling and several outbuildings on Lot B. The proposed lots are irregularly shaped to respond to site conditions and the remaining vegetation and creekline. The application proposes covenanting the vegetation on both lots.

The land is zoned 'Rural' in the Shire of Denmark Town Planning Scheme No 3. (**Attachment 2**).

CONSULTATION:

The Shire of Denmark does not support the application and recommends it be refused as; it conflicts with the provisions of the Shire's Local Planning Strategy (2011) and Town Planning Scheme Policy No 29 Rural Settlement Strategy as it will result in the further breakdown of farming lots; it conflicts with DC 3.4 as the proposal will result in the creation of two lots that are not consistent with the prevailing lot sizes in the locality; it appears to be creating two conservation lots; the proposal will result in irregular shaped lots; and there is no additional demonstrated community benefit with this subdivision proposal.

The Department of Agriculture and Food provide in principle support for creation of the conservation lot, acknowledging that the proposal will maintain suitable riparian buffering to minor tributaries that flow into the Owingup Swamp Nature Reserve. DAFWA recommends a condition requiring notification on the title of Lot A advising adjacent land is used for agricultural purposes.

The Department of Mines and Petroleum object to the proposal as they have serious concerns about the potential impact that conservation covenants may have with respect to access to carry out exploration and extraction of minerals and could act as a severe disincentive to exploration due to real or perceived constraints.

The Department of Parks and Wildlife (DPaW) (former Department of Environment and Conservation) support the creation of the proposed covenants on the lots and the location of the building envelope of proposed Lot A.

There were no other objections from referral agencies.

OFFICERS COMMENTS:

Assessment of vegetation

It is current practice that if an agency agrees to covenant the vegetation on the proposed conservation lot, the application is considered to meet the requirements of DC3.4 in determining the vegetation has been identified as worthy as protection. Advice from DPaW or other covenanting agencies is relied upon to determine the value of the vegetation. This application is accompanied by a letter from the Commissioner of Soil and Land Conservation giving in principle support to be the covenanting agency.

As a result of the number of recent applications, the Commissioner for Soil and Land Conservation has recently informed the Department of Planning that a new policy is being developed to guide the Commissioner's decision making in whether to administer conservation covenants arising from conservation lot subdivision in accordance with DC3.4 (**Attachment 3**). The Commissioner advises that until the new policy is operational, his Office is reluctant to negotiate new conservation covenants created solely for the purposes of an applicant securing conservation lot subdivision.

DAFWA advise in considering their initial advice the WAPC should be aware that Soil and Land Conservation Covenants do not include stewardship provisions or a management plan, are not regularly monitored and differ significantly from covenants administered by DEC and the National Trust (**Attachment 4**).

DC3.4 requires, 'a conservation covenant in perpetuity with the DEC, the National Trust of Australian (WA) or an alternative authority acceptable to the WAPC.' It is recommended that the WAPC determines, in this instance, the Commissioner of Soil and Land Conservation is not appropriate as the covenanting agency for the following reasons; soil and land covenants are primarily for the purpose of preventing soil erosion rather than preserving significant environmental features; there is limited assessment carried out on the suitability of the vegetation or suitability of the lot for retaining environmental values; there is no requirement for a management plan and there is no stewardship program.

Lot size

The spate of recent applications received propose conservation lots of a size ranging from 3.8 ha to 30 ha and balance agricultural lots ranging in size from 7.6 ha to 28 ha. This application proposes a conservation lot of 27.7 ha and an balance agricultural lot of 27.9 ha. With regard to lot size, DC3.4 (cl 4.8 of 2008, cl 6.5 of 2012) requires the size of the conservation lot to be endorsed as suitable by the covenanting agency and the remaining agricultural lot to be of sufficient areas to be capable and suitable for agricultural/rural use.

Regardless of the quality and value of the vegetation and willingness of an agency to administer the covenant and the balance lot being able to maintain activities such as cattle grazing; continued application of the conservation lot provisions of DC3.4 in the Great Southern has the potential to create a 'scattergun' approach to rural settlement with no regard to settlement strategy.

It is considered this application is creating two lots of a size more akin to a rural living lot. SPP 2.5 requires that prior to subdivision for closer settlement, land should be identified in an endorsed LPS and zoned in the TPS for that purpose. Lot 4194 has not been identified in the LPS or TPS for closer settlement and this proposal is considered to be ad hoc fragmentation of rural land.

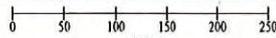
This subdivision proposal is contrary to SPP2.5 as it will result in additional dwelling entitlements, with the potential for increased land use conflict. The risk of increased land use conflict is exacerbated in the Shire of Denmark as the local planning scheme allows for two single dwellings to be built on a rural zoned lot.

CONCLUSION

The proposal will create two lots, of a size akin to lots used for rural living, in the rural zone. The land has not been identified for rural living or closer settlement in the Shire of Denmark Local Planning Strategy or appropriately zoned in the Shire of Denmark Town Planning Scheme No 3 and is therefore contrary to the objectives of SPP2.5 (2002) and SPP2.5 (2012) and DC3.4 (2008) and DC3.4 (2012). The application does not meet the special circumstances of DC3.4 (2008) and DC3.4 (2012) for subdivision of rural land in that the Commissioner for Soil and Land Conservation is not an appropriate covenanting agency and the balance lot is not suitable for agricultural use. Refusal is recommended.



CONSERVATION LOT SUBDIVISION
LOT 4194 GARDENER ROAD
KENTDALE, DENMARK WA 6333



REVISION	DESCRIPTION	DRAWN	DATE
J			
I			
H			
G			
F			
E			
D			
C			
B			
A	ORIGINAL	ABS	19/5/2013

DESIGNER:
 THIS PLAN IS THE PROPERTY OF DENMARK SURVEY & MAPPING. THE DESIGN OF THIS PLAN IS THE PROPERTY OF DENMARK SURVEY & MAPPING. THE DESIGN OF THIS PLAN IS THE PROPERTY OF DENMARK SURVEY & MAPPING. THE DESIGN OF THIS PLAN IS THE PROPERTY OF DENMARK SURVEY & MAPPING.

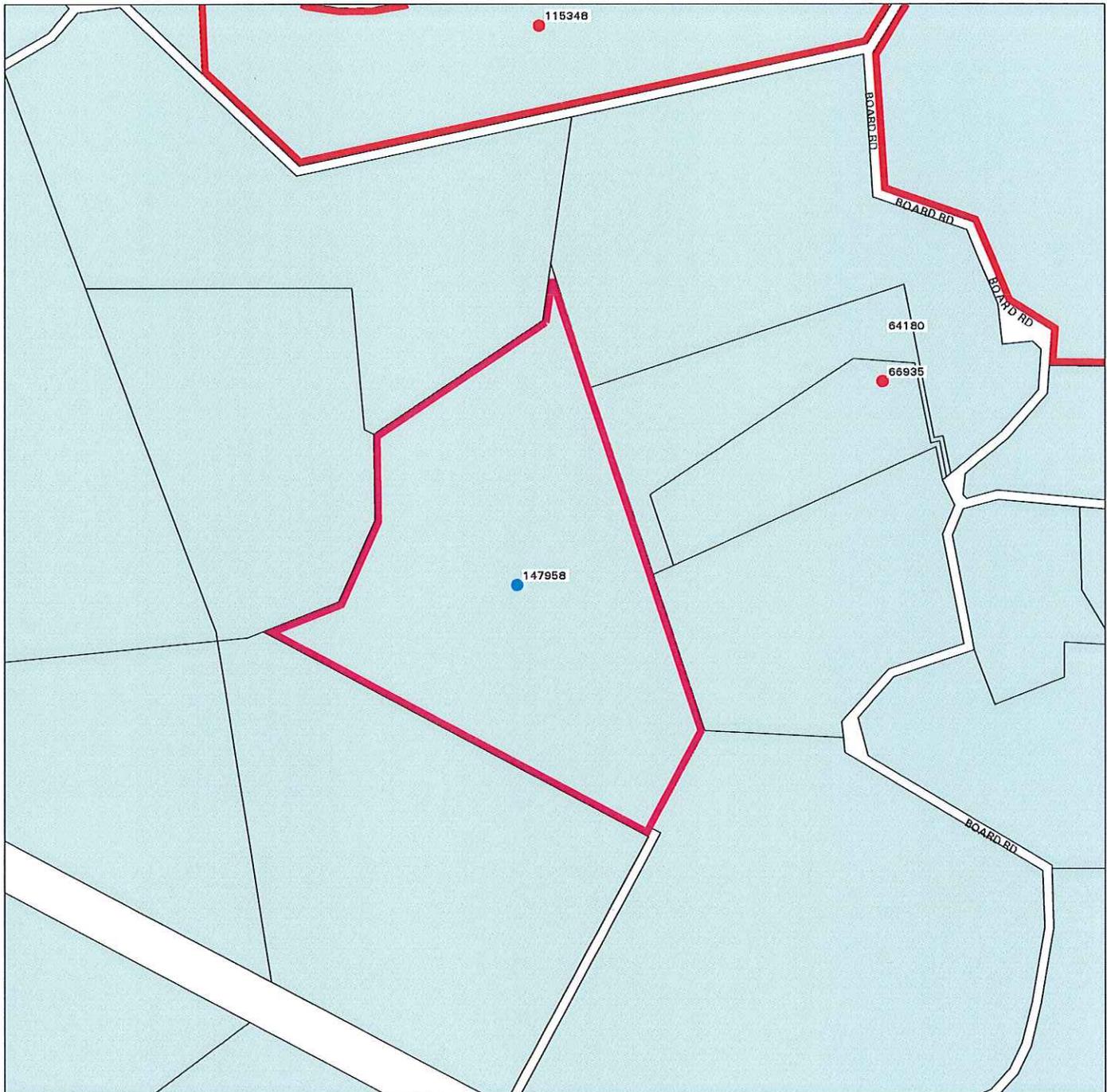
ORIGINAL PLANNER:	JD
ORIGINAL DRAFTER:	ABS
CREATED DATE:	18/2/2011
REVISION DATE:	LANDSAT 2013
CADASTRAL DATA:	SC70
TOPOGRAPHIC DATA:	LANDSAT

Ref: 1811-01A



Denmark Survey & Mapping
 PO Box 339
 1/55 Strickland St, Denmark 6333
 (08) 9848 2262

THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES.
 ROUNDABOUTS ARE SHOWN IN DASHED LINES ONLY AND ARE SUBJECT TO SURVEY.



Subdivision Application 147958 (MGA ref 508618mE 6130400mN Zone 50)

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

-  APPROX LOCATION OF APPLICATION
-  CADASTRAL BOUNDARY
-  OUTSTANDING
-  APPROVED
-  REFUSED
-  OUTSTANDING
-  REFUSED
-  RURAL

141702s.eps



Department of **Agriculture and Food**



31 July 2013

Ms Cath Meaghan
Department of Planning
Locked Bag 2506
PERTH WA 6001

DEPARTMENT OF PLANNING ALBANY OFFICE
06 AUG 2013
FILE:

Dear Ms Meaghan

CONSERVATION COVENANTS UNDER *SOIL AND LAND CONSERVATION ACT 1945* FOR THE SUBDIVISION OF CONSERVATION LOTS

Over recent months, the Commissioner has received a number of requests for in-principle support for conservation covenants under the *Soil and Land Conservation Act 1945 (the Act)* to support applications for the subdivision of rural land under section 6.5 Conservation of biodiversity and natural heritage of the Western Australian Planning Commission (WAPC) Development Control Policy 3.4 Subdivision of rural land (conservation lots).

In most cases, I have provided in principle support for the creation of new conservation covenant but in doing so I have indicated that this does not infer that I support rural subdivision.

Correspondence from the Department of Planning (DoP) has highlighted issues with using the Act's covenants to create of conservation lots.

Department of Agriculture and Food Western Australia Agreement to Reserve and Conservation Covenants do not include stewardship provisions and, in this and other ways, differ significantly from the covenants administered by Department of Environment and Conservation and the National Trust.

In response to the growing number of requests I have decided that a new policy and associated procedures are needed to guide decisions on whether to administer conservation covenants arising from conservation lot subdivision. In developing the policy over the next few months I would welcome input from the WAPC and the DoP in relation to the conservation lot subdivision.

I wish to advise that until this policy is developed and endorsed, my Office is reluctant to negotiate new conservation covenants created solely for the purposes of securing conservation lot subdivision.

Yours sincerely

A handwritten signature in black ink, appearing to read "G. Wheaton". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Glen Wheaton
Deputy Commissioner for Soil and Land Conservation

cc Steve Peterson, Planning Manager, Department of Planning



Government of Western Australia
Department of Agriculture and Food



5 August 2013

c/- Kelsie Lewis
WAPC – Great Southern Office
PO Box 1108
ALBANY WA 6330
Kelsie.Lewis@planning.wa.gov.au

Dear Kelsie

APPLICATION 147958 – LOT 4194 GARDENER ROAD, KENTDALE

I am writing to clarify the position of the Commissioner of Soil and Land Conservation and the Department of Agriculture and Food Western Australia (DAFWA) in regard to this application.

The Commissioner has already provided in principle support to be the covenanting authority if this is supported by the Western Australian Planning Commission (WAPC) (letter to Ms J Dowling 2 May 2013). The next step in the process is for the landholder or agent to submit an Interest Only Deposited Plan (IODP) to Landgate. This process can take up to 12 months to complete. DAFWA is not aware that an IODP has been lodged.

In considering this advice, the WAPC should be aware of the difference between vegetation covenants under the *Soil and Land Conservation Act (the Act)* and the covenanting schemes listed in Development Control Policy 4.3.

DAFWA's Agreements to Reserve and Conservation Covenants do not include stewardship provisions or a management plan and, in this and other ways, differ significantly from the covenants administered by the Department of Environment and Conservation and the National Trust.

The Office of the Soil and Land Conservation does not regularly monitor conservation covenants. The Commissioner responds to complaints made by third parties about the management of conservation covenants.

ENTERED

DEPARTMENT OF PLANNING ALBANY OFFICE
08 AUG 2013
FILE: 147958

Agricultural Resource Risk Management

3 Baron-Hay Court South Perth Western Australia 6151
Telephone (08) 9780 6262 Facsimile (08) 9368 3355

www.agris.wa.gov.au
SPC AGENDA PAGE 249

DAFWA's Southern Agricultural Region Director, Steve Porritt, also responded to this application (1 July 2013). This letter highlighted concerns about the potential impact of the subdivision on adjacent agricultural land including areas of priority agricultural land and the need to manage potential land use conflict through the use of setbacks and buffers as well as notifications on the title.

Yours sincerely



Heather Percy
A/DIRECTOR
LAND AND WATER ASSESSMENT