



Statutory Planning Committee

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

Tuesday 22 October 2013
9.00 am

Level 2, Room 2.40
One40 William Street
Perth



Tim Hillyard
WAPC Secretary

Please convey apologies to Christina Sanders on 6551-9053 or email
christina.sanders@planning.wa.gov.au

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	04/11/2016
Mr Eric LUMSDEN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Vacant	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	05/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	05/11/2014
Vacant	Local government representative Schedule 2 clause 4(2)(f)	
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	05/11/2014
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	05/11/2014

Quorum: 4

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

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

Role:

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

Schedule 2(4)(4) of the *Planning and Development Act 2005*

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Delegated Authority (Del 2009/05)

Planning and Development Act 2005 Section 16(1)

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.

- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
- (i) Part 5 of the Act;
 - (ii) *Town Planning Regulations 1967*
- as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes of the meeting of 24 September 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
7477.11.3	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 12 November 2013

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Minutes
of ordinary meeting 7489
held on Tuesday 24 September 2013

Attendance

Members

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

Officers

Mr David Carter	Department of Planning Senior Planning Officer, Independent Planning Reviewer (Item 9.2)
Ms Sarah Cosstick	Planning Manager, Perth and Peel Planning (Item 10.5)
Ms Natalie Cox	Planning Manager, Perth and Peel Planning (Items 10.2 and 10.3)
Mr Rob Cull	Senior Planning Officer, Perth and Peel Planning (Item 10.3)
Ms Sally Grebe	Senior Planning Officer, Independent Planning Reviewer (Item 10.5)
Ms Kelsie Lewis	Senior Planning Officer, Regional Planning and Strategy (Item 9.3)
Ms Kym Petani	Director Metro North West and Acting Director Metro North East (Item 9.3)

Observers

Mr Colin Cameron	City of Swan (Item 6.1 refers Item 10.3)
Mr Abrie Lacock	City of Swan (Item 6.1 refers Item 10.3)
Mr John Elliott	City of Swan (Item 6.2 refers Item 10.5)
Ms Lyn Leong	City of Swan (Item 6.2 refers Item 10.5)

Presenters

Mr John Elliott	City of Swan (Item 6.1 refers Item 10.3)
Mr Craig Slarke	McLeods (Item 6.2 refers Item 10.5)
Mr Tayne Evershed	Planning Solutions (Item 6.3 refers Item 10.2)

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7489.6.2 **Reconsideration of Conditions – Subdivision of Lot 9026 Portmarnock Drive, The Vines and Lot 9228 Banrock Drive, Ellenbrook (refers Item 10.5)**

Presenter Mr Craig Slarke

Mr Slarke spoke in support of the Reconsideration of Conditions and responded to questions from members.

7489.6.3 **City of Stirling Local Planning Scheme No.3 Amendment No. 26 – For Final Approval (refers Item 10.2)**

Presenter Mr Tayne Evershed

Mr Tayne spoke in support of the City of Stirling Local Planning Scheme No.3 Amendment No. 26 and answered questions from members.

7489.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Presiding Member advised that he has been formally appointed as Chairman of the Western Australian Planning Commission from 5 November 2013. He outlined for members the direction for that role. This includes:

- moving the Commission to be a focused strategic body and increasing delegations where appropriate to staff to improve planning process times;
- the Commission and its committees being more involved in key issues, such as the review of the Developer Contribution Scheme;
- more workshopping of issues is proposed;
- more interaction with the private sector on policies as appropriate;
- more involvement from a project sense in the review of policies and guidelines upfront prior to receiving reports from officers;
- where appropriate, communicating with / visiting local governments on key issues;
- the Western Australian Planning Commission committees to be more strategic in their functions, for example, the Executive, Finance and Property Committee will develop a strategic financial plan for the Commission four years out, due to the nature of expenditure and budget considerations;
- a clear distinction between the functions of the Department and the Commission and the independence of the Department and the Commission itself;
- demarcations on roles will be tightened up so there is clarity about when staff do and do not speak on behalf of the Commission;

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- clarity with other government agencies that the Commission is an independent body and is not obliged to accept the advice of the Department or any other department;
- the Commission will move into a very strong Board of Management role with appropriate induction and ethical training of all members on the WAPC and its committees;
- Membership of the Commission may change over time; and
- The Commission will oversee strategic planning processes, with key built in discussion / decision timelines.

He noted that this direction has been discussed with the Minister and is reflected in a formal JDF for the Chairman.

Members congratulated the Presiding Member on his appointment as Chairman of the Commission.

7489.8 Confirmation of Minutes

7489.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 10 September 2013

Resolved

Moved by Mr Holloway seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on Tuesday 10 September 2013, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

Moved to Item 10.3.

7489.9 Reports

7489.9.1 Create 2 Freehold Lot(s) for Residential Purpose - Exmouth

File	148237
Report Number	SPC/512
Agenda Part	H
Reporting Officer	Manger Statutory Planning, Central Regions

Resolved

Moved by Ms Bartle, seconded by Mr Holloway

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That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 1346 Tambor Drive, Exmouth as shown on the plan date stamped 26 June 2013 subject to the following conditions and advice:

Conditions:

- 1. 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)*
- 2. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
- 3. 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)
- 4. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Horizon Power)*

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Advice:

1. *In regard to Condition/s 1 and 2, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
2. *In regard to Condition 4, Horizon Power provides only one underground point of electricity supply per freehold lot.*

The motion was put and carried.

Moved to Item 11.0.

7489.9.2 Subdivision & Survey Strata of Lots 2 & 6 Ealy Street, Mount Helena

File 147967 & 546-13
Report Number SPC/513
Agenda Part H
Reporting Officer Planning Officer,
Metropolitan Planning North East, Perth
and Peel Planning

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

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*

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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.*

The motion was put and carried.

7489.9.3

Subdivision to Create Two Lots for Farming and Conservation Purpose - Lot 4194 Gardener Road Kentdale

File 147958
Report Number SPC/514
Agenda Part H
Reporting Officer Planning Officer, Great Southern Team

Presiding Member to discuss the potential for corresponding with Great Southern region staff to inform that the Commission is not the appropriate forum for issues of soil and land conservation.

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Resolved

Moved by Mr Holloway, seconded by Ms Bartle

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*

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*the Rural Zone in this locality causing
unplanned breakdown of landholdings.*

The motion was put and carried.

7489.10 Confidential Items

7489.10.1 Planning Bulletin: Planning for Bushfire
File DP/12/01170/1
Report Number SPC/515
Agenda Part A
Reporting Officer Senior Planning Officer, Policy
Development, Strategy, Policy and
Projects

THIS ITEM IS CONFIDENTIAL

**7489.10.2 City of Stirling, Local Planning Scheme No. 3
Amendment No. 26 - For Final Approval**
File TPS/0987/1
Report Number SPC/516
Agenda Part B
Reporting Officer Planning Director of Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

Moved to Item 9.1.

**7489.10.3 City of Swan - Local Planning Scheme Amendment No.
58 - For Final Approval**
File TPS/0518/1
Report Number SPC/517
Agenda Part B
Reporting Officer Planning Manager, Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

Moved to Item 10.5.

**7489.10.4 Shire of Dalwallinu – Local Planning Strategy and Local
Planning Scheme No. 2 – Final Approval**
File TPS/0468/1
Report Number SPC/511
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

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THIS ITEM IS CONFIDENTIAL

Moved to Item 9.2.

**7489.10.5 Request for Reconsideration of Conditions -
Subdivision of Lot 9026 Portmarnock Drive, The Vines
& Lot 9228 Banrock Drive, Ellenbrook**

File 147008
Report Number SPC/518
Agenda Part G
Reporting Officer A/Executive Director Perth and Peel
Planning

THIS ITEM IS CONFIDENTIAL

Moved to Item 10.4.

7489.11 General Business

Nil.

7489.12 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.	8/10/13
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 area, 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
7489.9.3	Subdivision to Create Two Lots for Farming and Conservation Purpose - Lot 4194 Gardener Road Kentdale	Presiding Member to discuss the potential for corresponding with Great Southern region staff to inform that the Commission is not the appropriate forum for issues of soil and land conservation.	TBA

7489.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 22 October 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.05 am.

PRESIDING MEMBER _____

DATE _____

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- 10.1 SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO. 7 - LOCAL PLANNING SCHEME AMENDMENT NO. 17 - FOR FINAL APPROVAL
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ITEM NO: 9.1

KUPARTIYA LAYOUT PLAN 1 – FOR ENDORSEMENT

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Planning – Aboriginal Communities
AUTHORISING OFFICER:	Executive Director – Regional Planning and Strategy
AGENDA PART:	D
FILE NO:	057/01-01-25
DATE:	13 September 2013
ATTACHMENT(S):	1. Kupartiya Layout Plan 1 map-set 2. Shire of Halls Creek letter

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse the Kupartiya Layout Plan 1.

SUMMARY:

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

LP1 has been endorsed by the Traditional Owners and resident community of Kupartiya. The Shire of Halls Creek deferred its consideration of the Layout Plan, pending consideration by the WAPC. The concerns of the Shire are not considered to warrant review or refusal of LP1. Kupartiya LP1 is considered to comply with State Planning Policy 3.2 (SPP3.2). Endorsement is recommended.

BACKGROUND:

Kupartiya is an Aboriginal settlement 120km south-east of Fitzroy Crossing. It is within the Shire of Halls Creek. The Department of Housing (DoH) has requested that LP1 be prepared to support its targeted investment program.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 3 – State Planning Policies

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Develop integrated infrastructure and land use plans for the state.

Policy

State Planning Policy 3.2

Aboriginal Settlements

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

DETAILS:

LP1 was prepared during 2013 by the Department.

Kupartiya has an approximate population of 45 people. It is expected that this will grow to 80 people within the next 15 years, largely as a consequence of natural growth. LP1 has a design population of 80.

Kupartiya was established in the early 1980's. The Aboriginal Lands Trust Crown Reserve that Kupartiya is on was created in September 1994.

The resident community at Kupartiya generally self-identify as being part of the Walmajarri and/or Wangkatjungka culture/language groups and maintain strong cultural links with the Kurungal communities; Wangkatjungka and Nugumpan.

Kupartiya, Lot 86 Crown Reserve 43061, is within the Gooniyandi Combined #2 determination.

Kupartiya and its associated essential service infrastructure is located on Lot 86 Crown Reserve 43061, vested to the Aboriginal Lands Trust for the "use and benefit of Aboriginal Inhabitants".

Electricity supply at the community is not regulated. The power is operated by the community with repair, maintenance and capital works support provided by DoH.

Drinking water supply is not regulated. There is no endorsed Drinking Water Source Protection Plan.

Wastewater disposal is on-site via septic tanks and leach drains.

There is no empirical flood data available for Kupartiya. Water bodies to the north and south of the community constrain development. Flood extent has been estimated based on anecdotal evidence from residents.

The Kupartiya LP1 includes a 'recommended settlement zone' that is based on the existing Lot 86.

GOVERNMENT AND CORPORATE IMPLICATIONS:

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

CONSULTATION:

The preparation of LP1 was undertaken by the Department through a request from DoH. The preparation included an *on-country* meeting and discussions with Kupartiya Incorporated and community members.

Kupartiya Incorporated endorsed the LP1 on 18 March 2013.

Gooniyandi Aboriginal Corporation Registered Native Title Body Corporate (RNTBC) on behalf of the Gooniyandi Traditional Owners endorsed LP1 on 5 September 2013.

Shire of Halls Creek has considered endorsing LP1, and resolved to defer its decision (Attachment 2). It is considered that best endeavours have been made to secure the endorsement of the Shire. The concerns cited by the Shire in not endorsing LP1 are not considered to be of sufficient significance to prevent the progression of LP1 to WAPC endorsement.

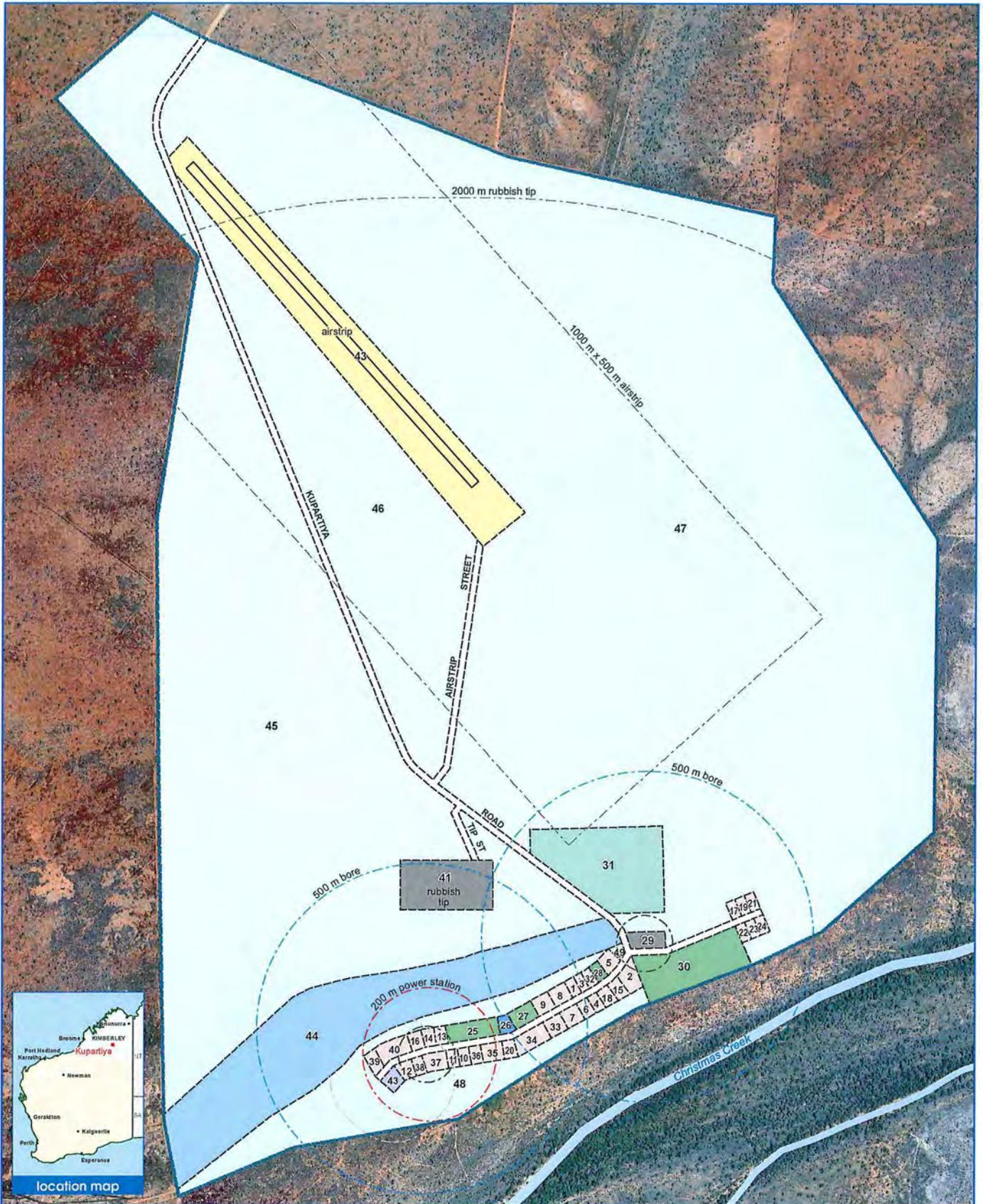
OFFICER'S COMMENTS:

Kupartiya is a relatively small Aboriginal settlement with limited services and infrastructure. The major purpose of LP1 is to guide growth and development of Kupartiya by providing a layout of existing and future land uses within the 'Recommended Settlement Zone', protection of the drinking water and location of essential service infrastructure.

LP1 has been prepared in consultation with Kupartiya Incorporated, community members and Traditional Owners to ensure that the plan reflects all aspirations. Consideration was also given to all available technical information regarding existing services and infrastructure.

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

Endorsement is recommended.



MCA Zone S2, GDA 94
 Top left: 402095, 6951780
 Bottom right: 405785, 6951230

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority (License GL 248-2007-2)

Extraction date of cadastre: 30/02/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz
 Last completed survey date: 5/3/2003, updated: 1/04/2008

2009 aerial image provided by Landgate

Kupartiya LPI - Context.mxd

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from calculated dimensions.

This layout plan does not constitute development approval

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

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

Amendment 1 endorsement	
WAPC	-

Legend

Land Use	Land Administration
commercial	cadastre
community	recommended settlement zone
industrial	settlement layout (SL)
open space	67 SL-lot number
public utility	
Exclusion Boundary	Features
drinking water source wellhead protection zone	as-constructed
fuel storage	miscellaneous features
industry	
power station	
utility	

Scale

0 100 200 300 Metres

Government of Western Australia
 Department of Housing

Western Australian Planning Commission



PO Box 21
HALLS CREEK WA 6770
Tel: (08) 9168 6007
Fax: (08) 9168 6235
Email:
hcshire@hcshire.wa.gov.au

Our Reference: Res 2013/57
Your Reference: 057-01-01-25

28 June 2013

Department of Planning
140 William Street
PERTH
WA 6000

Dear Justin Abbott

DRAFT KUPARTIYA LAYOUT PLAN NO. 1 – ADOPTION BY SHIRE

Your letter dated 4 April 2013, ref 057-01-01-25 refers. The Draft Layout Plan for Kupartiya Community was considered in a Shire of Halls Creek Ordinary Council meeting of 20 June 2013.

The Shire resolved to defer the matter until all the signature pages have been signed to show that the community adopts the plans. On the Kupartiya Corporation page (a), The Chairperson of the Kurpatiya Inc has not yet signed the document.

The Combined Gooniyandi #2 Claim form has not been signed by the Traditional Elders. (Form b). Once these signatures have been obtained, the issue will be taken back to Council for adoption.

Yours sincerely

Musa Mono
Manager Health and Regulatory Services.

ITEM NO: 9.2

FREEHOLD SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS AT LOT 150 BLACKWOOD DRIVE, MOUNT NASURA

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager, Metropolitan South-East,
Perth and Peel Planning
AUTHORISING OFFICER: Director, Metropolitan South,
Perth and Peel Planning
AGENDA PART: C
FILE NO: 148288
DATE: 15 October 2013
ATTACHMENT(S): Attachment 1 - Subdivision Plan
Attachment 2 - Location Plan
Attachment 3 - Local Lot Sizes
REGION SCHEME ZONING: MRS: Urban
LOCAL GOVERNMENT: City of Armadale
LOCAL SCHEME ZONING: Residential R5
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Perth Metropolitan South-East
RECEIPT DATE: 27 June 2013
PROCESS DAYS: 82
APPLICATION TYPE: Subdivision
CADASTRAL REFERENCE: Lot 150 Blackwood Drive, Mount Nasura

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 150 Blackwood Drive, Mount Nasura as shown on the plan date-stamped 27 June 2013. This decision is valid for three years subject to the following condition(s) and advice:

CONDITIONS:

Subdivisional Works

- Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and***

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying

that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government)

- 2. *Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:***

- (a) lots can accommodate their intended use; and***
(b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.

(Local Government)

- 3. *The land being filled, stabilised, drained and/or graded as required to ensure that***

- (a) lots can accommodate their intended development; and***
(b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
(c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system

(Local Government)

- 4. *The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)***

Servicing

- 5. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***

- 6. *Arrangements being made 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)***

Miscellaneous

- 7. *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)***

ADVICE:

- 1. *With regard to Condition 5, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water***

Corporation to document the specific requirements for the proposed subdivision.

- 2. With regard to Condition 6, Western Power provides only one underground point of electricity supply per freehold lot.**
- 3. With regard to Condition 7, 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.**
- 4. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.**

SUMMARY:

Lot 150 Blackwood Drive, Mount Nasura (3034m²) was originally configured as two separate residential lots. These lots were created in accordance with the minimum lot size (60 square perches; equivalent to 1517.4m²) applicable at the time of subdivision. The local area was subsequently re-coded to R5 (minimum lot size of 2000m²) and the subject site later amalgamated to create Lot 150. The application received 27 June 2013 seeks to re-establish the original boundaries. The resultant lot sizes do not comply with the 2000m² minimum lot size applicable to the site under the R5 density code.

It is recommended that a departure from the provisions of the Residential Design Codes and Development Control Policy No. 2.2 - *Residential Subdivision* be supported. The grounds for this relate to the history of the site, the prevailing lot size in the local area and the State Administrative Tribunal appeal lodged in relation to WAPC Ref. 131755 (Lot 300 Caves Road, Siesta Park), namely, *Landpark Holdings Pty Ltd and Western Australian Planning Commission (2007)*.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the *Planning and Development Act 2005*.

Strategic Plan

Strategic Goal: Planning

Outcomes: Effective Delivery of Integrated Plans

Strategies: Implement State and Regional Planning priorities

Policy

Compliance: Proposal complies with WAPC policies unless discussed in 'Comments' section.

INTRODUCTION

This application proposes the freehold subdivision of a 3034m² lot being Lot 150 Blackwood Drive, Mount Nasura into two residential lots of 1517m² and 1517m² (see **Attachment 1** – Subdivision Plan).

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential' with a density coding of R5 under City of Armadale Town Planning Scheme No. 4 (TPS 4) (see **Attachment 2** – Location Plan).

Proposed lot numbers have not been assigned by the landowner/applicant. For convenience, the lot containing the existing dwelling to be retained shall be referred to as 'Proposed Lot 1' and the vacant, vegetated lot shall be referred to 'Proposed Lot 2'.

CONSULTATION

The City of Armadale (the City) recommends that the application be refused, for the following reasons:

- "1. The subdivision does not meet the minimum lot size of 2000m² required under the Residential Design Codes for R5, and does not meet 5% variation.*
- 2. The subdivision does not meet the minimum frontage of 30m required under the Residential Design Codes for R5....*
- 3. The subdivision will create overlooking / privacy issues as the existing residence does not meet Clause 6.8.1 of [the] Residential Design Codes. The decking adjacent to [the] proposed boundary is required to be set back 7.5 metres to minimise the impact of visual privacy for adjoining residents".*

The City has provided conditions without prejudice to be used in the event that the Western Australian Planning Commission (WAPC) is of a mind to approve the application.

The Water Corporation and Western Power have no objection to the application, subject to standard servicing conditions.

Where considered fair, reasonable and relevant, the requested conditions should be imposed.

COMMENTS

Residential Design Codes

The proposal does not comply with the required minimum lot size (2000m² required; 1517m² proposed - a variation of 24.15%) for the R5 coding. In addition, the proposed lots do not achieve the required frontage (30 metres required; 24.517 metres proposed) for the R5 coding.

The City has cited an issue relating to visual privacy / overlooking from decking on Proposed Lot 1 as a reason for refusal. However, in the event of an approval being granted, this could be addressed through the imposition of a condition requiring compliance with the Residential Design Codes.

Context

The subject site originally comprised two 1517m² lots (Lots 29 and 30 Blackwood Drive).

The City has advised that these lots appeared in the (then) Shire of Armadale-Kelmscott's Town Planning Scheme No. 1 (gazetted on 5 April 1973) within a zone known as 'Single Residential 1B'. A minimum lot size of 60 square perches (equivalent to 1517.4m²) was specified for this zone.

Lots 29 and 30 were similar to the prevailing lot size (approximately 60 square perches) along Blackwood Drive, Paterson Road and Canns Road created on the basis of the 60 square perch minimum lot size (see **Attachment 3** - Local Lot Sizes). This represents a slightly higher density than that permitted under the R5 density code now applicable to the site (which requires a minimum lot size of 2000m²). The City has advised that the site has been zoned 'Residential' with a density coding of R5 since the gazettal of City of Armadale Town Planning Scheme No. 2 on 18 October 1985. This density coding represents an approximation of the prevailing lot size and signals the City's intention not to support the creation of new lots in the local area.

Lots 29 and 30 Blackwood Drive were amalgamated to form the existing 3034m² lot pursuant to WAPC Ref. 99485, approved on 7 February 1996. The current application thus seeks to restore the site to its original two-lot configuration.

WAPC Ref. 131755

The original lot configuration does not comply with the minimum lot size or frontage requirements of the R5 density code that now applies to the site.

Reference is made for comparative purposes to WAPC Ref. 131755 (Lot 300 Caves Road, Siesta Park, between Busselton and Dunsborough). As in this case, the application proposed the re-subdivision (to create two lots) of a site that had originally been created as two lots and later amalgamated. The size and frontage of the original lots, once proposed to be re-created, did not comply with the residential density coding applicable at the time the application was made (R2.5).

The application was refused on the grounds of non-compliance with the provisions of the R2.5 density code. The landowner at the time, Landpark Holdings Pty Ltd, lodged an appeal with the State Administrative Tribunal (SAT), contending that the application should be supported on the grounds that the land previously comprised two lots and that approval *"would not create an undesirable precedent as the subdivision is consistent with the lot size pattern immediately surrounding the land."*

In overturning the WAPC's decision and granting approval, SAT determined that it was *"appropriate, in the particular and somewhat unusual circumstances of the case, to depart from the Commission's policy that the minimum site area and frontage requirements of the Codes form the basis for the subdivision....because:*

- *the site formerly comprised two allotments of approximately the size of the proposed allotments;*

-
- *the proposed allotment sizes were consistent with that which is characteristic in the locality;*
 - *there would not be any significant streetscape impact; and*
 - *there would not be any loss of natural vegetation."*

SAT noted that these points were not consistent with the circumstances in which the WAPC would consider a variation to the requirements of the relevant residential density code (these are listed at Section 5.1.1 of the Residential Design Codes and Section 3.2.3 of Development Control Policy No. 2.2 - *Residential Subdivision* (DC 2.2)). However, it suggested that there are circumstances in which it is reasonable to consider the merits of a proposal outside of the exceptions listed explicitly in planning policies.

The following justification is provided in relation to this application:

- The site formerly comprised two allotments of approximately the size of the proposed allotments;
- The proposed allotment sizes are consistent with that which is characteristic in the locality;
- Provided that adequate measures (including, for example: appropriate setbacks and design, landscaping and limited clearing works) are taken, streetscape impact can be managed. It should be noted that the proposed frontage length is consistent with that of other lots on Blackwood Drive.
- Proposed Lot 2 contains a substantial amount of remnant vegetation, some of which would need to be removed in order to accommodate improvements on that lot. However, on urban-zoned land it is reasonable for a limited amount of vegetation to be removed in order to allow use of the land for urban purposes (in this case, residential purposes).

In light of these points, it is considered reasonable for the Western Australian Planning Commission to support a departure from the Residential Design Codes and Development Control Policy No. 2.2 - *Residential Subdivision* and approve the application.

CONCLUSION

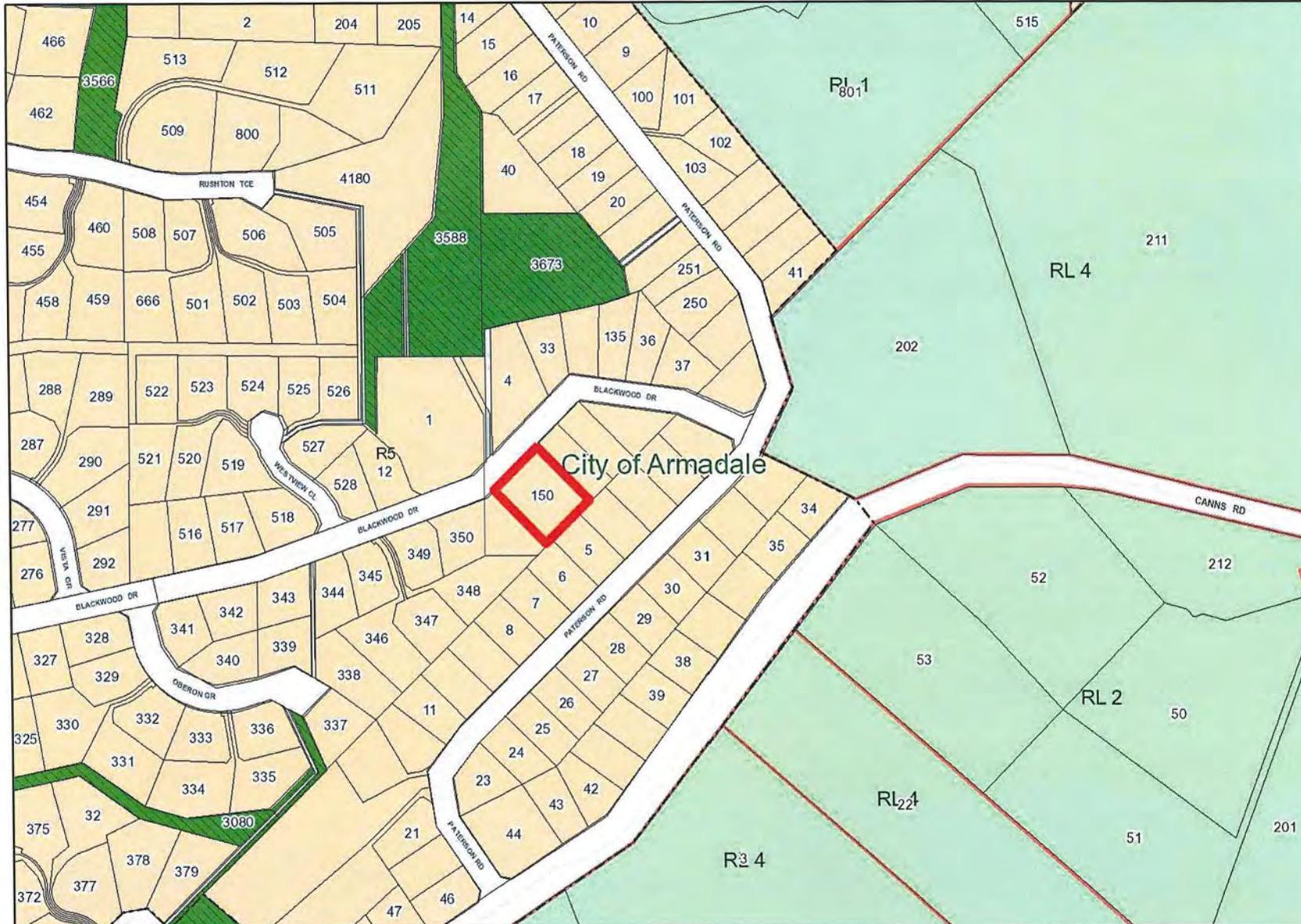
For the reasons discussed above, it is considered reasonable for the Western Australian Planning Commission to support a departure from the Residential Design Codes, Development Control Policy No. 2.2 - *Residential Subdivision* and the City of Armadale's Town Planning Scheme No. 4. Conditional approval is recommended.



Government of Western Australia
Department of Planning

Legend

- Local government area
- Cadastre (view 1)
- R-Code Boundary



Notes:

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

Location Plan

INTERNAL USE ONLY

PlanViewWA
[Link to viewer](#)



0 0.13 0.3 Kilometres

1: 5,293

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Produced by: FUNCTIONALITY TO COME

Date produced: 08-Oct-2013

ITEM NO: 9.3

MODIFICATION OF SEASCAPES OUTLINE DEVELOPMENT PLAN

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager, Peel Region
AUTHORISING OFFICER: A/Executive Director, Perth and Peel
AGENDA PART: C
FILE NO: 808/6/13/2PV9
DATE: 9 October 2013
ATTACHMENT(S): 1. Location Plan
2. Proposed ODP
3. Intersection Comparison Plan
4. Schedule of Submissions
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: Mandurah
LOCAL SCHEME ZONING: Urban Development
LGA RECOMMENDATION(S): Approved subject to modifications (completed)
REGION DESCRIPTOR: Peel
RECEIPT DATE: 16 September 2013
PROCESS DAYS: 24 Days
APPLICATION TYPE: Structure plan modifications
CADASTRAL REFERENCE: Lots 9049 Torwood Edge, Halls Head

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. ***endorse the modifications to the Seascapes Estate Outline Development Plan dated 12/09/2013, subject to modifications as follows:***
 - a) ***the intersection of Torwood Edge/Gretel Drive being shown to accommodate vehicle movements, with references to bollards being deleted from the plan and legend; and***
 - b) ***the two ODP plans, Seascapes Estate ODP and Proposed Structure Plan being consolidated into a single ODP;***
2. ***advise the City of Mandurah of its decision accordingly.***

SUMMARY:

The City of Mandurah seeks the Western Australian Planning Commission's (WAPC) endorsement of modifications to the Seascapes Estate Outline Development Plan (ODP) (**Attachment 1** - Location Plan, **Attachment 2** - Proposed ODP). The ODP as submitted comprises two plans, (i.e. an overall ODP and a plan showing additional details for south-western portion of the ODP).

This report is being presented to the Statutory Planning Committee (SPC) as the recommendation seeks to overturn a decision made by the Mandurah City Council in response to public submissions received.

It is recommended that the ODP be approved subject to modifications.

BACKGROUND:

The Seascapes estate is located approximately 4.3 kilometres from the Mandurah city centre with an area of approximately 176 hectares. The Seascapes ODP originally came into effect in 2002 and has been subsequently amended.

In February 2013, the Mandurah City Council approved proposed modifications to the ODP, subject to a proposed intersection at Torwood Edge/Gretel Drive being relocated eastwards to reflect the current ODP (**Attachment 3** - Intersection Comparison Plan). The proponent appealed Council's decision to the State Administrative Tribunal (SAT).

In June 2013, following SAT mediation hearings, the proponent lodged a modified ODP with the City of Mandurah. The modified ODP was generally as per the plan considered by Council in February 2013, although the location of the proposed Torwood Edge/Gretel Drive intersection was relocated an additional 30 metres westwards. The proponent also provided a Road Safety Audit to demonstrate the suitability of the proposed new intersection location. The SAT invited the City to reconsider its previous determination via a Section 31 order.

In August 2013, Council approved an updated version of the ODP lodged in June 2013, subject to vehicular connectivity from Torwood Edge to Gretel Drive being removed.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
City of Mandurah Town Planning Scheme No 3

Section:

Section 7.11

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned Communities developing a sense of place

Strategies:

Encourage innovation in the design of our communities

Policy

Number and / or Name:

Liveable Neighbourhoods

DETAILS:

The portion of the ODP that is subject to modifications has an approximate area of 12.4 hectares. To the south of the subject site is the established residential area of Falcon, to the west of the subject site is foreshore reserve and to the north and east are areas of the Seascapes ODP that have already been subdivided and partly developed (**Attachment 1** - Location Plan).

The key modifications to the current ODP include:

- i) removal of an R40 grouped housing site in favour of R30 residential lots;
- ii) the requirement for detailed area plans to be prepared for the proposed R30 lots;
- iii) re-configuration of the internal road network;
- iv) relocation of the Torwood Edge/Gretel Drive intersection westwards; and
- v) introduction of a 1040 square metre parcel of public open space.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Nil

CONSULTATION:

The ODP modifications were advertised from 13 December 2012 to 25 January 2013 and five submissions were received. Four of the submissions were from the public and one submission was from the Water Corporation. The issues raised are summarised in the Schedule of Submissions (**Attachment 4**), together with the City of Mandurah's and the Department of Planning's comments.

The City of Mandurah later informed submitters of the SAT proceedings and made the modified ODP and safety audit available to view. One submission and a petition of 88 signatures was received and the points raised in that submission have been summarised and incorporated into the Schedule of Submissions (**Attachment 4**).

The key issued identified in the petition relates to community concerns with the road link between the ODP area and the established residential area of Falcon created by the proposed Torwood Edge/Gretel Drive intersection.

OFFICER'S COMMENTS:

Torwood Edge/Gretel Drive Intersection

Council's decision to restrict vehicular access between the ODP area and the established residential area of Falcon to the south of the subject site is not supported. Liveable Neighbourhoods states that the street network should provide a high level of internal connectivity and good external linkages for local vehicle, pedestrian and bike movements. By preventing vehicular access between Gretel Drive and Torwood Edge, Falcon motorists would need to travel over 500 metres east of Torwood Edge in order to find a road connection with Seascapes. This lack of permeability is a concern given that the emerging Seascapes Village neighbourhood centre will likely become a frequent destination for many Falcon residents. In addition, a road connection at this location would provide ease of

access for service vehicles and allow a northward extension of the coastal drive from Falcon.

It is therefore recommended that the ODP be modified to include the road link between the ODP area and Falcon and the notation regarding bollards be deleted from the ODP.

Group Dwelling Site

The removal of the R40 grouped dwelling site will not result in a significant reduction in dwelling yield across the site. The minor reduction in residential density will reduce potential dwelling yield by approximately 11 dwellings. The subject site is not within the 400 metre walkable catchment of the Seascapes Village neighbourhood centre. Additional density in this location is not integral to the urban structure facilitated by the ODP. Accordingly, this proposed modification is supported.

Public Open Space (POS)

During the preparation of the original Seascapes ODP it was determined that the required POS contribution for the ODP area was 8.5% of the net subdivisible area. The POS requirement of 8.5% in lieu of the standard 10% required by Liveable Neighbourhoods was due to the ODP area being a balance portion of a previously endorsed ODP covering a wider area of Halls Head.

The modified ODP includes an additional POS lot with an area of approximately 1,040 square metres. This increases the total area of POS for the ODP area to approximately 13.13 hectares, which is 8.7% of the net subdivisible area. Therefore, the proposed ODP satisfies the POS requirements for the area.

Conclusion

It is recommended that the modified ODP be approved subject to:

- i) the Torwood Edge/Gretel Drive intersection being shown to accommodate, rather than restrict, vehicular movement; and
- ii) the two ODP plans submitted being consolidated into a single ODP.



- Cadastre
- URBAN
- PRIMARY REGIONAL ROADS
- REGIONAL OPEN SPACE
- WATERWAYS

Scale 1:10,000
0 250 m

Prepared by: cluxton
Prepared for:
Date: Wednesday, October 09, 2013 08:52
Plot identifier: P20131009_0852

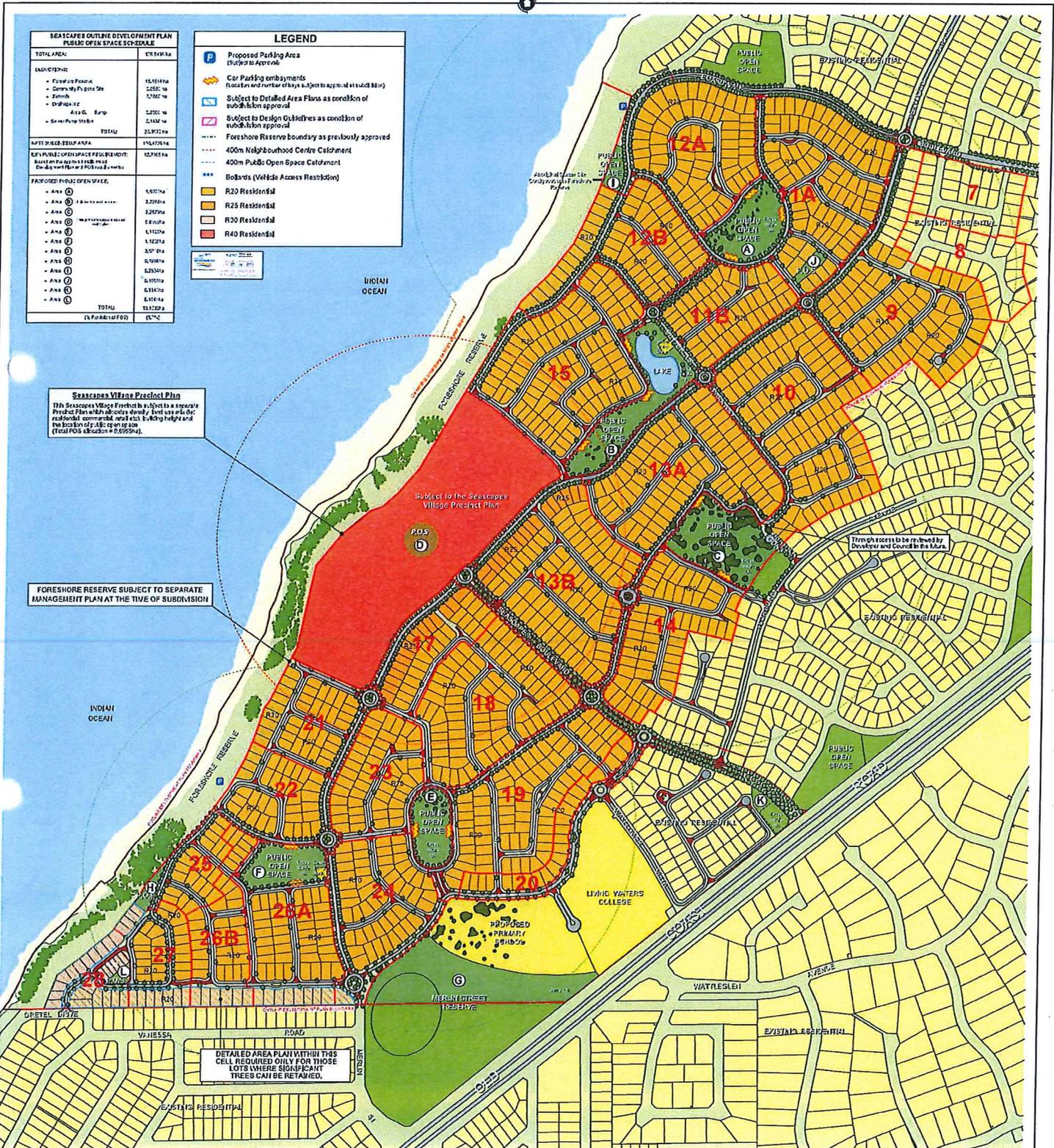


Government of Western Australia
Department of Planning

Location plan

DP INTERNAL USE ONLY

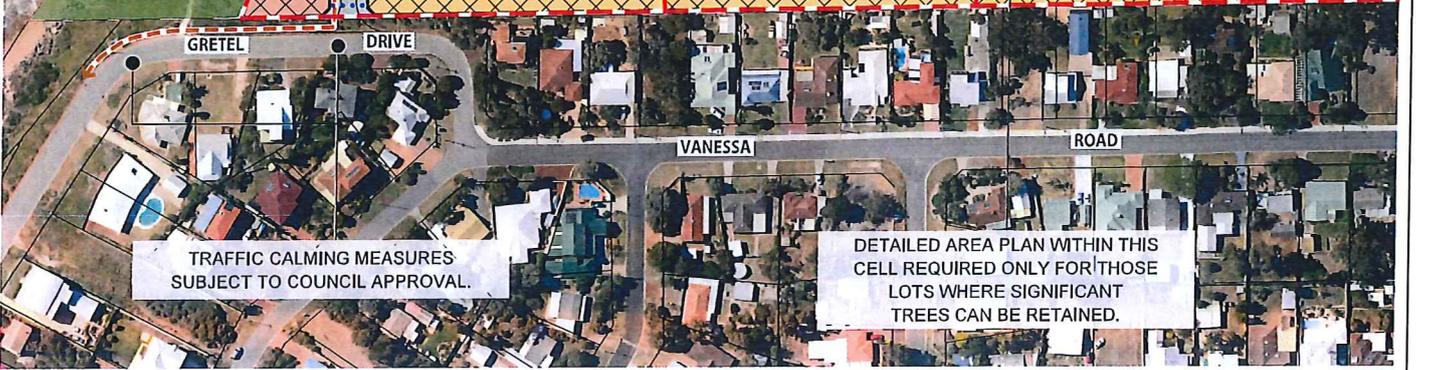
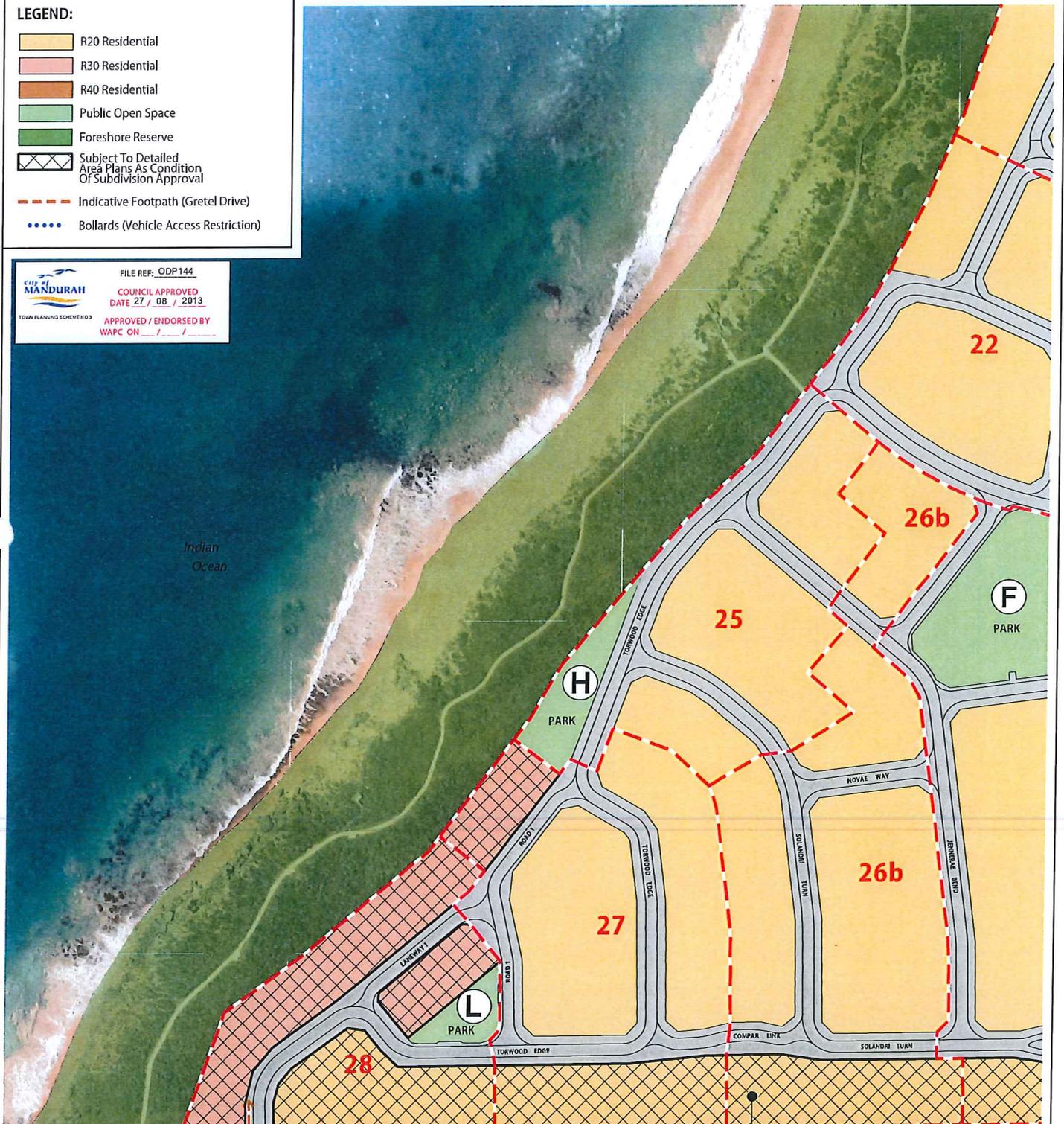
SEASCAPES ESTATE



LEGEND:

- R20 Residential
- R30 Residential
- R40 Residential
- Public Open Space
- Foreshore Reserve
- Subject To Detailed Area Plans As Condition Of Subdivision Approval
- Indicative Footpath (Gretel Drive)
- Bollards (Vehicle Access Restriction)

FILE REF: ODP144
COUNCIL APPROVED
 DATE 27 / 08 / 2013
 APPROVED / ENDORSED BY
 WAPC ON ___ / ___ / ___



PROPOSED STRUCTURE PLAN

Seascapes Estate

for: Mirvac



NORTH 	
Scale 1:2,000 @ A3 	
COMPILED: DPS	DRAWN BY: RF
DATE: 04/09/2013	REVISED:
GRID: MGA 50	DATUM: AHD
DRAWING NUMBER: MRH4-2-007	JOB CODE: MRH4H528
FILE ID: M:\MANDURAH\BASE\STRUCTURE PLANS\1418\1418-2-007 PROP STP.dgn	



28 Brown St, East Perth WA 6004 | PO BOX 6697 EAST PERTH 6892
 P (08) 9469 7000 | F (08) 9469 7999 | E info@developmentstrategies.com.au
 www.developmentstrategies.com.au

Proposed New Intersection Location



Proposed Intersection Under Existing Endorsed ODP (2002)



Legend

- R20 Residential
- R30 Residential
- R40 Residential
- Indicative Footpath (Gretel Drive)
- Public Open Space
- Foreshore Reserve
- Subject to Detailed Erosion Control Subdivision Approval

Scale: 1:2500 @ A3

0 25 50 75 100 125 METRES

PROPERTY: SEASCAPES ESTATE

DATE: 05/06/2013

DRAWN BY: [Name]

DATE: AUG/10

GRID: [Grid]

DRAWING NUMBER: [Number]

FILED: [File Name]

Intersection Comparison Plan

SEASCAPES ESTATE

for: Mirvac

mirvac

Development Planning Strategies

28 Brown St, East Perth WA 6004
 PO BOX 6037 EAST PERTH 6892
 T (08) 2387 7900
 F (08) 2387 7959
 E dpage@mirvac.com.au

Schedule of Submissions
Proposed Modifications to the Seascapes Estate Outline Development Plan

No	Submitter	Summarised Submission	City of Mandurah's Response/Recommendation	Department of Planning Response/Recommendations
1	V Lord 30 Gretel Drive Falcon 6210	<p>a) Objects to proposed modifications to the relocation of the Torwood Edge/Gretel Drive intersection as it will create increased vehicles closer to submitter's home as people would prefer to take the ocean (scenic) route.</p> <p>b) Torwood Edge should be a cul-de-sac with pedestrian access only.</p> <p>c) Questions validity provided by the applicant regarding vehicle safety and topography.</p> <p>d) Lack of footpaths within area.</p> <p>e) Requests the provision of bollards at beachfront path (accessed from Gretel Drive) to prevent misuse by motorcycles etc.</p> <p>f) Should Council adopt proposed connectivity between Torwood Edge and Gretel Drive, request that traffic calming measures are provided (including a 'mews' road layout).</p>	<p>a) Upheld. It is recommended that bollards be located at the southern end of Torwood Edge to restrict vehicle access between the ODP area and Falcon.</p> <p>b) Upheld. Refer to comment 1a).</p> <p>c) Upheld. Refer to comment 1a).</p> <p>d) Noted.</p> <p>e) Dismiss.</p> <p>f) Noted. Refer to comment 1a).</p>	<p>a) Dismiss. Liveable Neighbourhoods states that the street network should provide a high level of internal connectivity and good external linkages for local vehicle, pedestrian and bike movements.</p> <p>It is recommended that the ODP be modified such that vehicular access at the intersection of Torwood Edge and Gretel Drive is not restricted.</p> <p>b) Dismiss. Refer to comment 1a).</p> <p>c) Dismiss. The proponent has provided a Road Safety Audit that supports the proposed intersection location. The audit includes recommendations for traffic calming measures that have been incorporated onto the ODP.</p> <p>d) Noted. Modified ODP identifies a footpath along Gretel Drive.</p> <p>e) Dismiss. This level of detail is not considered appropriate at the ODP stage.</p> <p>f) Upheld in Part. The ODP was later updated to include traffic calming measures.</p>
2	Name and address withheld	<p>a) Objects to proposed modifications to the relocation of the Torwood Edge/Gretel Drive intersection and in providing vehicle connection between Seascapes and</p>	<p>a) Upheld. Refer to comment 1a).</p>	<p>a) Dismissed. Refer to comment 1a).</p>

		<p>Falcon at this location.</p> <p>b) Disagree with zoning change from R40 to R30.</p> <p>c) Submitters' house is located directly adjacent to proposed intersection - submitters have witnessed many potentially fatal incidences due to a blind crest in the middle of the road.</p> <p>d) Given this is such a well utilised and potentially dangerous section of road why has a footpath not been provided and people are forced to walk on the road.</p> <p>e) Submitter's driveway is located adjacent to proposed intersection – a blind crest on one side and blind corner on the other is like 'Russian roulette' – adding an intersection will further increase risk.</p> <p>f) Correspondence stated that City has 'adopted a modification' which poses questions and creates real doubts about City's true motives – believes this suggests City has already accepted and given 'rubber stamp' approval to proposal.</p> <p>g) Questions validity provided by the applicant regarding vehicle safety and topography.</p> <p>h) Any plan which incorporates vehicular</p>	<p>b) Dismissed.</p> <p>c) Noted. Refer to comment 1a).</p> <p>d) Noted. There is no existing pedestrian path along Gretel Drive. The proposed increase in vehicle movements warrants the provision of a designated pedestrian footpath for local residents which ultimately connects into the existing coastal and neighbourhood pathway network.</p> <p>e) Upheld. Refer to comment 1a).</p> <p>f) Dismiss. The term 'adopted' refers to the specific terminology that is used across most local government schemes in WA, including the City's Town Planning Scheme 3. 'Adopted' for advertising purposes only acknowledges that the City/Council have given consent to advertise a plan which in no way prejudices Council's assessment and determination of a proposed ODP.</p> <p>g) Noted. Refer to comment 1a).</p> <p>h) Upheld. Refer to comment 2g above.</p>	<p>b) Dismissed. An R30 coding is considered appropriate at this location and is not a significant decrease from the current R40 coding.</p> <p>c) Noted. Refer to comment 1c)</p> <p>d) Noted. Agree with Council's comments.</p> <p>e) Dismissed. Refer to comment 2c).</p> <p>f) Dismissed. Agree with Council's Comments.</p> <p>g) Dismissed. Refer to comment 1c).</p> <p>h) Dismissed. Refer to comment 1a).</p>
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		<p>access into Gretel Drive from Seascapes is grossly ill conceived should be pedestrian access only.</p> <p>i) Adequate vehicle access to Seascapes already exists via Merlin St – if additional connection is required why not from undeveloped lot in Vanessa St.</p> <p>j) If a road is to be put through between Torwood Edge and Gretel Drive then it should be restricted to a small ‘mews’ style narrow road with appropriate traffic calming devices.</p> <p>k) If public safety is the 1st and paramount concern as it should be, there should be no road access into Gretel Drive from Seascapes.</p>	<p>i) Upheld. Refer to comment 1a).</p> <p>j) Upheld. Refer to comment 1a).</p> <p>k) Upheld. Refer to comment 1a).</p>	<p>i) Dismissed. Refer to comment 1a).</p> <p>j) Upheld in part. The modifications proposed to the subdivisional road layout results in a less direct route than currently considered by the endorsed ODP. This will act to reduce vehicle numbers and traffic speeds.</p> <p>k) Dismissed. Refer to comments 1a) and 2c).</p>
3	M Brennan 32 Gretel Drive Falcon 6210	<p>a) Objects to proposed modifications to the relocation of the Torwood Edge/Gretel Drive intersection and in providing vehicle connection between Seascapes and Falcon at this location.</p> <p>b) Over past 20 years have seen Halls Head creep closer to peaceful suburb of Falcon.</p> <p>c) Concern that Falcon will be joined to Seascapes by 2 roads.</p> <p>d) Proposed vehicle connection will have an adverse impact on the existing ‘holiday idyll’ of Falcon.</p> <p>e) Proposed intersection is on the crest of hill where young families walk to the beach.</p> <p>f) Recommends Torwood Edge become a</p>	<p>a) Upheld. Refer to comment 1a).</p> <p>b) Noted. Population growth within the City has resulted in new residential suburbs abutting the boundaries of established suburbs (including Silver Sands, Madora Bay and Falcon south).</p> <p>c) Upheld. Refer to comment 1a).</p> <p>d) Upheld. Refer to comment 1a).</p> <p>e) Upheld. Refer to comment 1a).</p> <p>f) Upheld. Refer to comment 1a).</p>	<p>a) Dismissed. Refer to comment 1a).</p> <p>b) Noted.</p> <p>c) Dismissed. Refer to comment 1a).</p> <p>d) Dismissed. Refer to comment 1a).</p> <p>e) Dismissed. Refer to comment 2c).</p> <p>f) Dismissed. Refer to comment 1a).</p>

		cul-de-sac as this would be safer and enable the creation of an additional lot within Seascapes.		
4	K Brennan 32 Gretel Drive Falcon 6210	<p>a) Objects to proposed modifications to the relocation of the Torwood Edge/Gretel Drive intersection and in providing vehicle connection between Seascapes and Falcon at this location.</p> <p>b) Concerned realignment of intersection will create safety issues for pedestrians and cyclists using Gretel Drive (particularly the northern end), Verona Crescent, Eldora Crescent and Vanessa Street.</p> <p>c) Increased traffic will impact on the relaxed mode of Falcon particularly during holiday periods – area should not be destroyed by increased traffic.</p> <p>d) Families with beach apparel (prams, pets, young children, fishing equip) utilise Gretel Drive and will be susceptible to dangers of vehicles.</p> <p>e) Many walkers, joggers, cyclists and scooter riders use the existing beachfront path as a turning point-increased traffic would be a major concern.</p> <p>f) Recommends that Torwood Edge should be a cul-de-sac which would be in the best interests of public safety and suit applicant's development potential.</p>	<p>a) Upheld. Refer to comment 1a).</p> <p>b) Upheld. Refer to comment 1a).</p> <p>c) Upheld. Refer to comment 1a).</p> <p>d) Upheld. Refer to comment 1a).</p> <p>e) Upheld. Refer to comment 1a).</p> <p>f) Upheld. Refer to comment 1a).</p>	<p>a) Dismissed. Refer to comment 1a).</p> <p>b) Dismissed. Refer to comment 2c).</p> <p>c) Dismissed. Refer to comment 1a).</p> <p>d) Upheld. Refer to comment 2c).</p> <p>e) Upheld. Refer to comment 2c).</p> <p>f) Dismissed. Refer to comment 1a).</p>
5	Water Corporation 61 Victoria St Bunbury 6231	No objection to proposal.	Noted.	Noted.
6	Name and address	a) the findings of the safety audit are not accepted.	a) Dismissed. The Road Safety Audit is support by technical officers	a) Dismissed. Refer to comment 1c).

	withheld	<p>b) concerns relating to street parking, street lighting footpaths and drainage.</p> <p>c) Concerns that traffic calming will increase vehicle traffic and will encourage 'hoons'.</p>	<p>b) Noted.</p> <p>c) Upheld. Refer to comment 1a)</p>	<p>b) Upheld. Refer to comment 2c).</p> <p>c) Dismissed. Refer to comment 1a)</p>
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Torwood Edge

ITEM NO: 9.4

ENDORSEMENT OF THE BANJUP QUARRY LOCAL STRUCTURE PLAN - LOTS 9004 ARMADALE ROAD, 9002 JANDAKOT ROAD & 132 FRASER ROAD, BANJUP

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning South West
AUTHORISING OFFICER:	Planning Director, Perth and Peel Planning
AGENDA PART:	C
FILE NO:	SPN/0521
DATE:	9 October 2013
ATTACHMENTS:	1: Proposed LSP 2: Jandakot Airport 2029/30 Australian Noise Exposure Forecast and Policy Areas 3: Current SPP 5.3 Policy Areas 4: Schedule of Modifications - Banjup Quarry LSP
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Cockburn
LOCAL SCHEME ZONING:	Development
LGA RECOMMENDATION:	Approval subject to modifications
REGION DESCRIPTOR:	South West
RECEIPT DATE:	30 May 2013
PROCESS DAYS:	131
APPLICATION TYPE:	Structure Plan
CADASTRAL REFERENCE:	Lots 9004 Armadale Road, 9002 Jandakot Road & 132 Fraser Road, Banjup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the version of the Banjup Quarry Local Structure Plan (LSP) dated September 2013, inclusive of the proposed residential development within the Core Area (20 - 25 Aircraft Noise Exposure Forecast (ANEF) contour) of the Jandakot Airport 2029/30 Australian Noise Exposure Forecast Plan Policy Areas, subject to the modifications referenced in Attachment 4: Schedule of Modifications (Banjup Quarry LSP) (attached);*
- 2. advise the City of Cockburn of 1. above and that it is the Commission's expectation that residential densities proposed by the local structure plan will be achieved at the subsequent subdivision and development stages.*

SUMMARY:

- The Banjup Quarry Local Structure Plan (LSP) proposing approximately 2000 residential dwellings, a primary school site, 17% public open space, a neighbourhood centre of up to 2800 square metres, a community purpose site, and a light/service industrial area has been received for endorsement (**Attachment 1: Proposed LSP**)
- The LSP is not consistent with the Western Australian Planning Commission's (WAPC) Draft State Planning Policy 5.3 (SPP 5.3) 'Land Use Planning in the Vicinity of Jandakot Airport' in that it proposes residential dwellings within the Core Area (20-25 ANEF contours) of the Jandakot Airport.
- Notwithstanding, the LSP is supported by the City of Cockburn (the City) and Jandakot Airport Corporation. Additionally the LSP includes provisions requiring the implementation of noise amelioration measures.
- The only potential urban land that is similarly affected by the Core Area is the adjoining Lot 1 Armadale Road, Banjup. In view of the above and that the creation of any precedent is limited, the LSP is consistent with strategic objectives for the area, and given the proximity of the land to transport and employment nodes, approval is recommended.

BACKGROUND:

- The LSP is located at the northern end of the Jandakot Underground Water Pollution Control Area (UWPCA). As part of the recent Metropolitan Region Scheme (MRS) rezoning of the subject site, scientific studies and relevant agency advice supported that the groundwater resource could be protected with respect to water quantity and quality of rainfall recharge to the aquifer.
- A total water cycle management approach based on the above site-specific investigations is proposed in the Local Water Management Strategy (LWMS) for the LSP. The LWMS has been supported by the Department of Water (DOW).
- Portions of the LSP are affected by the Core Area of the Jandakot Airport aircraft noise contours. The remainder of the site is within the 'Frame Area' of Jandakot Airport's aircraft noise contours (**Attachment 2: Jandakot Airport 2029/30 Australian Noise Exposure Forecast and Policy Areas**).
- The WAPC's Draft SPP 5.3 provides that residential dwellings are unacceptable within the Core Area, but conditionally acceptable within the Frame Area.
- The 20 ANEF contour represented in the original SPP 5.3 (March 2006) sits outside of the subject LSP land (**Attachment 3: Current SPP 5.3 Policy Areas**). The extension in the 20 ANEF contour into the subject land results from the construction of a fourth runway at Jandakot Airport since gazettal of the original SPP 5.3.

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- Approximately 80 residential lots (or 10% of the total residential development proposed for the LSP) sits within the Core Area as defined by the Noise Exposure Forecast at **Attachment 1**.
 - The LSP is zoned Urban under the MRS and Development under the City of Cockburn's Town Planning Scheme No.3 (TPS 3). The zoning proposals were supported by a conceptual structure plan proposing residential development within the Core Area (with the conceptual plan being updated to represent the LSP Plan at **Attachment 3**).
 - The WAPC's Outer Metropolitan Perth and Peel Sub-regional Strategy (Outer Sub-regional Strategy) designates the LSP site (Area BAN1) as an urban expansion area (2011 - 2015) projected to yield approximately 1,700+ dwellings based on a 'Connected City' development model of 15 dwellings per gross urban zoned hectare.
 - The City supports the proposed residential development within the Core Area on the basis that:
 - the LSP has been identified as a key opportunity for urban infill in order to meet the objectives for Perth's future urban growth as established through Directions 2031;
 - Jandakot Airport Corporation supports the proposed residential development in the Core Area subject to amelioration measure implementation; and
 - the City does not support increasing the amount of land unable to be developed.
 - The City's support is subject to Notifications on title advising of the potential for noise nuisance as well as the requirement to build to a higher noise standard within the LSP.
 - The implications of supporting residential development within the Core Area of the LSP is limited to precedence for the same to occur at Lot 1 Armadale Road, Banjup, immediately west of the LSP and which is currently being structure planned. Approximately 45% of Lot 1 is affected by the Core Area and accordingly support of this LSP may establish support for residential development in that 45%.
 - The remainder of land in the locality affected by the Core Area is zoned and has been developed for residential, industrial, resource protection and airport purposes.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005 (as amended)

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planning local communities and developing a sense of place.

Strategies:

Develop connected and accessible communities.
Encourage innovation in the design of our communities.
Identify key infrastructure and development projects.

Policy

Number and / or Name: Directions 2031(June 2009)
Outer Metropolitan Perth and Peel Sub-Regional Strategy
(August 2010)
Draft SPP 5.3 Land use planning in the vicinity of
Jandakot Airport (October 2011)

DETAILS:

The subject site is located approximately 18 kilometres south of the Perth Central Business District, within the City of Cockburn. The site is bounded by Armadale Road on its southern boundary; Solomon Road, the Solomon Road Industrial Development Area (DA20) and Lot 1 Armadale Road on its western boundary; Jandakot Road on its northern boundary; and Fraser Road on its eastern boundary. The site is approximately 1.5 kilometres from the Cockburn Central Activity Centre and from the Cockburn Central train station.

The majority of the site has been extensively cleared and excavated as part of a previous sand quarrying operation. The portions of the land not used for quarrying activity around the perimeter of the site adjacent to Solomon, Jandakot, Fraser and Armadale Roads remain at natural ground level and comprise most of the site's remnant vegetation.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The need for consideration of the relationship between the WAPC's Draft SPP 5.3 'Land use planning in the vicinity of Jandakot Airport' which recommends that residential development not be permitted within the Core Area (20 ANEF contour and greater) and the LSP which seeks approval for residential zoning and development within this area.

CONSULTATION:

The City advertised the Draft LSP for public comment from 15 March 2013 to 26 April 2013. All of the matters raised in objections or submissions that raised specific concerns in respect of the LSP, other than acceptability of residential development within the Core Area, were considered by the City and have been now been reconciled.

On the matter of proposed residential development within the Core Area, the following advice was received:

1. Jandakot Airport Corporation advises that it is well accepted that people who are aware of aircraft noise impacts before they move to an area tend to have a higher tolerance than those who were unaware. Notwithstanding, the majority of aircraft noise complaints received for Jandakot Airport are related to circuit training (particularly during summer months). Jandakot Airport Corporation also states that given the close proximity of the proposed development to Jandakot Airport and aircraft operating areas, it is imperative that adequate information about the aircraft noise impact is conveyed to potential residents.

In view of the above, Jandakot Airport Corporation supports the LSP subject to:

- imposition of Notifications on title of all lots advising of the potential noise nuisance;
- the requirement for information being provided to prospective purchasers about the potential for aircraft noise nuisance and the type of aircraft and timing and frequency of aircraft operations;
- the requirement for information in respect of aircraft noise impact being made available to rental tenants (to address that component of noise complaints) in the form of signs to be installed at each entrance to the LSP, identifying the area as an "Aircraft noise impact area"; and
- the requirement for noise attenuation measures to be applied to all development within the LSP, not just dwellings within the Core Area.

2. The Department of Environment and Conservation (Department of Environment Regulation (DER), as it is now known) does not support proposed residential development within the Core Area within the LSP, consistent with Draft SPP 5.3.

In respect of the remainder of the LSP, DER recommends the imposition of Notifications on title of all lots advising of the potential noise nuisance.

3. The City acknowledges the LSP's partial inconsistency with Draft SPP 5.3 as it relates to proposed residential development within the Core Area. Notwithstanding, the City supports the LSP subject to:
 - the requirement for noise attenuation measures to be applied to all development within the LSP; and
 - in accordance with the above, the imposition of Notifications on title of all lots requiring construction to a high noise standard.
4. The applicant for the LSP, Development Planning Strategies (DPS), made a submission when the Draft SPP 5.3 was advertised and also during advertising of the LSP, supporting proposed residential development within the Core Area and recommending:
 - that the LSP be assessed against the current SPP 5.3 (which also defines residential development as unacceptable within the Core Area, but which defines the Core Area limited to land not affected by the LSP); and
 - that the Draft SPP not essentially 'sterilise' the LSP land based on the 20 ANEF contour, which DPS views to be inaccurate to be used for decision making.

The LSP proposal was considered at the City's Ordinary Council Meeting on 9 May 2013, where it adopted the LSP subject to a number of modifications.

The majority of the requested modifications have been addressed and are represented in the September 2013 version of the LSP which informs this assessment. Some minor modifications are required to the September 2013 version of the LSP, contained at **Attachment 4: Schedule of Modifications - Banjup Quarry LSP**.

In determining the LSP, the City also resolved to request that the WAPC exercise its discretion as to whether to endorse the LSP in respect of the proposed residential development within the Core Area. This is discussed in the "Officer's Comments" section.

OFFICER'S COMMENTS:

Draft SPP 5.3 and the LSP

Context

Both the City and Jandakot Airport Corporation support residential development in the Core and Frame Areas (encompassing the entire LSP area) subject to Notifications on title and noise attenuation of residential dwellings.

Draft SPP 5.3 does not support residential development in the Core Area and recommends only noise attenuation of residential dwellings within the Core Area.

Summary

- The LSP land was recently zoned Urban under the MRS and Development under the City's TPS 3. The zoning proposals were supported by a conceptual structure plan proposing residential development within the Core Area (with that conceptual plan being updated to represent the LSP Plan at **Attachment 3** which informs this assessment).
- In respect of the advertising of the LSP, the DoP advised the City that the proposed residential development within the Core Area would be assessed against Draft SPP 5.3 (noting its Draft status) when the WAPC determined the LSP.
- The applicant, DPS, made a submission in support of the proposed residential development within the Core Area both when the Draft SPP 5.3 was advertised (at the end of 2011) and also when the LSP was advertised (in March 2013).
- DPS' submission in respect of the LSP references the inconsistencies between the Draft SPP 5.3 and AS2021-2000 (given AS2021 conditionally allows residential development between 20-25 ANEF subject to notifications on title and noise sensitive construction). The submission also notes the changes to the 20 ANEF contour since gazettal of the original SPP 5.3 in March 2006, resulting from the addition of a fourth runway at Jandakot Airport parallel to the existing south east to north west runway, which now affects portions of the LSP.
- DPS accordingly recommends modification of wording of the Draft SPP to bring it in line with AS2021 and to conditionally allow residential development within the Core Area subject to Notifications on title advising of noise nuisance from Jandakot Airport as well as for design and construction of dwellings within the Core Area to a higher acoustic standard.
- Alternatively, DPS requests that the LSP be assessed against the existing SPP 5.3, as the LSP is not affected by the Core Area. DPS is of the view that the Draft SPP sterilises the LSP land based on the new 20 ANEF contour extension, which DPS argues is inaccurate (based on the provisions of AS2021 which describes the actual location of the 20 ANEF contour as difficult to define accurately due to

variations in aircraft flight paths, pilot operating techniques, and the effect of meteorological conditions on noise propagations).

- The City supported the proposed residential development within the Core Area as the LSP has been identified as a key opportunity for urban infill in order to meet the objectives for Perth's future urban growth, given Jandakot Airport Corporation's support for residential development in the Core Area, given the City does not support increasing the amount of land unable to be developed; and subject to Notifications on title advising of the potential for noise nuisance as well as the requirement to build to a higher noise standard within the LSP.
- The Minister for Planning has recently supported readvertising of the Draft SPP 5.3 for a further three month period on the basis of a proposed extension of Notifications on title to lots within both the Core and Frame Areas (which resulted from submissions made in respect of the initially advertised Draft SPP). The readvertising of the Draft SPP has not yet commenced and timing is unknown.

Officer Recommendation

Given the above, the following options are identified:

Option 1: Exclusion

The provisions of Draft SPP 5.3 be applied to the assessment of the LSP, with no residential development permitted within the Core Area.

Consideration

- The LSP will comply with the policy measures set out in the Draft SPP 5.3.
- The exclusion of residential development within the Core Area will result in the loss of at least 80 residential lots (representing approximately 10% of the total residential development proposed for the LSP).
- Alternative land use options have not been considered and such land use options will need to seamlessly interface with the residential development proposed in the adjacent Frame Area of the LSP.
- There may be longer-term implications relating to housing supply requirements identified in the Outer Sub-regional Strategy, and 'sterilisation' of land that otherwise has the potential to be developed for residential purposes.

Option 2: Deferral

In acknowledgement that the Draft SPP 5.3 is to be readvertised for three months, with the requirement for subsequent consideration of submissions and finalisation of the Draft SPP, the portions of the LSP that make up the Core Area be deferred to comprise Stage 2 of the LSP development (to only be determined upon finalisation of the Draft SPP).

Consideration

- Timing of readvertising plus finalisation of the Draft SPP is still unknown (at least six months).

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- This has implications for the proponent of the LSP in respect of uncertainty of the ultimate development outcome, and implications regarding significant LSP matters including, but not limited to, infrastructure provision, supportive thresholds for community infrastructure (such as the primary school and community facilities).
 - There may ultimately be a loss of at least 80 residential lots within the LSP.

Option 3: Approval

The proposed LSP comprising residential development within the Core Area be supported on the basis of the site's identification as an urban expansion area in the Outer Sub-regional Strategy which will provide 1801+ dwellings in an area where transport and utility infrastructure is available to future residents, and given the limited precedence that this decision will establish.

Consideration

- Support for residential development within the Core Area will have limited precedence for the same to occur at Lot 1 Armadale Road, Banjup (of which 45% is affected by the Core Area). Support of this LSP may establish support for residential development in that 45%.
- The remainder of the land in the locality affected by the Core Area is zoned and has been developed for residential, industrial, resource protection and airport purposes. At this time, the above zoned land will not be affected by support of the LSP as proposed.
- The site's identification for short to medium term urban (residential) infill contributes towards the demonstrated housing need in the Perth metropolitan region.

It is recommended that Option 3 above be supported for the following reasons:

- i) The history of planning for the subject site;
- ii) The limited precedent this decision will establish;
- iii) Noise amelioration measures can be applied to dwellings; and
- iv) The support of the City of Cockburn and the Jandakot Airport Corporation.

The above approach is supported subject to:

- Notifications on title being required for all lots (Core and Frame Areas) to advise of the potential noise nuisance;
- Information being provided to prospective purchasers about the potential for aircraft noise nuisance, and the type of aircraft and timing and frequency of aircraft operations; and
- Noise attenuation measures being limited to residential development within the Core Area (not the Frame Area).

The above requirements are represented in the LSP, or are conditioned in the Schedule of Modifications at **Attachment 4** to be represented in the LSP.

Density and Dwelling Targets

The LSP proposes a mix of R25, R30, R40 and R80 residential areas, with the dominant density across the site being R25. The Outer Sub-regional Strategy designates the site (identified as area BAN1) as an urban expansion area (2011 - 2015) projected to yield approximately 1,700+ dwellings based on a 'Connected City' development model of 15 dwellings per gross urban zoned hectare.

The LSP proposes the provision of 1801+ dwellings at completion, with potential for an additional 200 dwellings to be facilitated via a higher density potential retirement living village (RLV) site. At 1801+ dwellings, the LSP achieves 13.4 dwellings per gross urban hectare, which increases to 14.9 dwellings per gross urban hectare should the RLV be developed.

The applicant has justified the dwelling target shortfall objectives of Directions 2031 and Liveable Neighbourhoods for the 'Connected City' scenario on the basis of the retention of considerable amounts of remnant vegetation on the northern, western and eastern fringes, which would otherwise contribute towards a higher density target.

This is supported, however, given the site's critical proximity to the Cockburn Central activity centre and train station, it is recommended that expectation of delivery of (at the least) residential densities proposed by the LSP at subsequent subdivision and development be iterated in the WAPC's determination of the LSP.

CONCLUSION:

The Banjup Quarry LSP responds to the regional and local planning framework, to enable its approval.

The proposed residential development within the Core Area of the Jandakot Airport aircraft noise contours is supported.

It is recommended that the WAPC approve the LSP subject to modifications.

Proposed LSP

LEGEND

ZONES

- Residential R25
- Residential R30
- Residential R40
- Residential R80

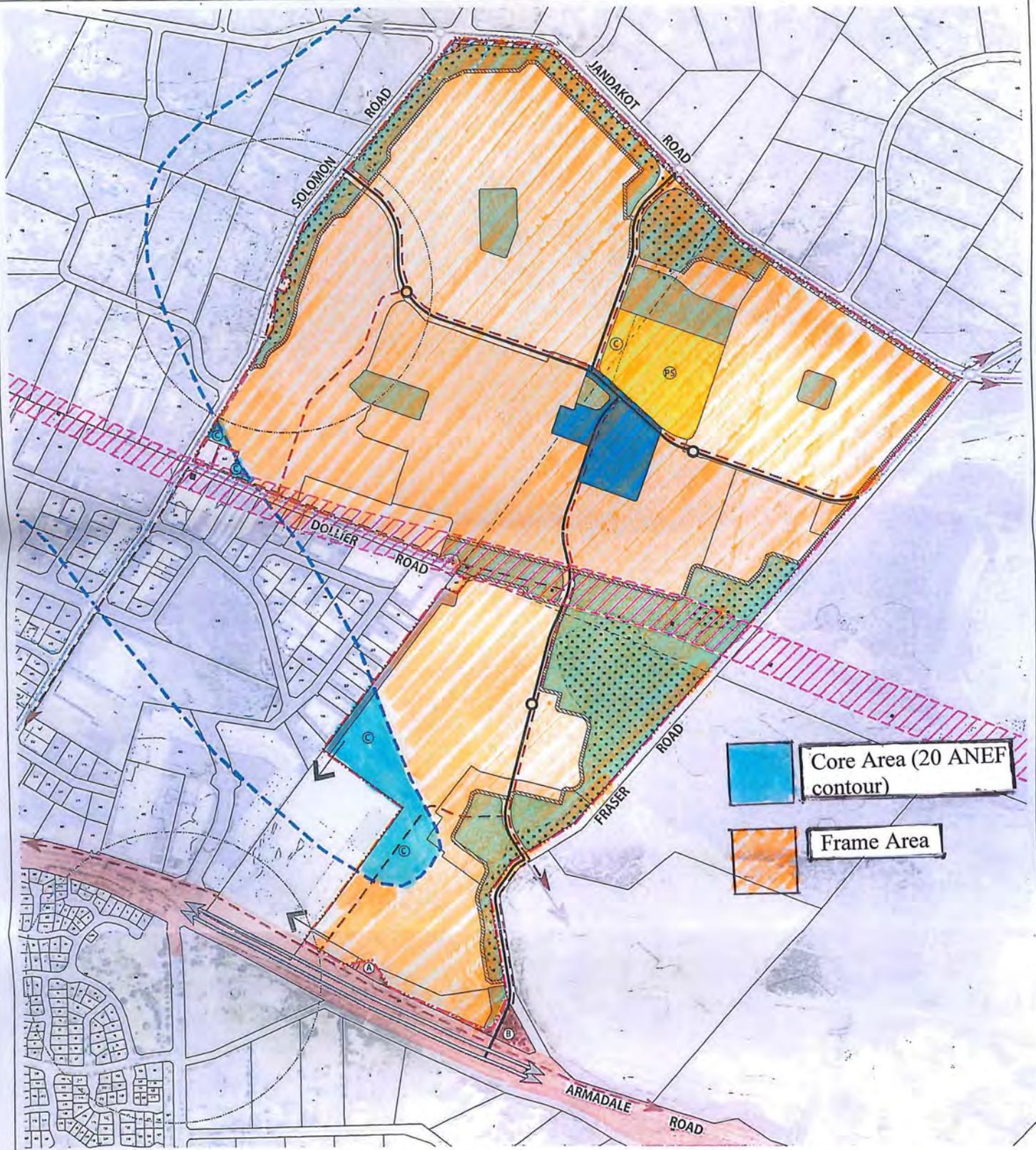
- PS Public Purposes - Primary School
- C Public Purposes - Civic
- Local Centre
- Light and Service Industry

- RESERVATIONS
- Primary Regional Road (MRS)
 - Public Open Space

LAND USE PLANNING ELEMENTS THAT INFORM THE STRUCTURE PLAN

- Remnant Bushland
- Wetland - Resource Enhancement
- Wetland - 30m buffer
- Road Widening
- Neighbourhood Connector/Roundabout
- Primary Path/Pedestrian Linkages
- Bushfire Protection Zone (20m)
- 330kV Powerline Easement
- 20 ANEF
- 300m wellhead protection zone
- Structure Plan Boundary
- Future Access Road

- (A)** Primary Regional Road reservation subject to future MRS amendment to "Urban"
- (B)** The location and design of the Armadale Road and Southern entry access intersection being to the satisfaction of Main Roads WA
- (C)** Residential Development is subject to construction standards to achieve compliance with higher noise standards pursuant to Australian Standard (AS 2021:2000): Aircraft Noise Intrusion Building Siting and Construction

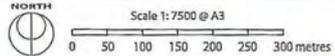


Core Area (20 ANEF contour)

Frame Area

Plan 1 - Structure Plan

BANJUP QUARRY - Lot 9004 Armadale Road, Lot 132 Fraser Road & Lot 9002 Jandakot Road, BANJUP



COMPILED: DPS, MAPS, EMERGE	DRAWN BY: NMA
DATE: 08/08/2013	REVISED: 11/09/2013
GRID: MGA 50	DATUM: AHD
DRAWING NUMBER: ST08J-2-003e	JOB CODE: ST08JLSP
FILE ID: M:\ST08\BASE\STRUCTURE PLANS\ST08J-2-003e.dgn	

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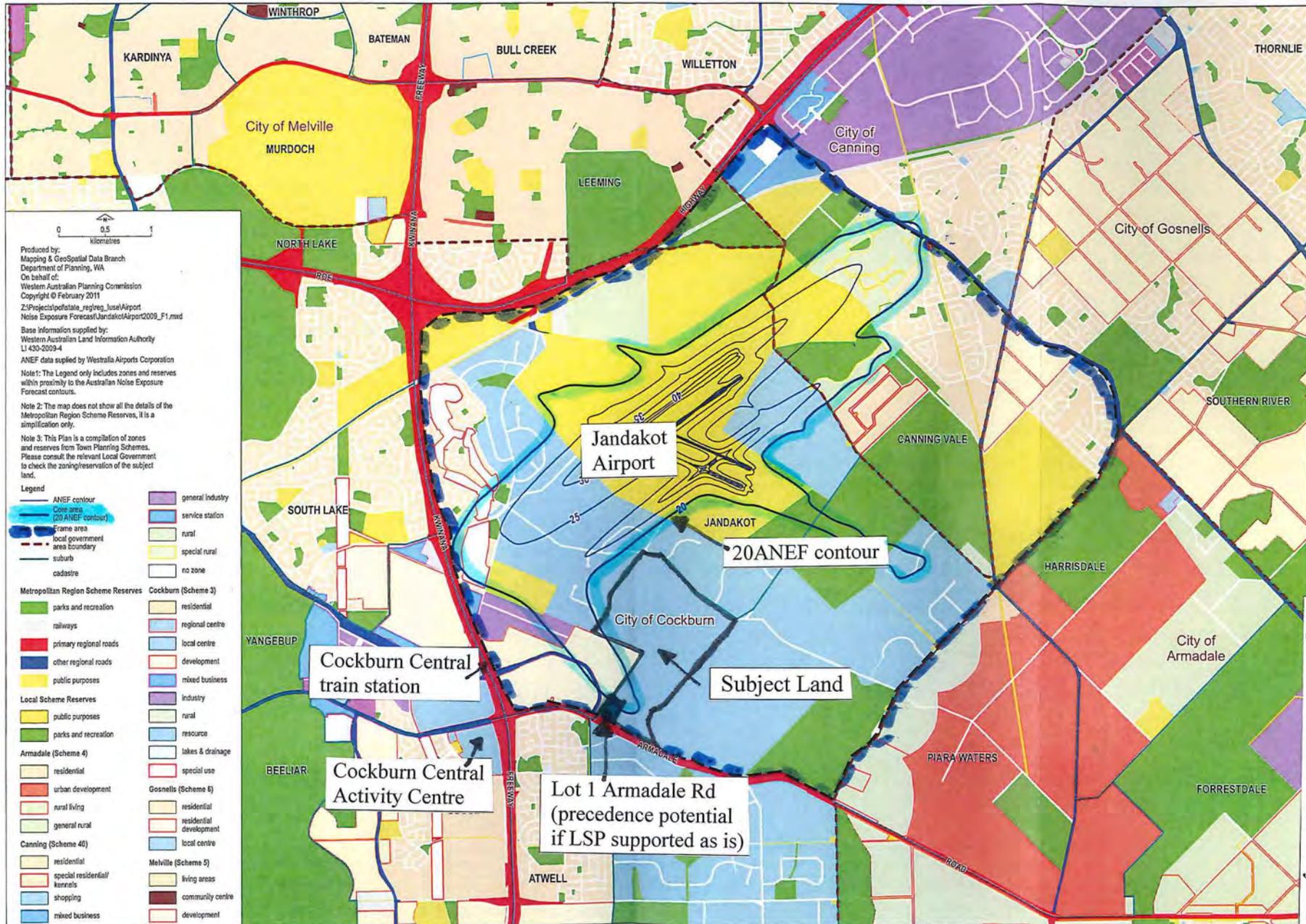


Figure 1: Jandakot Airport 2029/30 Australian Noise Exposure Forecast and Policy Areas

ATTACHMENT 2
 Jandakot Airport 2029/30 Australian Noise
 Exposure Forecast and Policy Areas

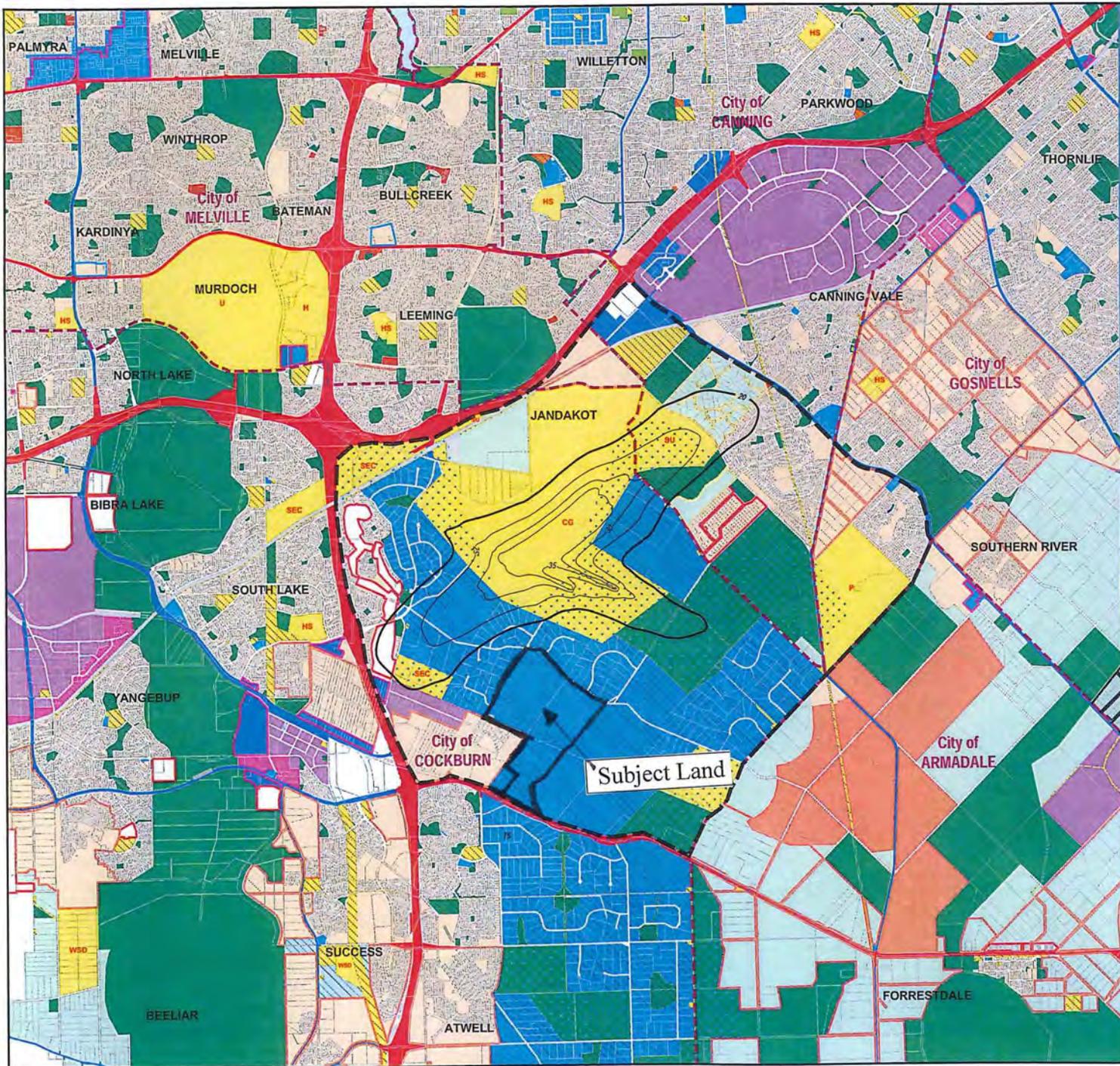


FIGURE 1: POLICY AREAS



T:\Projects\Studies\Landakot_Airport_Noise_Exp\Maps\Land_Airport_Noise_F1.dgn

PRODUCED BY STATUTORY MAPPING SECTION
PLANNING INFORMATION - MAPPING AND SPATIAL
DEPARTMENT FOR PLANNING AND INFRASTRUCTURE
ON BEHALF OF THE WESTERN AUSTRALIAN PLANNING
COMMISSION, PERTH, W.A. JAN 2006

Cadastre and administrative boundaries
based on information provided with the
permission of DLI PA 23-2003

Note 1: This Plan is a compilation of zones and
reserves from Town Planning Schemes.
Please consult the relevant Local Government
to check the zoning/reservation of the
subject land.

Note 2: The Legend only includes zones and
reserves within proximity to the Australian Noise
Exposure Forecast contours.

Note 3: This map does not show all the details of
the Metropolitan Region Scheme Reserves.
It is a simplification only.

LEGEND

- ANEF contours
 - Core area (20 ANEF contour)
 - Frame area
- | | |
|--|----------------------------------|
| METROPOLITAN REGION SCHEME RESERVES | LOCAL SCHEME RESERVES |
| Parks and Recreation | Civic and Cultural Areas |
| Railways | Public Purposes |
| Primary Regional Roads | Recreation |
| Other Regional Roads | |
| Public Purposes | |
| Water Catchments | Local Government Area Boundaries |
- | | |
|-------------------------------|--|
| LOCAL SCHEME ZONES | |
| City of Canning | |
| Residential | |
| Special Residential / Kernels | |
| Rural | |
| Special Rural | |
| Shopping | |
| Service Station | |
| City of Melville | |
| Development | |
| City of Armadale | |
| Residential | |
| General Rural | |
| Rural Living | |
| Urban Development | |
| City of Cockburn | |
| Residential | |
| Development | |
| Local Centre | |
| Resource | |
| Lakes and Drainage | |
| Rural | |
| Industry | |
| Special Use | |
| Mixed Business | |
| City of Gosnells | |
| Residential | |
| Residential Development | |

ATTACHMENT 4: SCHEDULE OF MODIFICATIONS - BANJUP QUARRY LOCAL STRUCTURE PLAN

General

- a) Update the Local Structure Plan (LSP) report text to reflect the Development zoning of the subject land under the City of Cockburn's (the City) Town Planning Scheme No.3 (TPS 3).
- b) Update the LSP to provide for an additional (third) access point to Lot 1 Armadale Road, Banjup to reduce pressure on the proposed south eastern access point and improve distribution of development traffic access to Armadale Road.
- c) Delete any and all references to potential reduction of the 20 metre Building Protection Zone (BPZ) in the Fire Management Plan (FMP) or LSP report text, as this is inconsistent with the Western Australian Planning Commission (WAPC) and the Fire and Emergency Services Authority of WA (now Department of Fire and Emergency Services) *Planning for Bushfire Protection Guidelines*, May 2010.

Executive Summary

1. Footnote 1 of the Executive Summary Table refers 145.14ha as the Parent Lot cadastre information sourced from Landgate, however the 'Structure Plan Area' in the table is correctly referenced as 144.30ha. Delete Footnote 1 and re-number the remaining footnotes.
2. Update the Public Open Space (POS) section of the Executive Summary Table to reference PS in full (i.e. Primary School), and to refer simply to the two Local Parks in the LSP area (i.e. delete "*incl. Town Square*").

Part One - Statutory Section

5 General Subdivision and Development Requirements

3. Modify the first general planning requirement title of Table A from "*Subdivision Development*" to "*Subdivision **and** Development*". (additional word in bold).
4. Update provision 2.1a)(iii) to state:

"*Lots with a boundary abutting or frontage towards Armadale Road or Jandakot Road;*". (deleted portion of word struck through)

5. Update provision 2.1a)(v) to state:

"Lots within a 100 metre catchment of a 'Classified Vegetation' (Bushfire Hazard Zone) thus deemed at risk from bushfire pursuant to Australian Standards;". (deleted word struck through)
6. Update provision 2.1a)(vi) to state:

"Lots affected by the 330kV Western Power high voltage overhead power line easement;". (replacement text underlined)
7. Update provision 3.1a) to:
 - i) reference construction standards in accordance with the WAPC's Draft State Planning Policy No. 5.3 'Jandakot Airport Vicinity' (SPP 5.3), instead of Australian Standard (AS2021-2000); and
 - ii) reference the increased construction standard requirements to only those lots within a catchment area exceeding the 20 ANEF contour (the Core Area) for Jandakot Airport.
8. Update provision 3.1 to add a requirement for Notifications to be placed on titles of all lots within the LSP advising of the potential noise nuisance from Jandakot Airport, consistent with the provisions of Draft SPP 5.3.
9. Update provisions 3.2a) and b) to specify land use restrictions that apply to any subdivision or development that is affected by the 330kV Western Power high voltage overhead power line easement and/or a boundary directly abutting a Metropolitan Region Scheme (MRS) 'Primary Regional Road'.
10. Modify provision 3.3b) to state (consistent with the provisions of the WAPC's Draft SPP 5.3):

*"Information provided shall identify the need to build to higher noise amelioration standards, and that it must be achieved, for all development **within the catchment area exceeding the 20 ANEF Contour (the Core Area) within the Structure Plan area.**"* (additional words in bold)
11. In accordance with the above, delete provision 3.3c).
12. Update section 3 of Table A to require detailed noise management plans to accompany subdivision and/or development applications, which will clarify actual mitigation measures taking into consideration final ground levels.

Plan 1 - Structure Plan

13. Update the Plan to reinstate the key future access roads through the LSP. This should include the notional third access point to Lot 1 Armadale Road, Banjup.
14. Update the Legend for Plan 1 in respect of Annotation A to state:

"Proposed Residential R30 with a Primary Regional Road reservation under the Metropolitan Region Scheme (MRS); subject to future MRS amendment to "Urban"." (additional text in bold)
15. Update the Legend for Plan 1 in respect of Annotation C to reference construction standards in accordance with the WAPC's Draft SPP 5.3, instead of Australian Standard AS2021-2000 (AS2021).

Part Two - Explanatory Section

1.5.2 Land Use

16. Delete the last paragraph of this sub-section referencing possible future undergrounding of the power lines. This statement does not provide any guidance in respect of existing situation and land use proposals for the LSP.

2.1.2 City of Cockburn Town Planning Scheme No. 3 (TPS 3)

17. Update this sub-section to reflect the current zoning of the LSP area.
18. Update the second paragraph to correctly reference Development Contribution Plan No. 13 (consistent with the terminology used in the City's TPS 3).

2.1.3 City of Cockburn - Developer Contributions Plan No. 13

19. Update the title and content of this sub-section to correctly reference Development Contribution Plan No. 13 (consistent with the terminology used in the City's TPS 3).

2.2.6 Draft Statement of Planning Policy 5.3 - Land Use Planning in the Vicinity of Jandakot Airport, October 2011

20. Update the content of this sub-section to be in accordance with the provisions of the Draft SPP 5.3, as text currently provided in this sub-section is inconsistent with it as well as with the LSP proposals for land use.

2.2.8 Planning for Bushfire Protection Guidelines, edition 2, May 2010 published by the WAPC and the Fire and Emergency Services Authority

21. Update this sub-section to reference the FMP at Appendix Two (which informs the LSP design).

22. Update the last sentence of this sub-section to state:

"The Fire Management Plan informs the Structure Plan design, particularly along the western, northern and eastern perimeters of the site, where areas of remnant bushland are to be retained."
(replacement text underlined)

5.2.3 Proximity to Light and Service Industrial Areas

23. Update this sub-section to detail all inspections conducted of the two existing premises of concern, and specify how the LSP addresses these (via separation/location criteria for development/other). This needs to have been finalised prior to certification of the LSP by the WAPC.

5.2.4 Proximity to Jandakot Airport

24. Update this sub-section to ensure it accords with the provisions of the WAPC's Draft SPP 5.3.

5.10 Detailed Area Plans

25. Update this section to be consistent with the updated Detailed Area Plan provisions of Part One of the LSP report text dated September 2013. This should incorporate:

- i) the modification requirements no. 4 to 6 of this Schedule; and
- ii) referencing of construction standards in accordance with the WAPC's Draft SPP 5.3, instead of AS2021.

26. Update the first paragraph of Page 60 of the LSP report text to state:

*"Lots encompassed by the Bushfire Risk area ~~may be~~ **are** identified spatially in the accompanying Fire Management Plan, under Part Three - Appendix 2 of the Structure Plan."* (deleted words struck through and additional word in bold)

5.2 Urban Water Management

27. Delete the last paragraph on Page 73 (as Department of Water is the body responsible for reclassification of the land from a P2 to a P3 area).

6.1 Roads

28. Update the fifth paragraph referencing realignment of the Fraser/Armadale Road intersection that results in the severance of a small parcel of land originally intended for drainage purposes to confirm the outcome of discussions with Main Roads WA. This needs to have been finalised prior to certification of the LSP by the WAPC.

7.2 Town Planning Scheme No. 3 Requirements

29. Update this section in reference to:
 - i) the zoning of the LSP area under the City's TPS 3; and
 - ii) the need to correctly reference Development Contribution Plan No. 13 (consistent with the terminology used in the City's TPS 3).

Appendix Two (Volume 2) - Bushfire Management Plan

6.4.1. Building Siting and Predicted Bushfire Attack Levels

30. Delete the second paragraph on Page 20 which references the potential to site dwellings less than 20 metres from classified vegetation. This paragraph is inconsistent with the WAPC and the Fire and Emergency Services Authority of WA (now Department of Fire and Emergency Services) *Planning for Bushfire Protection Guidelines*, May 2010, which requires that, *inter alia*, a minimum 20 metre BPZ be provided to minimise the bushfire risk to life and property.

Appendix Six (Volume 2) - Noise Impact Assessment

31. Update the Noise Impact Assessment as it relates to Aircraft Noise to reference increased construction standards and other relevant provisions as they relate to land use permissibility within the Core and Frame Areas in accordance with the WAPC's Draft SPP 5.3.

ITEM NO: 9.5

RECONSIDERATION OF MODIFICATIONS REQUIRED TO THE CITY OF SWAN LOCAL STRUCTURE PLAN NO. 11

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER:	A/Director, Metropolitan Planning North East
AGENDA PART:	C
FILE NO:	SPN/0037
DATE:	27 August 2013
ATTACHMENT(S):	1. Proposed Local Structure Plan No. 11 2. Location Plan/Scheme Map 3. Quarry Staging Plan
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Landscape
LGA RECOMMENDATION(S):	Adoption
REGION DESCRIPTOR:	Metro Planning North East
RECEIPT DATE:	2 December 2011
PROCESS DAYS:	N/A
APPLICATION TYPE:	Structure Plan
CADASTRAL REFERENCE:	Lot 301 Stock Road & Lot 302 Lage Road, Bullsbrook.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to

1. ***endorse the City of Swan Local Structure Plan No. 11 (being the Structure Plan Map and Section 10: Statutory Provisions) subject to the schedule of modifications as follows:***
 - a) ***The Structure Plan Map and Statutory Provisions being modified to include the following notations/requirements:***
 - i. ***The structure plan area comprises a maximum of 219 lots, with no lot being less than 2 hectares.***
 - ii. ***No further subdivision seeking to create lots less than 2ha will be supported unless a reticulated water supply is***

provided and a sub-regional structure plan and local rural strategy prepared and endorsed by the WAPC for the locality, providing for further subdivision.

- b) The existing Stock Road reserve being retained as a connection to Great Northern Highway and identified as a potential future road connection to the west. The WAPC is prepared to support the reduction of the existing reservation width to 25 metres and deviation within the structure plan area to reflect the proposed lot layout/road network.***
 - c) Further details being provided regarding the implementation/enforcement of the higher construction standards in accordance with AS 3959 Construction of buildings in bushfire-prone areas and details of an effective statutory mechanism ensuring the higher construction standards. This information will be required to be provided prior to the consideration of any related subdivision application.***
 - d) The statutory provisions (section 10.3) being modified to clearly identify the requirement for dwellings to be constructed in accordance with AS 3959 Construction of buildings in bushfire-prone areas.***
 - e) The statutory provisions, structure plan map and staging plan being modified to identify that subdivision of proposed Lots 1-8 will not be supported until such time as the future connection to the north is provided to ensure the provision of two vehicular access routes which connect to the public road network. The subdivision of these lots without this connection is not supported by the WAPC as it would result in the creation of a cul-de-sac road in excess of 1 kilometre in length inconsistent with the requirements of Planning for Bush Fire Protection (Edition 2).***
 - f) The proposed buffer to the Midland Brick Clay Quarry being increased to 1000m where future blasting has been identified as being required. The WAPC will not support subdivision within this area until such time as the Department of Mines and Petroleum advises the WAPC that blasting operations have ceased and are no longer required to extract the clay resource;***
 - g) The structure plan map and statutory provisions being modified to clearly identify the buffer areas relating to the Midland Brick Clay Quarry and the restriction on subdivision/development until such time as the corresponding stage of the quarry has been closed and the resource on the site exhausted;***
- 2. *note the structure plan text and technical appendices as supporting documents to guide the assessment of subdivision and development applications;***

-
3. ***note the surplus Stock Road reserve land must be formally closed prior to being amalgamated into adjoining lots.***

SUMMARY:

At its meeting of 28 February 2012, the Western Australian Planning Commission (WAPC) Statutory Planning Committee (SPC) resolved to endorse Local Structure Plan No. 11 (LSP 11) relating to Lots 301 Stock Road and 302 Lage Road, Bullsbrook, subject to a number of modifications (**Attachment 1** - Proposed Local Structure Plan No.11).

The proponent, the Rowe Group, has requested the WAPC reconsider this decision in relation to the requirement for a 1000m buffer to the Midland Brick Bullsbrook clay quarry and has requested a reduced buffer of 500m.

BACKGROUND:

LSP 11 proposes the subdivision of Lot 301 Stock Road and Lot 302 Lage Road, Bullsbrook into 219 rural-residential lots ranging between 2 hectares to 15.4 hectares in area. On 28 February 2012, the WAPC resolved to endorse LSP 11, subject to a number of modifications including, *inter alia*:

- "f) *The proposed buffer to the Midland Brick Clay Quarry being increased to 1000m where future blasting has been identified as being required. The WAPC will not support subdivision within this area until such time as either:*
- i. the Department of Mines and Petroleum advises the WAPC that blasting operations have ceased and are no longer required to extract the clay resource; or*
 - ii. the Department of Mines and Petroleum advises the WAPC that based on a technical analysis the potential impacts of fly rock associated with blasting from the future quarry operations can be contained within a lesser area (no less than 500m).*

Where blasting is not required, or the Department of Mines and Petroleum advises that blasting operations are no longer required, a 500m buffer will be supported.

- g) *The structure plan map and statutory provisions being modified to clearly identify the buffer areas relating to the Midland Brick Quarry and the restriction on subdivision/development until such time as the corresponding stage of the quarry has been closed and the resource on site exhausted."*

Modifications f) and g) were required in recognition of the need to protect the highly valued clay resource being extracted from Midland Brick's Bullsbrook clay quarry from the sensitive land use proposed by LSP 11, and to ensure the proposed sensitive land use (rural residential development) was not adversely impacted from the effects of blasting arising from the extractive industry. The decision also

recognises the role of the Department of Mines and Petroleum (DMP) as the government authority most qualified to provide advice on fly-rock matters.

On 22 May 2013 the City of Swan forwarded a development application for the continuation and expansion of extraction operations for the Midland Brick Bullsbrook clay quarry at Lots 13, 56 and 1010 Stock Road, Great Northern Highway and Lage Road Bullsbrook. The application is seeking approval for 20 years and seeks approval for blasting.

Midland Brick have also lodged a Project Management Plan with the DMP for its approval in accordance with the requirements of the *Mines Safety and Inspection Act 1994*, which is yet to be determined.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act (2005)

Part 10. Section 135 (Approval of WAPC required for subdivision)

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Develop integrated infrastructure and land use plans for the State

Build infrastructure capacity and regulation

Implement State and Regional planning priorities

Policy

Number and / or Name:

SPP 2.4 Basic Raw Materials

SPP 2.5 Agricultural and Rural Land Use Planning

EPA Guidance Statement No. 3

DETAILS:

Structure Plan

The key elements of LSP 11 are as follows:

- Total area of 695.9ha;
- 219 lots ranging in size from 2ha to 15.4ha with an average lot size of 2.7ha;
- Provision of a 4032m² site for a future district Fire and Emergency Services Authority (FESA) fire station;
- Road connection to Great Northern Highway via the realignment of Lage Road and two proposed connections to existing local roads to the east (Clarkson Road and Stock Road). Two road connections are proposed to the north, subject to future structure planning and development occurring;
- Use of building envelopes to contain development and vegetation clearing and separation from creek/drainage lines; and
- Provision of servicing and fire fighting infrastructure (reticulated water not provided), 6 metre wide strategic fire breaks and the requirement for

construction in accordance with AS 3959 *Construction of buildings in bushfire-prone areas* (AS 3959). (**Attachment 1**)

The subject land is located approximately 2 km south-east of the existing Bullsbrook town site, east of Great Northern Highway, north of the Walyunga National Park and west of the Shady Hills rural residential subdivision. (**Attachment 2** - Location Plan/Scheme Map)

The site is currently used for rural purposes, including grazing and rural living, and is predominantly cleared, with little remnant vegetation. Surrounding land uses include rural residential to the east, rural and urban to the north and west, and resource extraction (being the Midland Brick clay quarry) and environmental protection uses to the south and south-west.

Summary of Applicant's Contentions

The proponent has requested the WAPC reconsider its position with respect to the 1000m buffer to the Midland Brick Bullsbrook clay quarry and support a reduced buffer of 500m. The applicant's justification for imposition of a reduced buffer of 500m summarised as follows:

- Midland Brick does not currently have approval to blast at the quarry;
- Midland Brick would need to obtain a new approval to blast which would require compliance with relevant environmental and mine safety criteria to existing constraints (i.e. - private property, public land and dwellings);
- There are existing dwellings 165m, 202m, 292m, 405m, 463m and 480m from the quarry;
- The Mine Safety Act and Regulations require an operator to contain fly rock on site and protect the public from any danger associated with blasting;
- Any approval issued to Midland Brick would require an on-site containment of fly rock; and
- Fly rock experts have determined Midland Brick can contain fly rock within 200m from the blast through appropriate controls that will enable a safe and efficient blast and improved access to the clay resource.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Any approval to reduce the buffer could restrict the ability to extract clay resources from the site in the longer term. The clay resource is considered a significant source of semi-plastic clay for brick manufacture and is limited in extent. Any requirement to find alternative sources could have adverse impacts to the supply/cost of bricks in the Perth metropolitan area.

CONSULTATION:

As part of the original advertising of LSP 11, the (then) Department of Environment and Conservation provided advice in relation to the need for a buffer of at least 500m. However, it was noted that this advice was on the basis of noise and dust only and did not consider future blasting on the site or resultant safety issues in relation to fly rock associated with blasting.

DMP objected to the original structure plan on the basis that the current clay extraction area (Midland Brick Bullsbrook clay quarry) had in excess of 20 years reserve of clay and shale remaining. Future extraction will require blasting as a result of secondary dolerite intrusions. As a result, a 1000m building exclusion zone from the resource extraction area was required.

Further advice has been sought from DMP on a number of occasions in this regard, both in response to the technical information submitted by the proponent and the blasting Project Management Plan submitted by the quarry operator. DMP has formally advised that a reduction in the buffer zone is not recommended until blasting operations have ceased at the quarry. This is discussed further in the officer comments below.

Officers of the Department were present at a meeting between DMP and the quarry operator in relation to the Project Management Plan (blasting) currently being assessed by DMP. DMP is continuing to undertake this assessment and further information has been provided by the quarry operator as a result of this, which is discussed within the officer comments below.

OFFICER'S COMMENTS:

Clay Quarry Operations

The Midland Brick Bullsbrook clay quarry has been in operation for approximately 40 years, with in excess of 20 - 30 years of reserve resource remaining. Quarrying activities are currently contained within the northern portion of Lot 13 and a small portion of the adjoining Lot 1010 Lage Road, with future stages proposed to progressively move to the south into Lot 56 Stock Road (**Attachment 3** - Quarry Staging Plan). Due to the presence of secondary dolerite intrusions, blasting will be required to continue to extract clay and shale for brick manufacturing in the future. The lots comprising the quarry are identified within State Planning Policy 2.4 - Basic Raw Materials (SPP 2.4) as priority resource locations, which are defined as "*locations of regionally significant resources which should be recognised for future basic raw material extraction and not be constrained by incompatible uses or development.*"

SPP 2.4 states that, before determining applications for sensitive land use (including rural-residential) within 1000m of a basic raw materials extraction area, the WAPC must consider the significance of the resource in terms of whether it is a key extraction area, a priority resource area or extraction area and the likely effects arising from the extractive industry, including blasting. SPP 2.4 provides a presumption against the introduction of sensitive land uses which could be adversely affected by existing or future extractive industries unless appropriate measures can be taken to ameliorate the adverse impacts. Further to this, the Environmental Protection Authority (EPA) Guidance Statement No. 3 - *Separation Distances between Industrial and Sensitive Land Uses* (Guidance Statement 3) specifies a generic buffer distance of 1000 metres in relation to extractive industries involving hard rock blasting as a result of noise, dust and risk associated with the blasting and identifies DMP as the responsible authority in respect of blasting.

SPP 2.4 also supports the concept of sequential land use, providing that in order to facilitate the exploitation of basic raw materials whilst supporting future long term development for urban and other purposes, sequential land use planning should be a requirement whereby extraction and rehabilitation can take place on a programmed basis in advance of longer term use and development.

DMP has previously advised that the Bullsbrook (semi-plastic schist) clay resource is based upon the northernmost outcrop of a weathered and sheared schist that is a significant source of semi-plastic clay for brick manufacture and is limited in its extent. There is uncertainty as to whether it continues beyond the current Midland Brick landholdings.

The quarry site is highly valued as a source of red burning clay schist with excellent drying characteristics that is used for the production of bricks. The resource is important for the manufacturing of bricks as it has special properties of low fusion temperature and strength, and it blends with clay to produce red bricks. Midland Brick has advised that the schist is one of six that is used in each brick it produces and estimates that the deposit at the quarry will contribute towards the production of approximately six billion bricks over the next 30 years.

The amount of resource remaining within the quarry and its close proximity to production facilities are therefore extremely important in the supply and cost of bricks within the Perth metropolitan area, flowing onto housing affordability. DMP has previously advised that any requirement to find alternative sources could have adverse impacts to the supply/cost of bricks in the Perth metropolitan area.

Requirement for Blasting

Midland Brick has confirmed that blasting will be required to access clay resources in the future due, to the presence of dolerite intrusions that were discovered in recent drilling exercises, which cannot be overcome through 'doze and rip' quarrying methods previously used on site. Midland Brick has summarised the expected blasting operations at the quarry as follows:

- 20 blasting events in the first 10 years (10,000 tonnes blasted in one to two events per year);
- 80 blasts in the next 20 years (20,000 tonnes blasted in four events per year, dependent upon the weathering profile of the deposit); and
- 180 additional blasts over a period of 20 years, from year 10 onwards, to allow for the cutback of the eastern wall of the deposit (1,700,000 tonnes blasted in 8-9 events per annum).

The above operations will result in approximately 280 blast events throughout the life of the quarry, increasing in frequency over time as the resource becomes more difficult to access and cutback actions are required.

Midland Brick and DMP have previously expressed concern regarding the potential for rural-residential subdivision in the vicinity of the clay quarry to reduce protective setbacks and in doing so, prejudice the ongoing extraction of important raw materials. This position is supported by State Planning Policy 2.5 - Agricultural and Rural Land Use Planning (SPP 2.5), which states that the location of rural-residential and rural smallholdings should avoid any unacceptable impacts on, or sterilisation of,

natural primary resources including prospective areas for mineralisation and basic raw materials.

Management of Fly-Rock and Buffer Requirements

The *Mines Safety and Inspection Act 1994*, *Mines Safety and Inspections Regulations 1995* and the *Dangerous Goods Safety Act 2004* include requirements for blasting operations on mine sites within Western Australia which are the responsibility of the DMP. The aforementioned legislation does not prescribe any buffer distances between mine sites and sensitive land uses, instead the responsibility for minimising the risk of injury to members of the public and damage to property is placed upon the operators of mine sites. Mining operators must therefore determine the likely risks their operations pose, based on site specific risk assessment, and implement appropriate measures to manage and/or mitigate that risk.

There are currently four dwellings located within 500m of the quarry and Midland Brick's blasting operations will therefore need to take into account any risk to these properties when designing and undertaking its blast events. In this regard, Midland Brick has provided a copy of a draft report prepared by their blasting consultant, advising that the throw of rock, being the expected movement of rock in blasting operations, will be minimal and when fly-rock, being the propulsion of rock beyond the blast site, does occur, it *should* be contained within 100m of the blast site.

The caveat provided with this advice, however, is that there is sufficient energy, in the right circumstances, to throw a single rock significantly further. The draft report references a number of research studies in relation to fly-rock, with one study concluding that from a 76mm hole (as proposed), a 208mm sized rock could be thrown 541m, while another concluded that fly rock could travel between 426m to 737m depending on the particle shape. The draft report provided by Midland Brick concludes that a minimum clearance zone of 541 metres to 737m is appropriate to allow for variations in particle shape.

The draft report provided by Midland brick estimates the probability of a fly-rock event occurring at the quarry to be less than 1 in 1000, with at least one event likely to occur within the life of the quarry, based on research on the subject, experience in designing, supervising and executing blasting operations and an appreciation of the geological conditions at the quarry.

The DMP has advised that while Midland Brick have committed to implementing best practice engineering practices to manage risk (electronic detonators and blasting mats), there is an unavoidable reliance on administrative controls, with associated possibility of human error.

In this regard, discussions with DMP have confirmed that regular reports of fly-rock events are received where rocks have been ejected distances considerably greater than nominated buffer areas. As the variable nature of the rock mass at the quarry will create a degree of unpredictability in blast response, the DMP does not disagree with the statements made by Midland Brick's consultant in relation to fly-rock probability at quarry.

While the proponent's proposal to reduce the buffer from the quarry to 500m will not alter the probability of a fly-rock event occurring, it will significantly increase the probability of fly-rock causing injury to the public or damage to property, should a fly-rock event occur.

Discussions with DMP officers indicated that where the potential for fly-rock at distances of greater than 500m was identified, the 1000m buffer identified by Guidance Statement 3 should be maintained to provide for an appropriate level of protection in relation to risk. DMP recommends a prudent approach and the application of a high factor of safety particularly because the consequence from a fly rock event could be extremely serious.

Buffer Distance Options

The Department has considered three potential options with regard to buffer distances in making its recommendation to the SPC, being 500m, 750m and 1000m.

A 500m buffer would preclude the creation of 33 lots until such time as quarrying operations have ceased. However, as discussed earlier it is possible that rock could be thrown up to 737m and there is a high likelihood of such an event occurring during the life of the quarry. A 500m buffer is therefore not considered to adequately address the risk posed by fly-rock and is not supported by the Department for this reason.

A 750m buffer would preclude the subdivision of 65 properties until blasting operations have ceased, at which time the buffer would be reduced to 500m to deal with noise and dust issues only. Similarly, as the information before the Department indicates that fly-rock could be thrown up to 737m, a 750m buffer leaves a negligible (13m) margin of safety should the science informing the fly-rock study differ to what eventually occurs on-site during blasting operations.

The 1000m buffer previously imposed by the WAPC and identified under the EPA's Guidance Statement 3 would preclude the subdivision of 100 properties until quarrying operations have ceased. While this represents almost half of the 219 lots proposed to be subdivided within LSP 11, it minimises the risks associated with a fly-rock event.

EPA Guidance Statement No.2 - *Guidance for Risk Assessment and Management: Off-Site Individual Risk From Hazardous Industrial Plant (Guidance Statement 2)* sets the acceptable societal risk for residential areas (which would include the proposed rural residential development) at 1 in 1,000,000 per year. The technical analysis estimates the probability of a fly-rock event occurring within the lifetime of the quarry is less than 1 in 1,000 which poses a significantly higher level of risk than deemed acceptable by the EPA.

The precautionary principle establishes that where an action or policy has a suspected risk of causing harm to the public or to the environment, the lack of full scientific certainty should not be used as a reason for not incorporating measures that prevent the harm from occurring provided that such measures are proportionate to the threat.

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

The use of explosives is an intrinsically hazardous process and it cannot be guaranteed that fly rock will be contained within a reduced buffer distance. Increasing the number of dwellings within 500m to 1000m of the future blasting will increase the risk of persons or property being struck by fly-rock resulting from the proposed blasting operations.

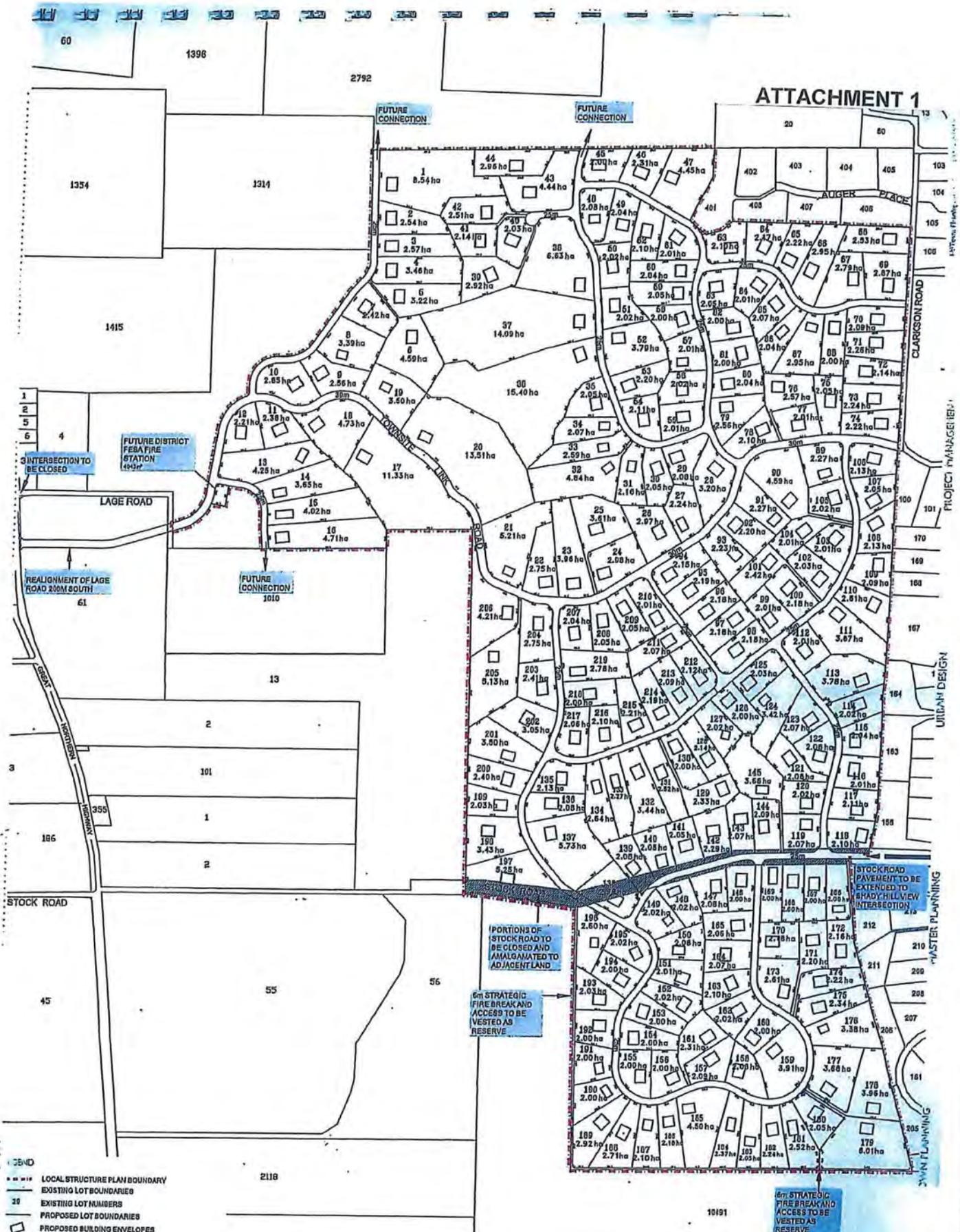
CONCLUSION

The operator of the Midland Brick Bullsbrook clay quarry is required, under Western Australian mining legislation, to implement measures that minimise the risk of fly-rock occurring during blasting operations. In this regard, Midland Brick expects that fly-rock generated at the quarry *should* be contained within 100m of the blast area but may, under certain circumstances, be thrown up to 737m.

The DMP supports a prudent approach and application of a high level of safety with regard to buffer distances, given the serious consequences that can result from a fly-rock incident. The Department shares this view and recommends that the WAPC adopt a precautionary approach in regard to the buffer distance imposed upon LSP 11. A 1000m buffer, taking into consideration the high likelihood of a flyrock event occurring over the life of the extractive operations, is proportionate to the serious risk fly-rock poses to persons and property.

A reduction in the buffer distance will introduce an unacceptable level of risk which cannot be supported. On this basis, and to ensure the long term supply of the significant clay resource, it is recommended that the buffer requirement of 1000m be maintained.

ATTACHMENT 1



SUMMARY OF LOTS

LOT RANGE	20001 TO 154063
TOTAL LOTS	219
TOTAL AREA	6096738
AVERAGE SIZE	27839

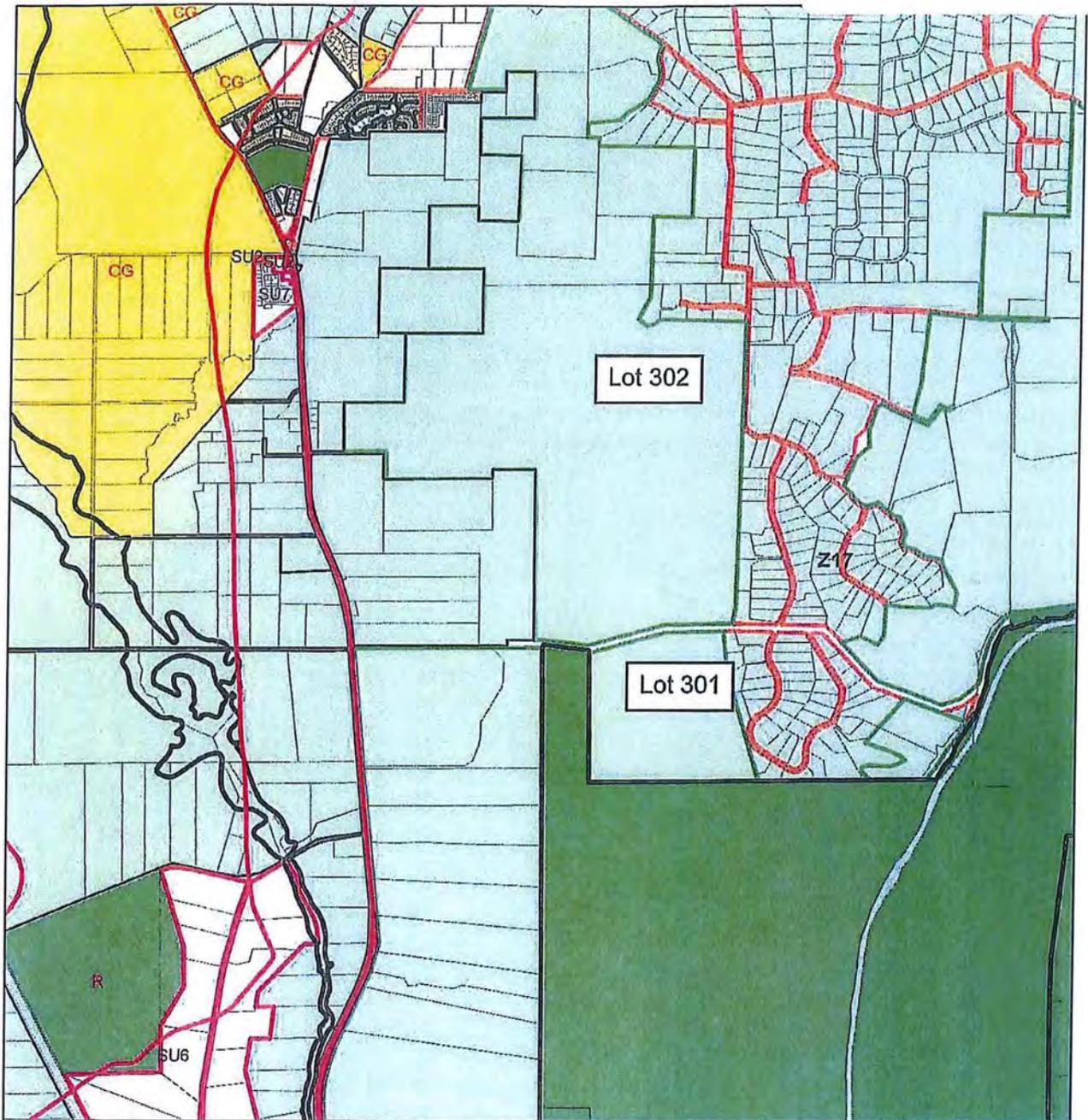
date 8 July 2011 job no. 079
 scale 1:5000 @ A3 cont. 07/101 LDP Figures
 designer D. Stone prepared by E. Tim
 client
 Level 3, 309 Newcastle Street, Northbridge, Western Australia, 6001
 email gregor@gregrowe.com.au www.gregor.com.au
 tel +61 8 9221 1971 fax +61 8 9221 1917

Figure 21
 proposed structure plan
 lot 301 stock road & lot 302 lage road
 bullethead

GREG ROWE & associates
 FOCUSED ON ACHIEVEMENT



Although this plan has been prepared on the completion of the documents, Greg Rowe and Associates and all parties associated with its preparation accept no responsibility for any errors or omissions. The right is reserved to change this document at any time. This document is an invitation, agreement or contract for any work thereof of any kind whatsoever. Liability is expressly disclaimed by Greg Rowe and Associates for any loss or damage which may be sustained by any person acting on any trust or interest in this document.



Cadastre with Lot Numbers	TPS - Scheme Boundaries	GENERAL RURAL	SPECIAL USE
Townsites	PRIMARY REGIONAL ROADS	LANDSCAPE	
SPECIAL 10	WATERWAYS	PUBLIC PURPOSES	
AIRCRAFT NOISE EXPOSURE	PARKS & RECREATION	RECREATION	
FLOOD PRONE AREA	PARKS & RECREATION RESTRICTED	RESIDENTIAL	
SPECIAL USE AREA	RAILWAYS	RESIDENTIAL DEVELOPMENT	
MUNICIPAL BOUNDARY	PP - COMMONWEALTH GOVERNMENT	RURAL RESIDENTIAL	

Scale 1:46,295
 0 1.25 km

Prepared by: scoislick
 Prepared for: SPC
 Date: Wednesday, February 15, 2012 16:43
 Plot Identifier: P20120215_1643

N

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

Location Plan/Scheme Map

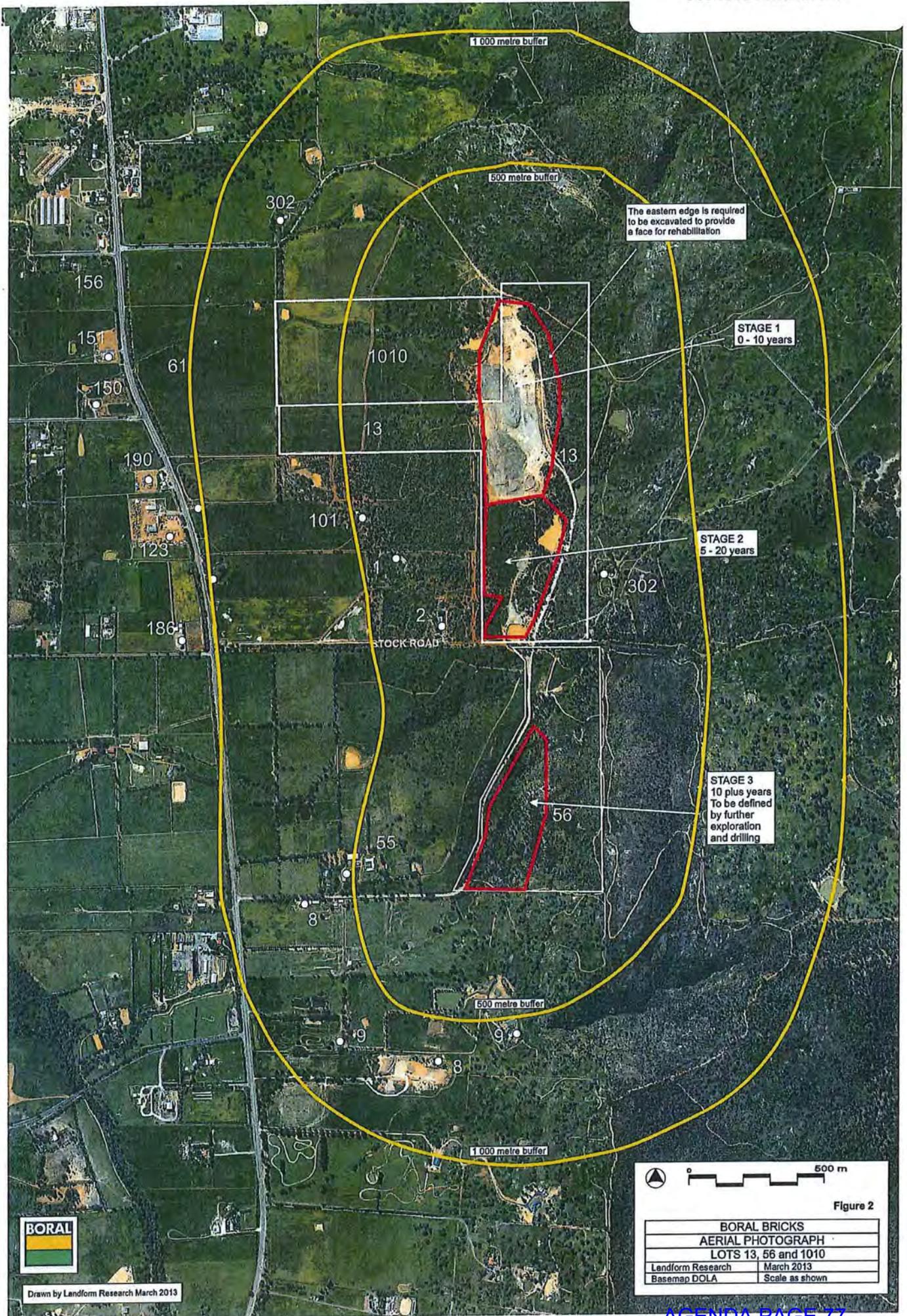


Figure 2

BORAL BRICKS	
AERIAL PHOTOGRAPH	
LOTS 13, 56 and 1010	
Landform Research	March 2013
Basemap DOLA	Scale as shown

Drawn by Landform Research March 2013

ITEM NO: 9.6

SHIRES OF BEVERLEY & BROOKTON LOCAL PLANNING STRATEGY – FINAL APPROVAL

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager, Wheatbelt Region
AUTHORISING OFFICER:	Executive Director, Regional Planning and Strategy
AGENDA PART:	D
FILE NO:	DP/11/00145/1
DATE:	19 September 2013
ATTACHMENT(S):	<ol style="list-style-type: none">1. Location Plan2. Strategy Maps3. Schedule of Submissions4. Schedule of Modifications
DETAILS:	For final approval.
ADVERTISING:	26 October 2012 to 31 January 2013.
SUBMISSIONS:	22 submissions. 19 of no objection or comment provided. 1 submission of objection, 2 submissions of part objection.
COUNCILS' RESOLUTIONS:	20 June 2013 and 25 June 2013 final approval subject to modification.
ENVIRONMENTAL CONDITIONS SET & INCORPORATED:	Not assessed, no advice given.
MINISTERIALS RECEIVED:	Nil.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the Shires of Brookton and Beverley Local Planning Strategy, subject to the modifications listed in the attached Schedule of Modifications being carried out, as being consistent with 12A(3) of the Town Planning Regulations 1967 (as amended);***
- 2. advise the Shires to publish a notice of the Local Planning Strategy and the Commission's endorsement of the strategy, in accordance with section 12B(4) of the Town Planning Regulations 1967 (as amended).***

SUMMARY:

The Shires of Beverley and Brookton have prepared a joint Local Planning Strategy (LPS). It was advertised during late 2012 - early 2013 and has been submitted for final approval. The Strategy provides the strategic vision, aims, strategies and actions for the two Shires for the next 10-15 years in conjunction with the Local Planning Schemes.

The Strategy is consistent with 12A(3) of the *Town Planning Regulations 1967*, subject to the minor modifications listed in the attached schedule of modifications, and is recommended for final approval.

BACKGROUND:

The Shires of Beverley and Brookton District Rural Strategy was endorsed by the Western Australian Planning Commission (WAPC) in 2000 and currently operates as the strategic guide to the rural areas of the Shire. The Rural Land Use Policy Areas and related measures contained in the Strategy, were adopted into the applicable Scheme via Scheme Amendments in 2000. Upon finalisation, the LPS shall replace the District Rural Strategy and any Rural Land Use Policy Area references in the Scheme will be reviewed as part of the intended Scheme's review processes.

The Shire of Beverley Town Planning Scheme 2 was gazetted on 26 April 1993. The Shire of Brookton Town Planning Scheme 3 was gazetted on 25 September 1998. The combined draft LPS will provide the guidance for the subsequent review of both Schemes, which is scheduled for late 2013.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Town Planning Regulations 1967

Section 12A(3)

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned local communities developing a sense of place

Strategies:

Improve local planning service capacity

Policy

Number and / or Name:

SPP No. 2 – Environment and Natural Resources

SPP No. 2.4 – Basic Raw Materials

SPP No. 2.5 - Agricultural and Rural Land Use Planning

SPP No. 2.7 - Public Drinking Water Source Policy

SPP No 2.9 - Water Resources

SPP No. 3.0 - Urban Growth and Settlement

DETAILS:

The Shires of Brookton (population of 952 as at 2011) and Beverley (population of 1,749 as at 2011) are located in the Wheatbelt Region of Western Australia. The Brookton townsite is approximately 140 kilometres south-east of Perth, while

Beverley is approximately 130 kilometres east of Perth. The two Shires share a boundary, with the Shire of Beverley sitting immediately north of the Shire of Brookton, connected primarily via the Great Southern Highway. (**Attachment 1 - Location Plan**).

The Great Southern Highway and a freight railway line run through both Beverley and Brookton townsites, with Brookton also connected directly back to the Perth metropolitan area (Armadale) via the Brookton Highway. The southern extent of the Avon River flows through both Beverley and Brookton.

The townsites of Beverley and Brookton are the service centres of each respective Shire, providing for the daily needs of residents and accommodating approximately 50% of the area's population. The rest of the Shire areas are predominantly comprised of broad acre farms (the majority consisting of multiple lots) and some rural residential areas. Other minor gazetted townsites have very minimal population and are historical in nature (eg Mawson and Aldersyde). From the 2006 census to the 2011 census, the Shire of Brookton population declined by 1.8%, whereas the Shire of Beverley grew by 1.1%.

The local economies of each local government area are mainly focused on agriculture, primarily grain and livestock with some emerging diversification, as well as limited basic raw material extraction (gravel and sand).

As a result of an analysis of the opportunities and constraints impacting upon both Shires, a number of key land use issues were identified. The key issues are generally summarised as:

- Promoting rural residential and rural small holdings close to the Beverley and Brookton townsites to accommodate long term demand but in a manner that does not promote dispersed settlements;
- Promote increase in residential density, including infill opportunities, close to the town centres and where reticulated sewerage is available;
- Opportunity to attract an intermodal freight transfer facility, additional industrial development in Brookton and a rail link between the Wheatbelt and Kwinana;
- Protection of rural land for agricultural production and minimising fragmentation thereof, recognising that the District Rural Strategy to some extent undermines this;
- Flood risk within the townsites and lack of available data to assist in determining the full extent of risk;
- Opportunities to develop vacant land such as the Old Race Course site in Beverley; and,
- Greater emphasis on the protection of biodiversity and protection against bushfire risk.

The Strategy responds to these issues.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The Shires of Beverley and Brookton LPS provides a framework for the application of State and regional policy. It will establish and update local strategic planning across

the Shires and provide the rationale for the intended reviews of each local planning scheme, and a basis for decision making.

CONSULTATION:

Public Advertising

Public advertising of the Strategy ran from 26 October 2012 to 31 January 2013. During this time 22 submissions were received (**Attachment 3** - Schedule of Submissions).

The majority of submissions support or raise no concerns in relation to the Strategy. Exceptions include two submissions seeking to modify the requirements for rural residential and rural smallholding development so as to lessen the infrastructure (primarily reticulated water and construction of sealed roads) requirements. Neither requested modifications were supported by the Councils. Another comment was made in regards to removing the reference to 20ha minimum average in rural smallholdings subdivisions. The Councils recommend that this comment is upheld and the 20ha reference be removed.

One submission from a landowner objects to the strategic general industry site proposed for the southern end of the Brookton townsite as they currently reside within the industry site. The Shire of Brookton recommends that this submission be dismissed. This issue is discussed further in the Officer's Comments section.

The submissions by the Department of Mines and Petroleum, Department of Health and Department of Indigenous Affairs include requests for additional information to be included into the Strategy. The suggested inclusions are generally supported by the Councils, unless considered to have already been addressed appropriately elsewhere.

Council Decisions:

The Shire of Brookton resolved to finally adopt the strategy on 20 June 2013 subject to minor modifications. The Shire of Beverley did the same on 25 June 2013. The Strategy documentation and mapping has already been amended by the Shires in response to their decisions.

OFFICER'S COMMENTS:

General

Section 12A (3) of the *Town Planning Regulations 1967* requires local planning strategies to:

- a) set out the long term planning directions for local government;
- b) apply State and regional planning policies; and
- c) provide the rationale for the zones and other provisions of the Scheme.

The Strategy provides for the long term growth and development of the Shires of Beverley and Brookton, and provides for substantial population growth centred on the

townsites of Beverley and Brookton in the form of urban growth and rural residential and rural smallholdings land. It applies State and regional policy appropriately and provides the basis for the zones and provisions for subsequent new Local Planning Schemes for each Shire.

A summary analysis of land supply and estimated lot yields is included in the Strategy. It suggests there is ample land, and ample diversity, identified for accommodating the longer term population projections.

There is a strong focus on protecting agricultural land, being a key component of the Shires' economies. Rezoning and subdivision within the rural areas is well guided by the Strategy and is consistent with the WAPC's State Planning Policy 2.5 - *Agricultural and Rural Land Use Planning* and Development Control Policy 3.4 - *Subdivision of Rural Land* (DC 3.4) as well as other policies related to bushfire protection and conservation principles. The exceptions discussed further below.

Homestead Lot Subdivision

The Strategy does not support the creation of homestead lots (excising the existing home from the balance farming property) when this would result in the creation of additional titles. The Council's rationale is that both Shires' population are expected to grow and there is a wide range of lot sizes in rural areas, many of a rural smallholdings size equivalent. Farms in Beverley and Brookton are typically comprised of multiple titles - which is a particular characteristic of these Shires - with average farm sizes well exceeding the average lot size. The Council believes there is already ample opportunity for farms to rearrange lot boundaries and configurations to place a homestead on the desired lot size without creating an additional title. This scenario is made possible under DC3.4 via the boundary rationalisation provisions.

Whilst the Strategy seeks to vary DC 3.4 (2012) by not supporting the creation of homestead lots if it results in an additional title, application of DC 3.4 will be considered in conjunction with the Strategy for subdivision applications for homestead lots. If the Councils seek to reinforce this element of the Strategy, this can be strengthened when the Schemes are reviewed, as Schemes are subsidiary legislation and will have greater force and effect.

Rural Smallholdings Subdivision

The advertised Strategy refers to subdivisions for Rural Smallholdings (4ha to 40ha) to achieve a minimum average of 20ha. An objection to the 20ha average was received during advertising. It is recommended that the objection be upheld and the 20ha reference be removed, a view shared with the Councils who have already undertaken this modification. Instead lot sizes are to be guided by land suitability and capability within the 4ha-40ha range and will be implemented through the Scheme.

Road Requirements for Rural Residential and Rural Smallholdings

Two objections were received in relation to the need to provide "appropriately sealed" roads to rural residential and rural smallholdings lots, contending that this standard is above that necessary and such costs can be prohibitive.

The WAPC does not have a policy position on road construction standards for rural residential and rural smallholding estates. In considering these submissions, the Councils have reiterated the desire for sealed roads in such estates as they are essentially an urban land use where landowners expect some standards of servicing to be similar to those in town. The Councils are of the opinion that it is unreasonable for Councils to bear the costs of later upgrading such roads from gravel to a sealed standard. The Councils have indicated in the Strategy that they may consider contributing towards road upgrading to facilitate subdivision in some instances.

It is recommended that Councils' approach to road standard provision is supported as rural residential and rural smallholdings subdivisions are often quasi urban where residents may expect a minimum standard of road provision. In supporting Councils' approach, it is noted that the standard or width of seal required is not specified and that there is still scope for the Councils to apply discretion.

Rural Townsites

The Strategy has recommended that the new local planning schemes remove the existing 'Rural Townsite' zone from the rural townsites and instead utilise more standardised zones and reserves such as the Residential R10 zone reflective of the current use and size of existing lots.

Whilst the rationale is supported, the implications of rezoning existing business sites in towns like Mawson and Aldersyde need to be carefully considered. A 'Residential' zone would render some land uses as non-conforming uses and limit the opportunity for any existing homes to conduct activities that might be considered appropriate for a more remote small rural townsite.

It is recommended that this section of the Strategy be amended to suggest that the choice of zoning be investigated as part of the Scheme review with the aim of achieving a standardised zone with a high level of flexibility that reflects current land uses and allows for ongoing development opportunities.

Strategic Industrial Site

The Brookton townsite Strategy Plan (part of **Attachment 2**) identifies a large industrial site to the immediate south of the existing townsite. The site is notated as being possibly suitable for an intermodal freight facility. Its need and location is based upon the site's location alongside the Brookton and Great Southern Highways and an existing railway line. It is considered an appropriate location for such a land use near the junction of key transport routes. It is also appropriate for the LPS to plan ahead in anticipation of the demand for such a land use and to ensure that the expansion of town does not then undermine the ability to later develop such a site.

One objection by a landowner within the proposed strategic industrial site was received. The objection was primarily based on concerns that the existing development and land use would be detrimentally impacted. However any rezoning would likely be a longer term prospect and is still subject to the normal planning and environmental investigations should this site be pursued for industrial purposes. Designation in the Strategy will have no effect on the zoning and development rights of the landowner for the foreseeable future.

Minerals and Basic Raw Materials

The Strategy does not differentiate between mining and extraction of basic raw materials. As a result, the Strategy implies that the Councils can refuse, or conditionally approve mining proposals when in fact this does not fall within Council's jurisdiction and is instead covered under the *Mining Act 1978*. To avoid any future confusion in applying the Strategy to mining proposals, as opposed to extractive industries, it is recommended that a minor wording change be undertaken to improve clarity.

In addition, the Department of Mines and Petroleum has identified specific sites for inclusion into the Strategy. The Councils have undertaken these modifications, an approach which is supported.

Structure Plan Areas

Section 11.4 of the Strategy refers to 'Structure Plan Areas' with an action for the Councils to incorporate provisions relating to Structure Plan Special Control Areas into the new local planning scheme.

However the Strategy, including the Strategy map, has not identified any areas to which this action will apply but instead relates generally to local structure planning. Section 11.5 also refers to 'Local Structure Planning' and reiterates the need for local structure planning at Councils' discretion so as to ensure coordination of infrastructure and land supply.

It is recommended that the two sections are combined into the one so as to remove duplication. In doing so, the reference to Structure Plan Special Control Areas (SCA) should be removed as the Councils have not provided any indication of where these areas are recommended. The use of a statutory SCA to specify the location and extent of structure planning required is also considered quite onerous for local governments experiencing very limited, if any, growth. There may also be instances where some small scale subdivision is appropriate prior to structure planning. Use of a SCA requiring structure planning first may therefore be very restrictive for the Beverley and Brookton Shires.

Strategy Maps

The advertised Strategy maps allocate land uses utilising cadastral boundaries which then implies that each identified lot is suitable, or not suitable, for the respective land use category. The Strategy map however is intended as a strategic guide to be read in conjunction with the corresponding report. As such, it is recommended that a minor change be made to the map series to blur the land use category boundaries.

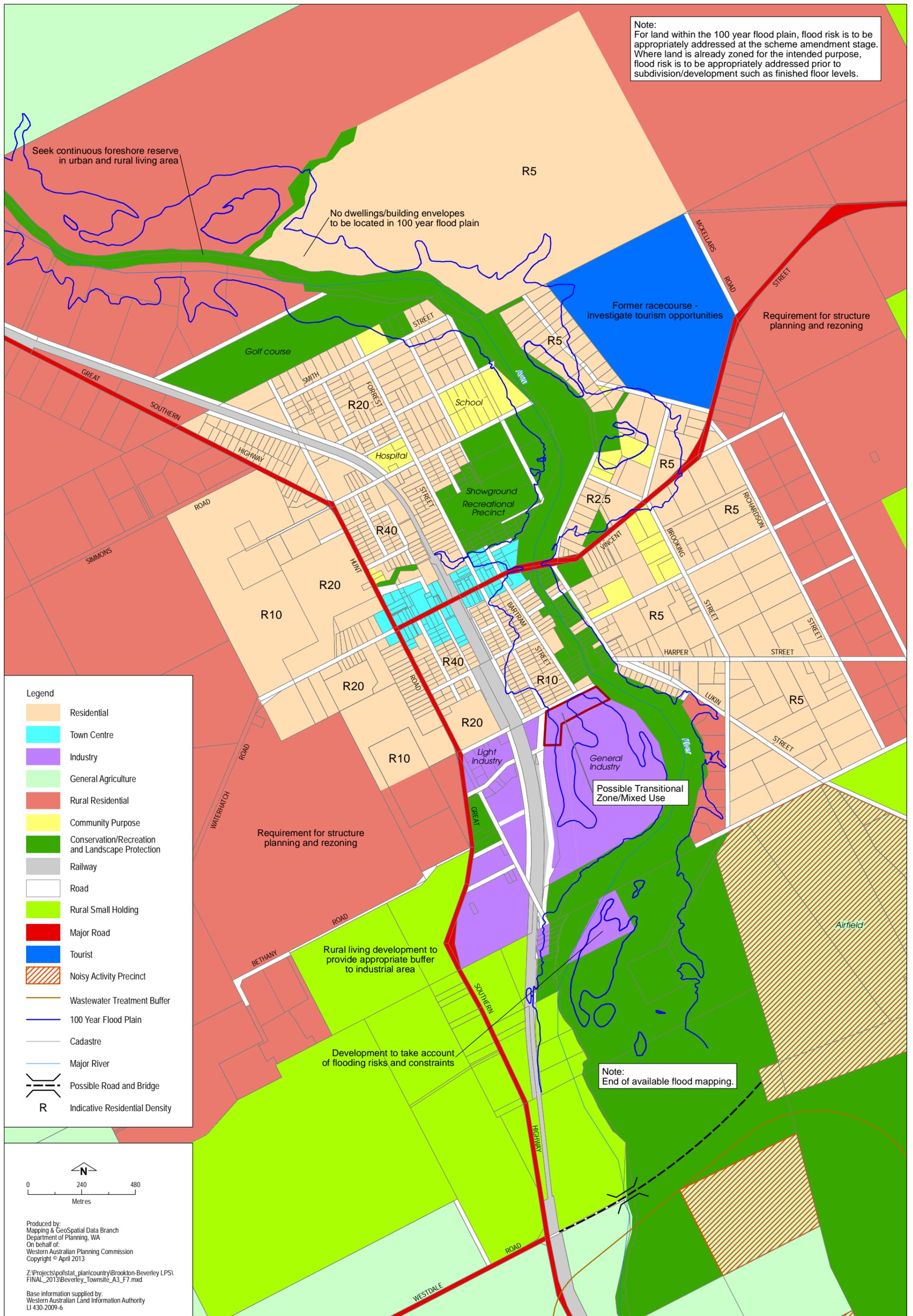
CONCLUSION:

Subject to modifications outlined in **Attachment 4** - Schedule of modifications, Brookton and Beverley Local Planning Strategy provides a clear strategic framework to guide the Shires in their decision making and the subsequent review of their Local Planning Schemes. Endorsement is recommended.

**METROPOLITAN
ON" Map for Local
ndary Detail within**



ATTACHMENT 1



Schedule of Submissions

Shires of Brookton and Beverley Local Planning Strategy

No.	Name/Address	Summary of Submission	Council's Recommendation	WAPC Recommendation
1	Callum Crofton State Heritage Office PO Box 7479 Cloisters Square PO Perth WA 6850	Encouraging to see a strong consideration of heritage in the Local Planning Strategy (LPS). Are particularly supportive of the consideration given to the conservation and retention of heritage buildings, structures and places and assessing heritage sites.	That the submission be dismissed.	Note.
2	Fred Bremner PO Box 20 Beverley WA 6304	The Brookton Borefield: <ul style="list-style-type: none"> • contains a considerable amount of fresh water; • is an important asset which is currently underutilised; and • should be extracted and water piped to supplement water supplies for the Brookton and Beverley townsites (including watering parks and gardens) and to assist in the economic development of the region. <p>Propose that a new pipeline to be constructed to both the Beverley and Brookton townsites from a convenient point adjacent to the South Branch of the Avon River where the overflow from the Brookton bore field could be captured.</p> <p>Water harvesting should be undertaken in the Beverley townsite. A concept plan has previously been put forward for Council's consideration.</p>	That the submission be partially upheld through adding an action to section 6.2 of the LPS.	Partially uphold. Some commentary is already provided in the Strategy in relation to the Brookton Happy Valley Water Reserve Drinking Water Source Protection Plan and related actions. Additional information is recommended for inclusion at section 6.2 of the Strategy to elaborate on Council's strategy as per Council's recommendation. The Strategy already provides broad objectives relating to promoting sustainable water options, however at present there is insufficient studies available to demonstrate that water harvesting or construction of a pipe are feasible plans for the towns.
3	James Mackintosh Department of Water Swan Avon Region 7 Ellam Street Victoria Park WA	Ensure that appropriate consideration for the total water cycle management is given at all stages of the planning process and that Water Sensitive Urban Design and Best Management Practice are implemented within the local government	That the submission be dismissed, but note the supported deletion of the action in section 6.2 requiring the	Dismiss other than uphold modification to section 6.2 referring to Department of Water preparing the District Water Management Strategy.

	6100	<p>boundaries by both the Council and private industry.</p> <p>There are a number of options in achieving water sensitive urban design and implementing <i>Better Urban Water Management</i> (WAPC 2008):</p> <ul style="list-style-type: none"> • adoption of Institute of Public Works Engineers Australia (IPWEA) <i>Local Government Guidelines for Subdivisional Development 2009 – Edition 2</i>; • amendment of Town Planning Scheme to incorporate Better Urban Water Management requirements; • development of a Local Planning Policy relating to water sensitive urban design; • Town Planning Scheme to recognise the presence of Public Drinking Water Source Areas and the need to protect these from contamination due to land use changes; • the Department of Water requires the maintenance and retention of both perennial and ephemeral streams, and notes that land use changes have the capacity to alter the hydrology of waterways; and • produce a District Water Management Strategy (DWMS). 	Department of Water to prepare the DWMS.	The majority of other comments made in the submission related to Better Urban Water Management are already included into the Strategy or are not suitable for inclusion as actions, for example including Better Urban Water Management principles directly into the Scheme or a local planning policy as these are already outlined in existing policy.
4	Richard Bloor Department of Education 151 Royal Street East Perth WA 6004	<p>The anticipated increase in student yield from residential development can be accommodated in the existing Beverley and Brookton District High Schools.</p> <p>The Department of Education has no objections to the draft LPS.</p>	That the submission be dismissed.	Note.
5	Peter & Miriam Wright 37 Lacey Street East Cannington WA 6107	<p>Support introducing the Rural Smallholding zone which will encourage responsible economic development.</p> <p>Rural smallholding proposals below 20 hectares should not require extra justification or extra</p>	<p>That the submission be partially upheld through:</p> <ul style="list-style-type: none"> • modifying the strategy in section 4.7 of the LPS to clarify the same 	<p>Note.</p> <p>Uphold. It is recommended that the reference to a 20ha minimum average</p>

		<p>supporting documentation.</p> <p>A lesser standard of service provision should be accepted when compared to rural residential or urban development.</p> <p>Sealed roads should not be a requirement for rural smallholdings (sealed roads on 4 - 40 hectares lots is unviable).</p>	<p>standards apply to all rural smallholding lots; and</p> <ul style="list-style-type: none"> adding to section 4.7 of the LPS, to state the Council's strategy is to "require subdivider contributions, based on cost sharing principles that do not burden the community, for the subdivision of Rural Smallholding lots accessed from existing unsealed roads to an appropriately sealed standard" and "consider whether or not to contribute towards road upgrading to facilitate rural smallholding subdivision." 	<p>be deleted from section 4.7 of the Strategy as there is limited rationale for the choice of lot area.</p> <p>Dismiss. Rural smallholdings generally does require a lesser standard of servicing as reticulated water and sewer is not required. This is guided by State Planning Policy and WAPC Development Control Policies. The Strategy recognises this policy position.</p> <p>Partially uphold. The standard of road construction in rural small holdings subdivisions is guided by Council. Both the Shire's of Beverley and Brookton request the standard to be sealed due to the increasing community expectation of minimum servicing and to ensure Council retains an economically reasonable approach to land development for the wider community. As also recommended by Council, a modification is recommended to the Strategy in relation to road standard to allow for discretion and for Council to also consider subsidising road construction costs.</p>
6	<p>Kevin & Sonya De Bruin Lot 1941 Corberding Road, Brookton WA 6306</p>	<p>Strong support for the LPS.</p> <p>Support the recommendation that Lot 1941 Corberding Road, Brookton be classified as "Rural Residential".</p> <p>Note that the development requirements for "Rural</p>	<p>That the submission be dismissed.</p>	<p>Note.</p> <p>Uphold.</p> <p>Dismiss. Council's rationale for referring to a 2ha minimum average is</p>

		<p>Residential” generally limits subdivision of lots below 2 hectares without the provision of reticulated water. This may restrict the viability of subdivision in the district, restricting potential yield and the ability to meet market price expectations given the cost of development.</p> <p>Recommends the Council modify the LPS though supporting subdivision of Rural Residential lots to a minimum lot size of 1 hectare through on-site water provision e.g. rainwater tanks, where a reticulated water supply is unavailable and/or unviable.</p> <p>Lot 1941 Corberding Road, Brookton is not connected to the reticulated water system. Preliminary costings indicate that it is feasible to extend a reticulated water service to the site and provide an internal reticulated system subject to an appropriate lot yield being achieved.</p>		<p>considered reasonable and provides plenty of opportunity to create lots below an average of 2ha. The reference to provision of a suitable water supply applies to all rural residential lots, not just those under 2ha, water supply just being one of the many considerations. The WAPC's policy DC 3.4 <i>Subdivision of Rural Land</i> provides greater guidance on demonstrating an adequate potable and sustainable water supply for rural residential lots, Council's Strategy refers to compliance with DC 3.4 in regards to water provision.</p> <p>Dismiss. The submission relates to a specific property and development proposal. The proponents may pursue their proposal independent of the Strategy.</p>
7	Mick Oliver Shire of Pingelly 17 Queen Street Pingelly WA 6308	Given the intent of the land along the Shire of Pingelly's boundary remains similar, there is no reason to make a submission.	That the submission be dismissed.	Note.
8	Mathew Harding Department of Environment and Conservation Wheatbelt Region PO Box 100 Narrogin WA 6312	<p>The Department does not wish to provide any comments.</p> <p>The strategy is unlikely to cause any significant impact to known biodiversity, conservation or environmental assets.</p>	That the submission be dismissed.	Note.
9	Aiden Ash Department of Indigenous Affairs PO Box 3153	There are 21 registered Aboriginal heritage sites on the Department of Indigenous Affairs (DIA) database within the Shire of Brookton and Shire of Beverley. There are also 15 other Aboriginal	That the submission be partially upheld through modifying:	Uphold. It is recommended that the Background and Context Report is amended in accordance with Council's

	<p>East Perth WA 6004</p>	<p>heritage places within the area.</p> <p>There are 5 Aboriginal native title claims that cover portions of the Shire of Brookton and Shire of Beverley.</p> <p>The LPS is commendable. The strategies suggested on page 43 of the LPS are worthy.</p> <p>Under the heading “Actions” (page 43) it is unknown what is meant by “support the formulation of Aboriginal site cultural corridors.”</p> <p>Consider rezoning of areas to protect Aboriginal heritage sites.</p> <p>Suggest that reference is made to <i>Cultural Heritage Due Diligence Guidelines</i>.</p>	<ul style="list-style-type: none"> • section 11.1 of the Background and Context Report to state there are 5 native title claims over the district; • section 9.1 of the LPS under “Actions” to now read “support the formulation of environmental and cultural corridors where they have been endorsed by the South West Aboriginal Land and Sea Council and/or the Department of Indigenous Affairs”; and • the Background and Context Report to include a statement that proponents are required to address the Department’s <i>Cultural Heritage Due Diligence Guidelines</i> and meet the requirements of the <i>Aboriginal Heritage Act 1972</i>. 	<p>recommendation to acknowledge the native title claims.</p> <p>Uphold. It is recommended that section 9.1 be modified slightly to better explain the cultural corridor proposal as also recommended by Council.</p> <p>Dismiss. Specifically rezoning Aboriginal heritage sites is not necessarily the most appropriate way of protecting such sites, particularly if they are located on private land or it is not appropriate to make their exact location well known to the public. It is also premature to suggest rezoning (or reserving) sites without a better understanding of the sites’ location and cultural needs. Instead, the Strategy wording, particularly as amended, as also as per Council’s recommendation, will help ensure the Department of Indigenous Affairs suggestions are acknowledged and a pathway to implementation included into the Strategy.</p> <p>Uphold. It is recommended that reference to the Department’s <i>Cultural Heritage Due Diligence Guidelines</i> be included into the Strategy. It is noted that Section 9.0 of the Strategy already includes provisions related to Aboriginal heritage considerations.</p>
<p>10</p>	<p>LN & SF Irvine Lot 2 Great Southern Highway, Beverley</p>	<p>Strongly oppose and reject the Shire draft “re-zoning” strategy which classifies Lot 2 Great Southern Highway, Beverley as “Industry” for the following reasons:</p> <ul style="list-style-type: none"> • using this property as industrial land will detract 	<p>That the submission be dismissed.</p>	<p>Dismiss.</p> <p>The possible future need for a strategic industrial site (intended possible as a freight terminal) to be</p>

		<p>from the appearance of the main southern entry into the Beverley townsite;</p> <ul style="list-style-type: none"> • additional heavy traffic entering the highway at this point would be a hazard; • it will create ambiance, traffic and environmental impacts; and • have built a substantial home and several sheds and use the property for rural purposes. Accordingly, prefer that the property remain as Rural Smallholding. 	<p>identified in the Strategy has been justified adequately. It is also considered consistent with the draft Wheatbelt Planning and Infrastructure Framework which identified a possible future rail linkage from Kwinana through Brookton to Merredin The location of such a site is logically placed in reasonable proximity to a townsite and to the key infrastructure routes both existing (rail and highways) and possible future routes.</p> <p>The Strategy plan for Brookton townsite labels the site as a "possible intermodal facility" and "opportunities for transport dependent uses". Such labels help to explain that such uses are not finalised.</p> <p>The identification of the site in the Strategy does not then imply that the land may then be rezoned in the Scheme, this is a matter for further investigation.</p> <p>The current zoning is likely to remain into the longer term with the current landowners able to continue (and expand if desired) their current land uses and activities on the site.</p> <p>Matters such as access, traffic, environmental impacts and visual screening are all matters that would be considered as part of any future rezoning of the land and again at structure planning and subdivision should the site ever progress towards industrial development.</p>
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		<p>Not opposed to the industrial development in Beverley to increase population, employment and economic sustainability.</p> <p>Consider there are more suitable areas of land for industrial use within the Shire.</p>		<p>Note. The support for the smaller industrial development site proposed for the Beverley townsite is noted.</p>
11	<p>Meg Aldridge Kilima Pty Ltd PO Box 5 Mundaring WA 6073</p>	<p>Kilima Pty Ltd owns 123 Council Road, Beverley and has been unable to sell 123 Council Road due to the cost of getting water to the block.</p>	<p>That the submission be dismissed.</p>	<p>Dismiss.</p> <p>The economic feasibility and economic constraints of providing infrastructure within the Shire's has been noted in the Strategy. The Strategy promotes coordination between landowners and also opportunities for upcoding and consolidation of land as a means of helping achieve better servicing of land in a viable manner.</p>
12	<p>Clem White Calvary Presbyterian Church PO Box 99 Brookton WA 6306</p>	<p>Suggests the following improvements to the Brookton Cemetery:</p> <ul style="list-style-type: none"> • connect drinking water to the cemetery; • construct toilet facilities; • construct a covered shelter; and • provide improved parking areas. 	<p>That the submission be dismissed.</p>	<p>Dismiss.</p> <p>The matters raised in the submission are in greater detail than that suitable for a local planning strategy.</p>
13	<p>Graeme A Fardon Shire of Quairading PO Box 38 Quairading WA 6383</p>	<p>Generally supports the draft LPS given it is based on sound planning principles and will be a valuable strategic planning tool for future decision making and townsite expansion.</p>	<p>That the submission be dismissed.</p>	<p>Note.</p>
14	<p>Shelly Brindal Public Transport Authority PO Box 8125 Perth Business Centre WA 6849</p>	<p>In section 6.12 of the LPS, the expectation is for local government to provide a detailed pathway scheme that channels pedestrians/cyclists to controlled places where they can safely cross the railway via pedestrian mazes.</p> <p>In section 8.3 of the LPS, Brookfield Rail do not support the use of existing railway reserves for walking, cycling and horse riding on operational railway corridors. It is acknowledged that this may</p>	<p>That the submission be upheld in part through updating section 8.3 of the LPS to clarify the different approach to supporting walking, cycling and horse riding on operational versus non-operational railway corridors.</p>	<p>Uphold.</p> <p>A minor modification is recommended to clarify that using railway reserves for walking/riding relates only to the non-operational corridors.</p>

		occur and that it is impossible to police but the local governments should not endorse or support this activity.		
15	Kimberley McKay Department of Housing 99 Plain Street East Perth WA 6004	<p>The LPS's strategic approach is clearly based upon a long-term vision for the district which embraces sustainable design to provide a broad range of housing choices which enhance the physical environment and heritage character of the townsites.</p> <p>The Department is happy to work in collaboration with the Shires to deliver infill development initiatives, promote increased housing density and affordable housing choices by encouraging a mix of housing types and styles.</p> <p>The Department welcomes the Councils' intentions to review and reprioritise its infill sewerage program and upgrade its local power supplies to support a higher housing population.</p> <p>Supports accommodating residential and mixed land uses in the town centre and developing a graduated interface between conflicting land uses.</p> <p>Will give consideration to the redevelopment of landholdings in the vicinity in the future should it be possible.</p>	That the submission be dismissed.	Note.
16	Daphne Shaw 106 Roberts Road Kelmscott WA 6111	<p>Outlines various positive features of the Beverley townsite including its heritage, strategic position and climate.</p> <p>There are limited opportunities (attractions) for employment.</p> <p>Increased population will lead to increased traffic including additional heavy vehicle traffic on Brookton Highway.</p>	That the submission be dismissed.	Dismiss. The Strategy already contains information promoting variety in housing, including retirement living and acknowledges the difficulties related to lack of employment opportunities however the Strategy seeks to promote future opportunities.

		<p>Beverley is ideal for retirement to a quieter rural lifestyle. Supporting retirees to relocate which should be encouraged by both Shires.</p> <p>Need to advertise specifically how the Shires are going to expand/grow such as:</p> <ul style="list-style-type: none"> • rural industry and small business; • specialised shops to cater for residents and tourists; • retirement villas and rural lifestyles; • residences for retirees or workers in the district or townsites; • avoid accommodating overflow of unemployed families from Perth; and • the existing commercial centre in Vincent Street, Beverley can be developed further. 		<p>Dismiss. The request for more detail goes beyond the scope of that required in a local planning strategy.</p>
17	John Rothwell rothwell770@gmail.com	<p>Happy with the way Beverley is developing, including that it is seeking to develop basic infrastructure and it takes an open-minded and flexible approach for prospective industries and small businesses.</p> <p>Happy with the location of the Beverley Airfield given it has been long established and the noise is minimal.</p> <p>Would like to see more permanent sites and long stay sites at the caravan park given there is shortage of rentals in Beverley and a waiting list for Homeswest accommodation. The caravan park could also be extended to retirees willing to locate their own park homes which would boost the population and bring more money into the local businesses.</p> <p>Would like to see alternative buildings encouraged i.e. straw bale and tyre houses.</p>	That the submission be dismissed.	<p>Uphold.</p> <p>The Strategy includes reference to promoting more housing opportunities, including a diversification of housing and affordable housing. The Strategy also identifies the old Beverley race course site as a possible opportunity for a caravan park or park home park type accommodation.</p>
18	Steve Ramm	Owner and occupier of Lot 50 (No. 115) Bethany	That the submission be	Partially uphold.

	<p>PO Box 192 Beverley WA 6304</p>	<p>Road, Beverley which is 2.6 hectares in area. The site is zoned Rural Residential in the <i>Shire of Beverley Town Planning Scheme No. 2</i> where there is a minimum lot size of 2 hectares.</p> <p>Support the LPS proposal to:</p> <ul style="list-style-type: none"> • retain the Rural Residential land use over the 5 lots at the western end of Bethany Road; • extend the Rural Residential land use to the north and west side of Bethany Road; • delete the specific individual requirements within the scheme (Schedule 3 of the current scheme) for each separate Rural Residential zone; and • provide the opportunity for all Rural Residential land to be considered down to a minimum 1 hectare lot size, with Council discretion to accept that lots below 2 hectares and minimum 1 hectare lot size need not be connected to a reticulated water supply and an alternative water supply may be considered. <p>The “Action” dot points for Rural Residential land (page 18) should also include a statement that “the scheme text delete provisions which require a reticulated water supply for rural residential lot sizes below 2 hectare and minimum of 1 hectare and an alternative water supply may be considered at Council discretion.”</p> <p>Lot 50 (No. 115) Bethany Road, Beverley is currently not connected to the reticulated water supply.</p> <p>In relation to road construction standards for rural residential subdivision, and in particularly servicing Lot 50 Bethany Road, notes the following:</p> <ul style="list-style-type: none"> • Bethany Road is unsealed; • the draft LPS includes a strategy for rural residential subdivision that “all lots are serviced 	<p>upheld in part through adding to section 4.6 of the LPS, relating to Rural Residential. The LPS to state the Council’s strategy is to “require subdivider contributions, based on cost sharing principles that do not burden the community, for the re-subdivision of existing Rural Residential lots accessed from existing unsealed roads to an appropriately sealed standard” and “consider whether or not to contribute towards road upgrading to facilitate rural residential subdivision.”</p>	<p>The support for rural residential is noted.</p> <p>The request to delete the need for a reticulated water supply is dismissed. The provision of a potable water supply in future rural residential areas is guided by the WAPC’s DC 3.4 and applies regardless of the size of rural residential lot proposed. This does not then apply retrospectively. Nor can it be applied at Council’s discretion as it typically a matter considered as part of the rezoning and/or subdivision of the land.</p> <p>The standard of road to rural residential estates in future is imposed at council’s discretion. It is not unreasonable to suggest that future developers and landowners may expect a sealed road and that the cost may be shared between developers if applicable. This is not to imply that existing landowners in existing rural residential estates would be required to pay to upgrade their road accesses but a cost sharing arrangement may be appropriate if there is further subdivision, this is considered a reasonable approach.</p>
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		<p>by an appropriately sealed and drained public road". Accordingly, it appears that re-subdivision of rural residential lots on Bethany Road will require Bethany Road to be sealed;</p> <ul style="list-style-type: none"> • while appreciating that full road construction details are addressed later in the planning process, some flexibility should be set out in the LPS; • while noting the advantage of a sealed road, excessive additional traffic is not generated in small scale subdivision and the retention of the unsealed road may be acceptable; • the requirement for a sealed road commonly burdens the "first subdivider". Should be flexibility for portions of the road to be constructed and other portions of the road constructed only when the abutting landowner chooses to subdivide; and • cost sharing/developer contributions are referenced in the LPS and linked to the WAPC State Planning Policy (SPP) 3.6 provisions and calculations. SPP3.6 provides a very cumbersome formula and process for cost sharing. The Council should be open to consider other cost sharing arrangements. <p>In general, the draft LPS is a comprehensive and well documented report which provides significant forward planning for Beverley.</p>		
19	<p>Elias Peiris Department of Mines and Petroleum Mineral House 100 Plain Street East Perth WA 6004</p>	<p>Suggest that section 8.9 of the Background and Context Report be amended.</p> <p>Strongly recommend that the Department's map showing the distribution of mines and mineral deposits be added to the Background and Context Report.</p> <p>If the Shire considers that reserves containing</p>	<p>That the submission be partially upheld with modifications to:</p> <ul style="list-style-type: none"> • section 8.9 of the Background and Context Report; • inserting Figure 1 of the Department's submission into the 	<p>Partially uphold.</p> <p>It is recommended that section 8.9 of the Background and Context Report be is modified to include the Department of Mines and Petroleum advice and the goheritage sites as well as adding new notations to the Strategy plan, as also recommended</p>

		<p>gravel or sand warrant special protection, it may examine creating a Special Control Area.</p> <p>A geoheritage site (No. 30) is located in the Shire of Beverley at Dale Bridge Quarry (granite and migmatite relationships). Geoheritage sites are “Geological features considered to have unique and of outstanding value within Western Australia and to have significant scientific and educational values for the good of the community”. Geoheritage sites are required to be protected from incompatible activities.</p> <p>Recommend the area classified as Conservation/Recreation and Landscape Protection to the east of the Boyagin Nature Reserve in the Shire of Brookton, on Figure 1 Strategy Plan – South, be removed until such time as sufficient exploration has been carried out to evaluate the bauxite potential of this area.</p>	<p>Background and Context Report;</p> <ul style="list-style-type: none"> • adding geoheritage site No. 30 Dale Bridge Quarry to the Background and Context Report; • adding geoheritage site No. 30 Dale Bridge Quarry to the LPS Strategy Plan; • adding a notation to the LPS Strategy Plan regarding investigating bauxite resources and extraction prior to development near the Boyagin Nature Reserve; and • adding an indicative Special Control Area for gravel/sand to the north-east of the Brookton townsite. 	<p>by Council.</p> <p>The request to remove the Conservation/Recreation and Landscape Protection classification to the east of the Boyagin Nature Reserve is recommended for dismissal as the land use classification in the Strategy reflects the current status of the land as a Nature Reserve. Instead a notation is recommended for inclusion onto the Strategy to flag the site as a possible bauxite extraction site.</p>
20	<p>Vic Andrich Department of Health Environmental Health PO Box 8172 Perth Business Centre</p>	<p>All developments must comply with the provisions of the <i>draft Country Sewerage Policy</i>.</p> <p>“Public Health” is recommended to be integrated in the LPS under the various appropriate headings. Should include disability access, disaster preparedness, health, social and mental wellbeing of the workforce and visitors. Recommend that the “scoping tool” be integrated into the LPS.</p> <p>Consideration must be given to the need for adequate buffers to protect residents from lifestyle and public health impacts such as from mosquitoes, pesticide spray drift from agricultural activities or dust from other activities etc.</p>	<p>That the submission be dismissed.</p>	<p>Dismiss.</p> <p>The Department of Health's comments are all noted, however the Strategy already contains references to general public health matters including promoting healthy communities and ensuring adequate buffers from agricultural activities when expanding residential areas.</p>

		Consider incorporating Health Impact Assessment (HIA) and Public Health Assessment (PHA) principles in decision making process.		
21	Greg Doncon Department of Agriculture and Food 75 York Road Northam WA 6401	<p>Rural land, where soil and water resources can support current and future food production, is a finite resource.</p> <p>In relation to Rural Living – Rural Residential and Rural Smallholding (section 6.8 of the Background and Context Report), DAFWA shares the concerns outlined in the LPS, especially the breakup and loss of productive agricultural land and potential land use conflict with broad acre farms.</p> <p>DAFWA has no evidence that the creation of smaller lots through the subdivision process creates the potential for economically viable agricultural diversity (section 6.8 of the Background and Context Report). Markets, including niche markets, need continuity of supply. This can only be achieved with larger lot sizes. Intensive agriculture in rural living areas has the potential for conflict as noted in <i>Section 12.5 Intensive Agriculture and Rural Uses</i>.</p> <p>Support statements in section 4.6 and 4.7 of the LPS to “Require that buffers to agricultural land for dwellings and other development are accommodated within Rural Residential land and not within General Agricultural land.” Recommends that minimum setbacks/buffers should be incorporated into the re-zoned areas in accordance with the EPA’s <i>Separation Distances between Industrial Land and Sensitive Land Uses</i> guidelines.</p> <p>Department of Health guidelines to be used in conjunction with the EPA guidelines and SPP4.1</p>	<p>That the submission be partially upheld to refer to the:</p> <ul style="list-style-type: none"> • EPA’s <i>Separation Distances between Industrial Land and Sensitive Land Uses</i> in section 5.2 of the LPS; and • Department of Health’s <i>Separation of Agricultural and Residential Land Uses</i> (August 2012) in the Background and Context Report and section 5.2 of the LPS. 	<p>Note.</p> <p>The Strategy adequately addresses the Department of Agriculture and Food’s supportive comments.</p>

		<p>(draft version).</p> <p>Supports the strategy (section 4.7) that states “Require proponents to appropriately justify land suitability and land capability of their proposal and demonstrate how it coordinates with existing and planned/anticipated development.” DAFWA recommends:</p> <ul style="list-style-type: none"> • the Shire requires the owner (or lessee) of the rural smallholdings application for any rural pursuit is conditional upon compliance with the terms and conditions of an approved Environmental Management Plan; • an appropriate review period is set to ensure the rural pursuit is conducted in accordance of accepted standards; and • approval to carry out proposed rural pursuits should not transfer with ownership to new owners. <p>DAFWA support the development of a Landscape and Revegetation Planning Policy referred to in section 5.1 and welcomes the opportunity to assist in its development.</p> <p>DAFWA supports the Council’s aim in section 7.2 to “provide for the community’s economic well-being through the provision of appropriate and sufficient industrial land for different classes of industrial activity.”</p> <p>DAFWA supports the Council’s aim in section 10.1 to “seek to preserve the productivity of agricultural and natural resources areas to maximise economic advantages to the district and ensure long-term food security.”</p> <p>DAFWA supports the Council’s strategy in section 10.3 regarding memorials or notifications on title.</p>		
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		<p>DAFWA supports the Council's strategy for "boundary adjustments (where no additional lots are created) and property rationalisation to consolidate primary production land into one lot and the creation of smaller balance lots."</p> <p>Recommends that when a dwelling exists with a lot subject to the boundary adjustment that the buffers around the dwelling are within the lot containing the dwelling and not in the General Agricultural land.</p>		
22	<p>Mark Willison Water Corporation PO Box 100 Leederville WA 6902</p>	<p>No objection</p> <p>Outline advice on servicing Beverley with water and wastewater and servicing Brookton with water supplies.</p> <p>Growth rates for townsite growth are optimistic.</p> <p>Provided details relating to unplanned and unprogrammed headworks.</p>	<p>That the submission be dismissed.</p>	<p>Dismiss.</p> <p>The details on servicing Brookton and Beverley with a water supply is beyond the scope of the Strategy, as is unplanned headworks.</p> <p>It is noted that some growth rates mentioned in the Strategy are aspirational but references are also made to census data and to <i>WA Tomorrow</i> figures.</p>

Shire of Beverley Brookton Local Planning Strategy

SCHEDULE OF MODIFICATIONS

Local Planning Strategy Report

1. Modifications to the Strategy Report and Maps as adopted by the Shire of Brookton on 20 June 2013 and the Shire of Beverley on 25 June 2013.

To acknowledge modifications already undertaken by the Shires (and supported by the WAPC).

2. Replace the second last dot point under Section 4.5 on page 16 with (or similar appropriate alternative):

"Consider replacing the "Rural Townsite" zone with appropriate and standardised zoning and reserves that reflects the predominantly low key residential nature of the historical townsites (potentially Residential R10 to reflect existing lot sizes)."

To allow opportunity for flexibility in the choice of zoning given some existing landuses within the rural townsites might not be suited for a Residential zone.

3. Include a new dot point, or modify the third or fourth dot point, under Section 6.8 under 'Strategy' on page 31 to ensure it is clear that sequential land use planning means encroachment by incompatible land uses into possible extraction areas will not be supported until the basic raw material or mineral is first extracted unless otherwise supported by the Department of Mines and Petroleum.

To elaborate on what sequential land use planning means.

4. Modify the sixth and seventh dot points under Section 6.8 under 'Strategy' on page 31 to ensure it is clear that these requirements relate to extractive industries and not mining. Elaborate to ensure it is clear that the Council does not approve, or impose conditions, on mining proposals but rather these are approved under the *Mining Act 1978*.

To clarify that mining is not a land use that falls within Council's jurisdiction to approve and the approval process differs from Basic Raw Materials/Extractive Industries.

5. Include a new dot point under Section 6.8 on page 31 to read as follows:

"Utilise provisions under the Local Planning Scheme, including possibly introducing Special Control Areas, to assist in ensuring protection of Strategic Basic Raw Material sites from incompatible development and to ensure appropriate consultation with State Government agencies when considering rezoning, subdivision or development proposals within or adjoining the sites."

To include an action for implementing the Strategy into the Scheme review process.

6. Modify the third dot point under 'Strategy' in Section 10.3 on page 48 to read:

"not recommend subdivision approval to the WAPC for the following:
- the creation of residential, rural residential or rural smallholdings lots on land allocated as "General Agriculture" on the Strategy Plan;
- the creation of rural smallholding size equivalent lots on land allocated as "General Agriculture" on the Strategy Plan unless no additional lots are created, or it is associated with the conservation of biodiversity, natural heritage or historic heritage;"

To improve clarity and ensure that rural smallholdings is not permitted in the General Agriculture zone, however lots around 4-40ha (ie rural smallholdings equivalent) resulting from scenarios such as boundary realignments or conservation lots may be supported in some instances.

7. Combine Sections 11.4 and 11.5 and in doing so delete reference in the second dot point under 11.4 to areas identified, or not identified, on the new local planning scheme map.

As the Strategy has not identified specific structure plan areas to be incorporated into the Scheme, and that there are instances where subdivision prior to structure planning may be considered, or use of varying sized structure plans, it is more appropriate to retain flexibility and enable discretion by Council rather than designate structure plan areas/extent in the Scheme.

Strategy Maps

8. Modify the Strategy maps to "round" the edges of the land use designations in a minor way so that they appear less as a specific zoning boundary. Alternatively, an all encapsulating statement may be made that ensures it is clear that the Strategy maps are an indicative guide to land use and development, exact locations and extent to be refined at the more detailed rezoning and structure planning stages.

To improve the understanding that future zoning boundaries may not necessarily match the extent of the Strategy land use allocations but this is a matter for further investigation and reporting.

ITEM NO: 9.7

CONSENT TO ADVERTISE SHIRE OF CHITTERING LOCAL PLANNING STRATEGY

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Manager, Wheatbelt Region
AUTHORISING OFFICER: Director, Wheatbelt Region
AGENDA PART: D
FILE NO: DPI/09/01425/1
DATE: 27 September 2013
ATTACHMENT(S):
1. Location Plan
2. Local Planning Strategy Map
3. Schedule of Modifications

DETAILS: For consent to advertise.
LOCAL GOVERNMENT: Chittering
LGA RECOMMENDATION(S): Adopt for advertising
ENVIRONMENTAL CONDITIONS: Not applicable
SET & INCORPORATED:
MINISTERIALS RECEIVED: Nil.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to certify that the Shire of Chittering Local Planning Strategy is consistent with regulation 12A(3) of the Town Planning Regulations, 1967 (as amended) and should be advertised for not less than 21 days, subject to the attached schedule of modifications.

SUMMARY:

The Shire of Chittering draft Local Planning Strategy (LPS) has been submitted for consent to advertise and is intended to provide the strategic vision, aims, strategies and actions for the Shire for the next 10-15 years.

The draft LPS is comprised of a report addressing the background and context and the strategic aims and actions, as well as the local planning strategy map. The overall document represents a comprehensive guide to planning across the Shire and is consistent with 12A(3) of the *Town Planning Regulations 1967*, subject to the modifications listed in the Schedule of Modifications (**Attachment 3**) being carried out prior to the LPS being publicly advertised.

The current Shire population of approximately 4,427 people is mainly distributed within low density housing in the two main townsites of Muchea and Bindoon. North of Bindoon remains predominantly for agricultural pursuits. The south of the Shire contains several rural residential estates generally developed with 2ha lots, and the proposed Muchea Employment Node. The extent of low density development and its sprawling nature has significant implications for the availability of essential services and the provision of community infrastructure, as well as impacting on the retention of land for farming and conservation purposes.

The Shire is strategically located alongside the Great Northern Highway, Brand Highway and the future alignment of the Perth-Darwin Highway. This places it in a locality desired for agriculture related, transport and general industries such as the Muchea stockyards, transportation depots and the proposed Muchea Employment Node.

In terms of environmental features, the northern end of the Darling Scarp and associated rolling hills of the lower Chittering Valley create an attractive landscape and local tourism destination but is also an area that requires careful management. Scattered across the Shire are tracts of high quality remnant vegetation, much of which has been previously mapped in the Shire's *Local Biodiversity Strategy 2009*. The Muchea townsite is sited in a low lying area subject to seasonal localised inundation and high ground water levels resulting in difficulties associated with onsite effluent disposal.

These factors, combined with a review of contemporary statutory and strategic planning policies, has influenced the strategic direction of the draft LPS and the modifications required prior to advertising.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The Shire's LPS provides the opportunity for the application of State and regional policy across the local government area. It will establish and update strategic planning and the approach to statutory planning across the Shire. It will also provide a greater degree of certainty to land owners and the Shire of Chittering as to the development potential of land within the Shire.

CONSULTATION:

The Council initially resolved to adopt the LPS for advertising purposes on 14 December 2011. During the Department of Planning's pre-advertising assessment in 2012, officer level consultation occurred with the Shire of Chittering, the Department of Agriculture and Food (DAFWA), the then Department of Environment and Conservation (DEC) covenanting officers, and the WA Local Government Association's Perth Biodiversity project officer.

As an outcome of the consultations some modifications were made to the draft LPS including a reduction in the extent of land identified for rural living, tightening controls applied to the subdivision of agricultural and rural conservation land.

On 17 April 2013, the Council resolved to adopt the officer-level recommended modifications and seek the Commission's consent to advertise the modified LPS dated June 2013.

OFFICER'S COMMENTS:

General

Section 12A (3) of the *Town Planning Regulations 1967* requires local planning strategies to:

- c) set out the long term planning directions for local government;
- d) apply State and regional planning policies; and
- e) provide the rationale for the zones and other provisions of the Scheme.

The LPS provides for the long term growth and development of the Shire of Chittering. It supports continued population growth centred primarily on the townsite of Bindoon (in the form of urban growth and rural residential and rural retreat development), as well as some expansion of existing rural residential estates in the Lower Chittering locality. Upon modification, the LPS will apply State and regional policy appropriately and provide the basis for the zoning of land in the local planning scheme and the rationale for determining future rezoning proposals.

Land Supply

The draft LPS includes a summary of population projections and land supply. The LPS indicates that the Shire's projected population as per *WA Tomorrow* is anticipated to almost double from 4,427 in the 2011 census to 8,500 in 2026. With an average household composition of 2.7 people, this equates to 1,508 new dwellings required by 2026. The land supply analysis in the draft LPS indicates that there are 3,166 lots potentially provided for in the Strategy. This number is conservative, using for example a 2ha lot size in rural residential and 1,500m² in the Bindoon residential zones. It also does not include Rural Conservation lots, land already subdivided but not yet built upon, nor any housing accommodated in the agricultural areas.

This analysis reveals that there is ample residential and rural living land identified in the LPS as suitable for accommodating the projected population. Consistent with the Commission's State Planning Policy 3 - *Urban Growth and Settlement*, the LPS does aim to achieve the growth generally in a consolidated manner, noting that lack of reticulated sewer is a significant impediment to most infill in Bindoon and Muchea towns.

Local Biodiversity Strategy

In 2009 the Shire adopted a Local Biodiversity Strategy. This Strategy is based upon a strategic assessment of remnant vegetation across the Shire and includes recommendations for achieving protection of land identified as having a high conservation value and to ensure adequate vegetation representation into the future.

The findings of the Local Biodiversity Strategy have been incorporated into the LPS by reflecting the areas of 'High Conservation Value' onto the LPS map (**Attachment 2**). The broad level mapping provides a guide for site specific ground-

truthing of the vegetation type, quality and extent when a change in land use is proposed.

Minor modifications to the LPS are proposed so as to provide greater recognition of the status of the adopted Local Biodiversity Strategy and its recommendations.

Agricultural Resource

The LPS recognises the value of agriculture to the Shire and seeks to prevent further loss of agricultural land through subdivision and development. The draft LPS provides greater emphasis on the value of agricultural land than the current adopted LPS and seeks to restrict the subdivision of land zoned Agricultural Resource. This approach to the subdivision of rural land is consistent with WAPC policies and is supported.

Rural Residential, Rural Smallholdings and Rural Retreat

In response to the Commission's advice, some sites previously identified for rural smallholdings and rural retreat in the current LPS has been removed from the new draft LPS. Instead these sites are identified for retention as Agricultural Resource. These sites are considered to be inconsistent with the Commission's SPP 2.5 - *Agricultural and Rural Land Use Planning* and SPP 3 - *Urban Growth and Settlement*. They are remote from existing settlements and services, particularly those in the far east of the Shire, with many also constrained by environmental features.

Rural land shown as having extensive coverage of 'High Conservation Value' in the Local Biodiversity Strategy is no longer identified for future rural living purposes in the draft LPS. It is unlikely that such rural land would be supported for rezoning to facilitate closer subdivision and development for rural living purposes when it is highly environmentally constrained. Doing so would conflict with the objectives of the adopted Local Biodiversity Strategy, *Planning for Bushfire Protection Guidelines*, SPP2 - *Environment and Natural Resources Policy* and would lead to unrealistic development expectations.

The removal of such sites from the Rural Smallholdings, Rural Residential or Rural Retreat land use designation also assists in the achievement of the objectives of urban consolidation. This will not impact on the growth of the Shire during the lifetime of the LPS given there is ample land availability identified in the LPS in less constrained and more appropriately located sites. The Shire has supported the removal of such sites in submitting the June 2013 draft LPS for consent to advertise.

Some further minor modifications are recommended to guide rural living, primarily to improve the clarity in understanding that land must first be appropriately rezoned prior to subdivision and development and that the matters to be addressed in submitting a rezoning proposal are quite comprehensive. In addition, the reference to a 5ha minimum lot size for Rural Smallholdings is recommended for modification to 4ha to maintain consistency with the Commission's State Planning Policy 2.5 - *Agricultural and Rural Land Use Policy*, noting also that the LPS has not justified the choice of 5ha rather than 4ha.

Rural Conservation

Land identified as 'Rural Conservation' on the LPS map is predominantly a response to the Shire's stated aim of protecting high conservation value areas and achieving the conservation targets set out in the Shire's Local Biodiversity Strategy balanced with limited residential/rural residential development opportunity.

The Rural Conservation designation is not intended to imply that all land within the site is suitable for subdivision or closer development, but that this is a matter for determination and refinement following an environmental assessment and structure planning addressing a suite of considerations. The aim is to site development outside of the 'High Conservation Value' areas, having regard to the usual planning, servicing and environmental considerations. The vegetated balance of the site is intended to be retained generally in one parcel suitable for conservation.

The Rural Conservation land use designation has also been refined so as not to apply to land not suited to closer residential/rural residential development due to matters such as remoteness from an urban setting, extent of vegetation on site and therefore inappropriate for achieving conservation, fire hazard, lack of connectivity, protection of agricultural land and usual servicing considerations.

Chittering New Town and Mueha Employment Node

The draft LPS recognises two key future development sites: New Town, being for future residential uses; and the Mueha Employment Node, being for general industry. These two sites are reflected in the *State Planning Strategy 1997* and *North East Corridor Extension Strategy 2003*.

Basic Raw Materials

The Shire of Chittering has previously experienced some issues with extractive industry sites. The draft LPS aims to only support the extraction of basic raw materials from those sites identified on the LPS map. However, this is not considered a comprehensive map, and to restrict extraction is inconsistent with the Commission's State Planning Policy 2.4 - *Basic Raw Materials* (SPP 2.4) which recognises that such resources are not just of local value but are also important to the State's economy.

It is therefore recommended that the LPS removes references to restricting extractive industry approvals to only those sites identified on the LPS map. Instead the LPS should be amended to refer to SPP 2.4 and the need to provide for proper and orderly planning of extractive industries.

Bush Fire Hazard

The draft LPS includes a section on bushfire hazard and protection. While it refers to the need to comply with *Planning for Bushfire Protection Guidelines*, the focus is on avoiding development in areas with a slope of 20% or greater and refers to a Slope Analysis plan included at Appendix 3 of the LPS. It is recommended that this section be amended to also include reference to vegetation and to the requirement to undertake a hazard assessment prior to seeking rezoning, structure planning or

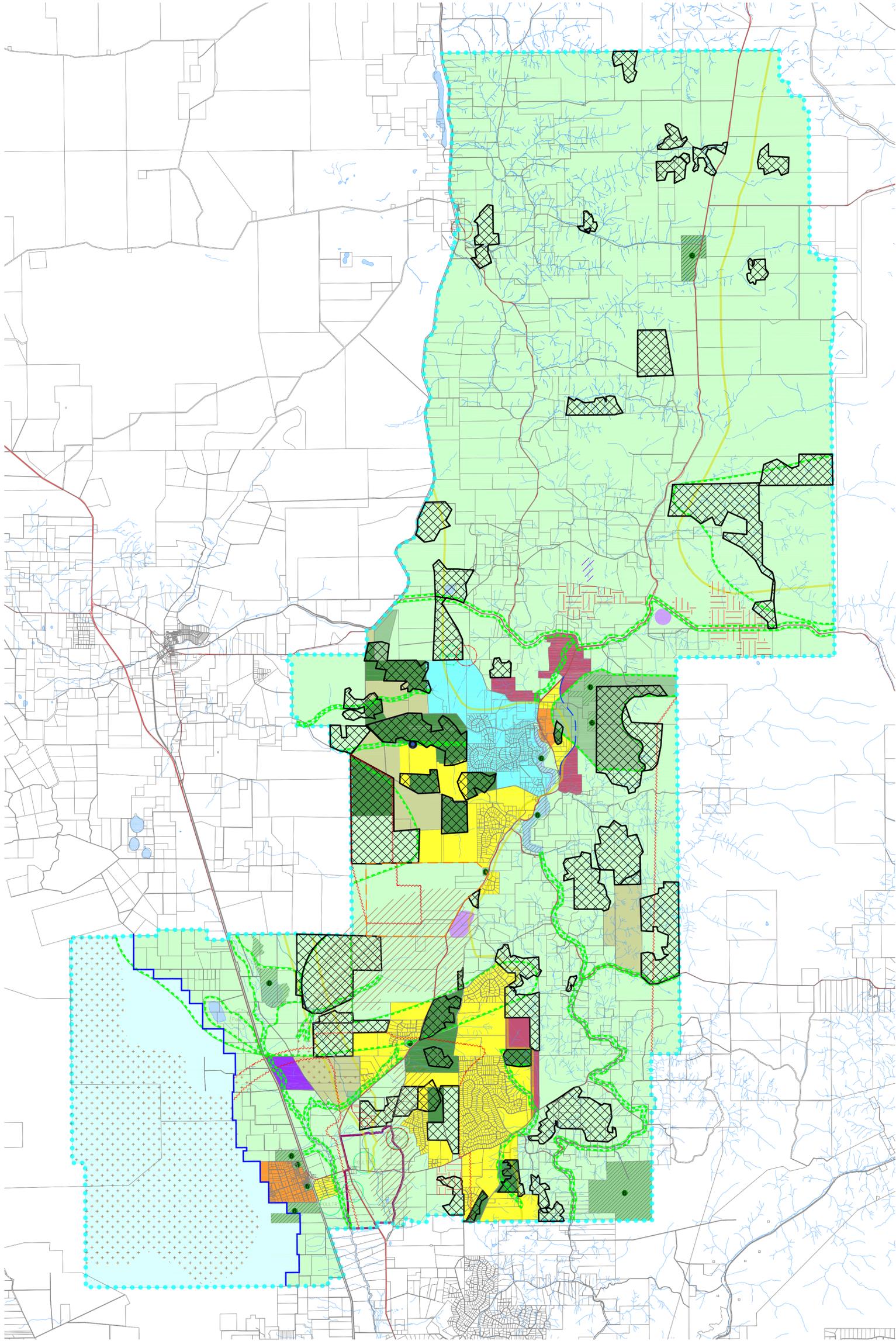
subdivision as per *Planning for Bushfire Protection Guidelines*. This will elevate bushfire protection and assessment requirements and improve applicants understanding of the process.

Conclusion

Once updated in accordance with the attached Schedule of Modifications (**Attachment 3** - Schedule of Modifications), the draft LPS will provide a strategic framework to guide the Shire in its decision making and is suitable for public advertising.



Shire of Chittering



- Legend**
- Townsite
 - Townsite Consolidation Area
 - Rural Residential
 - Rural Retreat
 - Rural Small Holdings
 - Light Industrial
 - General Industrial
 - Agricultural Resource
 - Conservation
 - Water Protection Area
 - Rural Conservation
 - Streamline
 - Primary Road
 - Secondary Road
 - Existing Rail Network
 - Future New Town
 - Indicative Areas of High Conservation Value
 - System 6 Sites
 - Vegetation Protection Area
 - Water Treatment Plant
 - Buffer Area (poultry or rubbish)
 - Water Body
 - Muchea Employment Node Structure Plan Area
 - Local Government Boundary
 - Military Considerations
 - Great Northern Highway deviation
 - Landscape Protection
 - Land Refuse
 - Water Prone
 - Water Supply
- Basic Raw Materials 2012**
- Clay
 - Gravel
 - Rock Aggregate
 - Sand

0 2500 5000 Metres

REVISIONS

Rev	Date	Drawn
H	2013.06.11	M Callaghan
I	2013.06.24	M Callaghan
J	2013.07.10	M Callaghan
K	2013.07.22	M Callaghan



W: www.rowegroup.com.au
 E: info@rowegroup.com.au
 P: 08 9221 1991

Date Drawn: 2013-05-11
 Job Ref: 6425
 Scale: 1:100,000 A1
 Client: Shire of Chittering
 Designers: A Lohman
 Drawn: M Callaghan
 Projection: na
 Plan ID: 6425-LSP-01-K



Schedule of Modifications Chittering Local Planning Strategy

Local planning strategy modifications

Local Planning Strategy Report

1. Update Executive Summary as it relates to State Planning Strategy and relevant strategies and policies to include:
 - add the date of State Planning Strategy (SPS) to which it refers;
 - short acknowledgement of key State Planning Policies:
 - SPP No. 2 – Environment and Natural Resources
 - SPP No. 2.4 – Basic Raw Materials
 - SPP No. 2.5 - Agricultural and Rural Land Use Planning
 - SPP No. 2.7 - Public Drinking Water Source Policy
 - SPP No 2.9 - Water Resources
 - SPP No. 3.0 - Urban Growth and Settlement.
 - change "North Eastern Corridor Strategy Plan" to "North East Corridor Extension Strategy 2003" (also make same update in section 4.2);
 - include reference to the draft Wheatbelt Planning and Infrastructure Framework (2012);
 - refer to the "Biodiversity Strategy" by its full title of Local Biodiversity Strategy and its date of publication (2009).
2. Update the WA Tomorrow estimated population reference in first line under section 2.1.
3. Include a "total" line in the table under 2.1.1 for ease of reference to total population figures.
4. Replace reference in Section 2.3.2.1 to the horizon of this Strategy being 2018, to 2026 as page 7 of Strategy refers to a 10-15 year horizon.
5. Add a new aim under Section 2.4.1:
 - "To encourage the consolidation, including infill, of residential and rural living uses to existing development sites in an effort to utilise services more efficiently and promote liveable communities."
6. Modify the 3rd aim under Section 2.4.1 as follows:
 - "To manage the demand for rural residential opportunities by encouraging such development to be sited in specific areas where appropriate services can be provided, a sense of community can be encouraged, and land capability, fire hazard avoidance and environmental considerations can be appropriately achieved."
7. Add new aims under Section 3.3 as follows:
 - "To encourage the establishment of the Mucnea Employment Node as a strategic site for general industry and employment opportunities;"
 - "To protect the Shire's agricultural industry and rural employment base."

8. Modify 5th aim in 6.1.2 to read as follows:
 - "To prevent the further fragmentation and loss of agricultural land by discouraging further subdivision and incompatible development."
9. Modify 8th aim in Section 6.2.2 to read as follows:
 - "To maintain a presumption against subdivision so as to protect the agricultural use of the land and rural amenity."
10. Modify section 7.1.1 as follows:
 - Refer to the Biodiversity Strategy as "Local Biodiversity Strategy (2009)";
 - Include reference to Council's adoption of the Local Biodiversity Strategy;
 - Clarify the difference between a Local Natural Area and an Indicative High Conservation Value area;
 - Delete the sentence "*Council may make decisions regarding Scheme Amendments, subdivision and development that may not be consistent with the Biodiversity Strategy*" and instead ensure it is clear that Council will have regard to the endorsed Local Biodiversity Strategy and its recommendations, include key recommendations. Also, that Council recognises the importance of protecting the Shire's remaining areas of biodiversity by discouraging incompatible land uses and development within these areas.
11. Delete 9th aim in Section 8.5.2 as a potable water supply is already a minimum requirement.
12. Modify 10th sentence in Section 8.5.2 to read:
 - "Promote consolidation of existing rural residential areas, including infill or re-subdivision opportunities where reticulated water is available and land capability allows".
13. Modify 6th sentence in Section 8.6.2 and 6th sentence in Section 9.8.1 to replace reference to a 5ha minimum lot size to 4ha minimum so as to maintain consistency with State Planning Policy and the Strategy objectives of consolidation..
14. Modify last sentence in Section 8.6.2 (and as also repeated in Section 9.8.1) to elaborate on the list of matters to be addressed prior to supporting rezoning for Rural Small Holdings including:
 - fire hazard considerations;
 - vegetation protection;
 - interface and connectivity with adjoining land.
15. Modify Section 8.9 to delete reference to Council's bylaw given this is not finalised.
16. Delete the following from section 8.9.2:

"Extraction of basic raw material should be limited to those sites identified on the Local Planning Strategy Map."
17. Delete the third sentence under 9.6.1 as subdivision of Agricultural Resources zoned land for tourism purposes is not supported.
18. Modify first sentence in Section 9.7.1 to as follows:
 - "To confine Rural Residential development to those specific areas defined on the Local Planning Strategy Map after first ensuring the land is zoned accordingly."
19. Insert the following into Section 9.7.1 to guide rezoning proposals:

"Prior to supporting rezoning of land to the Rural Residential zone, the following matters shall be addressed and considered:-

- Access arrangements and integration with adjoining land;
- The ability to contain buffers to any adjoining agricultural or extractive industries;
- Land capability, including suitability for reticulated or onsite effluent disposal systems;
- Demonstrated sustainable and potable water supply;
- Fire hazard considerations;
- Environmental assessment and vegetation protection considerations consistent with the requirements of the Shire's Local Biodiversity Strategy;
- Local water management considerations;
- Viable and sustainable use of servicing infrastructure;
- Access to, or provision of, community facilities."

20. Ensure that 9.7.1, 9.8.1 and 9.9.1 include reference to the Shire's Local Biodiversity Strategy targets in considering the rezoning of land to Rural Residential, Rural Smallholdings or Rural Retreat purposes.

21. Insert the following into 9.10 after the last sentence:

"The Rural Conservation classification on the Strategy map should not be interpreted as implying that these sites are suitable for closer subdivision and development but that this is a matter for consideration after undertaking the process in 9.10.1 and with regard to achieving the recommendations of the Local Biodiversity Strategy."

22. Modify 10.4 to refer also to vegetation given that slope is not the only determining factor in bush fire hazard.

23. Modify 10.4 to ensure it is clear that rezoning, structure planning or subdivision proposals will be required to address bush fire hazard following a site specific analysis in accordance with *Planning for Bushfire Protection* and that any resulting proposal is to respond accordingly.

24. Delete reference to Council's Local Law relating to Extractive Industries from section 11.3 given this is not finalised nor supported. Instead include reference to State Planning Policy 2.4 - *Basic Raw Materials* and also to sequential land use planning - ie extract resource prior to closer development.

25. Delete the following from Section 11.3:

"Council seeks to restrict basic raw material extraction to the locations identified on the Local Planning Strategy Map which comprise of existing operations and those site identified in basic raw materials mapping (provided by the Department of Planning) as regionally significant materials."

and replace with:

"Basic raw material sites are located throughout the Shire with the key strategic sites shown on the Local Planning Strategy Map. There is a need to provide for the proper and orderly planning and development of extractive industries to maximise economic benefits and minimise environmental and social impacts in accordance with the Western Australian Planning Commission's State Planning Policy 2.4 - Basic Raw Materials."

Council's seeks to ensure that the development and use of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality

of the operation during or after excavation, and that due consideration is given to the rehabilitation and sequential use of extraction areas."

26. Include another sentence in Section 11.5 as follows:

- "The intention is to minimise conflict between land uses by preventing incompatible development within such buffer areas."

General Format

27. Spell check headings and undertake general punctuation and text review. Including:

- 3rd paragraph on pg 12;
- last sentence on pg 63;
- 9.6, 10.0 and 11.1 headings.

Local Planning Strategy Map

28. Add notations to identify "Bindoon", "Muchea" and "Maryville" for ease of reference.

29. Modify the location identifier on the map to refer to Shire of Chittering.

Local planning strategy appendices

30. Include A4 or A3 maps at Appendix 2 and 3.

ITEM NO: 9.8

REQUEST TO ENDORSE DEPOSITED PLAN LOTS 117 & 118 THOMPSON CRESCENT, LAKE CLIFTON

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer
AUTHORISING OFFICER:	Planning Manager, Peel Region
AGENDA PART:	G
FILE NO:	142116
DATE:	26 September 2013
ATTACHMENT(S):	1. Location Plan 2. Plan of Subdivision 3. Applicant's Statement
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	Shire Waroona
LOCAL SCHEME ZONING:	Rural 6 – Rural Residential
LGA RECOMMENDATION(S):	N/a
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	8 August 2013
PROCESS DAYS:	42
APPLICATION TYPE:	Request to endorse deposited plan
CADASTRAL REFERENCE:	Lots 117 and 118 Thompson Crescent, Lake Clifton

RECOMMENDATION:

That the Western Australian Planning Commission resolves to advise the applicant and Western Power that it is not prepared to endorse the Deposited Plan until the following works, in relation to Condition 10, have been undertaken at the applicant's cost and to the specifications of Western Power:

- i) removal of the existing overhead distribution line, poles and pole-top transformer;***
- ii) installation of a 50kVA transformer adjacent to Thompson Crescent; and***
- iii) each proposed new lot, Lots 1 to 4 on the plan dated stamped 20 May 2010, being provided with a connection to underground power from Thompson Crescent.***

SUMMARY:

The proponent of a Rural Residential subdivision in the Shire of Waroona seeks to have a condition of subdivision approval removed or modified to suit the existing site conditions. The relevant condition of approval requires existing overhead electricity supply infrastructure be replaced with underground infrastructure.

This report is being presented to the Statutory Planning Committee, as the Western Australian Planning Commission (WAPC) does not have a definitive policy position on the requirement for underground power supply.

It is recommended that the WAPC affirms the requirement for underground power and advises the applicant accordingly.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: *Planning and Development Act 2005*
145 Diagram or plan of survey of approved plan

Strategic Plan

Strategic Goal: Planning
Outcomes: Planned Local Communities developing a sense of place
Strategies: Encourage innovation in the design of our communities

Policy

Number and / or Name: Development Control Policy 1.1
Development Control Policy 3.4
State Planning Policy 3.4
Planning for Bushfire Prevention Guidelines

INTRODUCTION:

In August 2010, the WAPC granted conditional approval to an application to subdivide Lots 117 and 118 Thompson Crescent, Lake Clifton, to create four rural-residential lots ranging in size from 4.1 hectares to 4.9 hectares (**Attachment 1** - Location Plan and **Attachment 2** - Plan of Subdivision).

The original lots are both battle-axe lots, serviced by an existing overhead power line which extends approximately 165 metres from Thompson Crescent along the battle-axe access legs, to a pole-top transformer. Nearby Lots 116 and 119 (not subject to subdivision application WAPC ref: 142116) are also connected to this transformer.

In granting conditional approval, the WAPC imposed 10 conditions, which included the standard requirement that each lot be provided with an underground electricity supply (i.e. Condition 10). The condition, to be cleared by Western Power (WP), states:

"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 service to the lot(s) shown on the approved plan of subdivision."

WP initially advised the proponent that the following works would need to be undertaken at a cost (to the developer) of approximately \$71,000, in order to comply with Condition No. 10:

- a) the overhead electricity distribution line extending from Thompson Crescent and the existing 10 KVa pole-top transformer would need to be removed;
- b) a new underground power supply would need to be extended from Thompson Crescent along the battle-axe access legs for (approximately) 165 metres, to a new ground-mounted 25 KVa transformer, which would service Lots 116 and 119; and
- c) from the first transformer, underground power would need to be extended for (approximately) another 190 metres before connecting to a second ground-mounted 25 KVa transformer.

WP also advised that the estimated cost of \$71,000 included the cost of reconnecting Lots 116 and 119 to the electricity network. In this respect, WP considered that the proponent should bear this cost as it is the proponent who has created the need for the existing electricity distribution infrastructure to be upgraded.

In July 2011, the proponent wrote to the Department of Planning (DoP) and requested that Condition 10 be reviewed. In doing so, the proponent suggested that the existing overhead electricity distribution line remain in place, with underground power being extended from the existing 10KVa pole-top transformer to three of the proposed lots. Under this arrangement, the applicant advises that the fourth lot, which is currently connected to the transformer by an overhead distribution line, would continue to be serviced by that line.

In October 2011, the proponent was advised by the DoP that the conditions of approval could not be amended as too much time had passed since the original decision was made (i.e. the 28 day reconsideration period expired in September 2010). In addition, the proponent was advised that:

- a) the existing 10KVa pole-top transformer does not have the capacity to service the proposed lots and, therefore, needs to be upgraded;
- b) in the interest of public safety, ground-mounted transformers are generally installed instead of upgrading pole-top transformers;
- c) WP does not allow overhead distribution lines to be connected to ground-mounted transformers;
- d) WP policy requires that when lots less than 10 hectares in area are created any existing overhead distribution lines be removed and underground power provided;
- e) the proposed lots are in a high bush fire risk area and ground-mounted transformers have better fire protection than pole-top transformers; and
- f) WP policy is to avoid the installation of new overhead distribution lines in areas of high or extreme bush fire risk - where possible, electricity distribution infrastructure in such areas should be underground or a 'covered' overhead conductor used;
- g) the single phase system in the area did not lend itself to a 'covered' aerial solution; and

-
- h) it was unlikely the WAPC would accept the approach suggested in the applicant's letter of July 2011.

In June 2013, WP provided the proponent with a revised design for electricity distribution infrastructure. The works described in that design included:

- a) removing the existing overhead distribution line, poles and pole-top transformer;
- b) installing a 50kVA transformer adjacent to Thompson Crescent; and
- c) installing an underground supply from the new substation to each of the proposed lots and Lots 116 and 119.

WP has advised the DoP that the cost of works for the revised design would be approximately \$48,000 and that WP is prepared to fund the cost of connecting Lots 116 and 119 at a cost to WP of \$17,650. The proponent's contribution for the revised design works outlined above would be approximately \$30,000.

In late July 2013, the proponent met with DoP staff to discuss his concerns regarding Condition 10. Subsequent to that meeting, the proponent provided a letter outlining his concerns regarding Condition 10 (**Attachment 3** - Applicant's Statement).

In August 2013, the proponent lodged a Form 1C application for endorsement of the deposited plan together with clearance letters from all agencies except WP.

CONSULTATION:

Proponent's Position

As outlined in **Attachment 3**, the proponent has advised that he is prepared to fund and organise the provision of underground power to the proposed lots from the existing overhead infrastructure and considers it should not be his responsibility to modify the electricity infrastructure arrangements for nearby Lots 116 and 119.

The proponent rejects the argument that underground power is necessary in order to avoid damage from bushfire, as the existing power lines suffered no damage when the property was affected by bushfire a few years ago.

In addition, the proponent has expressed concerns that WP may require the use of their contractors without proper cost control.

WP's Position

WP has advised that it will not clear Condition 10 while the existing overhead electricity distribution lines remain in place for the following reasons:

- a) WP is following the requirements of its *Underground Distribution Scheme Manual (July 2011)*;
- b) the area has a high bushfire risk;
- c) the lots are too small to contain overhead lines. Although there is some discretion under WP's policy to not require under-grounding in some areas where lots are between 4-10 hectares, WP would not consider using that discretion in areas of high bushfire risk;

-
- d) there is increased likelihood of damage to the lines occurring with the overall increase in activity on the lots (e.g. traffic, development);
 - e) WP has already agreed to reconnect power to lots 116 and 119 at its expense;
 - f) WP applies its policy consistently;
 - g) in addition to increasing safety risks and potential liability, divergence from WP's policy would set a precedent and lead to significant cost implications Underground Distribution Scheme Manual (UDSM).

COMMENTS:

Statutory requirements

Section 145 of the *Planning and Development Act 2005*:

- a) requires that the WAPC tries to deal with a request for a diagram or plan of survey to be endorsed within 30 days or such longer period as may be agreed in writing; and
- b) states that if the WAPC is of the opinion that, because of planning considerations, it is not appropriate to approve the diagram or plan of survey, the WAPC may refuse to endorse its approval of such plan.

Development Control Policy 1.1 Subdivision of Land – General Principles

Development Control Policy 1.1 (DC1.1) sets out the general principles to be considered in determining application for the subdivision of land. Clause 3.6.1 states that the WAPC will ensure that each new lot is provided with a standard of public utility services that is appropriate for its intended use. Given the general nature of DC1.1, the policy does not provide guidance on the design of these utility services.

Development Control Policy 2.2 – Residential Subdivision

Development Control Policy 2.2 (DC2.2) does not specifically relate to the subject subdivision given the site is zoned Rural under the Peel Region Scheme and Rural Residential under the Shire of Waroona Town Planning Scheme No 7. Nevertheless, DC2.2 broadly outlines the benefits of underground power in the following statement:

'The WAPC recognises that considerable advantages are gained in the provision of reticulated underground power in residential subdivision, including improved aesthetics, safer and more reliable power supply, greater flexibility in road design and lower maintenance costs.'

Development Control Policy 3.4 – Subdivision of Rural Land

Development Control Policy 3.4 (DC3.4) aims to provide guidance regarding the subdivision of rural land. DC3.4 does not provide guidance on the provision of electricity service for closer settlement including rural residential development.

State Planning Policy 3.4 Natural Hazards and Disasters

The purpose of State Planning Policy 3.4 (SPP3.4) is to reduce the long-term impact of natural hazards and to integrate mitigation activities into the process of land use

planning. SPP3.4 refers to a number of natural hazards including bush fires and provides a policy basis the Planning for Bush Fire Protection Guidelines (2010).

The provision of underground power connection as a method of minimising bush fire threat is not specifically referenced in SPP3.4 or in the WAPC's *Planning for Bush Fire Protection Guidelines*.

Fire Safety Considerations

In 2011 the Fire and Emergency Services Authority, now the Department of Fire and Emergency Services, identified the area as bushfire prone (FESA Major Incident Review - Lake Clifton, Red Hill and Roleystone Fires June 2011).

It is reasonable for the utility provider to give consideration to the appropriate type of infrastructure in relation to bushfire risk. Although the proponent advises that the bushfire in this area was a single event in a 25 year period, and that the existing electricity infrastructure on site was not affected by that bushfire, the provision of underground power for all of the proposed lots would reduce the risk of a future bushfire causing damage to electricity infrastructure.

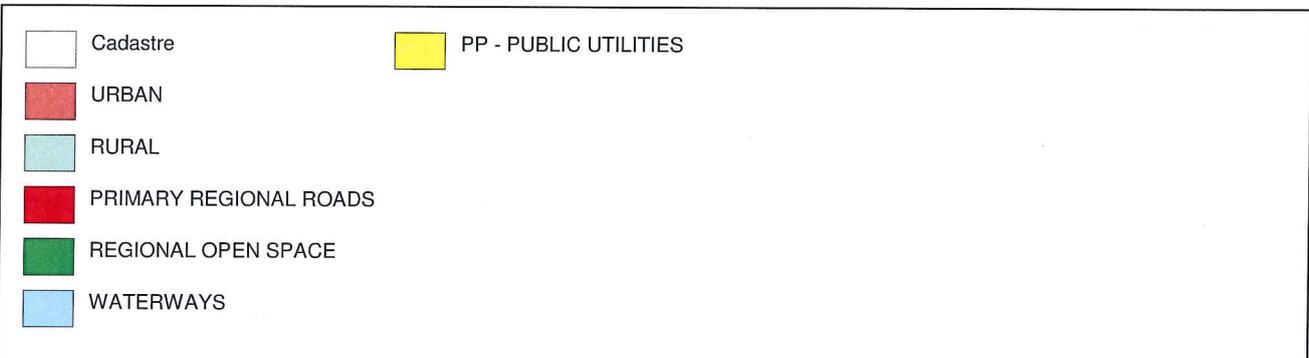
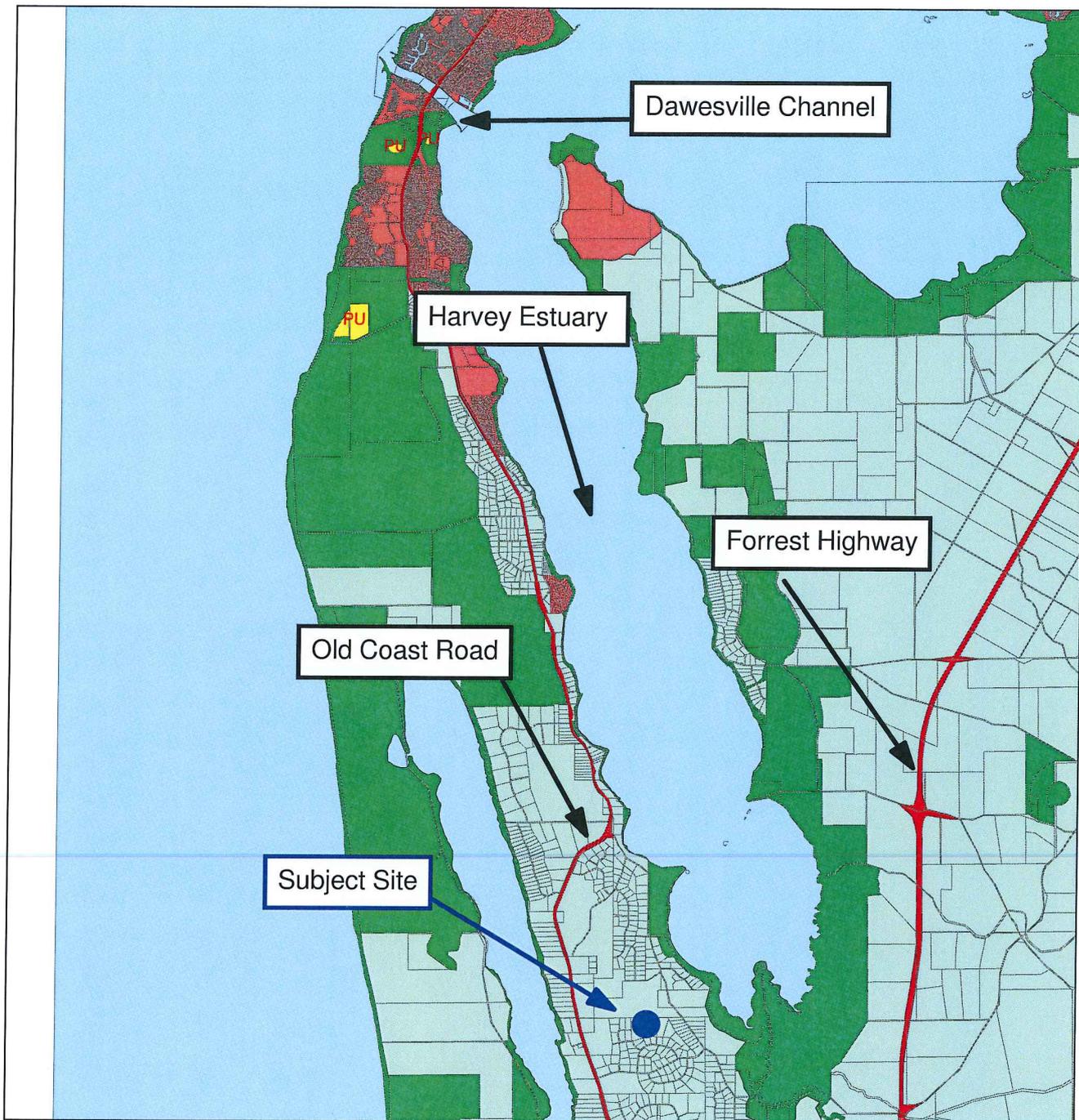
Review of Condition 10

Upon review, it is considered that the proponent's request to supply the proposed new lots with electricity supply via the overhead power lines should not be supported for the following reasons:

- a) underground power is considered to be the safer and more reliable method of providing power service, particularly in an area of high bushfire risk;
- b) the WAPC consistently applies a condition requiring underground for lots less than 10 hectares where it is feasible and appropriate;
- c) the WP policy is considered to be reasonable and appropriate;
- d) WP has acted reasonably by agreeing to fund a portion of the project;
- e) it is the subject subdivision that has created the need for the existing power infrastructure to be reviewed and modified.

CONCLUSION:

It is recommended that the WAPC advises the applicant that removal of the existing overhead distribution line, poles and pole-top transformer, installation of a 50kVA transformer and connection of the proposed lots to underground power is required to satisfy Condition 10.



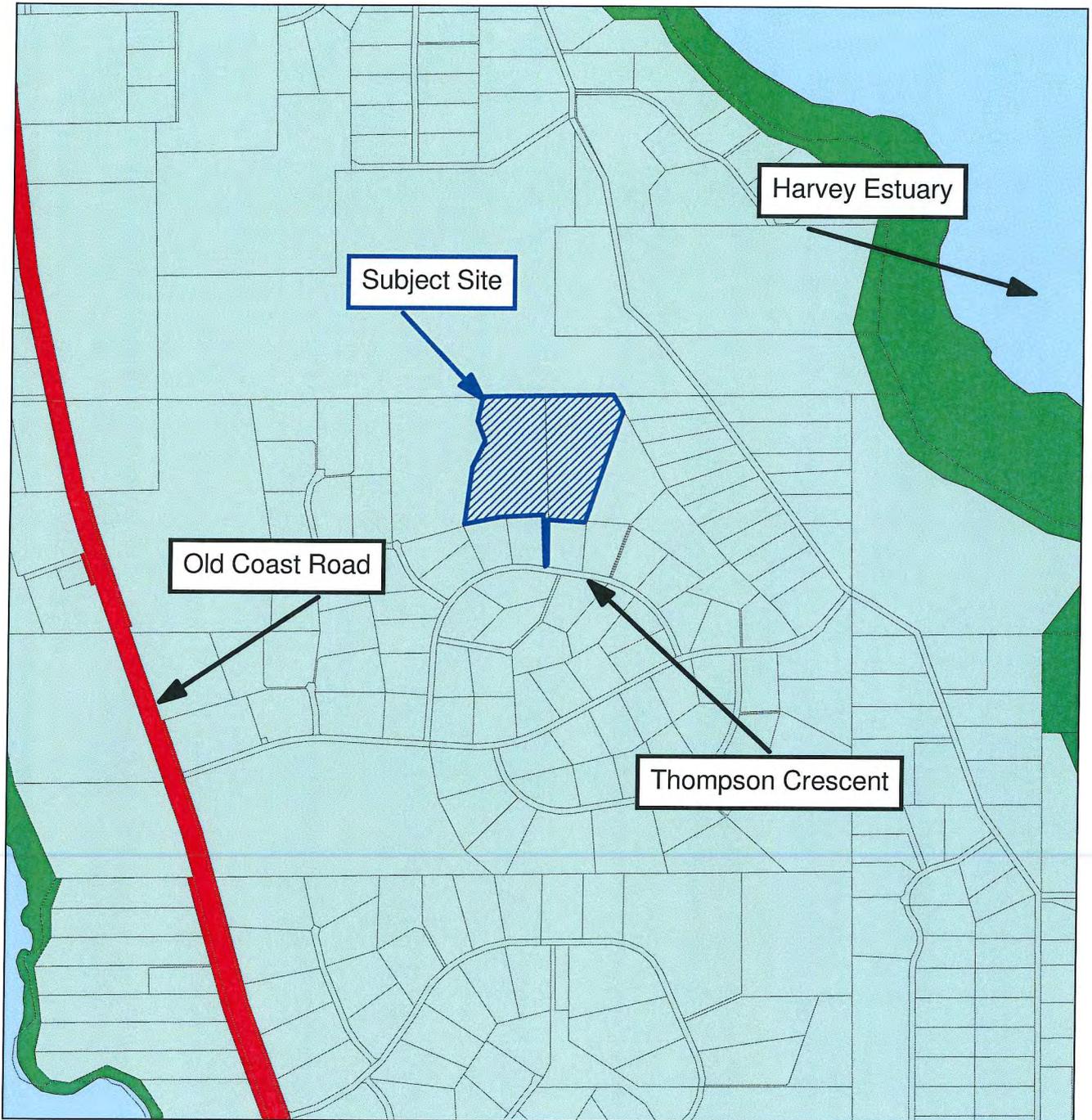
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Prepared by: cluxton
 Prepared for:
 Date: Thursday, September 26, 2013 16:10
 Plot identifier: P20130926_1609

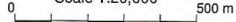
DP INTERNAL USE ONLY

 Government of Western Australia
 Department of Planning

Attachment 1 Location Plan



-  Cadastre
-  RURAL
-  PRIMARY REGIONAL ROADS
-  REGIONAL OPEN SPACE
-  WATERWAYS

Scale 1:20,000
 500 m

Prepared by: cluxton
 Prepared for:
 Date: Thursday, September 26, 2013 16:13
 Plot identifier: P20130926_1613

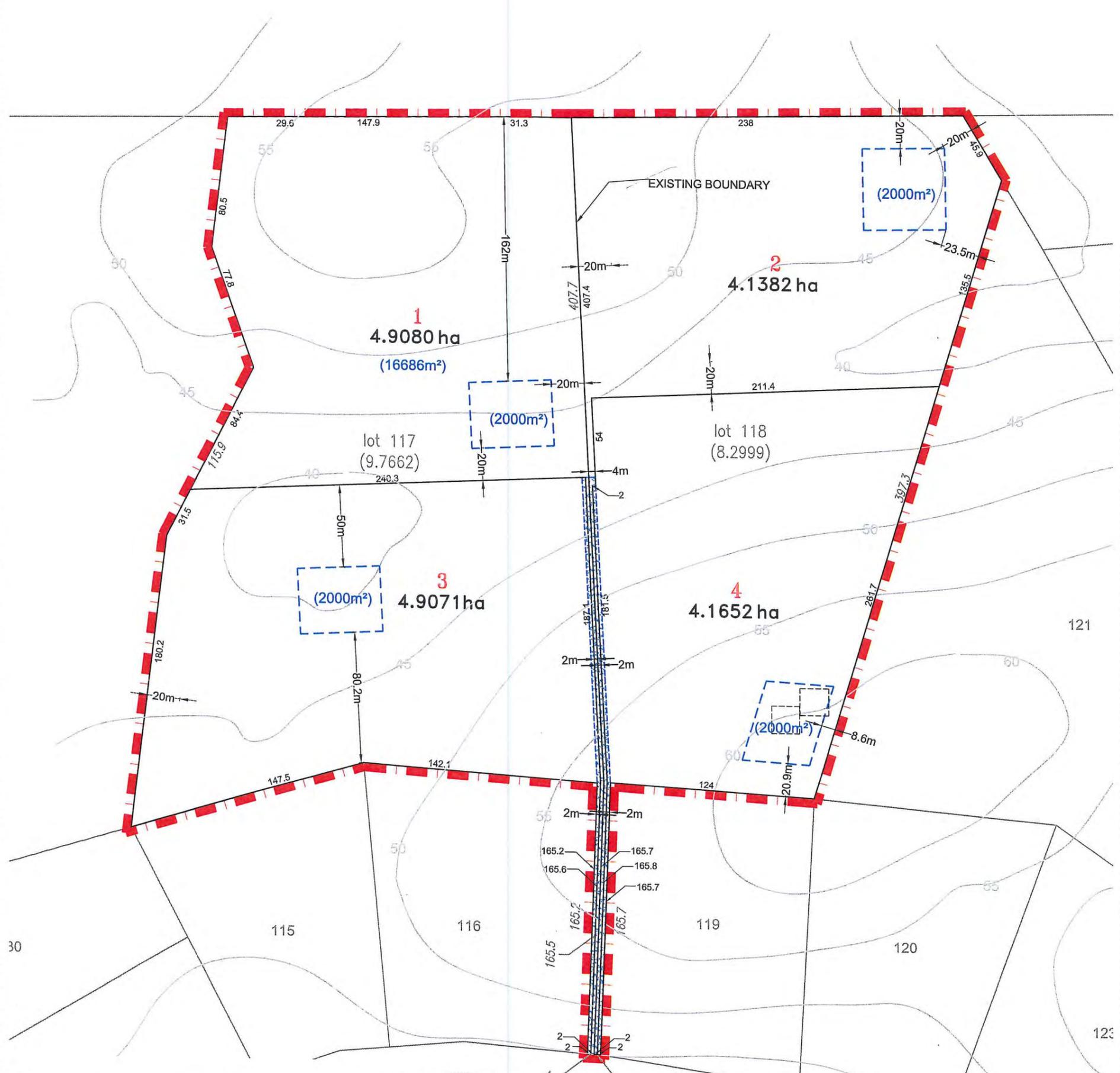


DP INTERNAL USE ONLY



Government of Western Australia
 Department of Planning

Att Location Plan



- Subdivision Plan : Notes**
1. No more than one dwelling is permitted on each lot.
 2. Any dwelling and assorted outbuildings shall be contained within the defined building envelope.
 3. Fire Management shall be in accordance with clause 4.15.8 of T-P-S No.7.
 4. Dwellings shall be connected to a nutrient stripping on-site effluent disposal system.

DEPARTMENT OF PLANNING
MANDURAH OFFICE
20 MAY 2010
142116
FILE

- legenda**
- SUBJECT SITE
 - RECIPROCAL RIGHT OF ACCESS EASEMENT & COMMON DRIVEWAY
 - 147.9 LOT DIMENSIONS (EXISTING LOTS)
 - 147.9 LOT DIMENSIONS (CREATED LOTS)
 - BUILDING ENVELOPE
 - EXISTING BUILDINGS

date 27 April 2010 job no. 6547
scale 1:2500@a3 e-ref 041002 sgp
designer M Young drawn D Rayner
client
Level 3, 2nd Floor, Mandurah, Western Australia, 6210
email | greg@greg-rowe.com | web | greg-rowe.com
tel | (08) 9221 1991 | fax | (08) 9221 1913

title subdivision guide plan
address lots 117 & 118 thompson crescent lake clifton
Level 2, 69 Marina Road, Mandurah, Western Australia, 6210
email | mandurah@greg-rowe.com | web | greg-rowe.com
tel | (08) 9582 6269 | fax | (08) 9581 2580

GREG ROWE & associates
FOCUSED ON ACHIEVEMENT
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COND # 10
W.P.

*Western Australian Planning Commission
Unit 26, 11-13 Pinjarra Rd,
Mandurah W.A. 6210*

Dear Planning Manager,

With reference to Application No 142116

Following the meeting at your office last Wednesday 31st of July the owners of the lots in this application have completed the requirements to finalise the conditions 1-9 attached to this application and our surveyor Mr George Forster has lodged his survey with Landgate. (Lodgement receipt DP72133)

We have been unable to complete the requirements for condition 10 with Western Power despite repeated attempts by ourselves, two Government Ministers for Power and their advisors over a period longer than two years. Therefore we seek to have this condition to the subdivision removed from the application or modified to suit the existing on site conditions.

Inspection of the current existing power lines will show that a line runs on two posts up our current jointly owned driveway and that there is a transformer on the post at the top of the driveway. Had Western Power not connected our adjoining neighbours to this transformer and instead supplied their power from the main line at Thompson crescent we would be able to extend the power underground to the proposed sub divisions.

Western Power rely on their policy that those applying for alteration to existing structures should pay all costs incurred in placing all lines underground. This is a one size fits all approach and is patently unfair to some land owners.

We have since this application was lodged experienced a bushfire which is the first in over 25 years and despite extensive damage to the properties the existing power lines and transformer suffered no damage thereby rendering null and void the claim that it is a requirement to place all lines underground to avoid damage by bushfire.

Our proposition is that Western Power should now correct their mistake and connect the neighbours from the main line on Thompson crescent.

The owners of the lots to be subdivided are prepared to pay for and organise the underground provision of power to the subdivided lots from the existing line and transformer to Western Power specifications and under their supervision. We are however concerned that they may require us to use their contractors at whatever cost they submit and without proper cost control.
yours sincerely.

Trevor & Wendy Taylor 4th August 2013.
104a Archibald St,
Willagee, W.A. 6156
Phone 9331 2330
Trevor Mob 0437 902 025
email trendy.t@bigpond.net.au




A 3471587

ITEM NO: 9.9

RECONSIDERATION: SUBDIVISION TO CREATE TWO LOTS FOR RESIDENTIAL PURPOSE: LOT 201 JAMES STREET, PINJARRA

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Peel
AUTHORISING OFFICER:	A/Executive Director, Perth & Peel
AGENDA PART:	G
FILE NO:	146984
DATE:	12 August 2013
ATTACHMENT(S):	1. Plan of Subdivision 2. Location Plan
REGION SCHEME ZONING:	Urban, Rural
LOCAL GOVERNMENT:	Murray
LOCAL SCHEME ZONING:	Residential, Rural
LGA RECOMMENDATION(S):	Support with conditions
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	25 March 2013
PROCESS DAYS:	120 days
APPLICATION TYPE:	Reconsideration of Subdivision to Create 2 Lots for Residential Purpose
CADASTRAL REFERENCE:	Lot 201 James Street, Pinjarra

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 201 James Street, Pinjarra as shown on the plan date-stamped 6 November 2012 subject to the following conditions and advice. This decision is valid for three years.

CONDITIONS:

- 1. The plan of subdivision is to be modified so that the rear boundary of proposed Lot 1 is relocated approximately 5.8 metres from the rear of the existing dwelling as marked on the approved plan dated 6 November 2012 (attached). (Western Australian Planning Commission)***
- 2. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed Lot 2. 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 located on a floodway and may be adversely affected by major flooding' (Local Government)

- 3. The roof overhang onto Lot 2 being shown on the Deposited Plan as constructed and as prescribed 'Intrusion Easement', pursuant to section 136C of the Transfer of Land Act 1893. (Local Government)**
- 4. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)**
- 5. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 1 and 2 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)**
- 6. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)**
- 7. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)**
- 8. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)**
- 9. 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)**
- 10. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)**

ADVICE NOTES:

- 1. The applicant is advised that the subject land is within the defined 1 in 100 year floodplain / fringe for the Murray Drainage and Water Management Plan, where development would normally be permitted subject to a specified minimum habitable floor level above the relevant 1 in 100 year flood level to provide adequate flood protection. The Department of Water advises that a minimum habitable floor level of 8.95m AHD is recommended for development on lots 1 and 2.**

2. *In regard to Condition 3, 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.*
3. *In regard to Condition 5, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
4. *In regard to Condition 8, Western Power provides only one underground point of electricity supply per freehold lot.*
5. *In regard to Condition/s 9 & 10, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/ applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

SUMMARY:

In February 2013, the Western Australian Planning Commission (WAPC) refused a subdivision application to create two lots. The proponent has lodged a reconsideration request and liaised with the Shire of Murray to address concerns raised in their initial referral response. Although the application is not consistent with WAPC policy, it is considered that the application has sufficient merits to be approved.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
 Section: Part 10 - Subdivision / Development / Reconsiderations

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

Policy
 Number and / or Name: Development Control Policy 2.2 - Residential Subdivision
 State Planning Policy 2.5 - Agricultural and Rural Land Use Planning (SPP2.5)
 Development Control Policy 3.4 - Subdivision of Rural Land (DC3.4)

INTRODUCTION:

In February 2013, the Western Australian Planning Commission (WAPC) refused a subdivision application, to create two lots. The reasons for refusal are as follows:

-
1. *Proposed Lot 2, most of which is zoned Rural, does not achieve the minimum effective lot area requirement of 850m² for a battle axe lot as specified in clause 3.6.1 of Development Control Policy 2.2 - Residential Subdivision;*
 2. *The amount of land zoned Residential R15 is less than the minimum lot area that would be required under the Residential Design Codes for a two lot subdivision;*
 3. *The creation of the rear battle axe lot would not be consistent with orderly and proper planning as a result of the limited developable area of the lot, the major openings of the existing dwelling abutting the battle axe leg, eaves protruding into the battle axe leg and the fire separation requirements of the Building Code of Australia;*
 4. *The subdivision is not consistent with State Planning Policy 2.5 - Agricultural and Rural Land Use Planning clause 5.3.1, as the rural portion of the site is not identified in the Shire's Local Rural Strategy as being suitable for closer settlement and is not zoned for closer settlement under Town Planning Scheme No 4; and*
 5. *The subdivision is not consistent with Development Control Policy 3.4 - Subdivision of Rural Land, as subdivision of the rural portion of the site is not provided for in the Shire's Local Rural Strategy and is not provided for in Town Planning Scheme No 4.*

CONSULTATION:

The original application was referred to the Department of Water, Water Corporation, Western Power and the Department of Environment and Conservation and these agencies raised no objections to the application, subject to conditions.

The original application was referred to the Shire of Murray which did not support the application. However, at that time, the Shire indicated that the application could be supported subject to the following information being provided to the satisfaction of the Shire:

- i) A Detailed Area Plan (DA Plan) to demonstrate how a future dwelling can address site constraints including developable area, topography of the lot, finished floor level requirements, boundary setbacks including for overlooking, vehicle movements and the character of the area; and
- ii) Details identifying how the existing dwelling to be retained can comply with the requirements of the Building Code of Australia in relation to openings and the overhang of eaves across the proposed boundary.

Having considered the applicant's reconsideration request, and having liaised directly with the applicant, the Shire advises that it now supports the application subject to conditions. Key matters to be addressed in the conditions from the Shire's perspective include:

-
- (a) ensuring the battle axe access leg has a minimum width of three metres and is free of any building projections associated with the existing development; and
 - (b) a detailed area plan being required for the newly created lots to address aspects of future development including building envelopes, extent of fill/retaining and, in particular, building character.

COMMENTS:

The reasons for refusal have not been systematically addressed by the proponent in the reconsideration request. In general, the proponent contends that concerns with the subdivision can be satisfactorily addressed through conditions of approval.

Refusal Reason 1

Clause 3.6.6 of Development Control Policy 2.2 - Residential Subdivision (DC2.2) sets a minimum effective lot area of 850m² to counteract any sense of confinement that may result from a lot not having a typical street frontage. In areas characterised by small lots the Commission may, with the advice of the local government, reduce this basic requirement when it is satisfied that the lot is capable of development without undue effect on adjacent properties. Although this area is not characterised by small lots, the proposed battle axe lot abuts regional open space associated with the Murray River, which would likely counteract any sense of confinement arising from the proposed battleaxe configuration.

DC2.2 defines effective lot area as the 'part of the battle axe lot which is capable of development'. Although proposed Lot 2 has an overall area of approximately 904m², only 304m² of the lot is capable of development, due to the rear of the lot being affected by the Murray River Floodway. The overall area of proposed Lot 2 could be increased from 904m² to 1,058m² with a developable area of approximately 560m² by moving the proposed boundary between Lots 1 and 2 approximately 7.5 metres to the south-west. Given the openness of the rear of the subject site created by the Murray River and associated foreshore reserve a building envelope of approximately 560m² is considered acceptable and will not result in a significant negative impact to the amenity of proposed Lot 1 or the adjoining residential lots. Accordingly, such a modification is recommended, if the reconsideration request is upheld.

Refusal Reason 2

The subject site has a total area of 1,867m², of which approximately 1,130m² is zoned Residential R15 under the Shire of Murray Town Planning Scheme No 4 (TPS4). The R-codes requires lots coded R15 to have a minimum site area of 580m² and an average site area of 666m². The area of the site zoned Residential R15 is less than the 1,332m² required to support a two lot subdivision. However the area of the lot outside of the Murray River floodway, that is suitable for development, is approximately 1,350m².

The dual zoning is the result of the Floodway Protection Policy Area which was identified by the Inner Peel Structure Plan (1997). The Floodway Protection Policy Area was introduced based on the advice of the then Waters and Rivers Commission and resulted in land along the Murray River being identified as being within the floodway on the Inner Peel Structure Plan. The identified land was zoned Rural

under the PRS as a method of precluding the intensification of development within the Murray River Floodway. The Rural zoned portion of the lot is the result of outdated regional scale floodway information and this anomaly is not currently being addressed by any town planning scheme amendment.

The fact that the site contains 1350m² of developable land may carry some weight if WAPC's refusal decision is appealed, as it indicates the proposal has some planning merit. Refusal reason two may be difficult to defend on appeal.

Refusal Reason 3

The concern regarding the limited developable area of the lot can be addressed by modifying the position of the boundary between proposed Lots 1 and 2, as discussed earlier.

It is noted that the Shire does not support the application without a DA Plan condition being imposed, due to a concern that this may, for instance, result in development taking place which meets the acceptable development provisions of the R-codes but which is inconsistent with the character and amenity of the area. A DA Plan condition, as requested by the Shire, is not considered to be appropriate in this instance as there is no requirement for such a plan under the local statutory planning framework. Also, some aspects of the requested DA Plan are beyond the scope of a DA Plan, such as building character.

Concerns regarding major openings and encroachments into the battleaxe leg have been further investigated by the Shire and it is now considered that these matters can be addressed via standard conditions. An encroachment easement will be required to accommodate the eaves of the existing dwelling. The extent that the existing eaves protrude into the access leg is a width of approximately 0.35 metres and a length of approximately 15.5 metres. The eaves are approximately 2.3 metres above the level of the existing drive way. The Shire supports the retention of the eaves within the proposed battle axe leg subject to the encroachment being protected by a suitable easement.

Provided the area of proposed Lot 1 is increased as recommended, the creation of the rear battleaxe lot would be considered to be consistent with orderly and proper planning.

Refusal Reasons 4 and 5

In the reconsideration request, the proponent claims that the Shire did not consider *State Planning Policy 2.5 - Agricultural and Rural Land Use Planning (SPP2.5)* or *Development Control Policy 3.4 - Subdivision of Rural Land (DC3.4)* to be relevant as the locality is a populated residential area.

SPP2.5 applies to the planning of rural and agricultural land in Western Australia. The subject site is zoned both Residential and Rural under the PRS. The subject site has an area of 1,867m² and approximately 1,140m² (61%) is zoned Residential R15. The remaining 727m² (39%) is zoned Rural under the TPS4. Approximately 520m² of the area zoned Rural under the PRS is within the Murray River flood way and is not suitable for development. As discussed above the rear of the subject site was

zoned Rural as a means of precluding an intensification of development within an area that, at the time, was considered to be within the Murray River Floodway. The Rural portion of the subject site has not been identified to perform an agricultural function.

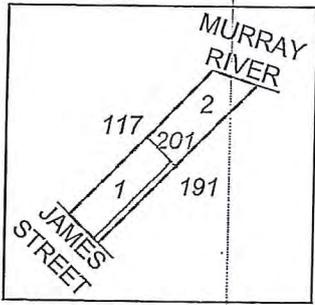
The subdivision application does not propose to divide the Rural portion of the subject site, with the proposed boundary being within the Urban zoned portion of the site. The Rural zoned land will remain in one parcel and the subdivision will not result in an increase in the number of rural lots.

It is conceded that refusal reasons 4 and 5 may have limited weight if WAPC's refusal decision is appealed.

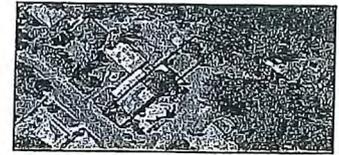
CONCLUSION:

The proposed subdivision is not considered likely to set a precedent for similar subdivision proposals in the immediate locality. Only the adjacent lot, which abuts the south-western boundary of the subject site, has dual Urban/Rural zoning. The other sites identified on the location plan (**Attachment 2**) have already been subdivided along the Urban/Rural boundary.

It is recommended that the reconsideration request be supported subject to conditions.



LOCATION SKETCH
NOT TO SCALE



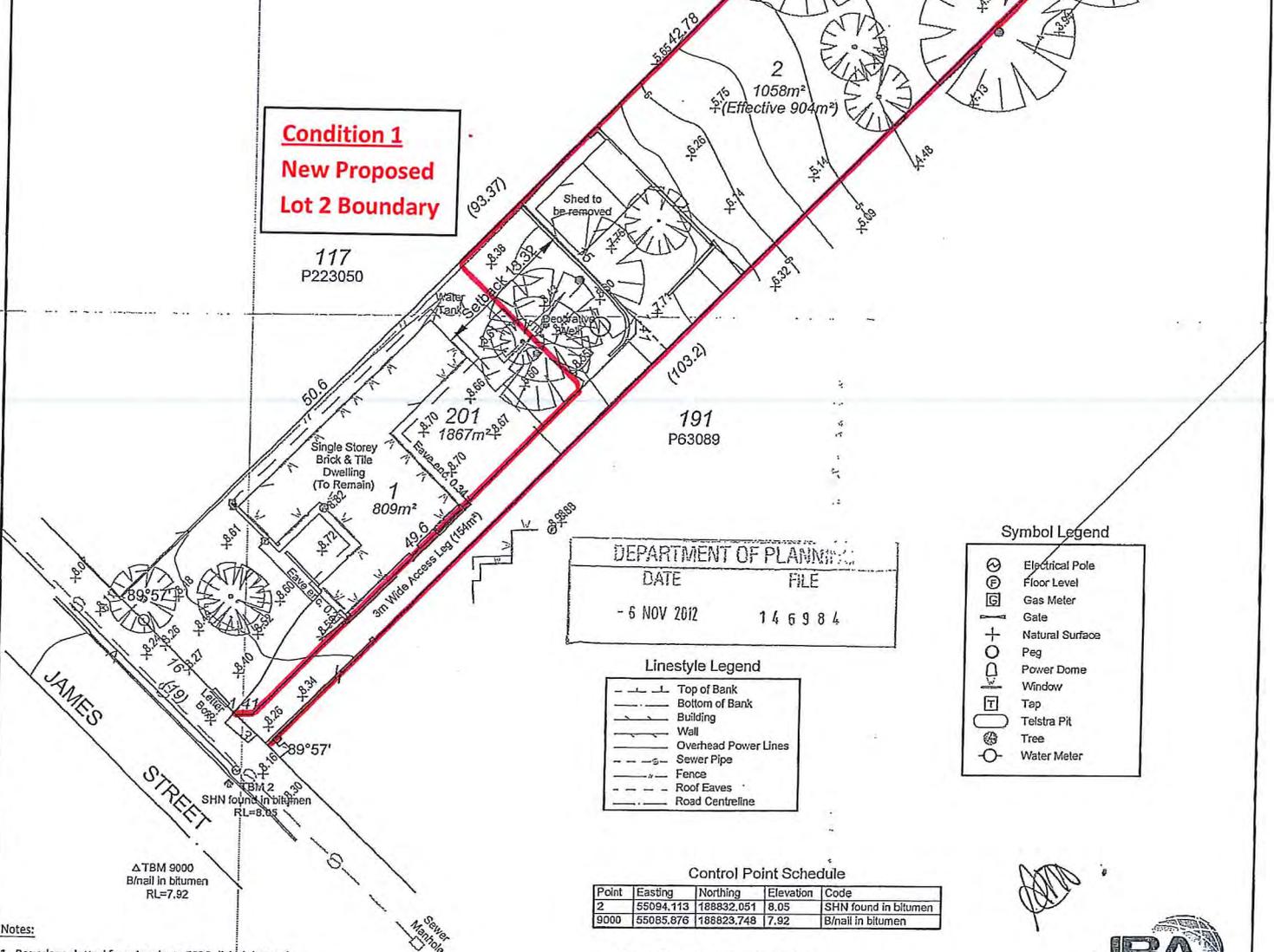
LOCATION SKETCH
NOT TO SCALE

[- - -] = Application Area

Nº of original lots = 1
Lot 201 = 1867m²

Nº of proposed lots = 2
Lot 1 = 809m²
Lot 2 = 1058m² (904m² Effective)

Condition 1
New Proposed
Lot 2 Boundary



DEPARTMENT OF PLANNING
DATE: - 6 NOV 2012 FILE: 14 6 9 8 4

LineStyle Legend

---	Top of Bank
---	Bottom of Bank
---	Building
---	Wall
---	Overhead Power Lines
---	Sewer Pipe
---	Fence
---	Roof Eaves
---	Road Centreline

Symbol Legend

⊕	Electrical Pole
⊕	Floor Level
⊕	Gas Meter
+	Gate
○	Natural Surface
○	Peg
○	Power Dome
○	Window
⊕	Tap
⊕	Telstra Pit
○	Tree
○	Water Meter

Control Point Schedule

Point	Easting	Northing	Elevation	Code
2	55094.113	188832.051	8.05	SHN found in bitumen
9000	55085.876	188823.748	7.92	B/nail in bitumen

Scale @A3 1:400

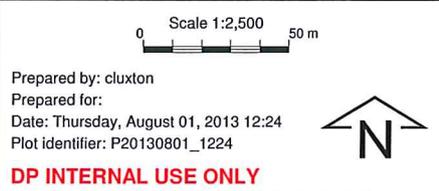
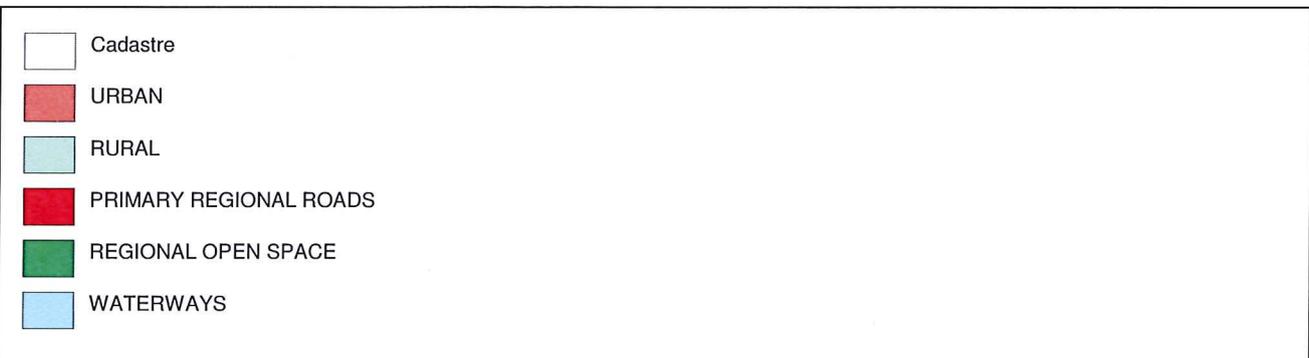
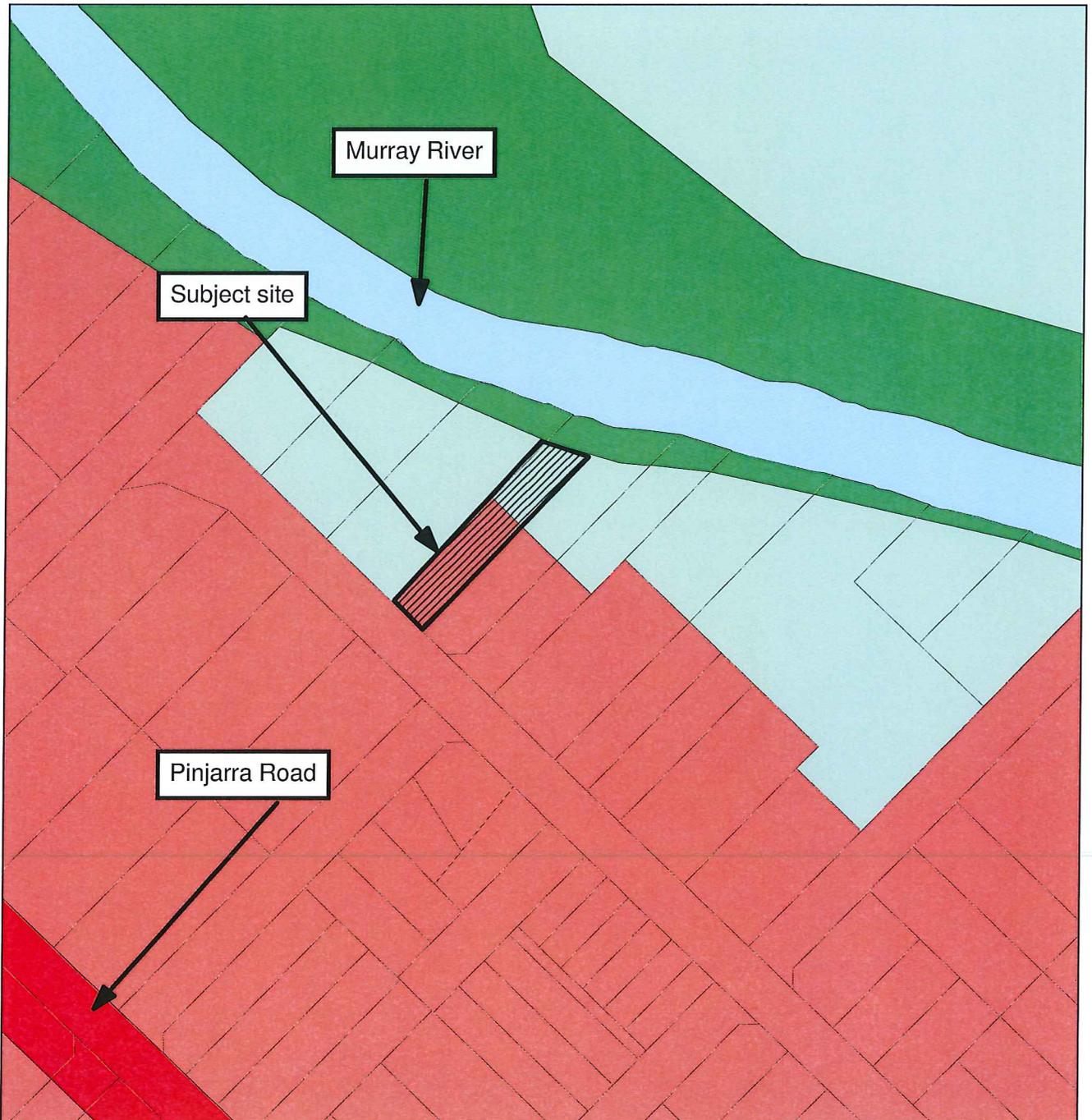


- Notes:**
- Boundary plotted from Landgate SCDB digital data only.
 - Boundary for WAPC Application purposes only.
 - True position of Boundary is subject to a re-establishment survey.
 - Heights established from SSM PIN256A via GPS connection.
 - Dimensions, Areas and Offsets subject to re-establishment survey.
 - Sewer information plotted from Water Corporation sewer sheets only.
- 128448-1.0-08102012-PCG94-F.dwg

JBA SURVEYS

12B Pepler Ave. Salter Point WA 6152
Ph: 9450 7188 Fax: 9450 7169
email: admin@jbasurveys.com.au
web: www.jbasurveys.com.au

VER. 1.0	DATE 15.10.2012	BY JC	AMENDMENTS Issued for Information	CLIENT: ANNE CRAWFORD	JOB NO: 128448	TITLE: PROPOSED SUBDIVISION	DATUM	N ★
					PROJECT: LOT 201 ON P63086 Nº 43 JAMES STREET PINJARRA, WA, 6208 C/T 2739-204		VERT: AHD HORIZ: PCG94 SCALE: 1:400	
							DWG NO: 128448-F01	VER: 1.0
					SURVEYOR: AR	DATE OF SURVEY: 8.10.2012	DRAWN BY: JC	SHEET 1 OF 1



Government of Western Australia
Department of Planning

Location Plan

ITEM NO: 9.10

PROPOSED SIX TWO-BEDROOM MULTIPLE DWELLINGS FOR THE DEPARTMENT OF HOUSING: LOTS 1 AND 202 KENTON WAY, CALISTA

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer
AUTHORISING OFFICER: Executive Director Perth and Peel Planning
AGENDA PART: G
FILE NO: 26-50187-1
DATE: 9 October 2013
ATTACHMENT(S): 1 - Regional Location Plan
2 - Zoning Plan of Locality
3 - Annotated WAPC Granted Boundary Realignment
4 - Street View Perspective
5 - Site Plan
6 - First Floor Site Plan
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: City of Kwinana
LOCAL SCHEME ZONING: Residential with a split density of R12.5/20
LGA RECOMMENDATION(S): Not support
REGION DESCRIPTOR: Metropolitan South West
RECEIPT DATE: 8 April 2013
PROCESS DAYS: 178
APPLICATION TYPE: 6 two bedroom multiple dwellings
CADASTRAL REFERENCE: Lots 1 and 202 Kenton Way, Calista

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed development, subject to the following conditions:

- 1. Prior to the commencement of development works a Certificate of Title (pursuant to Western Australian Planning Commission subdivision approval 143973), being obtained for the proposed Lot 2 Kenton Way, Calista on which the proposed development is to be constructed.***
- 2. The car parking bays, driveways and points of egress and ingress are to be designed, constructed, drained and marked in accordance with AS2890.1 to the satisfaction of the Western Australian Planning Commission.***

The proposed development comprises:

- two ground floor 2 bedroom, 1 bath units;
- four upper floor 2 bedroom, 1 bath units;
- two disabled car parking bays, 4 car parking bays and 2 visitor bays; and
- six store rooms and 2 bin storage areas.

The attachments reference the location of the property and the development details.

Abutting the subject land is a property owned by the DoH. Communicare leases the property for counselling services.

The locality consists of a mix of "older" single, two storey and grouped dwellings on properties coded variously R12.5/20 and R40. The Kwinana Town Centre is nearby (walking distance 600 metres east) (Refer Attachment 2).

CONSULTATION:

The City does not support the proposal because the maximum dwelling density permitted under the higher R20 density for the property is three dwellings.

COMMENTS:

Metropolitan Region Scheme

Clause 30(1) of the MRS provides for an assessment of the proposed development against the following criteria:

- the purpose for which the land is zoned under the MRS;
- the orderly and proper planning of the locality; and
- the preservation of the amenities of the locality.

Clause 30(1) is informed by the following:

City of Kwinana Draft Local Planning Strategy

The City is preparing its draft Local Planning Strategy (Draft Strategy). The Draft Strategy includes an overarching set of Strategies and Actions, with one of these to provide for a variety of housing types, densities and styles.

The City's existing housing stock comprises 95 per cent single dwellings. To facilitate achieving more diversity in housing, the City proposes areas within a 400 metre catchment of an Activity Centre or Local Centre be afforded a higher density coding. Although the subject land is approximately 600 metres from the Kwinana Town Centre, the proposed multiple dwellings do provide an opportunity to increase the variety of housing types, densities and styles within walking distance to the Town Centre.

Requirement for Transition Housing

The proposed development is intended to provide transition housing for individuals who have received counselling from Communicare and are yet to find suitable

accommodation. This counselling begins with a 12 week program. During the 2012/2013 financial year, the program provided assistance to 57 individuals.

At the conclusion of the 12 week program, individuals are located in suitable accommodation away from the Communicare centre, which in the majority of cases has proven to not be desirable (70 per cent or 40 of the 57 individuals from the 2012/2013 financial year could have benefited from continuing support). The six proposed multiple dwellings are intended to provide transition accommodation following the 12 week program enabling continued "face to face" assistance and for more time to source suitable permanent accommodation for individuals.

State Planning Policy 3.1 - Residential Design Codes (R-Codes)

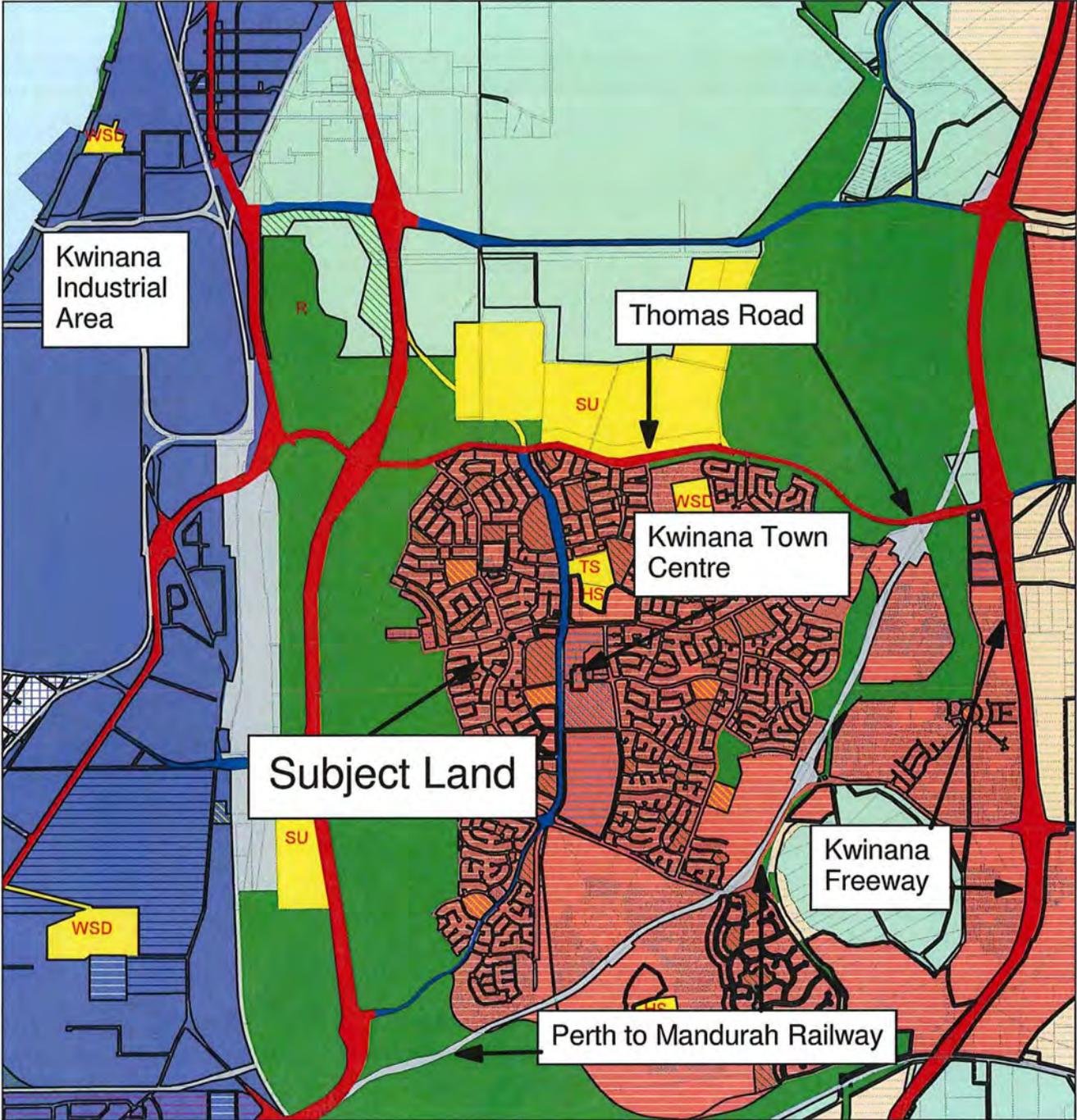
Given a site development area of 1571m², the maximum development potential is three dwellings pursuant to the R20 Table 1 provisions of the R-Codes. A density equivalent of R30 is proposed.

There are no overlooking issues associated with the proposed development as the upper floor bedroom windows for Unit 3 facing south are set back 4.5 metres, lattice screening is proposed on the upper floor balcony for proposed Unit 3 and 7.5 metre cones of vision exist for the rear balconies within the subject land.

CONCLUSION:

Having regard to the following, the proposal should be approved:

1. The proximity of the proposed development to nearby transport, commercial and community facilities (Kwinana Town Centre);
2. The City's desire for more efficient and effective use and development of residential zoned land (Draft Strategy);
3. The association with the adjoining Communicare facility for transition accommodation;
4. The existence of higher density R40 residential development nearby;
5. Compliance with the other development provisions of the R-Codes; and
6. Limiting the maximum development to three multiple dwellings would not constitute effective use of the land (it would be underdeveloped).



Cadastre with Street Address Number	MIXED BUSINESS 1	SERVICE COMMERCIAL	URBAN DEFERRED	PP-
CLUSTER/COMMUNAL RURAL SETTLEMENT	NO ZONE	SERVICE COMMERCIAL	INDUSTRIAL	PP-
COMMERCIAL	NO ZONE	SHOPPING / BUSINESS	SPECIAL INDUSTRIAL	PP-
DEVELOPMENT	PARK RECREATION & DRAINAGE	SPECIAL INDUSTRY	RURAL	PP-
GENERAL INDUSTRY	PUBLIC OPEN SPACE	SPECIAL RESIDENTIAL	PRIMARY REGIONAL ROADS	PP-
GENERAL TOWN CENTRE	PUBLIC PURPOSES	SPECIAL RURAL	OTHER REGIONAL ROADS	PP-
KWINANA TOWN CENTRE	RESIDENTIAL	SPECIAL USE	WATERWAYS	PP-
LIGHT INDUSTRY	RURAL	SPECIAL USE	PARKS & RECREATION	PP-
LOCAL ROADS	RURAL A	TOWN CENTRE RESIDENTIAL	PARKS & RECREATION RESTRICTED	PP-
MARKET SQUARE	RURAL B	URBAN	RAILWAYS	

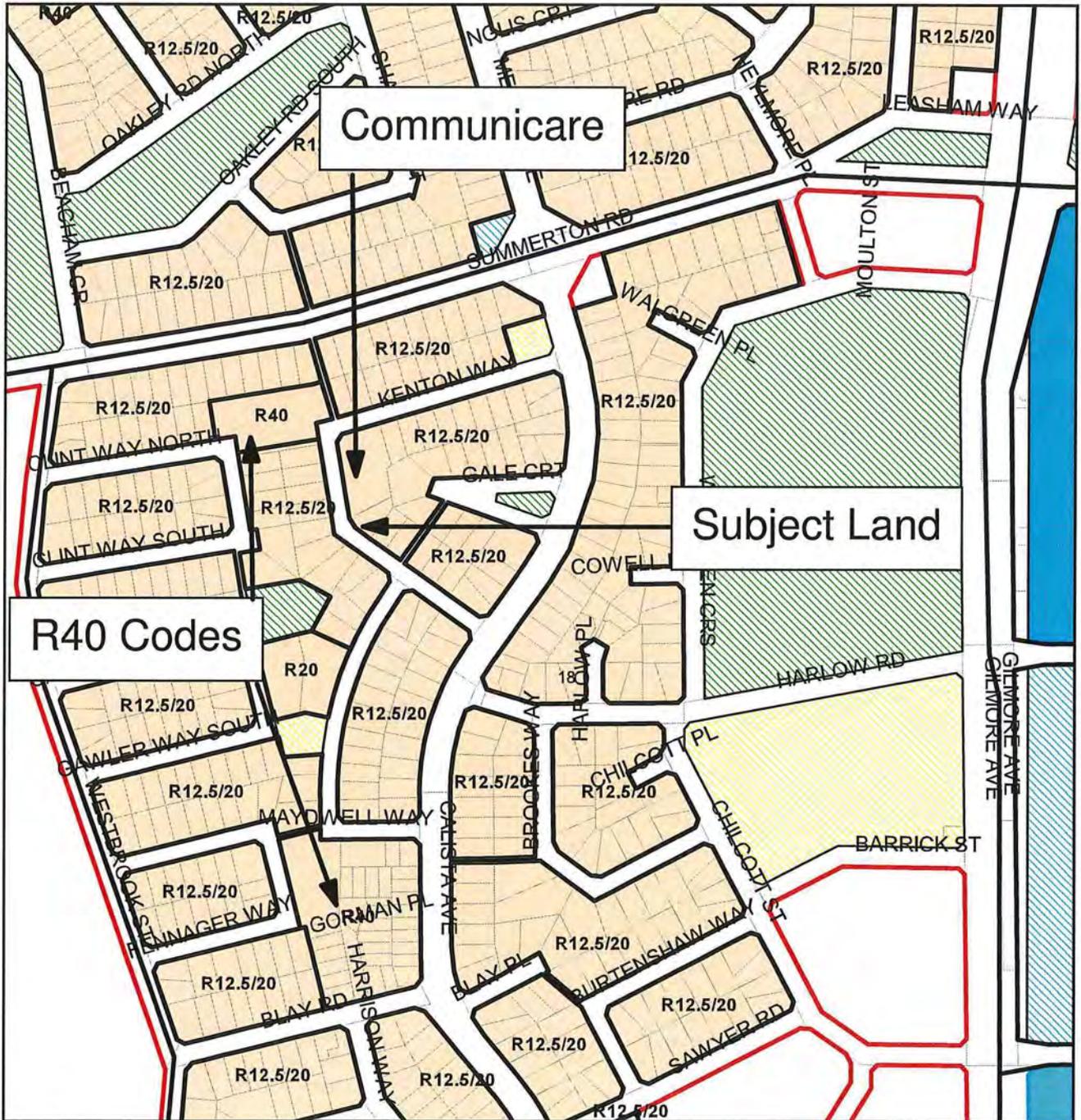
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Prepared by: jbouwhuis
 Prepared for: Statutory Planning Committee
 Date: Wednesday, October 02, 2013 13:23
 Plot Identifier: P20131002_1323

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

Regional Location Plan



SPECIAL POLYGONS	TPS - R Code Boundaries	RESIDENTIAL
SPECIAL 10	COMMERCIAL	SHOPPING / BUSINESS
DEVELOPMENT CONTRIBUTION AREA	DEVELOPMENT	SPECIAL USE
CIVIC PRECINCT	GENERAL TOWN CENTRE	SPECIAL USE
RETAIL PRECINCT	KWINANA TOWN CENTRE	
POLICY AREAS	PARK RECREATION & DRAINAGE	
Cadastre with Street Address Number	PUBLIC PURPOSES	

Scale 1:5,835
 0 125 m

Prepared by: jbouwhuis
 Prepared for: Statutory Planning Committee
 Date: Wednesday, October 02, 2013 13:46
 Plot Identifier: P20131002_1346

DP INTERNAL USE ONLY

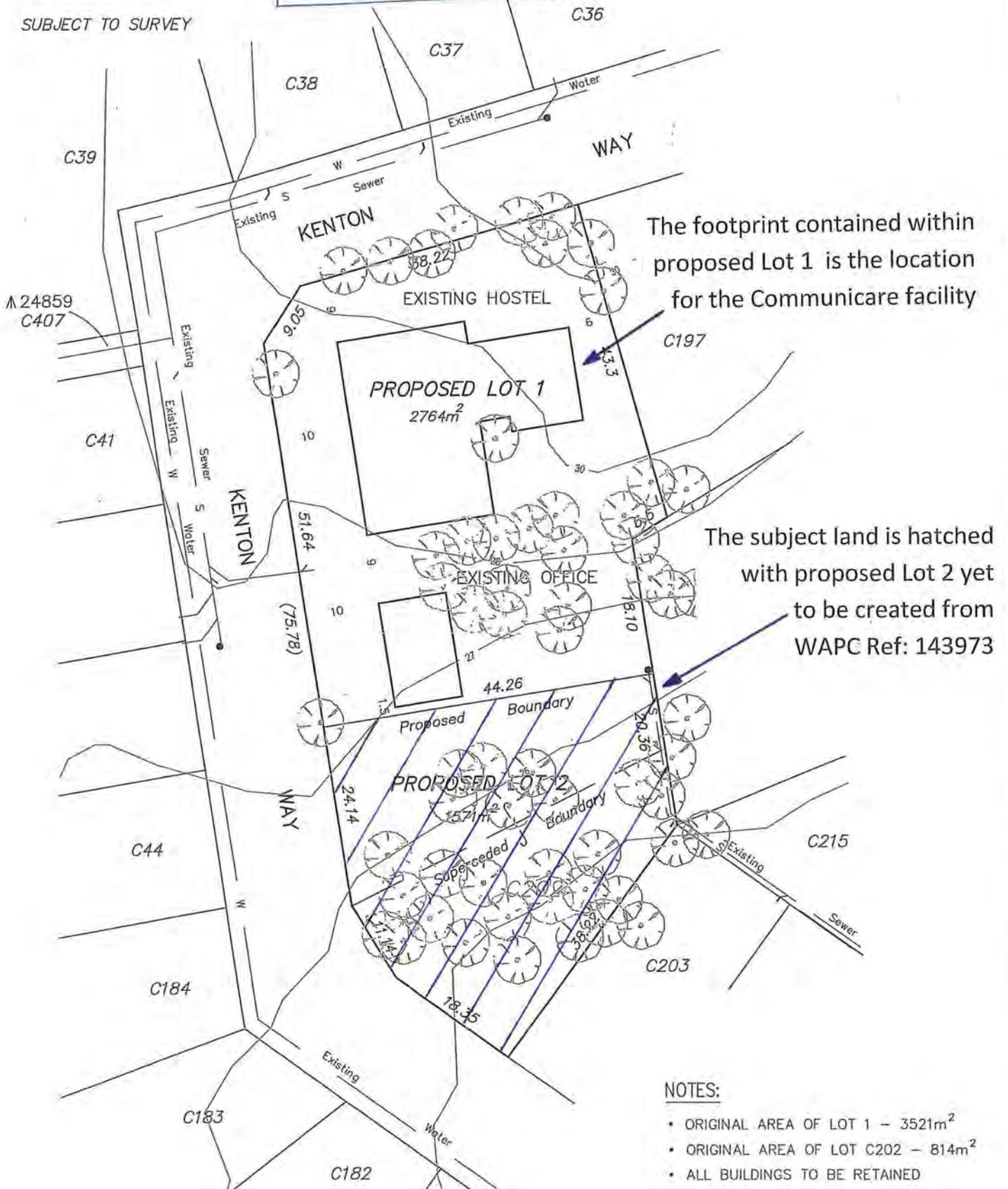
Government of Western Australia
 Department of Planning

Zoning Plan of Locality

DEPARTMENT OF PLANNING	
DATE	FILE
25 MAR 2011	143973



SUBJECT TO SURVEY



NOTES:

- ORIGINAL AREA OF LOT 1 - 3521m²
- ORIGINAL AREA OF LOT C202 - 814m²
- ALL BUILDINGS TO BE RETAINED

STATEWEST SURVEYING & PLANNING

Licensed Surveyors & Town Planners
 Partners R.J.M.Rogers & S.E.O'Hara Associate P. Incerti
 Midland House P.O. Box 1377, Midland W.A. 6936 69 Great Northern Highway, Midland
 Telephone (08)9274 3198 Facsimile (08) 9274 3878 Email statwest@statwest.net
 Website http://www.statwest.net

PROPOSED SUBDIVISION
 LOTS 1 & C202 KENTON WAY
 CALISTA

SCALE 1:500	DATE 9-03-11	DRAWN T.C.	CHECKED AGENDA PAGE 142	REFERENCE 14853	SHEET No.
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STREET VIEW PERSPECTIVE

DEPT OF PLANNING
 8 APR 2013
 FILE 26-80187-1

ATTACHMENT 4

 Broadhurst & Bott Architects Unit 8/355 Sorling Highway, CLAREMONT WA 6010 Telephone (08) 9384 1133 Fax (08) 9383 4993 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects	ACN 009 273 812 Telephone (08) 9384 1133 Fax (08) 9383 4993	PROJECT 6 X 2 BED MULTIPLE DWELLINGS STAGE 1 & 2 LOT C202 KENTON WAY, CALISTA FOR THE DEPT OF HOUSING & WORKS	DATE August 2012 SCALE DRAWN MB	DRAWING No. <h1 style="margin: 0;">A-12</h1>
		CHECKED APPROVED	JOB No. 11/117 PLOTTING DETAILS	REVISION No. - DATE 16/08/13

LOCAL GOVT, COUNCIL KWINANA

AREA CALCULATIONS

1. PLOT RATIO AREA STAGE 1:
 1.1. Ground Floor : 107.07 m²
 1.2. First Floor : 185.97 m²
 TOTAL STAGE 1 = 293.04 m²
 PLOT RATIO = 19.34%

2. PLOT RATIO AREA STAGE 2:
 2.1. Ground Floor : 107.07 m²
 2.2. First Floor : 193.43 m²
 TOTAL STAGE 2 = 300.50 m²
 PLOT RATIO = 19.83%
 PLOT RATIO STAGE 1 & 2 = 39.17%

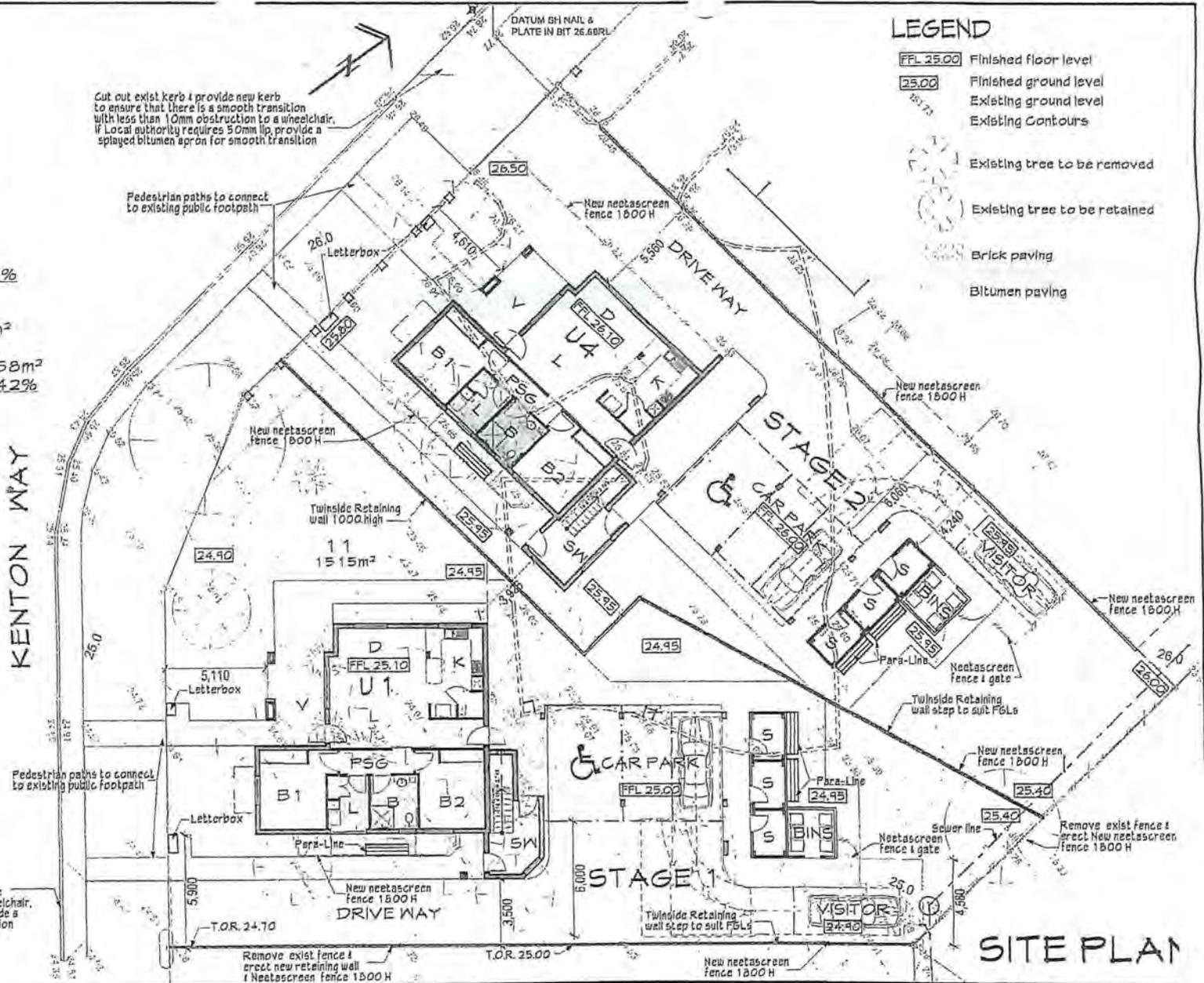
3. OPEN SPACE:
 3.1. Stage 1 Site Cover = 232.09 m²
 3.2. Stage 1 Open Space = 84.68%
 3.3. Stage 1 & 2 Site Cover = 478.58 m²
 3.4. Stage 1 & 2 Open Space = 68.42%

NOTE:
 STORMWATER TO BE CONTAINED ON
 SITE IN SOAKWELLS

DEPT OF PLANNING
 8 APR 2013
 FILE 26-50187-1

LEGEND

- FFL 25.00 Finished floor level
- 25.00 Finished ground level
- Existing ground level
- Existing Contours
- Existing tree to be removed
- Existing tree to be retained
- Brick paving
- Bitumen paving



ATTACHMENT 5

SITE PLAN

Broadhurst & Bott Architects
 Unit 8/355 Stirling Highway, CLAREMONT WA 6010
 Telephone (08) 9384 1133 Fax (08) 9383 4993
 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects

PROJECT	6 X 2 BED MULTIPLE DWELLINGS STAGE 1 & 2 LOT C202 KENTON WAY; CALISTA FOR THE DEPT OF HOUSING & WORKS	
CHECKED	APPROVED	

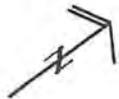
DATE	August 2012
SCALE	1:200
DRAWN	MB
JOB No.	11/117
DATE	26/03/13

DRAWING No.	A-0
REVISION No.	

LOCAL GOVT. COUNCIL. KWINANA

PLOTTING DETAILS

TIME: 08:00 DATE: 26/03/13



**FIRST FLOOR
SITE PLAN**

DEPT OF PLANNING
8 APR 2013
FILE 26-50187-1

Broadhurst & Bott Architects ACN 009 273 812
 Unit 8/355 Stirling Highway, CLAREMONT WA 6010 Telephone (08) 9384 1133 Fax (08) 9383 4993
 Member Australian Institute of Architects
 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects

PROJECT	6 X 2 BED MULTIPLE DWELLINGS STAGE 1 & 2 LOT C202 KENTON WAY: CALISTA FOR THE DEPT OF HOUSING & WORKS
CHECKED	APPROVED

DATE	August 2012
SCALE	1:200
DRAWN	MB
JOB No.	41/117

DRAWING No.	A-02		
REVISION No.	-	-	-

LOCAL GOVT, COUNCIL KWINANA PLOTTING DETAILS TIME: 09:00 DATE: 26/03/13

ITEM NO: 9.11

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: Executive Director, Regional Planning and Strategy
AGENDA PART: H
FILE NO: 147938
DATE: 3 October 2013
ATTACHMENT(S): 1 - subdivision plan
2 - extent of native vegetation
3 - prevailing lot sizes
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.***
- 5. The proposal would result in the introduction of additional housing in an area of extreme bushfire hazard which is inconsistent with State Planning Policy 3.4 Natural Hazards and Disasters and the Planning for Bush Fire Protection guidelines 2010.***

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.

This application was previously considered by the Statutory Planning Committee (SPC) on 27 August 2013 where it was resolved to defer the decision pending additional information from the Department of Planning with regard to the appropriateness of creating a conservation lot in this location given the adjoining land classification.

Regardless of any perceived conservation merit, the proposal is inconsistent with Western Australian Planning Commission (WAPC) policy in that the proposal; is not supported by any strategic plans; and the balance lot is not suitable or practical for the continuation of a rural agricultural land use and is more akin to a rural lifestyle lot or hobby farm to graze a limited number of livestock.

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) draft
DC 3.4 Subdivision of Rural Land (2012)
State Planning Policy 3.4 Natural Hazards and Disasters
Planning for Bush Fire Protection Guidelines Edition 2
May 2010 (PBFPG)

BACKGROUND:

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. (**Attachment 1 - subdivision plan**). Lot 14 is adjacent to Porongurup National Park.

The Great Southern Office has received a number of applications (WAPC ref 148031, 148075, 147938, 148389) in recent months for the subdivision of rural land to create a conservation lot and balance agricultural lot subject to the conservation lot provisions of DC3.4.

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

Two of these applications; the subdivision of Lot 605 South Coast Highway Kentdale (WAPC 148031) and Lot 656 Harewood Road Scotsdale (WAPC 148075) were refused by the SPC on 27 August 2013, as they proposed lots of a size akin to rural living lots and they were not supported by an appropriate agency's covenanting program.

This application was also presented to SPC on 27 August 2013 and recommended for refusal. SPC resolved to defer its decision to request additional information from the Department of Planning with regard to the appropriateness of creating a conservation lot in this location given the adjoining land classification. This application does differ slightly in that the Department of Parks and Wildlife (DPaW) is willing to be the covenanting agency.

CONSULTATION:

The Shire of Plantagenet support the application subject to conditions requiring crossover and driveway construction, and all buildings having the necessary clearance from new lot boundaries.

The DPaW advises the ultimate long term aim would be for the un-cleared southern triangle of vegetation being amalgamated with the National Park, but until such time that there is a combination of a landowner who is a willing seller and availability of adequate funds to purchase the area, DPaW supports entering the land into its covenant program as a compromise.

DPaW has further advised that the landowner may indirectly benefit from management activities carried out on the adjacent national park, such as fox control, but on ground management of the proposed covenant is the landowner's responsibility.

OFFICERS COMMENTS:

Summary

This application is recommended for refusal as it proposes lots of a size akin to rural living lots (notwithstanding the homestead lot) in the absence of an endorsed settlement strategy, or strategy identifying the vegetation as worthy of protection. The location of the proposed conservation lot, adjacent to the national park, is not considered a significant enough factor to warrant a departure from policy, as discussed below.

Conservation covenant

Land subject to a conservation covenant with DPaW remains under the control and management of the landowner. The covenant program includes management guidelines which are prepared in consultation with DPaW and the landowner, however the landowner is not required nor expected to undertake all activities. Management activities may include; excluding stock from bushland; weed and plant disease management; seed collection; control of animals (dogs, foxes, cats, rabbits); management of rare and threatened species or communities; and bushfire prevention.

There is no additional benefit from the land being adjacent to a DPaW-managed national park and it does not provide any public benefit.

The applicant states 'because it is almost surrounded by the National Park and has identical vegetation cover, it would be a valuable component to the public realm, when covenanted to serve public access and appropriate land management'. This is incorrect. The covenanted land will still be privately owned and members of the public would not be able to access it. The bush would be for the quiet enjoyment of the landowner only, albeit, with a more active management role.

Covenanted the remnant vegetation on Lot 14 does not bring about any new additional benefit as to warrant a departure from WAPC's core policy position for appropriately located settlement. The remnant vegetation on the proposed conservation lot is currently protected to an extent under existing legislation (*Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Wildlife Conservation Act 1950*); the vegetation is already fenced to exclude stock; and the vegetation will continue to provide connectivity between the two areas of National Park.

There are a number of lots in the vicinity of Lot 14 which contain remnant vegetation and the extent is demonstrated on the map attached (**Attachment 2 - extent of native vegetation**). Similar applications over other lots in the locality would be materially indistinguishable from this application, and therefore approving this application would set a significant precedent for the subdivision of surrounding lots, which would be inconsistent with the objectives of WAPC policy in that there would be increased fragmentation of rural land, increased potential for land use conflict and closer settlement with no regard to settlement strategy.

Homestead lot proposal

In addition to the above, DC3.4 2012 (awaiting public release) does not support the creation of a homestead lot, once again, due to the size of the balance agricultural lot. DC3.4 requires the balance lot to be suitable for the continuation of the rural land

use, and generally be consistent with prevailing lot sizes. A map of prevailing lot sizes in the locality is attached (**Attachment 3 - prevailing lot sizes**) which demonstrates the prevailing lot size in the locality to be larger than 40 ha, and at 26.3 ha the balance lot subject to this application is well below that.

Bush Fire risk

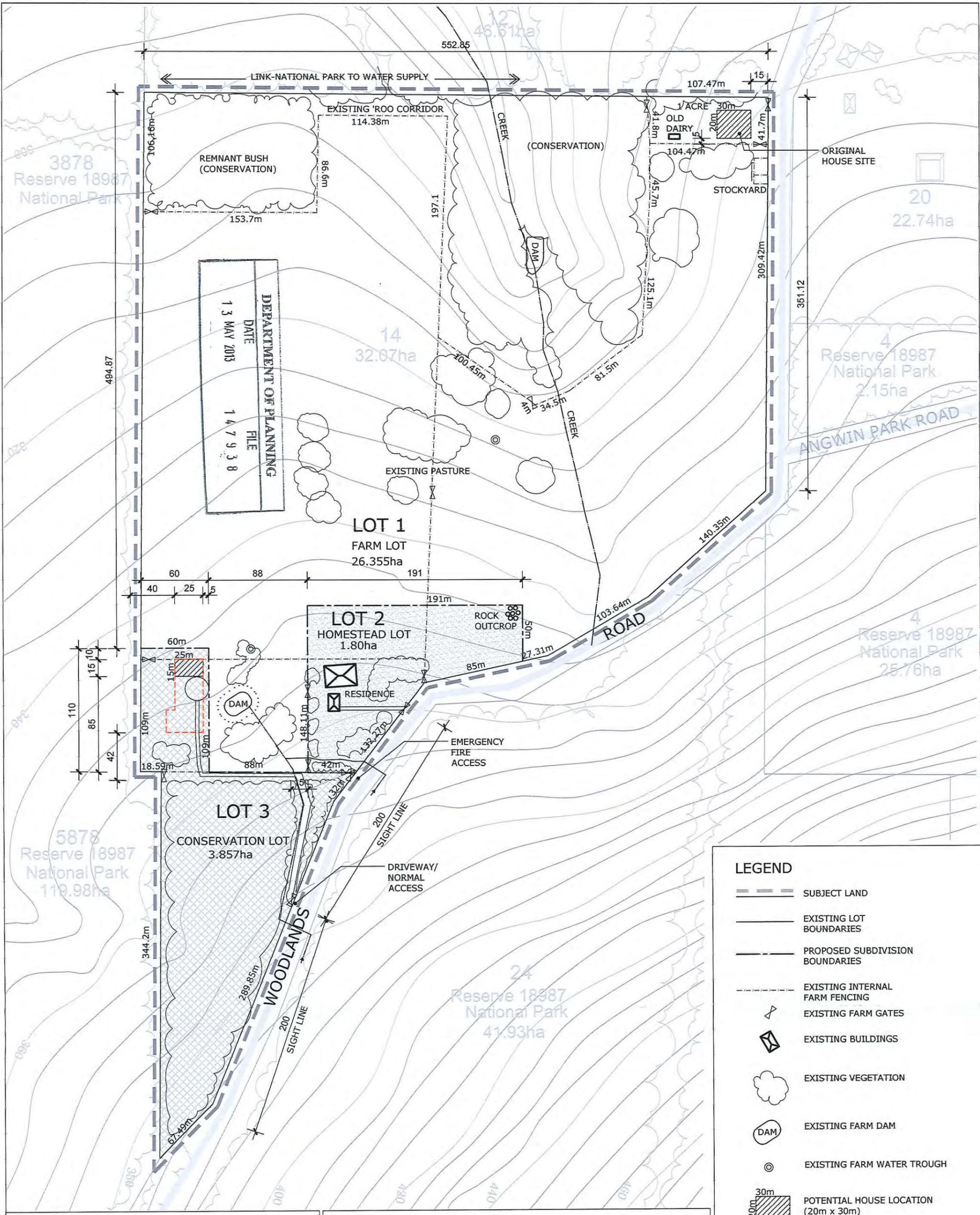
PBFPG outline matters to be addressed to provide an appropriate level of protection to life and property from bushfires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified. An objective of the guidelines is to avoid increased fire risk to life and property through inappropriately located or designed land use, subdivision and development. A desktop assessment of this application would rate the proposed conservation lots and adjoining lots as 'extreme' bush fire risk. The underlying principle of the PBFPG is to avoid development in areas of extreme bush fire hazard. In addition to previously mentioned objections, this application proposes the introduction of two additional dwelling entitlements - one on the conservation lot and one on the balance agricultural lot, in an area of extreme bush fire risk, which is not supported by WAPC policy. No evidence has been provided to demonstrate that the additional dwellings can be protected without significant impact on the surrounding vegetation.

CONCLUSION:

The remnant vegetation on the proposed conservation lot has already been fenced to exclude stock and its location adjacent to the National Park and the linkages it provides will continue, without a conservation covenant being in place. It is not considered that the additional management activities that may result from a conservation covenant being in place warrant a departure from WAPC's core policy position of appropriately located settlement.

Notwithstanding the homestead lot, the application proposes two lots of a size akin to lots used for rural living and regardless of the quality and value of the vegetation; the willingness or otherwise of an agency to administer the covenant; and the balance lot being of a size able to maintain hobby farming activities rather than a rural land use; continued application of the conservation lot provisions of DC3.4 in the Great Southern, where rural land is historically fragmented, has the potential to create a 'scattergun' approach to rural settlement with no regard to settlement strategy.

Refusal is recommended.



LEGEND

- SUBJECT LAND
- EXISTING LOT BOUNDARIES
- PROPOSED SUBDIVISION BOUNDARIES
- EXISTING INTERNAL FARM FENCING
- EXISTING FARM GATES
- EXISTING BUILDINGS
- EXISTING VEGETATION
- EXISTING FARM DAM
- EXISTING FARM WATER TROUGH
- POTENTIAL HOUSE LOCATION (20m x 30m)
- POTENTIAL SUBDIVISION DRIVEWAYS
- CULVERT / DITCH
- BUILDING ENVELOPE

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 Stephen.Jennings@bnet.com.au
 ABN 19 064 373 116

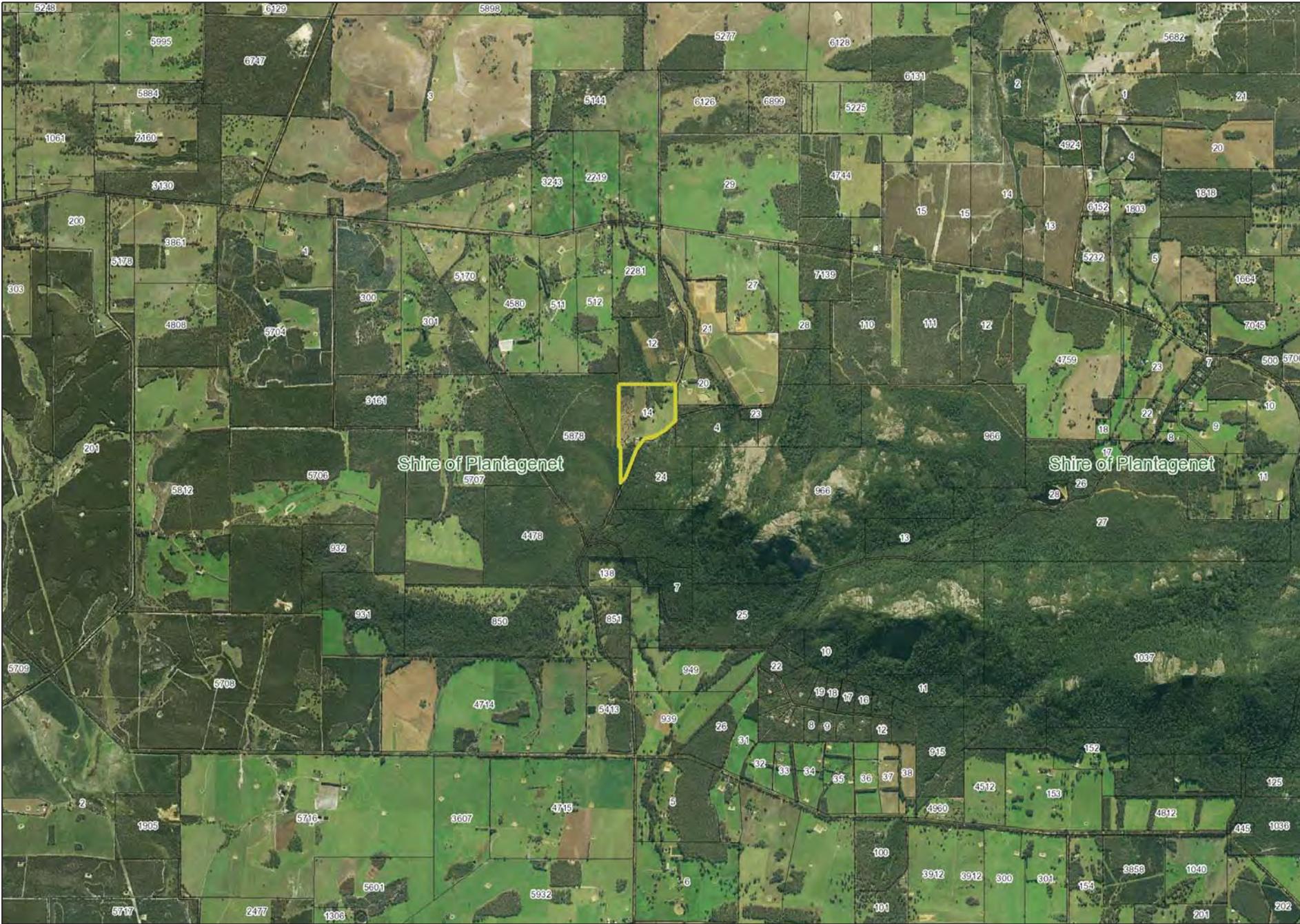
FIGURE 1 NORTH

0 20 50 100m

SCALE 1:3000 @A3
 DATE 08.05.13
 DRAWN DN

Legend

- Local government area
- Cadastre (view 1)
- Cadastre (view 2)
- Cadastre (view 3)
- Cadastre (view 4)
- W.A. Coastline



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.
Produced by: FUNCTIONALITY TO COME
Date produced: 07-Oct-2013

PlanViewWA Map

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to website](#)



1: 43,563
at A3

Projection: WGS 1984 Web Mercator Auxiliary Sphere

AGENDA PAGE 152

Attachment 3

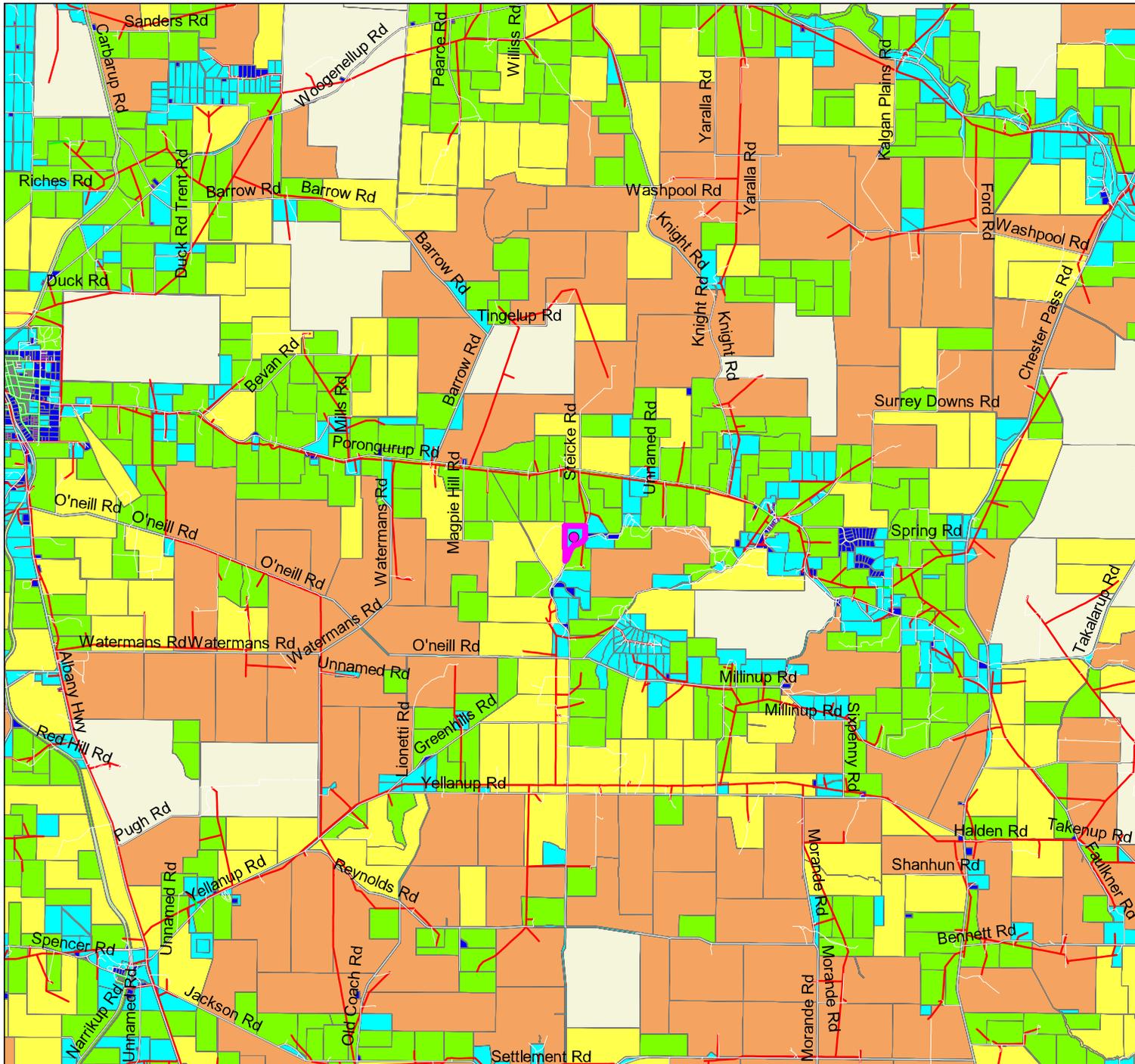


Government of Western Australia
Department of Planning

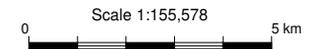
WAPC 147938

Lot 14 Woodlands Rd Porongurup

Prevailing lot size



- aa1 Roadnames - Landgate
- High voltage
- Low voltage
- Cadastre with Lot Numbers
- Lots Sized Under 1ha
- Lots Sized 1ha-4ha
- Lots Sized 4ha-40ha
- Lots Sized 40ha-100ha
- Lots Sized 100ha-200ha
- Lots Sized 200ha-500ha
- Lots Sized 500ha+



Prepared by: kalewis
Prepared for: Internal
Date: Friday, August 02, 2013 17:18
Plot identifier: P20130802_1718

