



Statutory Planning Committee

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

Tuesday 26 November 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 Duncan ORD	A/g Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Martin CLIFFORD	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	14/10/2015
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 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. Election of Presiding Member and Declaration of opening**
- 2. Apologies: Mr Eric Lumsden**
- 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 12 November 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.	TBA
7482.9.1	Update of Planning Bulletin 67: Guidelines for Wind Farm Development	To request the Department to liaise with the Department of Lands and the Department of Agriculture and consult with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy. To incorporate comments from SPC members and to represent the policy to a future SPC meeting.	TBA

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

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of ordinary meeting 7491
held on Tuesday 12 November 2013

Attendance

Members

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

Officers

Ms Lindsay Baxter	Planning Director, Perth and Peel Planning (Item 10.5)
Mr Shau Chong	Planning Officer, Perth and Peel Planning (Item 10.2)
Mr John Collins	Project Officer Tourism Planning, Regional Planning and Strategy (Item 9.4)
Ms Natalie Cox	Planning Manager, Perth and Peel Planning (Items 9.1 and 10.2)
Mr Rob Cull	Senior Planning Officer, Perth and Peel Planning (Item 10.3)
Mr Mat Selby	Planning Director, Perth and Peel Planning (Items 9.2 and 9.3)
Mr Paul Sewell	Planning Manager, Perth and Peel Planning (Item 10.5)
Ms Marion Thompson	Urban Development Co-ordinator, Infrastructure, Planning and Co-ordination (Item 10.3)
Ms Mai Yau	Senior Planning Officer, Perth and Peel Planning (Item 10.6)

Observers

Ms Gillian Broome	(Item 6.1 refers Item 10.4)
Mr Gabriel Dioson	City of Canning (Item 6.2 refers Item 10.3)
Mr Greg Hancock	Mariners Cove Residents' Association (Item 6.1 refers Item 10.4)
Ms Catherine Ide	State Solicitor's Office (Items 6.4 and 10.5)
Mr Michael Rowe	Department of Regional Development
Mr Deon White	Roberts Day (Item 6.2 refers Item 10.3)

Presenters

Mr David Broome	Mariners Cove Residents' Association (Item 6.1 refers Item 10.4)
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Mr Will Baston Mr John Savell	City of Canning (Item 6.2 refers Item 10.3) Department of Housing (Item 6.2 refers Item 10.3)
Ms Claire Richards	Rowe Group (Item 6.3 refers Item 9.3)
Mr Tim Trefry	Roberts Day Town Planning and Design (Item 6.4 refers Item 10.5)

Committee Support

Ms Christina Sanders	Committee Support Officer - Department of Planning
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7491.1 Declaration of Opening

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

He welcomed Mr Rowe, observing for Mr Clifford and Mr Ord, attending his first meeting of the Statutory Planning Committee.

7491.2 Apologies

Mr Martin Clifford Regional Minister's nominee (Deputy)

7491.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7491.4 Disclosure of Interests

Mr Holloway declared an interest in Item 9.1 as he owns property in Currambine.

Ms Bartle declared an interest in Item 9.1 as she owns property in Padbury.

The Committee agreed that Mr Holloway and Ms Bartle had no interest to declare as they do not own property in the immediate area nor derive any potential benefit in terms of any decisions relating to Item 9.1.

7491.5 Declaration of Due Consideration

No declarations were made.

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7491.6 Deputations and Presentations

7491.6.1 **State Administrative Tribunal: Invitation to Reconsider Decision to Create Four Lots for Residential, a Reserve for Community Parking Purposes, a Reserve for Community Access Purposes: Lot 598 Darwin Terrace, Dudley Park (refers Item 10.4)**

Presenter David Broome

Mr Broome gave a presentation in support of the above item. A scan of the original Outline Development Plan September 1999 and an extract from Cedar Woods sales brochure had been forwarded to members prior to the meeting for their information.

Copies of the documents have been placed on file.

7491.6.2 **City of Canning – Scheme Amendment 184 – Bentley Regeneration Project (refers Item 10.3)**

Presenters Will Baston
John Savell

Mr Baston gave a powerpoint presentation in support of the City of Canning's Scheme Amendment 184 - Bentley Regeneration Project.

A copy of the presentation has been placed on file.

Mr Savell provided clarification on Public Open Space for members and the Chair added that the Commission will want substantiated any proposal regarding Public Open Space transfers.

7491.6.3 **Proposed Three Dependent Persons' Dwellings and One Single Bedroom Dwelling at Lot 386 (No. 78) Birkett Street, Bedford (refers Item 9.3)**

Presenter Claire Richards

Ms Richards gave a presentation and spoke in support of the Officer's report and recommendation for the proposed dwellings at Lot 386 (No. 78) Birkett Street, Bedford.

A Briefing Note from Rowe Group including an outline from Teem Treasure had been circulated to members prior to the meeting for their information.

A copy of the documents has been placed on file.

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Moved to Item 7.

- 7491.6.4 **Subdivision to Create 147 Lots for Residential Purposes and Two Public Open Space Reserves at Lots 809, 9002 and 9003 Wattleup Road, Wattleup (Hammond Park) (refers Item 10.5)**
Presenter Tim Trefry

Mr Trefry spoke in support of the Subdivision to create 147 lots at Lots 809, 9002 and 9003 Wattleup Road, Wattleup.

A Wattleup Planning Summary and map showing the Alcoa Buffer Lines had been circulated to Members prior to the meeting for their information.

Copies of the documents have been placed on file.

Moved to Item 10.5.

- 7491.7 **Announcements by the Chairperson of the Board and communication from the WAPC**

The Chairman advised that the Calendar for 2014 will be provided shortly. The Statutory Planning Committee will continue to meet fortnightly, with the last meeting in the second month to be devoted to policy review and governance issues.

- 7491.8 **Confirmation of Minutes**

- 7491.8.1 **Minutes of the Statutory Planning Committee meeting held on Tuesday 22 October 2013**

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday 22 October 2013, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

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7491.9 Reports

7491.9.1

City of Joondalup Local Housing Strategy

File DP/10/00463/1
Report Number SPC/540
Agenda Part D
Reporting Officer Planning Manager- Schemes,
Strategies and Amendments

In response to a question from Mr Holloway on height restrictions, Ms Cox undertook to seek clarification and forward to members outside the meeting the results of her investigation.

Resolved

Moved by Ms Taylor, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to:

1. *support the local housing strategy for the purposes of:*
 - (a) *incorporating the Local Housing Strategy recommendations in the City's draft Local Planning Strategy and as a basis for guiding future amendments to District Planning Scheme No. 2;*
2. *advise the City of Joondalup that:*
 - (a) *detailed consideration will be given to any proposed dual coding provisions at the time these are proposed to be inserted into the scheme;*
 - (b) *with respect to Recommendation 5 of the Local Housing Strategy, the proposal to increase the residential density for commercial and centre zoned land within the City is supported. The City should investigate the application of activity centre codings in preparing its new Scheme, or amendments to its existing scheme;*

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- (c) *with respect to Recommendation 6, any proposed policy should contain guidance concerning what constitutes 'large land parcels';*
- (d) *the Strategy Map should be modified before inclusion in the Local Planning Strategy to identify the Sorrento District Centre and to replace annotations of Whitfords and Warwick from regional centres to secondary centres to reflect the terminology of State Planning Policy 4.2 'Activity Centres for Perth and Peel'.*

The motion was put and carried.

7491.9.2

Proposed Survey Strata Subdivision of Lot 45 Angelo Street, Corner Anthony Street, South Perth

File 1034-13
Report Number SPC/541
Agenda Part G
Reporting Officer Senior Planning Officer

Resolved

Moved by Ms Bartle, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the proposed survey strata application at Lot 45 Angelo Street, corner Anthony Street, South Perth, subject to the following conditions:

1. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approval plan of subdivision. (Water Corporation)*
2. *Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to lot(s) shown on the approval plan of subdivision. (Water Corporation)*

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3. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an electricity supply to the survey-strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)*
4. *The provision of easements pursuant to Section 167 of the Planning and Development Act 2005 for existing or planned power infrastructure being granted free of cost to that body. (Western Power)*

ADVICE:

1. *In regard to Conditions 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. *With regard to Condition 3, Western Power provides only one point of electricity supply per freehold (green title) lot.*
3. *The creation of two grouped dwellings on the subject land has generated the*

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*impetus for the Western Australian
Planning Commission to grant conditional
survey strata subdivision approval.*

The motion was put and carried.

7491.9.3 Proposed Three Dependent Persons' Dwellings and One Single Bedroom Dwelling at Lot 386 (No. 78) Birkett Street, Bedford

File 15-50080-1
Report Number SPC/542
Agenda Part G
Reporting Officer Director, Metropolitan Central

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the proposed development of three dependent persons' dwellings and one single bedroom dwelling at Lot 386 (No. 78) Birkett Street, subject to the following conditions:

CONDITION(S):

- 1, The development shall be carried out in accordance with the terms of the application as approved herein, and the attached plans (SK.01F; SK.02D; SK.03A; SK.04E; SK.05CD, SK.06D) date-stamped 23 October 2013 by the Department of Planning on behalf of the Western Australian Planning Commission.
2. Prior to the issue of a Building Licence a schedule of external colours and finishes of the proposed development being submitted to the specification of the City of Bayswater and to the satisfaction of the Western Australian Planning Commission.
3. Unit 1 shall be occupied by a carer, and Units 2, 3 and 4 shall be occupied by dependent persons, in accordance with the provisions of the Residential Design Codes, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.

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4. A detailed landscape plan shall prepared and lodged with the City of Bayswater for approval, prior to the lodgement of a building permit application, and shall be implemented prior to occupation of the units by residents and thereafter maintained, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.
5. Prior to occupation of the development, appropriate signage and/or line marking shall be provided to indicate visitor parking bays to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.
6. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.
7. Any existing septic system is to be decommissioned to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission and in accordance with the Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No.2) 1997.
8. All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.
9. All vehicle crossings being upgraded, designed and constructed to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.
10. The existing and/or proposed driveways being constructed with brick paving or concrete to the specification of the City of

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Bayswater and the satisfaction of the Western Australian Planning Commission.

11. The design, construction and maintenance of driveways and parking areas to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.
12. The development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect.

ADVICE

1. With regard to Condition 4, the plan shall be prepared, identifying the following, and adopt the principle of reducing hard paving on the site where possible:
 - (i) Additional landscaping within the common property accessway, maintaining a minimum driveway width of 3m;
 - (ii) The removal of existing paving from, and the planting of appropriate vegetation within the Birkett Street verge, including the provision of one (1) street tree, at the full cost of the applicant and to the specifications of the City of Bayswater;
 - (iii) The location and species of all native trees and shrubs to be retained and/or removed;
 - (iv) The location and species of proposed trees and shrubs;
 - (v) The location of any lawn areas to be established; and
 - (vi) Those areas to be reticulated or irrigated.
2. With regard to Condition 12, where an approval has lapsed, no development/use shall be carried out without the further

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approval of the City of Bayswater having first been sought and obtained.

There was discussion on this item and members agreed to add an additional Condition to include appropriate memorials on title to ensure the intended land use prevails over time.

Resolved

Moved by Ms Bartle, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to approve the proposed development of three dependent persons' dwellings and one single bedroom dwelling at Lot 386 (No. 78) Birkett Street, subject to the following conditions:

CONDITION(S):

- 1. The development shall be carried out in accordance with the terms of the application as approved herein, and the attached plans (SK.01F; SK.02D; SK.03A; SK.04E; SK.05CD, SK.06D) date-stamped 23 October 2013 by the Department of Planning on behalf of the Western Australian Planning Commission.*
- 2. Prior to the issue of a Building Licence a schedule of external colours and finishes of the proposed development being submitted to the specification of the City of Bayswater and to the satisfaction of the Western Australian Planning Commission.*
- 3. Unit 1 shall be occupied by a carer, and Units 2, 3 and 4 shall be occupied by dependent persons, in accordance with the provisions of the Residential Design Codes, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.*
- 4. A detailed landscape plan shall prepared and lodged with the City of Bayswater for approval, prior to the lodgement of a building permit application, and shall be*

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implemented prior to occupation of the units by residents and thereafter maintained, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.

5. *Prior to occupation of the development, appropriate signage and/or line marking shall be provided to indicate visitor parking bays to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.*
6. *On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.*
7. *Any existing septic system is to be decommissioned to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission and in accordance with the Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No.2) 1997.*
8. *All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells, to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.*
9. *All vehicle crossings being upgraded, designed and constructed to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.*
10. *The existing and/or proposed driveways being constructed with brick paving or concrete to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.*

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11. *The design, construction and maintenance of driveways and parking areas to the specification of the City of Bayswater and the satisfaction of the Western Australian Planning Commission.*
12. *The development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect.*
13. *Prior to occupation of the dwellings, a notification pursuant to section 70A of the Transfer of Land Act must be lodged against the certificate of title to the land on which the development is to be carried out, to bind the owners and successors in title to the occupancy restriction that occupants of the second, third and fourth dwellings when viewed from Birkett Street, are to be aged or dependant persons as defined by the Residential Design Codes, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*

ADVICE

1. *With regard to Condition 4, the plan shall be prepared, identifying the following, and adopt the principle of reducing hard paving on the site where possible:*
 - (i) *Additional landscaping within the common property accessway, maintaining a minimum driveway width of 3m;*
 - (ii) *The removal of existing paving from, and the planting of appropriate vegetation within the Birkett Street verge, including the provision of one (1) street tree, at the full cost of the applicant and to*

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- the specifications of the City of Bayswater;*
- (iii) The location and species of all native trees and shrubs to be retained and/or removed;*
 - (iv) The location and species of proposed trees and shrubs;*
 - (v) The location of any lawn areas to be established; and*
 - (vi) Those areas to be reticulated or irrigated.*

2. *With regard to Condition 12, where an approval has lapsed, no development/use shall be carried out without the further approval of the City of Bayswater having first been sought and obtained.*

The motion was put and carried.

7491.9.4

Request For Reconsideration of Conditions-Subdivision Lot 10 and 11 Weero Road Shire of Wyndham East Kimberley

File 147923

Report Number SPC/

Agenda Part G

Reporting Officer Executive Director, Regional Planning and Strategy

Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. Retain Conditions 1, 2 and 3 on the following grounds:
 - a. Development Control Policy 1.1 - Subdivision of Rural Land requires all new lots to be provided with a standard of public utility services appropriate for its intended use.
 - b. There is an existing electricity supply to Lots 10 and 11. Extension of this service to the newly created lot is not considered onerous.
2. Retain Condition 12 and Advice Note 3 on the following grounds:

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- a. The proposed subdivision of this agricultural land into four Lots is inconsistent with provisions of State Planning Policy 2.5 (WAPC 2002), draft State Planning Policy 2.5 (WAPC 2012), Development Control Policy 3.4 and the Rural Planning Guidelines (WAPC 2012).
- b. The Shire of Wyndham East Kimberley is currently undertaking a review of the Local Planning Strategy and Local Planning Scheme and consideration of subdivision within the Ord River Irrigation Area is a key component of this review.

There was discussion on this item and it was agreed to amend Recommendation 1 to also retain Condition 4.

It was further agreed to add an Advice Note to recommend that officers of the Department of Planning and the Chairman holds early discussions with Horizon Power on the application of its current policies as the Commission is of the view that, in instances such as this, the policy is not appropriate or economically feasible to implement for the applicant.

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to:

1. *retain Conditions 1, 2, 3 and 4 on the following grounds:*
 - a. *Development Control Policy 1.1 - Subdivision of Rural Land requires all new lots to be provided with a standard of public utility services appropriate for its intended use;*
 - b. *There is an existing electricity supply to Lots 10 and 11. Extension of this service to the newly created lot is not considered onerous;*
2. *retain Condition 12 and Advice Note 3 on the following grounds:*

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- a. *The proposed subdivision of this agricultural land into four Lots is inconsistent with provisions of State Planning Policy 2.5 (WAPC 2002), draft State Planning Policy 2.5 (WAPC 2012), Development Control Policy 3.4 and the Rural Planning Guidelines (WAPC 2012);*
 - b. *The Shire of Wyndham East Kimberley is currently undertaking a review of the Local Planning Strategy and Local Planning Scheme and consideration of subdivision within the Ord River Irrigation Area is a key component of this review;*
3. *add an Advice Note 4 on the following grounds:*
- a. *To recommend that the Chairman and offices of the Department of Planning hold early discussions with Horizon Power on the application of its current policies as the Commission is of the view that, in instances such as this, the policy is not appropriate or feasible for the applicant.*

The motion was put and carried.

Moved to item 6.4.

7491.9.5 Subdivision to Create Three Lots for Residential Purpose. Lots 1895 and 1889 Springfield Street, Corner of Agincourt Drive and Burrendah Avenue, Willetton.

File 146953
Report Number SPC/544
Agenda Part H
Reporting Officer Planning Officer, Metropolitan Central,
Perth and Peel Planning

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lots 1889 and 1895 Springfield Street, Willetton as shown on the plan date

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stamped 31 October 2012 subject to the following conditions and advice:

Conditions:

1. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on proposed Lots 52 and 53 at the time of subdivision approval being demolished and materials removed from the lots. (Local Government)*
2. *The land being filled, stabilised, drained and/or graded as required to ensure that*
 - a) *lots can accommodate their intended development;*
 - b) *finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
 - c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system*
(Local Government)
3. *All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)*
4. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the*

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lots shown on the approved plan of subdivision. (Water Corporation)

5. *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)*
6. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*
7. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)*

Advice:

1. *In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
2. *The applicant is advised that the City of Canning may require further information to demonstrate that site conditions on the proposed lots are of a standard that will enable further development. If fill is required to be used, then the applicant will need to ensure clean fill is used, sufficient compaction is achieved and that on site drainage is managed appropriately and that this may need to be demonstrated to Councils satisfaction.*
3. *In regard to Conditions 4, 5 and 6, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development*

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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.

- In regard to Condition 7, Western Power provides only one underground point of electricity supply per freehold lot.*

The motion was put and carried.

7491.10 Confidential Items

7491.10.1 City of Perth - Minor Town Planning Scheme No. 7 (St Martins Centre) - Request For Repeal.

File 853/02/10/0012P
Report Number SPC/545
Agenda Part B
Reporting Officer Manager Metro Planning Central

THIS ITEM IS CONFIDENTIAL

7491.10.2 City of Nedlands - Local Planning Scheme Amendment No. 194 - For Final Approval

File TPS/0511/1
Report Number SPC/546
Agenda Part B
Reporting Officer Planning Manager - Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7491.10.3 City of Canning - Local Planning Scheme Amendment No. 184 - For Final Approval

File TPS/0956
Report Number SPC/547
Agenda Part B
Reporting Officer Planning Manager- Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

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7491.10.4 State Administrative Tribunal: Invitation to Reconsider Decision to Create Four Lots for Residential, a Reserve for Community Parking Purposes, a Reserve for Community Access Purposes: Lot 598 Darwin Terrace, Dudley Park

File 147108
Report Number SPC/548
Agenda Part C
Reporting Officer Planning Manager, Peel

THIS ITEM IS CONFIDENTIAL

7491.10.5 Subdivision to Create 147 Lots for Residential Purposes and Two Public Open Space Reserves at Lots 809, 9002 and 9003 Wattleup Road, Wattleup (Hammond Park)

File 148010
Report Number SPC/549
Agenda Part D
Reporting Officer Planning Manager, Metropolitan Planning South West, Perth and Peel Planning

THIS ITEM IS CONFIDENTIAL

7491.10.6 State Administrative Tribunal: Invitation to Reconsider Decision to Create Six Lots for Rural Purpose

File 147875
Report Number SPC/550
Agenda Part G
Reporting Officer Senior Planning Officer- Planning Appeals

THIS ITEM IS CONFIDENTIAL

7491.11 General Business

7491.11.1 Delegations to Officers

Ms Burrows advised that officers are seeking a variance to the current policy position with respect to assessing lot variations under the R-Codes, particularly within the Central area. Currently officers may operate within a 5% variation. The review of the policy position would look at the outcome proposed; including setbacks, amenity, height and other factors as well as general discussion across the board, as it also affects other regions.

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7491.12 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.	TBA
7482.9.1	Update of Planning Bulletin 67: Guidelines for Wind Farm Development	To request the Department to liaise with the Department of Lands and the Department of Agriculture and consult with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy. To incorporate comments from SPC members and to represent the policy to a future SPC meeting.	TBA

7491.13 Closure

The next ordinary meeting is scheduled for 9.00 am on Tuesday 10 December 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.45 am.

PRESIDING MEMBER _____

DATE _____

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G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.2	FOUR MULTIPLE DWELLINGS - LOT 35 (NO. 77) EASTDENE CIRCLE, NOLLMARA
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10.6 SHIRE OF WAGIN – CONSOLIDATION OF LOCAL PLANNING SCHEME NO. 2 - CONSENT TO ADVERTISE

10.7 SHIRE OF KULIN – CONSOLIDATION OF LOCAL PLANNING SCHEME NO. 2 - CONSENT TO ADVERTISE

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10.9 DEVELOPMENT: - DISABILITY JUSTICE CENTRE - LOT 11943 (RESERVE 43132) LORD STREET, CAVERSHAM

1010 STATE ADMINISTRATIVE TRIBUNAL REVIEW: RECONSIDERATION OF CONDITIONS OF SUBDIVISION APPROVAL TO CREATE 25 LOTS FOR RESIDENTIAL PURPOSE AT LOT 3, 300 AND 301 SULTANA ROAD, FORRESTFIELD

10.11 STATE ADMINISTRATIVE TRIBUNAL REVIEW: INVITATION TO RECONSIDER REFUSAL OF SUBDIVISION TO CREATE 3 SURVEY STRATA LOTS (INCLUDING COMMON PROPERTY) FOR RESIDENTIAL PURPOSE: LOT 156 KATHERINE STREET, BELLEVUE

ITEM NO: 9.1

ENDORSEMENT OF THE CITY OF SWAN LOCAL STRUCTURE PLAN NO. 26 (VALE DEVELOPMENT PLAN 3) - LOT 9064 MILLHOUSE ROAD, AVELEY

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER: A/Planning Director, Metropolitan Planning North East
AGENDA PART: C
FILE NO: SPN/0506
DATE: 12 November 2013
ATTACHMENT(S):
1. Proposed Structure Plan
2. Zoning Plans
3. Swan Valley Planning Act Area Plan
4. Egerton Structure Plan (ODP 50)
5. Preliminary Structure Plan
6. View line cross sections

REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: City of Swan
LOCAL SCHEME ZONING: Special Use
LGA RECOMMENDATION(S): Approval subject to modification
REGION DESCRIPTOR: North East
RECEIPT DATE: 16 August 2013
PROCESS DAYS: 89
APPLICATION TYPE: Structure Plan
CADASTRAL REFERENCE: Lot 9064 Millhouse Road, Aveley

RECOMMENDATION:

The Western Australian Planning Commission resolves to, pursuant to Part 5A of the City of Swan Local Planning Scheme No. 17, endorse the modified structure plan (Structure Plan No.26), adopted by the City of Swan on 1 May 2013, subject to the modifications listed below:

Structure Plan Maps

- i. Modification 3(a) and (b) of the City of Swan Council decision of 1 May 2013 are not supported by the Western Australian Planning Commission as they are inconsistent with the previous decisions relating to the subject land, including Outline Development Plan No. 50. The structure plan is to be modified so that:***
 - a) the boundaries and density codings of the 'Residential' zones reflect the attached plan no. 995-819K-01 (13.08.2013), which removes modification 3(a); and***
 - b) the 'Residential R2.5/5' zone is removed from the legend and Note 1 deleted. Related references within the structure plan document, including Part 1, will also need to be updated accordingly.***
- ii. The density provisions under "Zones" being replaced with the following provisions:***
 - a. A base density code of R30 shall be provided for all other residential lots within the Structure Plan.***
 - b. Medium densities of R40 to R60 shall be provided in areas of high amenity including:***
 - i. Within 800 metres of centres (activity and community);***
 - ii. Within 400 metres of public open space; or***
 - iii. Within 250 metres of public transport or neighbourhood connector routes.***

Part Four: Statutory Documentation

- iii. The table in section 5.3.3 being replaced with the following provisions:***

The allocation of residential densities on the Residential Code Plan shall be in accordance with the following criteria:

- a. A base density code of R30 shall be provided for all other residential lots within the Structure Plan.***
- b. Medium densities of R40 to R60 shall be provided in areas of high amenity including:***

-
- i. Within 800 metres of centres (activity and community);*
 - ii. Within 400 metres of public open space; or*
 - iii. Within 250 metres of public transport or neighbourhood connector routes.*

References to section 5.3.3 within the document will also need to be updated accordingly.

- iv. Section 6.1.1 being modified to remove reference to 'R2.5/5 Lots' and replace with 'R5 Lots'.*
- v. Table 1A, 1B and Table 2 refers to the provisions of the November 2010 Residential Design Codes. Table 1A, 1B and Table 2 are to be modified to refer to the correct clauses of the current Residential Design Codes, gazetted on 2 August 2013.*
- vi. The R-Code variations included within Table 2 relating to Private Open Space for Laneway lots being modified to specify the requirement for an Outdoor Living Area within a minimum useable space of 24m².*
- vii. The R-Code variation included within Table 2 relating to Privacy for laneway lots being modified to state:*

With the exception of setbacks of major openings to bedrooms and studies for R60 lots, a minimum 4.5 cone of vision privacy setback applies to major openings to side and rear boundaries abutting residential properties where the floor level to any habitable space is greater than 500mm above natural ground level.

SUMMARY:

The City of Swan Local Structure Plan No. 26 (LSP 26) - Vale Development Plan 3 (DP3) proposing approximately 1800 residential dwellings, a primary school site and public open space (POS) has been received for final endorsement.

The structure plan has been referred to the Statutory Planning Committee for determination as concerns have been raised regarding modifications required by the City of Swan in relation to the provision of an additional public open space interface and the introduction of an average lot size requirement of 3000m² along the boundary of the proposed residential development and the Ellen Brook, which provides an interface to land used for rural/viticultural activities within the Swan Valley Planning Act area.

These modifications are inconsistent with previous decisions relating to the site, including the amendment to the Metropolitan Region Scheme (MRS) which defined the boundary of the Urban/Rural land and the endorsed Egerton Structure Plan (Outline Development Plan 50), which provided for an interface of larger lots of a minimum of 2000m² abutting the Ellen Brook. It is recommended that LSP 26 be endorsed subject to modifications reflecting the previous decisions in relation to this interface.

BACKGROUND:

LSP 26, also referred to as the Vale Development Plan Three (DP3), has been prepared by CLE Town Planning and Design on behalf of Stockland to guide the future subdivision and development of land within Lot 9064 Millhouse Road, Aveley.

The structure plan was adopted by the City at its 1 May 2013 Ordinary Meeting of Council subject to modifications. The structure plan has been modified and forwarded to the Western Australian Planning Commission (WAPC) for endorsement in accordance with Clause 5A.1.10.1 of the City of Swan Local Planning Scheme No. 17 (LPS No.17) (**Attachment 1** - Structure Plan Maps). The applicant has requested that the WAPC reconsider a number of the modifications required by the City. This will be discussed further within the officer comments section of the report.

The majority of the subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS), with a small portion of land along the eastern boundary zoned 'Rural' which reflects the area of land included within the Swan Valley Planning Act (SVP Act) area. The land is zoned 'Special Use' and 'Rural Residential' under the City of Swan LPS No.17, corresponding with the respective 'Urban' and 'Rural' zoning under the MRS. A small portion of land within the south-eastern corner of the structure plan area is zoned 'Swan Valley Rural'. The structure plan abuts land reserved for 'Parks and Recreation' to the east associated with the Ellen Brook. (**Attachment 2** - Zoning Maps & **Attachment 3** - Swan Valley Planning Act area).

The Egerton Structure Plan (a district level structure plan), also referred to as Outline Development Plan 50 (ODP 50), was originally endorsed by the WAPC in October 1995 subject to a number of issues being addressed at more detailed stages of planning. ODP 50 was reviewed in 2004 and endorsed in 2005 (**Attachment 4** - Egerton Structure Plan). Development Plan One (DP1), originally endorsed in July 1996, has since been reviewed, and represented the first stage of development within ODP 50. Development Plan Two (DP2), was originally endorsed in 2007 and is the second stage of development within ODP 50. The land within the DP1 area has effectively been entirely developed while the majority the DP2 has also been developed. Current subdivision approvals exist for the remaining areas of undeveloped land.

DP3 represents the final stage of development of land within ODP 50.

The land is within 'Special Use Area 4 - Ellenbrook' and is subject to the relevant provisions of Schedule 4 of LPS No. 17. The provisions requires three levels of planning, including the preparation and approval of a structure plan (ODP 50), local structure plans/development plans (the current proposal) and detailed area plans (DAP), prior to the subdivision or development of the land.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Planning and Development Act 2005 (as amended) (PD Act)</i> <i>Swan Valley Planning Act (SVP Act)</i>
Section:	PD Act - Part 10 SVP Act - Part 3
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:	Liveable Neighbourhoods Planning for Bush Fire Protection - Edition 2

DETAILS:

The subject land is located approximately 20 kilometres north-east of Perth, 12 kilometres north of Midland and comprises approximately 148 hectares. The DP3 area is generally bound by Millhouse Road to the north, Gnangara Road to the south, the Ellen Brook to the east and Zanzibar Wetland to the west. The land is mostly clear of vegetation, however, some vegetation exists along previous fence lines and access tracks.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Nil.

CONSULTATION:

The City of Swan originally advertised the structure plan for a period of 21 days in accordance with the requirements of LPS 17, which was extended by an additional 14 days. The City received 15 public submissions including 13 objections and two of no objection. The issues raised within the objections related to the following:

- Interface between the eastern boundary of the DP3 structure plan area and the adjoining rural land and the Ellen Brook.
- Impacts from the additional traffic on the existing surrounding roads and the adequacy of the proposed road connections.
- The siting of additional residential development near areas of bushfire hazards.
- Impacts on the local hydrology as a result of additional development.

These matters will be discussed within the officer's comment section of the report.

Comments were also received from seven government agencies as summarised below:

- *Department of Water (DoW)* - initially advised the City that the Local Water Management Strategy (LWMS) was being assessed by the DoW. The LWMS has subsequently been approved by the DoW.
- *Department of Education* - the location and configuration of the proposed primary school site is agreed.
- *Main Roads WA* - supported subject to further information in relation to trip generation, traffic distribution. The applicant has responded to these comments and also provided further information to the Department of Planning, which will be discussed further within the officer's comments section of the report.
- *Department of Transport* - the development is contiguous to Gnangara Road and West Swan Roads, both 'Other Regional Roads' within the MRS and recommended intersection connections to Gnangara Road should be agreed with Main Roads WA and the Department of Planning. The intersections proposed are consistent with the endorsed ODP 50 and no objection has been raised by Main Roads WA or the Department's assessment.
- *Water Corporation* - the Water Corporation is currently updating the wastewater conveyance planning for the Ellenbrook Sewer District and the densities proposed within the structure plan will be addressed in this planning to determine the need for any adjustments to current planning and upgrading requirements. Detailed planning is to ensure that Egerton Drive is of sufficient width to allow for a required water main (300mm diameter).
- *Swan River Trust* - raised concerns in relation to buffers to conservation category wetlands and the proposed construction of residences close to the multiple use wetlands. These matters were addressed as part of Ministerial Statement 372 in accordance with the *Environmental Protection Act*. The proposed structure plan is consistent with the Ministerial Statement.
- *Office of the Environmental Protection Authority* - referred to Ministerial Statement 372 and advised that it was expected that remaining commitments and conditions relating to implementation of strategies and management plans would be met prior to subdivision.

The structure plan was referred to the Swan Valley Planning Committee (SVPC) and considered at its meeting on 25 March 2013. The SVPC resolved to:

"1. *Support the retention of that portion of the affected land which forms part of the Swan Valley Planning Area A as public open space to be vested in the City of Swan; and*

2. *Recommend approval of the structure plan for Vale Development Plan 3, subject to the creation of a notional buffer of 300 metres at the interface of residential development and the Swan Valley Planning Area by:*

- *larger lots at a minimum 2000m² along the southern and eastern edges of the zoned area abutting Ellen Brook and working vineyards;*
- *the application of building envelopes on the larger lots to maximise the separation between residential and adjacent agricultural land use;*

-
- *the sensitive development of areas for parks and recreation, the retention of viable extant vegetation and appropriate revegetation where it might be needed at the southern and eastern edges of the zoned area;*
 - *the substitution of the proposed road reserve along the eastern edge of the zoned area abutting the Ellen Brook with public open space, a pedestrian/cycleway and appropriate landscaping to maximise separation of residential and agricultural uses and provide a sympathetic transition between the two;*
 - *extending the buffer 100m east from the dam wall of the heritage reservoir south so far as the convict bridge; and*
 - *that the drainage of storm water be directed to restoring Lake Yakine."*

With the exception of the last recommended point, which was not supported by the Department of Water in its assessment of the LWMS, the recommendations were incorporated into the structure plan through Council's resolution, or are able to be appropriately addressed at subdivision. However, the applicant has raised concerns regarding the second last requirement, which will be further discussed later in this report.

OFFICER'S COMMENTS:

The proposed structure plan identifies areas for residential development, major road and connections, the provision of POS and a primary school site. The majority of the site is zoned for residential development, with POS being proposed along the eastern boundary of the structure plan and within an east-west central corridor. Two north-south neighbourhood roads, including Egerton Drive, are proposed providing access to Millhouse Road to the north and Gngangara Road to the south. Two east-west internal neighbourhood distributors are also proposed. The structure plan is generally consistent with ODP 50 and Liveable Neighbourhoods (LN) and is considered generally suitable for endorsement; however, some issues require further discussion.

Interface with Ellen Brook and the Swan Valley Planning Act area

The structure plan considered by the City of Swan provided for POS within the areas zoned 'Rural' within the MRS (and located within the SVP Act area) and proposed 'Residential R5' lots abutting the Ellen Brook and 'Rural' zoned land, consistent with ODP 50. (**Attachment 5** - Preliminary Structure Plan)

As part of its resolution to adopt the structure plan, the City of Swan required the following modifications:

- 3a) *Modify the siting of the proposed two "Residential R5" areas either side of the Aviary Creek to achieve a further 100 metre setback from the boundaries of the subject lot; and*
- 3b) *Modify the proposed coding of the lots at the interface with the Ellen Brook from the proposed "Residential R5" coding to a "Residential R2.5/5" coding with a supplementary provision as follows:*

"Development of the interface area shall include a mix of lots in the range of 2000-4000m² and ensuring an average lot size across this area of 3000m²."

The applicant has requested that the WAPC reconsider the requirements of these modifications, advising that they have a significant impact on the structure plan, compromising the residential yield, distorting the POS provision and increasing maintenance requirements for the City. The applicant seeks the deletion of these requirements on the basis that they are in conflict with previous decisions by the WAPC in relation to this matter.

Amendment 1020/33 to the MRS rezoned 42ha of the locality from 'Rural' to Urban, which included the eastern edge of the ODP 50 area. A number of objections were received during the advertising of the amendment relating to:

- impacts on the landscape, amenity, heritage and environmental values of the Ellen Brook valley, the old Belhus Estate and the Swan Valley in general; and
- residential development leading to the curtailment of rural activities and land use conflict.

In response, a visual appraisal was undertaken to minimise the visual impact and intrusion on land in the locality, this resulted in the modification of the proposed 'Urban' boundary. A small portion of land, located within the SVP Act area, was also removed from the proposed amendment. Additionally, the landowner at the time (Multiplex) committed to further enhance the buffer between the eastern edge of the development and the Swan Valley by locating large lots (with a minimum lot size of 2000m²) along the immediate perimeter. This was determined to provide a satisfactory buffer between the urban and rural land in the locality, addressing the issues raised, and the land was rezoned accordingly. This requirement was reflected within ODP 50, with a requirement for DAPs to be required for the larger lots at a later stage.

The applicant has submitted a plan depicting three cross sections which demonstrate that due to the existing topography and landscape characteristics, the proposed residential development within the 'Urban' zoned land will not result in a visual impact on the adjoining rural land (**Attachment 6**). Additionally, officers of the Department of Planning have undertaken an inspection of the site in the context of the required modifications, considering the impact of the addition 100m setback, and have concluded that there is unlikely to be any changes to the visual impact of the proposed development as a result. In considering the land's topography, aspect and existing vegetation within the rural zoned land abutting the Ellen Brook, the additional setback was not considered likely to result in a significant change to interface of the structure plan area. Furthermore, no justification could be found for reducing the density along the interface, as required by the Council's resolution, as the incremental reduction in density would not materially alter the final development outcome in this regard.

In view of the above points, there is considered to be no justification for the modifications, inconsistent with decisions made as part of MRS Amendment 1020/33 and ODP 50 which considered this issue in detail. Accordingly, it is recommended that the structure plan be modified to reflect the zoning boundaries and density codings as shown on Attachment 5, in addition to the provisions relating to the

'Residential R2.5/5' zone being removed from the structure plan map and statutory text.

Primary School Site

The ODP 50 map shows a 4.0 hectare primary school site (consistent with LN) located adjacent to a 'Mixed Use' centre along Millhouse Road. As a result of higher than originally planned dwelling yields being reached within ODP 50, a larger primary school site was required. With the agreement of the Department of Education, an alternative and larger 5.5 hectare site has been located within the DP3 structure plan area.

Local Centre

The ODP 50 identifies a small local centre located within the DP3 area, which is not included on the DP3 structure plan. The applicant has advised that this centre was to consist of a centre approximately of 100-250m² in area and was anticipated to accommodate a local store. Both the DP1 and DP2 structure plans included neighbourhood centres of 3500m² and 4500m² respectively. The DP1 neighbourhood centre has been developed to include a supermarket, specialty stores, a medical centre and cafe. The DP2 neighbourhood centre has received development approval for a large scale supermarket, service station and specialty stores. Given the development of these centres, the small local centre within the DP3 area was deemed unlikely to be economically viable. Notwithstanding this, the City of Swan LPS No.17 allows a "home store" as a discretionary use within the 'Residential' zone which would allow for a small local store should demand justify a need. This has previously occurred within the Vines Estate to the north of ODP 50. Accordingly, the removal of the small local centre from DP3 is considered acceptable.

Lot Layout and Yield

The proposed structure plan prescribes a density coding range of 'R30/40/60' across the majority of the residential zone, with the exception of the larger lot area along the eastern boundary. Local access roads are not shown on the structure plan and are to be addressed as part of future subdivision applications.

Lot densities are proposed to be assigned via criteria included within the statutory text, with an Residential Code (R-Code) Plan to be approved at the time of subdivision, and thereafter forming part of the structure plan. The structure plan is anticipated to result in the for the development of approximately 1700 lots and 1800 dwellings. The lot yield and density estimate included in the structure plan estimates a yield of 15.06 dwellings per gross urban zoned hectare. The estimated yield is in excess of the density target of 15 dwellings per gross urban zoned hectare under *Directions 2031 and Beyond*.

The criteria proposed is not considered to represent locational criteria as required by the *Structure Plan Preparation Guidelines*, with the criteria referring to lot sizes and products, and does not provided guidance at the subdivision stage. Accordingly it is recommended that the criteria be modified to reference locational characteristics with regard to road layout and proximity to open space to create greater certainty to the anticipated lot sizes. The following criteria was proposed by the applicant to address

this issue in the consideration of a modification to the adjoining DP2 structure plan, which is consistent with other endorsed structure plans within the North West Corridor a:

"Locational Criteria

The allocation of residential densities on the Residential Code Plan shall be in accordance with the following criteria:

- a. A base density code of R30 shall be provided for all other residential lots within the Structure Plan.*
- b. Medium densities of R40 to R60 shall be provided in areas of high amenity including:*
 - i. Within 800 metres of centres (activity and community)*
 - ii. Within 400 metres of public open space; or*
 - iii. Within 250 metres of public transport or neighbourhood connector routes.*

It is recommended that the structure plan be modified to provide this locational criteria.

Residential Design Code Variations

The proposed modification includes the insertion of a number of R-Code variations. Such variations have previously been applied by the City through the use of detailed area plans (DAP) for the purpose of achieving a specific built form outcome for the Vale DP1 and DP2 areas).

The R-Codes provide for a number of deemed-to-comply provisions of the R-Codes to be amended by a local government through local planning policies, local development plans and local structure plans (Clause 7.3.1). While the majority of the proposed variations are covered by Clause 7.3.1, the structure plan proposes the variation of several deemed-to-comply provisions that are not provided for within Clause 7.3.1.

Clause 7.3.2 of the R-Codes allows for further variations to provision not detailed in Clause 7.3.1, however, only where it is demonstrated to the satisfaction of the WAPC that the variation:

- * is warranted due to a specific need related to that particular locality or region;*
- * is consistent with the objectives and design principles of the R-Codes; and*
- * can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.*

The proposed variations requiring WAPC approval relate to:

- private open space;
- privacy;
- solar access;
- parking; and
- ancillary accommodation.

The proposed variations are consistent with recently approved modifications to the Vale DP2 structure plan and structure plans within the North East and North West corridors, including:

- Albion LSP 1 - Whiteman Edge
- Catalina
- Banksia Grove
- Jindowie
- East Two Rocks; and
- Brighton

On this basis it is recommended that the variations be supported subject to minor modifications that have previously been agreed with the applicant.

Public Open Space (POS)

The structure plan requires the provision of a minimum of 10% POS in accordance with the requirements and LN and proposes the provision of 19.15 hectares (excluding the additional area required by the City of Swan's modifications) of unrestricted and restricted POS to be provided as three 'Large Parks', two 'Pocket Parks' and three 'Multiple Use Corridors'. The gross subdivisible area of the DP3 area has been calculated at 139.72 hectares and therefore provision is proposed to be 13.7%. One 'Large Park' and the two 'Pocket Parks' will be subject to more detailed planning at subdivision stage, while the remaining POS areas will make up POS shown on the DP3 structure plan.

Planning for Bush Fire Protection

The Planning for Bush Fire Protection Guidelines (PBFP) Edition 2 were prepared jointly by the WAPC and FESA under State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4) and outline a range of matters that need to be addressed at various stages of the planning process, to provide an appropriate level of protection to life and property from bush fires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified. The applicant has prepared a revised Fire Management Plan (FMP) in accordance with the requirements of PFBP.

The FMP identifies the requirement for development on lots within 100 metres of moderate to extreme bush fire hazard areas to be constructed in accordance with AS 3959, to meet the requirements of PFBP in relation to hazard separation (A4.1). This has been reflected within the structure plan, consistent with previous WAPC decisions based on the advice of the State Solicitors office.

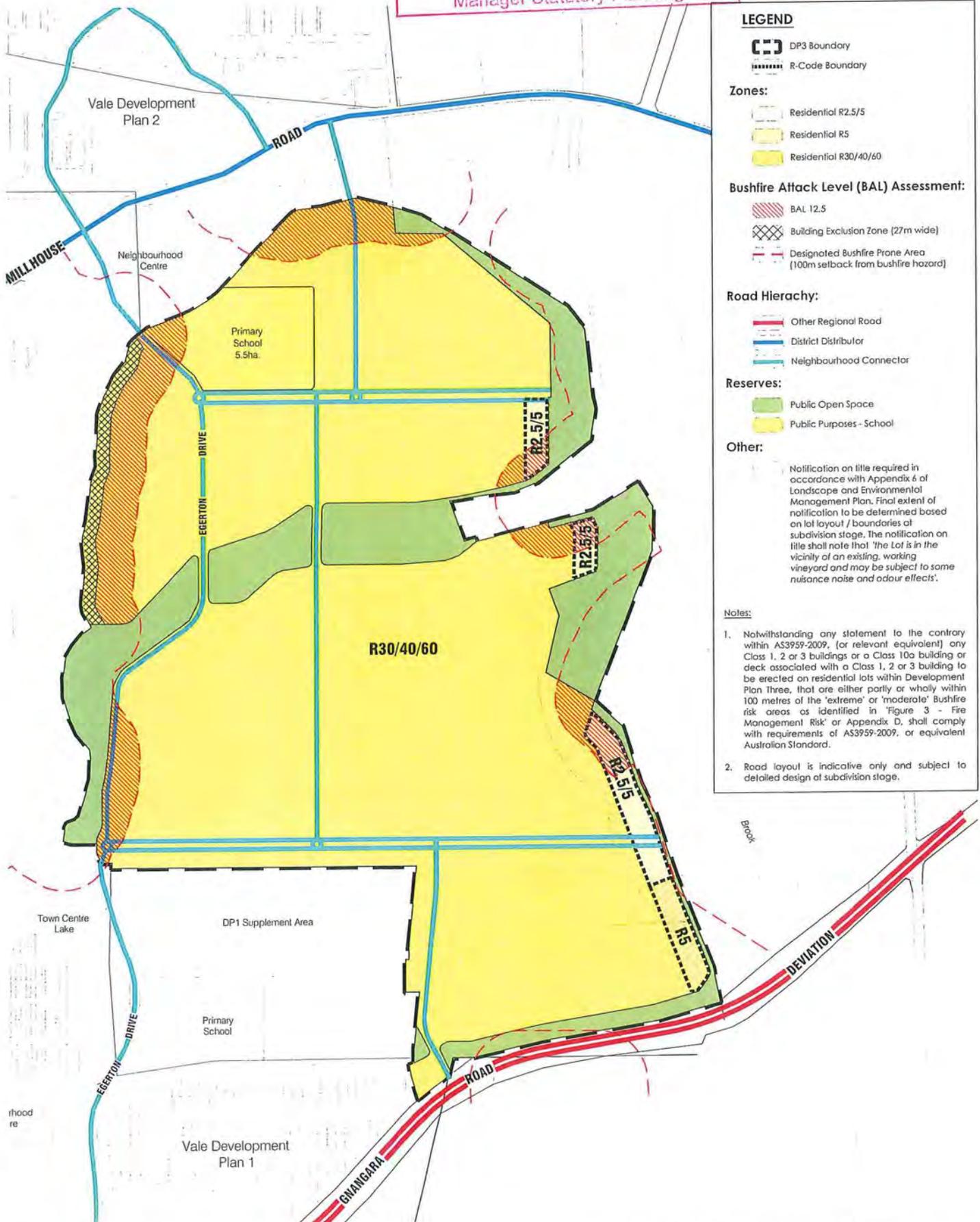
Transport Planning

A Transport Planning Report has been completed for the DP3 structure plan by Sinclair Knight Merz (SKM) on behalf of the proponent. This report has been reviewed by the Department and further information was requested in relation to trip generation and intersection analysis. The Department has reviewed this information and determined that the proposal is acceptable, however notes that staging should

facilitate the timely construction of Egerton Drive to Millhouse Road in the north to relieve the traffic impact on the Egerton Drive/Gnangara Road intersection which will experience increased traffic volumes in the short term. Part Two of the structure plan report states that the extension of Egerton will be dependent upon the construction of adjoining stages of subdivision. This includes the possibility of Egerton Drive being extended from not only the south, where a portion has already been extended from Gnangara Road as part of the development of the DP1 area, but also from Millhouse Road in the north where its extension is required to facilitate development of the northern end of DP3. Accordingly, the construction of Egerton Drive will be a consideration as part of future subdivision applications.

CONCLUSION

Based on the above, it is recommended that the structure plan be endorsed for the purpose of guiding future subdivision and development, subject to modifications.



LEGEND

- DP3 Boundary
- R-Code Boundary

Zones:

- Residential R2.5/5
- Residential R5
- Residential R30/40/60

Bushfire Attack Level (BAL) Assessment:

- BAL 12.5
- Building Exclusion Zone (27m wide)
- Designated Bushfire Prone Area (100m setback from bushfire hazard)

Road Hierarchy:

- Other Regional Road
- District Distributor
- Neighbourhood Connector

Reserves:

- Public Open Space
- Public Purposes - School

Other:

Notification on title required in accordance with Appendix 6 of Landscape and Environmental Management Plan. Final extent of notification to be determined based on lot layout / boundaries of subdivision stage. The notification on title shall note that 'the Lot is in the vicinity of an existing, working vineyard and may be subject to some nuisance noise and odour effects'.

Notes:

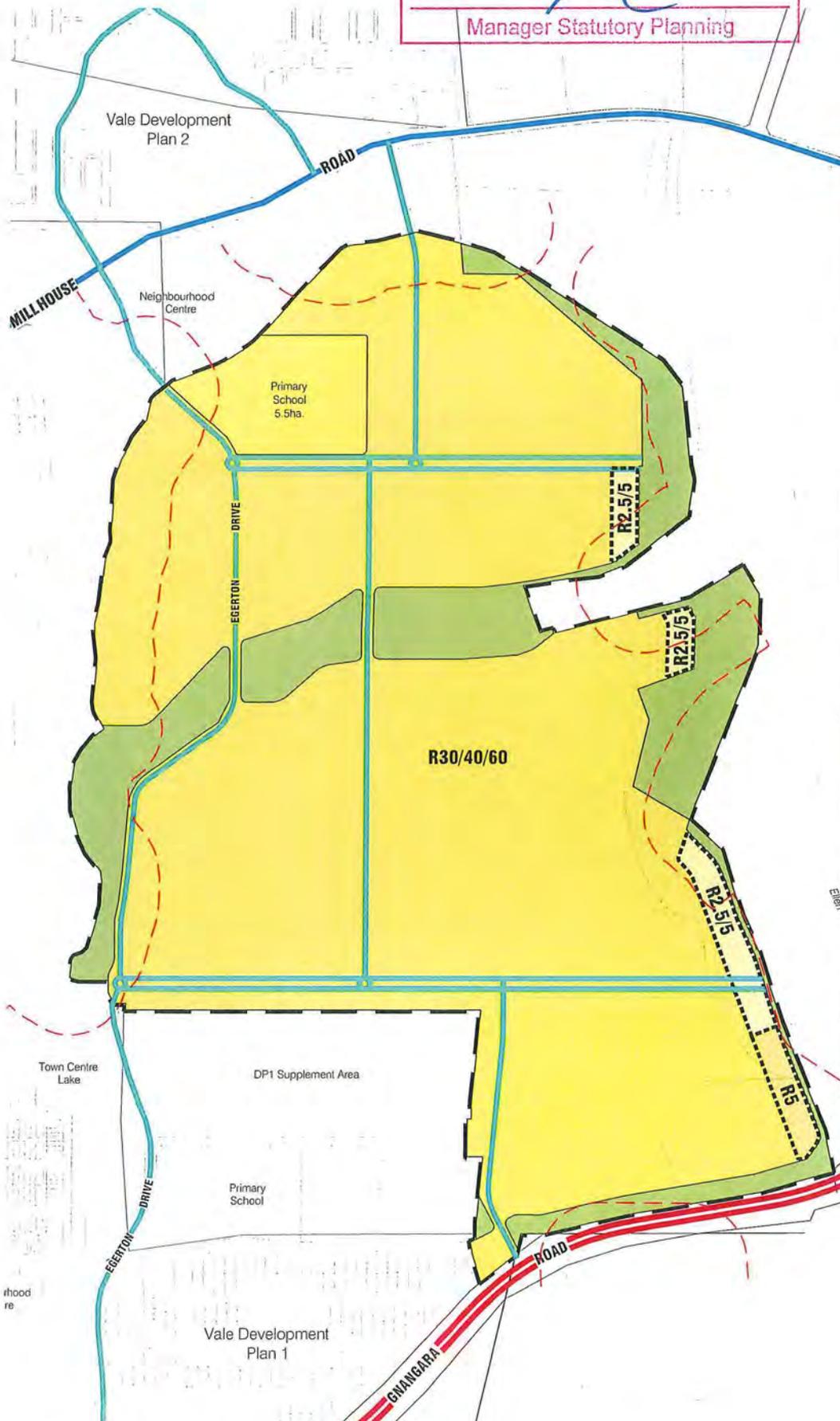
1. Notwithstanding any statement to the contrary within AS3959-2009, (or relevant equivalent) any Class 1, 2 or 3 buildings or a Class 10a building or deck associated with a Class 1, 2 or 3 building to be erected on residential lots within Development Plan Three, that are either partly or wholly within 100 metres of the 'extreme' or 'moderate' Bushfire risk areas as identified in 'Figure 3 - Fire Management Risk' or Appendix D, shall comply with requirements of AS3959-2009, or equivalent Australian Standard.
2. Road layout is indicative only and subject to detailed design of subdivision stage.

CITY of SWAN
APPROVED STRUCTURE PLAN

No: 026

Date: 01 / 05 / 2013

Manager Statutory Planning



LEGEND

- DP3 Boundary
- R-Code Boundary

Zones:

- Residential R2.5/5
- Residential R5
- Residential R30/40/60

1. The Residential R2.5/5 Zone shall include a mix of lots in the range of 2000m² to 4000m² and shall achieve an average lot size of 3000m².
2. The R30 code applies as the base code to single dwelling units on lots that do not have a laneway abutting the rear boundary.
3. The R40 code applies to:
 - a. Lots abutting open space.
 - b. Front loaded lots (no laneway) with a frontage less than 13m.
 - c. 4 Pack/Garden Court Lots.
3. The R60 code* applies to:
 - a. All lots with a laneway abutting the rear boundary.
 - b. Front loaded lots (no laneway) with a frontage less than 10m.
 - c. All corner lots served by two streets (no laneway) where a multiple dwelling is proposed.
 - d. Lots greater than 800m².

* The minimum lot size requirement for an R60 density coded lot is stipulated in clause 5.3.3 of Part 1.

Road Hierarchy:

- Other Regional Road
- District Distributor
- Neighbourhood Connector

Reserves:

- Public Open Space
- Public Purposes - School

Other:

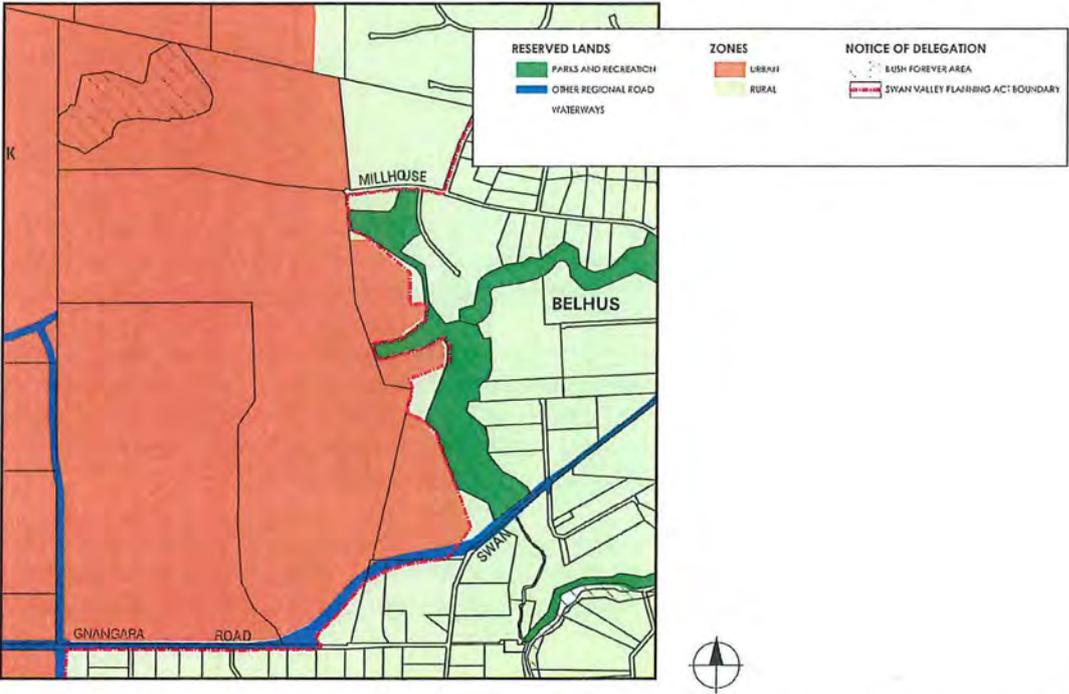
- Notification on title required in accordance with Appendix 6 of Landscape and Environmental Management Plan. Final extent of notification to be determined based on lot layout / boundaries at subdivision stage. The notification on title shall note that 'the Lot is in the vicinity of an existing, working vineyard and may be subject to some nuisance noise and odour effects'.
- Designated Bushfire Prone Area (100m setback from bushfire hazard)

Notes:

1. Local public open space will be determined at subdivision stage. Refer clause 5.2, Part 1.
2. Road layout is indicative only and subject to detailed design at subdivision stage.

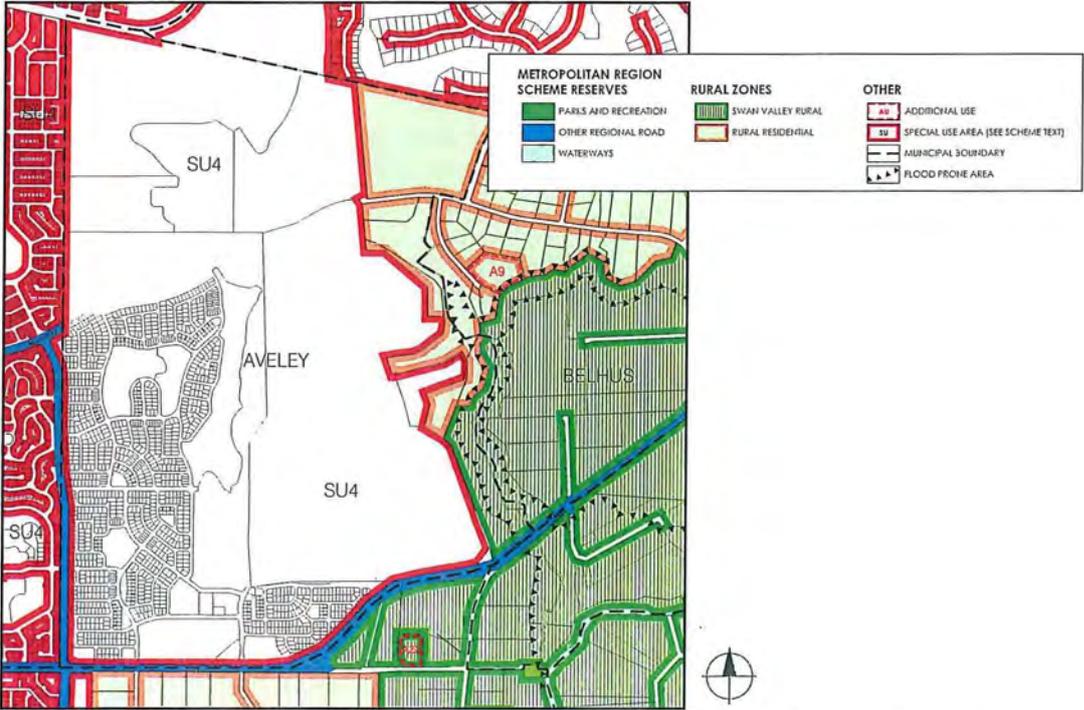
VALE

DEVELOPMENT PLAN 3



Ref: 995-831-01

FIGURE 3: METROPOLITAN REGION SCHEME MAP



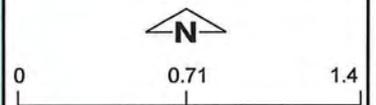
Ref: 995-822-01

FIGURE 4: CITY OF SWAN LOCAL PLANNING SCHEME NO.17



Legend

- Swan Valley Planning Act (2006)
- Area A - rural living (min lot size 1ha)
 - Area B - agricultural uses (min lot size 4ha)
 - Area C - rural living (min lot size 4ha)



1: 31,012
at A4

Projection:
WGS 1984 Web Mercator Auxiliary Sphe

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.

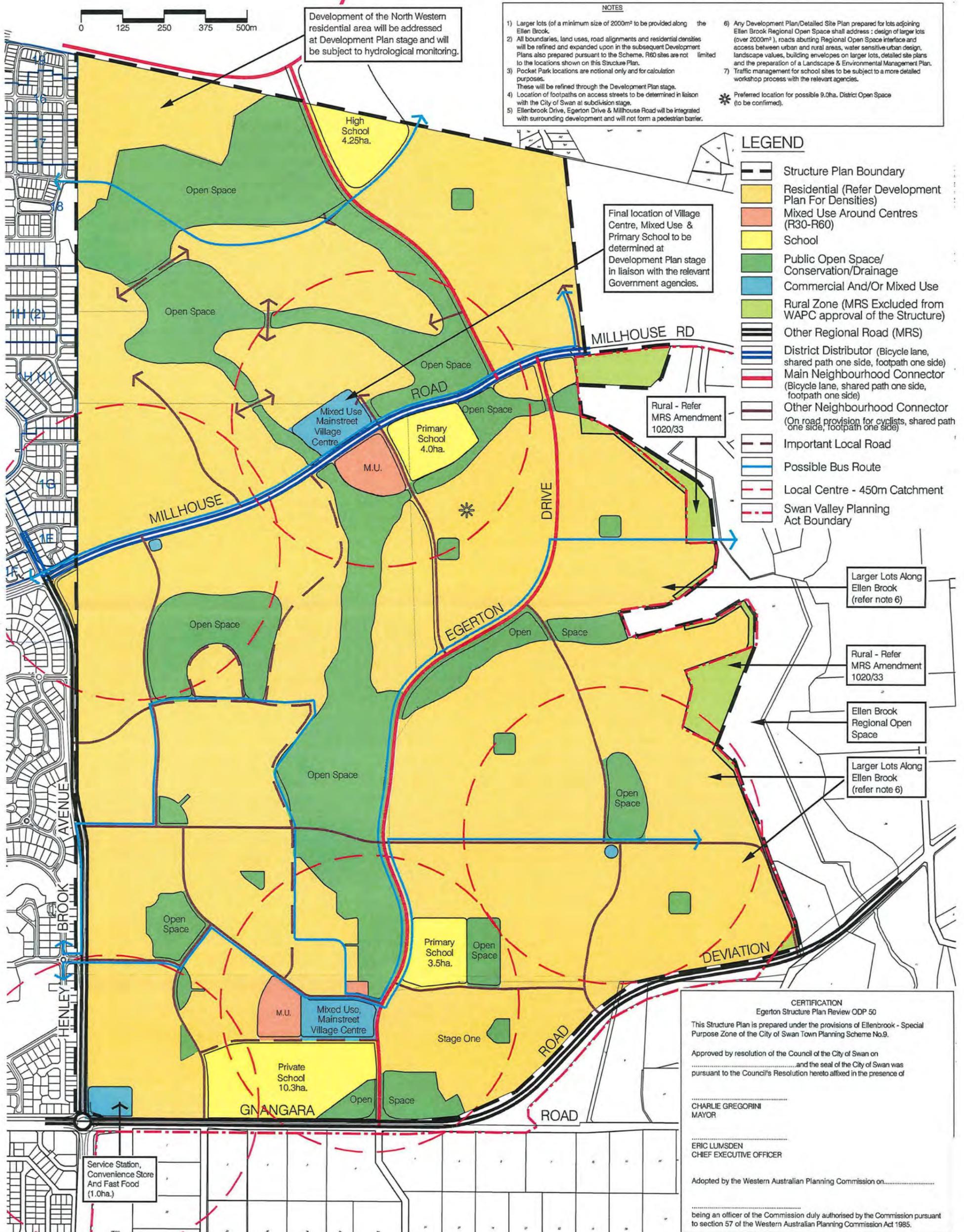
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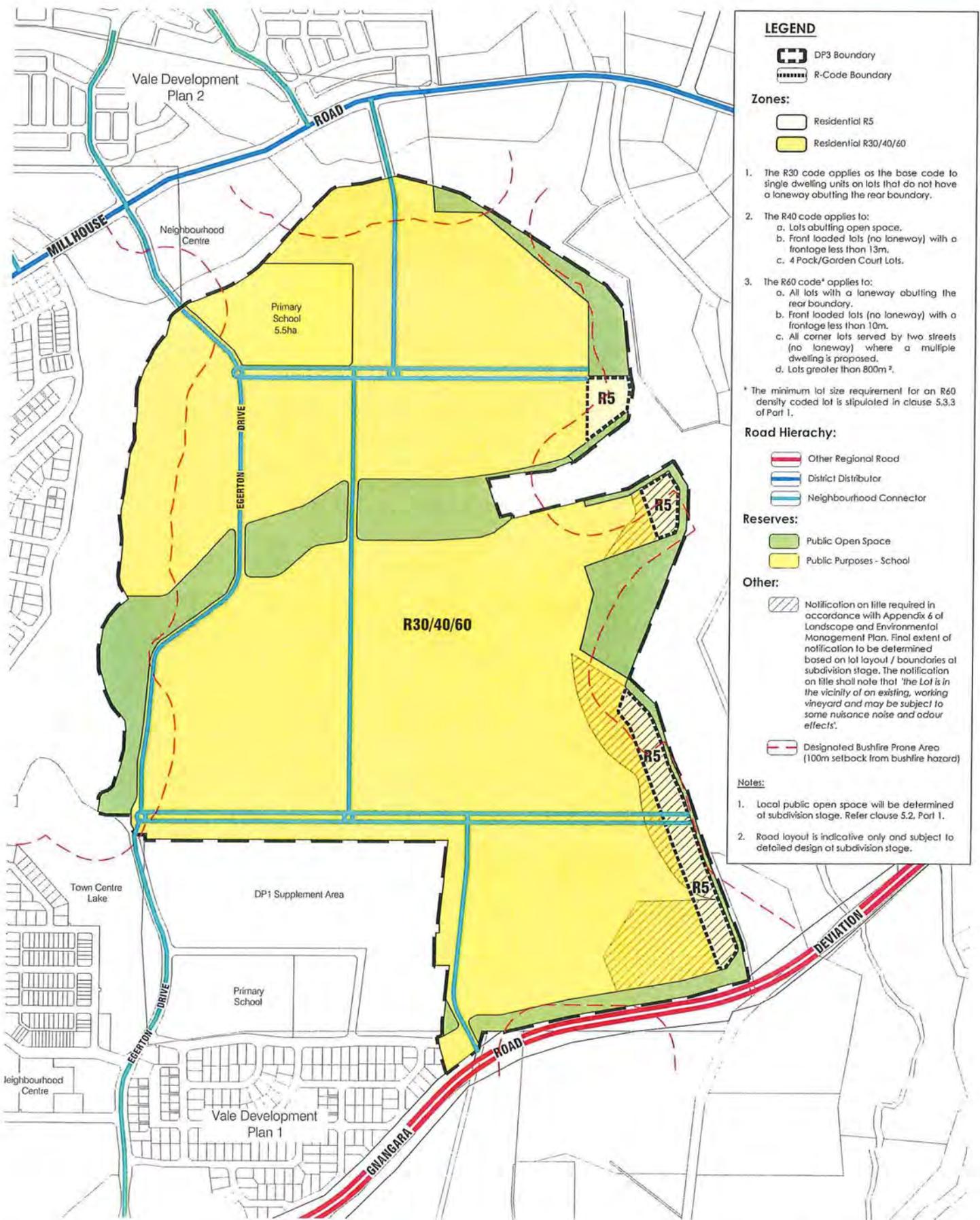
Date produced: 13-Nov-2013

Swan Valley Planning Act Areas

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to viewer](#)





LEGEND

- DP3 Boundary
- R-Code Boundary

Zones:

- Residential R5
- Residential R30/40/60

1. The R30 code applies as the base code to single dwelling units on lots that do not have a laneway abutting the rear boundary.
2. The R40 code applies to:
 - a. Lots abutting open space.
 - b. Front loaded lots (no laneway) with a frontage less than 13m.
 - c. 4 Pack/Garden Court Lots.
3. The R60 code* applies to:
 - a. All lots with a laneway abutting the rear boundary.
 - b. Front loaded lots (no laneway) with a frontage less than 10m.
 - c. All corner lots served by two streets (no laneway) where a multiple dwelling is proposed.
 - d. Lots greater than 800m².

* The minimum lot size requirement for an R60 density coded lot is stipulated in clause 5.3.3 of Part 1.

Road Hierarchy:

- Other Regional Road
- District Distributor
- Neighbourhood Connector

Reserves:

- Public Open Space
- Public Purposes - School

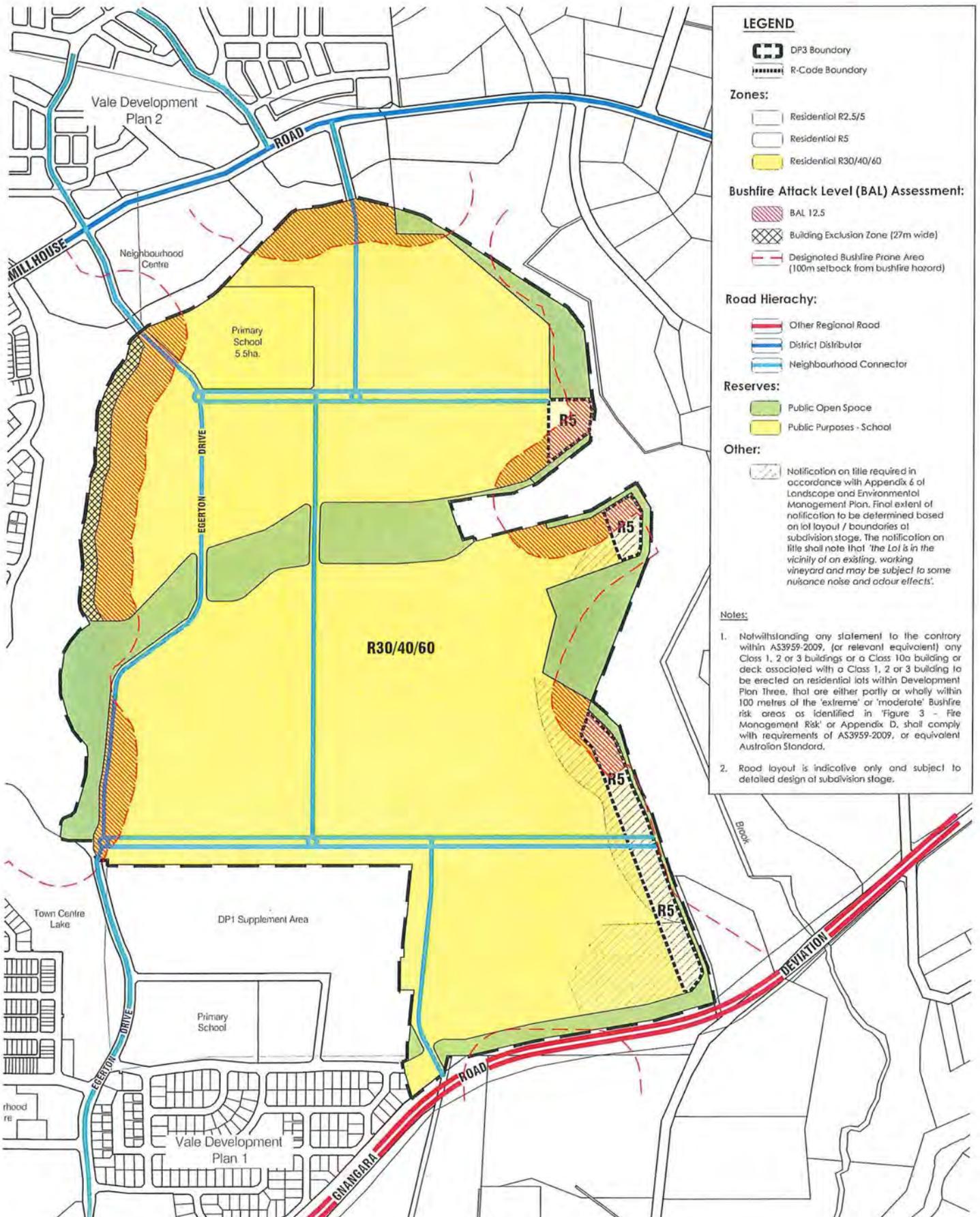
Other:

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- Designated Bushfire Prone Area (100m setback from bushfire hazard)

Notes:

1. Local public open space will be determined at subdivision stage. Refer clause 5.2, Part 1.
2. Road layout is indicative only and subject to detailed design of subdivision stage.





LEGEND

- DP3 Boundary
- R-Code Boundary

Zones:

- Residential R2.5/5
- Residential R5
- Residential R30/40/60

Bushfire Attack Level (BAL) Assessment:

- BAL 12.5
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Road Hierarchy:

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- District Distributor
- Neighbourhood Connector

Reserves:

- Public Open Space
- Public Purposes - School

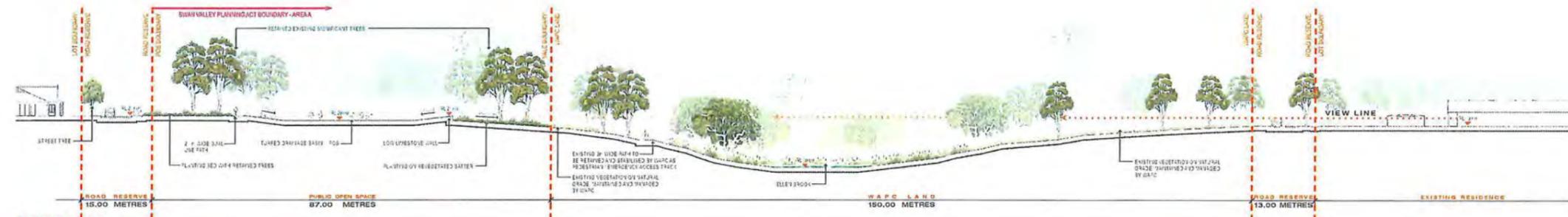
Other:

- Notification on title required in accordance with Appendix 4 of Landscape and Environmental Management Plan. Final extent of notification to be determined based on lot layout / boundaries at subdivision stage. The notification on title shall note that 'the Lot is in the vicinity of an existing, working vineyard and may be subject to some nuisance noise and odour effects'.

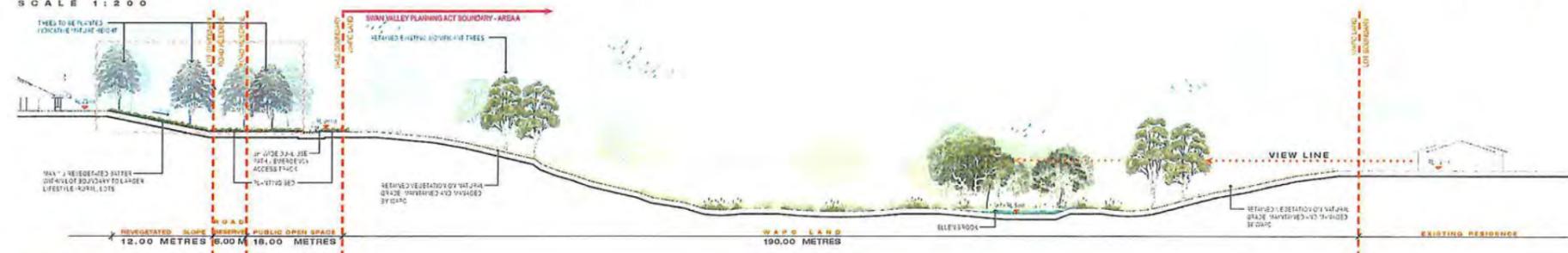
Notes:

1. Notwithstanding any statement to the contrary within AS3959-2009, (or relevant equivalent) any Class 1, 2 or 3 buildings or a Class 10a building or deck associated with a Class 1, 2 or 3 building to be erected on residential lots within Development Plan Three, that are either partly or wholly within 100 metres of the 'extreme' or 'moderate' bushfire risk areas as identified in 'Figure 3 - Fire Management Risk' or Appendix D, shall comply with requirements of AS3959-2009, or equivalent Australian Standard.
2. Road layout is indicative only and subject to detailed design of subdivision stage.

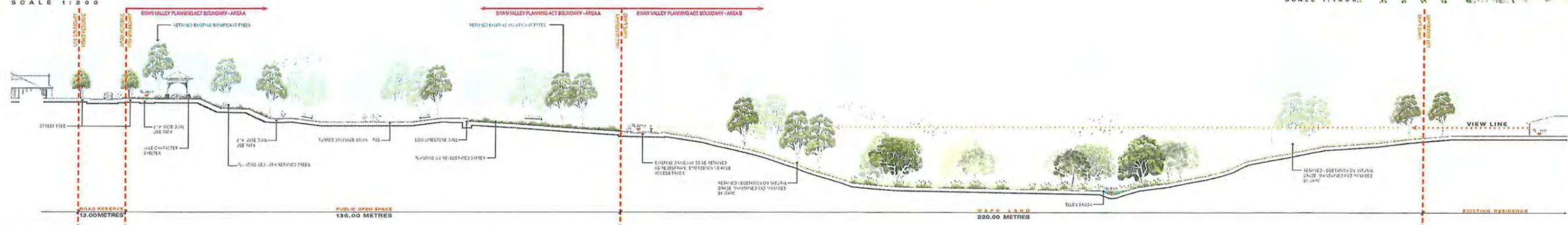




SECTION A
SCALE 1:200



SECTION B
SCALE 1:200



SECTION C
SCALE 1:200



PLAN
SCALE 1:1000

ELLEN BROOK INTERFACE
DEVELOPMENT PLAN THREE
2012-2015

DATE: MAR 2013
REVISION: A

CROSS SECTIONS

emerge
ASSOCIATES
Integrated Science & Design

ITEM NO: 9.2

FOUR MULTIPLE DWELLINGS - LOT 35 (NO. 77) EASTDENE CIRCLE, NOLLMARA

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planner, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central
AGENDA PART: G
FILE NO: 20-50887-1
DATE: 29 October 2013
ATTACHMENT(S): 1. Development Plans
2. Location and Zoning Plan
3. Aerial Photo
REGION SCHEME ZONING: MRS: Urban
LOCAL GOVERNMENT: City of Stirling
LOCAL SCHEME ZONING: Residential R40
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Perth Metro Central
RECEIPT DATE: 4 June 2013
PROCESS DAYS: 147
APPLICATION TYPE: Development
CADASTRAL REFERENCE: Lot 35 (No. 77) Eastdene Circle, Nollamara

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed development of four multiple dwellings at Lot 35 (No. 77) Eastdene Circle, Nollamara, subject to the following conditions:

- 1. Prior to the issue of a building permit, the plans are to be amended so that the Finished Floor Level of the rear building is reduced to 12.00RL, and the associated retaining walls reduced to 11.944 RL, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.***
- 2. The northern side of the Unit 4 upper floor balcony is to be provided with permanent privacy screening to a minimum height of 1.6m and is to comply with the Residential Design Codes requirements for privacy screening under Clause 6.4.1 'Privacy Screening', to the specification of***

the local government and the satisfaction of the Western Australian Planning Commission.

3. *Gradients to driveways and ramps serving parking areas are to comply with Australian Standard 2890.1, and no changes to verge levels are permitted, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
4. *All driveways, parking, manoeuvring and circulation areas are to be constructed of brick paving (or alternative finishes such as concrete or bitumen are acceptable if it has a decorative type finish) and sealed, drained and maintained to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
5. *Any existing crossovers not included as part of the proposed development on the approved plan are to be removed and new kerbing and verge to be reinstated, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
6. *Any on-site clothes drying facilities being screened from public view, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
7. *The two visitor parking spaces being provided on site are to be permanently marked for the exclusive use of visitor's parking to the specification of the local government and the satisfaction Western Australian Planning Commission.*
8. *Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with a public footpath and car parking areas to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
9. *Adequate lighting being provided to communal pathways and parking areas, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
10. *The boundary walls/s not to exceed the height depicted on the approved plans, and the surface finish of the wall facing a neighbour should be to the satisfaction of the adjoining neighbour, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
11. *No walls, fences or letterboxes above 0.75 metres in height to be constructed within 1.5 metres of where:*
 - (i) walls or fences adjoin vehicular access points to the site; or*
 - (ii) a driveway meets a public street; or*
 - (iii) two streets intersect;*

unless the further approval of Council is obtained, to the specification of the local government and the satisfaction Western Australian Planning Commission.

- 12. All land indicated as landscaped area on the approved plan being developed on practical completion of the building/s, and all landscaped areas maintained in good condition thereafter, to the specification of the local government and the satisfaction Western Australian Planning Commission.***
- 13. All eaves to the proposed development to maintain a minimum setback of 750mm from the boundary, to the specification of the local government and the satisfaction Western Australian Planning Commission.***
- 14. Stormwater from all roofed and paved areas to be collected and contained on site, to the specification of the local government and the satisfaction Western Australian Planning Commission.***

ADVICE TO APPLICANT

- 1. Where an approval has lapsed, no development shall be carried out without further approval having been first sought and obtained.***
- 2. The vehicular access shown in this application has been assessed and determined based upon the location of street trees as shown on the submitted plans. It is the responsibility of the applicant to ensure that this information is correct as any inaccuracy of the plans will not be considered justification for removal of the trees in the event that their positions are incorrectly shown. Removal of street trees without the written approval of the City of Stirling is an offence.***
- 3. This is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.***
- 4. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development.***
- 5. Noisy Construction Work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.***

-
6. ***The street address for the development will be house numbers: 77 A - D Eastdene Circle.***
 7. ***All street trees located in verge areas adjoining the subject lots are to be retained and protected.***
 8. ***All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.***

SUMMARY:

The proposal is for four multiple dwellings, to be constructed by the Department of Housing (DOH). The application is required to be determined by the Western Australian Planning Commission (WAPC) as the recommendation is inconsistent with the recommendation of the local government and the proposal is not consistent with the deemed to comply provision of the Residential Design Codes (R-Codes) with regard to parking.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Development Approval - Part 10 of the P&D Act 2005
Section: Section 162

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

Policy
Number and / or Name: State Planning Policy 3.1 Residential Design Codes

INTRODUCTION:

The subject application submitted by the Department of Housing seeks approval to construct four multiple dwellings on a 809m² lot (**Attachment 1 - Development Plans**). The proposed development is estimated to cost \$920,000 and the estimated time of completion is May 2014.

The site is zoned 'Residential' with an R40 density coding under the City of Stirling Local Planning Scheme No. 3 (LPS3) and 'Urban' under the Metropolitan Region Scheme (MRS) (**Attachment 2 - Location and Zoning Plan**).

Pursuant to the provisions of the Planning and Development Act 2005, public works by public authorities do not require the approval of the local government under the planning scheme but require the approval of the WAPC under the MRS.

The WAPC has granted delegated authority for the Department of Housing (DoH) to determine its own applications under the MRS where such applications comply with

the City's Town Planning Scheme/Codes/Policy and the proposed construction of no more than 10 dwellings of a height of two storey or less. The City of Stirling has advised that the proposed development does not comply and has referred the application to the WAPC for determination.

In accordance with the provisions of the MRS, in determining the merits of a development application, the WAPC is required to have regard to orderly and proper planning, the preservation of the amenities of the locality and the purpose of the land's zoning.

CONSULTATION:

The City recommends refusal of the development application for the following reasons:

- (i) Clause 6.3.3 'Parking' - The proposed development includes 2 x two bedroom and 2 x three bedroom multiple dwellings. By virtue of the site's location within 250m of a high frequency bus route, the total parking requirement is for 5 residential bays and 1 visitor bay. The development plans have identified 6 bays, however no visitor bay has been provided. Given the type and size of the dwellings, it is reasonable to conclude that they are designed for families. As most family households have a minimum of two vehicles, any proposal to provide less parking than required, including the requirement for the visitors bay, is unable to be supported by the City as it is considered inadequate for the expected parking needs of the future occupants and their visitors.
- (ii) Clause 6.3.4 'Design of car parking spaces' - The development plans have not identified the location of the one required visitor bay. Although 6 bays are provided, none of these are considered suitable as they are either located within garages or in tandem.
- (iii) The subject site has a slope of approximately 2m, and the development relies on fill to overcome the topographical constraints of the site. This results in retaining walls on both side boundaries in excess of 500mm. The proposed Finished Floor Level (FFL) of the rear dwelling is approximately 450mm higher than the average found level of that building envelope, which indicates that the FFL should be reduced to a more appropriate level. A review of the approved plans for the property most likely to be affected, 79 Eastdene Circle, indicates that development has been appropriately stepped in recognition and respect of the natural ground levels of the site. The failure of the subject proposal to provide the same consideration of the natural ground levels will result in an adverse impact upon the impressions of the natural levels of the site as viewed from habitable spaces of these adjoining dwellings.
- (iv) The proposed balcony of Unit 4 provides a cone of vision setback of 2.4m in lieu of the 7.5m specified by the Deemed-to-Comply requirement. The proposed balcony is considered a result of poor design and 'one size fits all' approach to development. It is the City's opinion that a building layout that is responsive to the subject site could easily be accommodated. The proposed incursion compromises the privacy of the adjoining property, and is inconsistent with the level of privacy expected within the locality.

The City has however provided recommended conditions should the WAPC be minded to approve the application.

COMMENTS:

While approval is limited to the MRS, the WAPC must still consult with the local government and give due regard to its local planning scheme and the principles of proper and orderly planning. However, the WAPC is primarily assessing this proposal under the MRS and not against LPS3. Notwithstanding this, and in acknowledgement of the City's objections, the following comments are made.

Parking

The development provides six resident car parking bays, whilst the R-Codes require five resident bays and one visitor bay. Therefore, one additional resident bay is being provided, with no visitor bays.

Four resident bays in a tandem configuration for Units 1 and 2 are provided whilst the two rear units have one car bay each. None of the bays are for visitors.

Whilst the R-Codes requires the provision of 5 resident bays and 1 visitor bay, the low-speed residential environment of Eastdene Circle means that street parking for visitors would be appropriate and available (**Attachment 3 - Aerial Photo**).

Therefore it is considered that the variation of providing 6 resident bays in lieu of 5 bays and 1 visitor bay is acceptable.

Site Works

As described above, the City has raised concerns over the finished floor level (FFL) of the rear dwelling. A condition is recommended that the FFL of the rear dwelling is to be reduced, in order to overcome the City's objection and ensure the proposed development is in keeping with surrounding development, and to meet the performance criteria of the R-Codes. The City has reviewed the proposed condition which proposes reductions in FFL and retaining wall heights and supports the recommended wording.

Visual Privacy

As described above, the proposed balcony of Unit 4 in its current form would compromise the privacy of the adjoining properties, and is inconsistent with the level of privacy expected within the locality. As such, a condition has been recommended requiring the northern side of the Unit 4 upper balcony to be provided with permanent privacy screening to a minimum height of 1.6m and to comply with the definition of screening as per Clause 6.4.1 'Visual Privacy' of the R-Codes.

Department of Housing Justification

The Department of Housing has provided the following comments with regard to the proposed development:

- The Department's 'maisonette' units reflect contemporary housing options and are a move away from the conventional 'cookie cutter' style of infill

development in the suburbs. It represents an innovative product that provides a broader choice of dwelling type and price points. The maisonettes are designed to maximise yield while blending with the surrounding properties as they 'present' as two-storey houses;

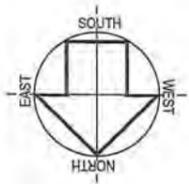
- It is anticipated that the subject proposal will continue to introduce two-storey residential dwellings into the Nollamara streetscape. This has been shown to encourage similar development over time, and will encourage a stronger mix of socio-economic groups in the community.
- The proposed design aims to follow the objectives of the City's Balga-Westminster-Nollamara Local Area Plan, particularly with regards to introducing a greater range of housing types aimed at improving housing affordability.

CONCLUSION:

Although the proposed development is for multiple dwellings, comprising two-storey maisonette units with one dwelling per floor, the proposed buildings are not dissimilar to surrounding residential development, albeit two storeys. The proposal also provides housing variety.

In conclusion it is considered that the proposed residential scheme is an appropriate development for the 'Urban' zone under the MRS. The proposal satisfactorily meets the City of Stirling Local Planning Scheme No. 3, the requirements of the Residential Design Codes 2013 and represents proper and orderly planning of the locality. Further, approval of the proposed multiple dwellings will not adversely affect the amenity of the locality and will provide an alternative form of housing.

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



LOT 35

809sqm
SANDY

NOTE: BOUNDARY POSITION AS PER ALIGNMENT REQUIRES REPEG SURVEY

NOTE: APPROXIMATELY 9.4 Km FROM COAST LINE

NOTE: ADD 57.36 TO ALL LEVELS ON PLAN TO OBTAIN APPROXIMATE A.H.D. LEVELS. THIS VALUE DERIVED FROM WATER CORP. AS CONSTRUCTED RECORDS & MAY NOT BE EXACT. AN A.H.D. SURVEY IS REQUIRED TO OBTAIN AN ACCURATE VALUE.

UNIT 1 & 2

LOCATION	GRANO m ²	B'PAVED m ²
Porch U1, Porch U2 & Alfresco	0.00	22.44
Garage, Store, Path, X'over & Drive	43.79	76.73

UNIT 3 & 4

LOCATION	GRANO m ²	B'PAVED m ²
Porch 3, Porch 4 & Alfresco	0.00	14.14
Garage, Store, Path & Drive	41.67	77.32

COMMON PROPERTY

LOCATION	GRANO m ²	B'PAVED m ²
Common Driveway & X'over	0.00	89.49

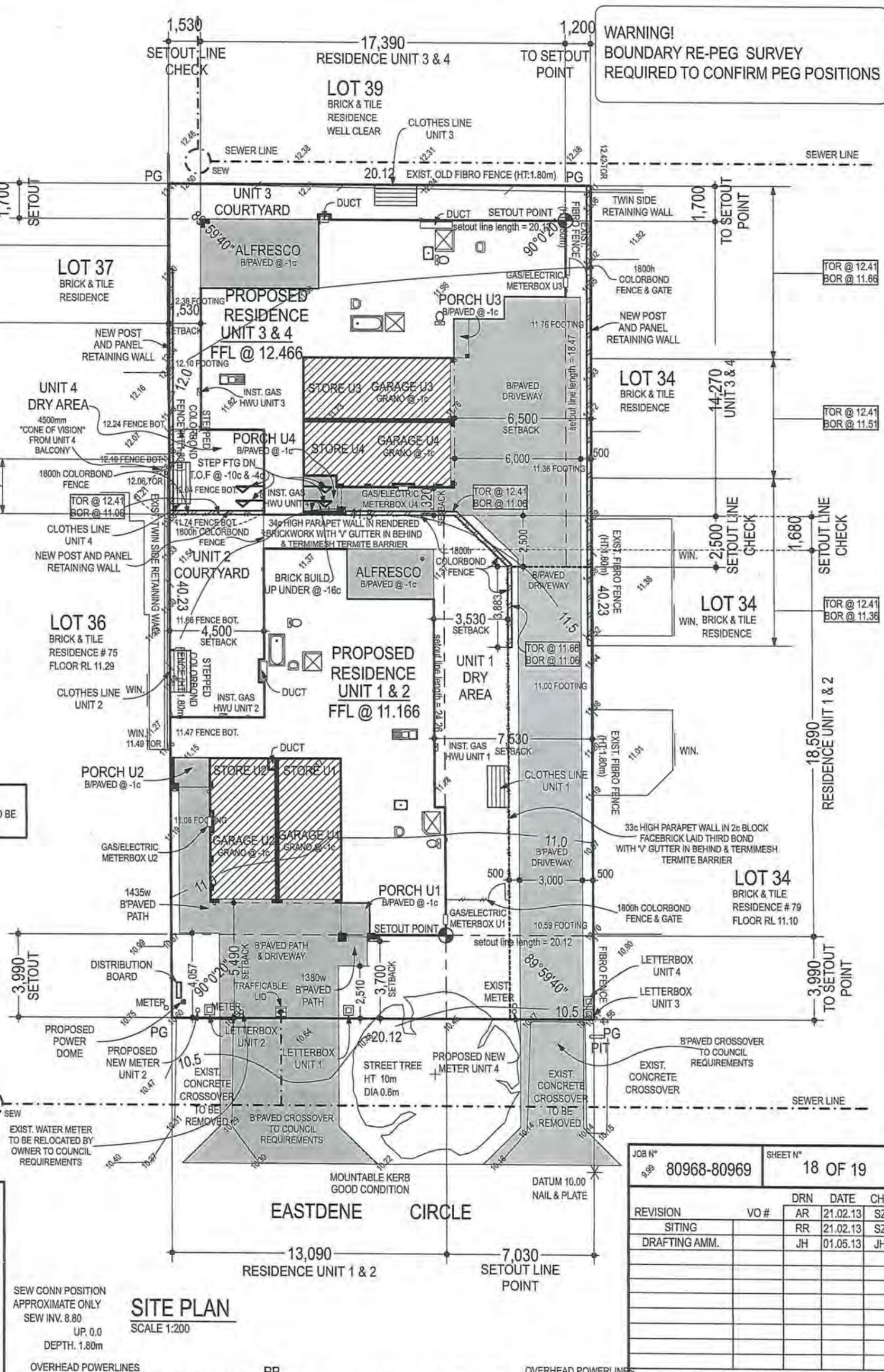
NOTE: N1 WIND CLASSIFICATION. REFER TO ENGINEERS SPECIFICATION.

NOTE: STRATA BOUNDARIES TO BE VERIFIED ON SITE.

NOTE: THE OWNER IS LIABLE FOR REMOVAL OF ANY BOUNDARY FENCES IF REQUIRED FOR CONSTRUCTION PURPOSES.

NOTE: POST AND PANEL RETAINING WALLS TO ENGINEER'S DETAIL. ALL RETAINING WALLS SHOWN DO NOT ALLOW FOR EMBEDMENT. FOR EMBEDMENT, REFER TO ENGINEER'S DETAILS.

NOTE: STORMWATER DISPOSAL BY BUILDER TO COUNCIL REQUIREMENTS. REFER SHEET 19.



WARNING!
BOUNDARY RE-PEG SURVEY
REQUIRED TO CONFIRM PEG POSITIONS

CLIENT: DEPARTMENT OF PLANNING
DATE: 04 JUN 2013
CLIENT: FILE
DATE: 20-80887-1
BUILDER: FILE
DATE:

SEW CONN POSITION APPROXIMATE ONLY
SEW INV. 8.80
UP 0.0
DEPTH. 1.80m

SITE PLAN
SCALE 1:200

JOB N° 80968-80969 SHEET N° 18 OF 19

REVISION	VO #	DRN	DATE	CHK
SITING		RR	21.02.13	SZ
DRAFTING AMM.		JH	01.05.13	JH

CLIENT	DEPARTMENT OF HOUSING	BUILDER	IMPRESSIONS
LOT	35 EASTDENE CIRCLE	AUTHORITY	STIRLING
SUBURB	NOLLAMARA	MAP REF.	312 25 66
PLAN	8113	C/T Vol.Fol.	1966 / 830
DATE OF SURVEY	05.02.13	SCALE	1:200 @ A3
JOB No.	OURS: 183629	YOURS:	80968 - 9

SCALE BAR		SERVICE INFORMATION	
GAS	BTC	WATER	YES
AREA	ESTABLISHED	TELSTRA	YES
WATER	SV ₆ STOP VALVE	HY ₆ HYDRANT	FP ₆ FLUSH POINT
SEWERAGE	SEW SEWER MANHOLE	IS ₆ INSPECTION SHAFT	IQ ₆ INSPECTION OPENING
POWER	CP ₆ CONSUMER POLE	PP ₆ POWER POLE	LP ₆ LAMP POST
STORMWATER	SW MANHOLE	GRATE	SIDE ENTRY PIT
SURVEY	PF PEG FOUND	Pdist PEG DISTURBED	PG PEG GONE

AS AUTOMATED SURVEYS
LICENSED SURVEYORS AND DEVELOPMENT CONSULTANTS

PTY LTD
3 Ord Street West Perth W.A. 6005
P.O. Box 1548 West Perth W.A. 6872
Telephone: +61 (08) 9214 1777
Facsimile: +61 (08) 9214 1778

The information on this drawing is current as at the date of survey. Services are to be confirmed with relevant Authorities. This includes without limitation: Sewerage, Water Supply, Drainage, Power Supply, Gas Supply & Communications. Further interests / non/notifications / encumbrances may be listed on the Certificate of Title. Location of boundary in relation to fences or boundary markers is not guaranteed. Boundary is placed arbitrarily as per 'best fit'. Repeg Survey will be required. Copyright 2009 Automated Surveys Pty. Ltd. All rights reserved.



NOTE:
 - CLAY BRICKS TO INTERNAL WALLS.
 - R4.0 INSULATION TO ALL ROOFED CEILING AREAS OF HOUSE ONLY.
 - FLOOR WASTES AND CEILING VENTS SHOWN DIAGRAMMATICALLY ONLY.

(SA) DENOTES SMOKE ALARM

PLUMBING NOTE:
 ALL PLUMBING BELOW UPPER FLOOR SLAB AS PER BCA ACOUSTIC REQUIREMENTS.

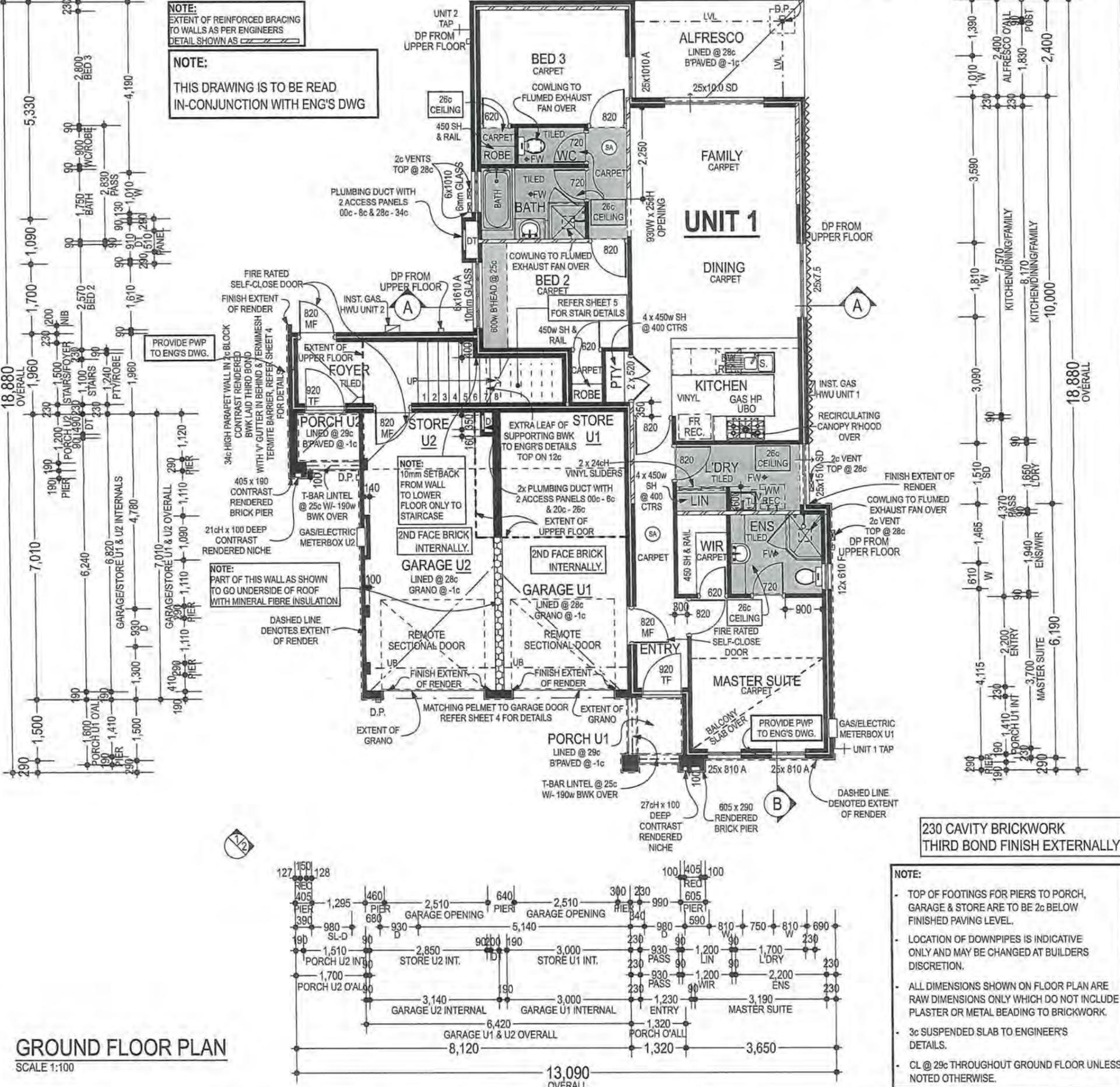
NOTE:
 ROOF CONSTRUCTION AS PER ENGINEER'S DETAILS.

NOTE:
 R1.3 CAVITY INSULATION TO EXTERNAL WALLS AS SHOWN.

NOTE:
 EXTENT OF REINFORCED BRACING TO WALLS AS PER ENGINEERS DETAIL SHOWN AS

NOTE:
 THIS DRAWING IS TO BE READ IN-CONJUNCTION WITH ENG'S DWG

AREAS: GROUND FLOOR		
	PERIM. (m)	AREA (m ²)
HOUSE AREA (Ground)	63.86	119.95
GARAGE U2	17.80	18.43
GARAGE U1	17.24	16.86
ALFRESCO	13.00	9.84
STORE U2	9.34	4.56
STORE U1	8.78	4.17
PORCH U2	6.84	2.63
PORCH U1	7.95	2.39
		178.83 m ²
GROUND ROOF AREAS		
Material Type	Area [m ² on the flat]	
Roof - Tiled	48.93	



GROUND FLOOR PLAN
 SCALE 1:100

230 CAVITY BRICKWORK THIRD BOND FINISH EXTERNALLY

NOTE:
 - TOP OF FOOTINGS FOR PIERS TO PORCH, GARAGE & STORE ARE TO BE 2c BELOW FINISHED PAVING LEVEL.
 - LOCATION OF DOWNPIPES IS INDICATIVE ONLY AND MAY BE CHANGED AT BUILDERS DISCRETION.
 - ALL DIMENSIONS SHOWN ON FLOOR PLAN ARE RAW DIMENSIONS ONLY WHICH DO NOT INCLUDE PLASTER OR METAL BEADING TO BRICKWORK.
 - 3c SUSPENDED SLAB TO ENGINEER'S DETAILS.
 - CL @ 29c THROUGHOUT GROUND FLOOR UNLESS NOTED OTHERWISE.

Now LIVING
 22 MOUNT STREET PERTH PH: 9261 1888
 REG. BUILDER N°: 9769
 A.B.N. 54 052 543 450
 BGC RESIDENTIAL PTY LTD

REVISION	VO #	DRN	DATE	CHK
ENGINEERING		AR	21.02.13	SZ
DRAFTING		MKN	28.03.13	MKN
		JH	01.05.13	JH

CLIENT: D.O.H
 DATE: DEPARTMENT OF PLANNING
 04 JUN 2013
 BUILDER: FILE
 20-50887-1

CLIENT: D.O.H
 ADDRESS: LOT 35 (#77)
 (UNIT 1 & 2)
 EASTDENE CIRCLE
 NOLLAMARA

© COPYRIGHT

ONE-OFF

MODEL N°	DATE
TBA	01.05.13
MAP REF.	WIND RATING
TBA	N1
COASTAL CATEGORY	ENGINEERS DETAIL
TBA	D10W
HOME ID	SHEET N°
80968	1 OF 19

NOTE:

- CLAY BRICKS TO INTERNAL WALLS.
- R4.0 INSULATION TO ALL ROOFED CEILING AREAS OF HOUSE ONLY.
- FLOOR WASTES AND CEILING VENTS SHOWN DIAGRAMMATICALLY ONLY.

(SA) DENOTES SMOKE ALARM

PLUMBING NOTE:

ALL PLUMBING BELOW UPPER FLOOR SLAB AS PER BCA ACOUSTIC REQUIREMENTS.

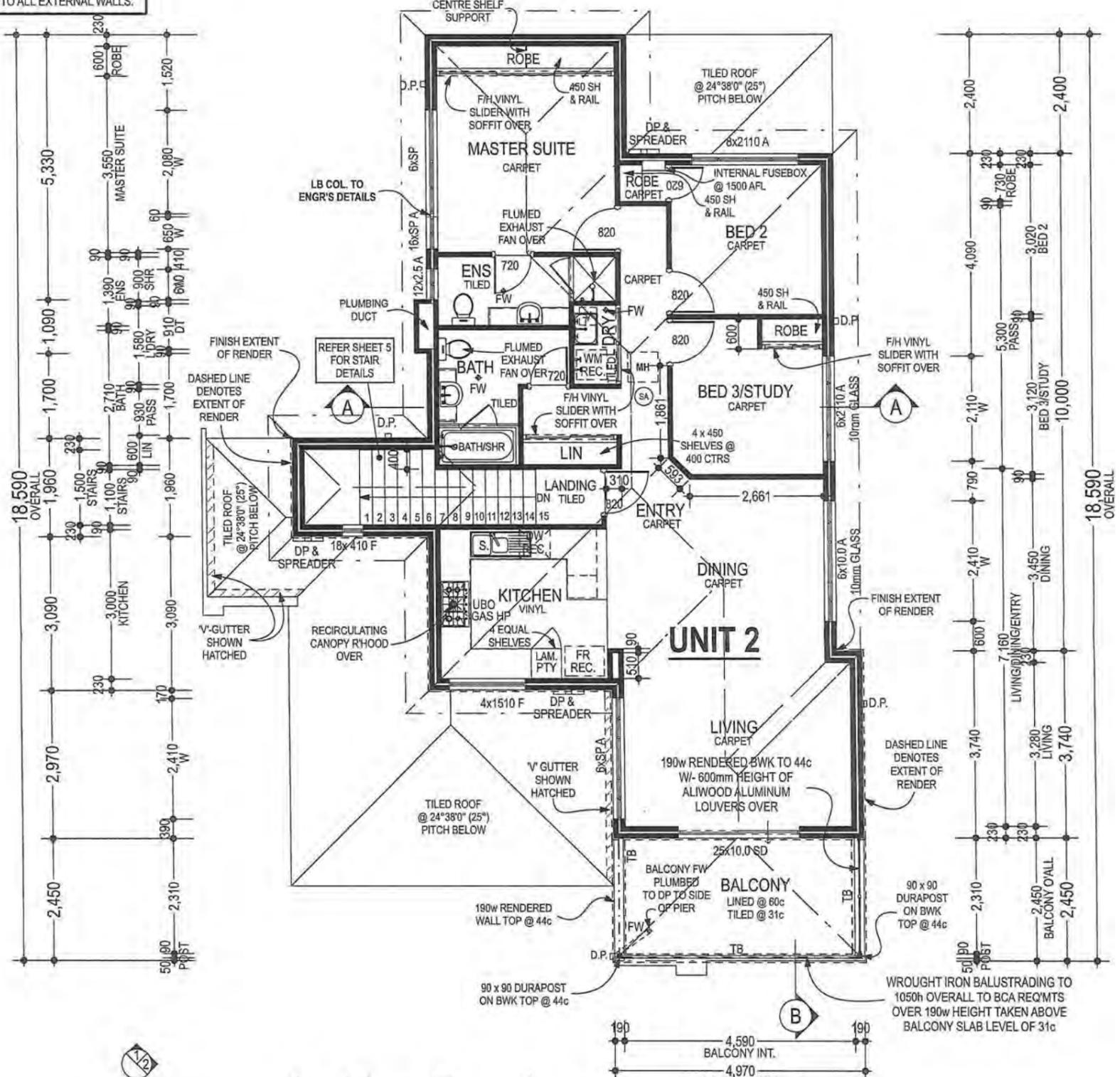
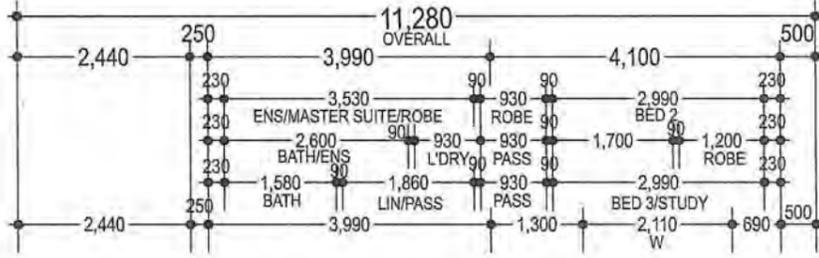
NOTE:

ROOF CONSTRUCTION AS PER ENGINEER'S DETAILS.

NOTE:

R1.3 CAVITY INSULATION TO ALL EXTERNAL WALLS.

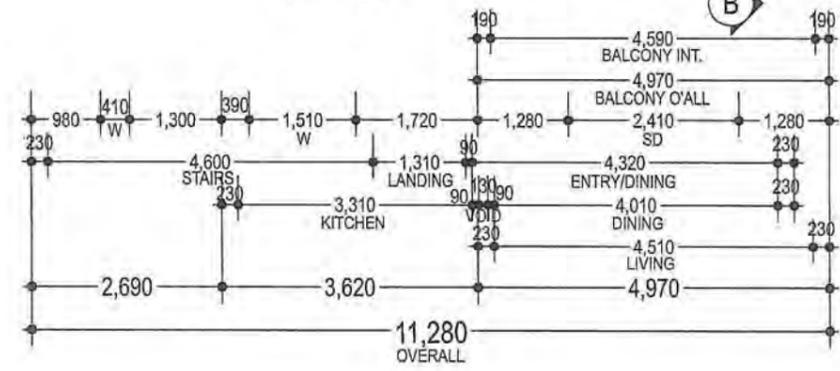
AREAS: UPPER FLOOR		
	PERIM. (m)	AREA (m ²)
HOUSE AREA (Upper)	54.78	117.06
BALCONY	14.84	12.18
		129.24 m ²
UPPER ROOF AREAS		
Material Type	Area [m ² on the flat]	
Roof - Tiled	150.41	



UPPER FLOOR PLAN
SCALE 1:100

NOTE:

THIS DRAWING IS TO BE READ IN-CONJUNCTION WITH ENG'S DWG



230 CAVITY BRICKWORK THIRD BOND FINISH EXTERNALLY

NOTE:

- LOCATION OF DOWNPIPES IS INDICATIVE ONLY AND MAY BE CHANGED AT BUILDERS DISCRETION.
- ALL DIMENSIONS SHOWN ON FLOOR PLAN ARE RAW DIMENSIONS ONLY WHICH DO NOT INCLUDE PLASTER OR METAL BEADING TO BRICKWORK.
- 3c SUSPENDED SLAB TO ENGINEER'S DETAILS.
- CL @ 28c + PL THROUGHOUT UPPER FLOOR UNLESS NOTED OTHERWISE.

Now LIVING

22 MOUNT STREET PERTH PH: 9261 1888
REG. BUILDER N°: 9769
A.B.N. 54 052 543 450
BGC RESIDENTIAL PTY LTD

REVISION	VO #	DRN	DATE	CHK
ENGINEERING		AR	21.02.13	SZ
DRAFTING		MKN	28.03.13	MKN
AMM.		JH	01.05.13	JH

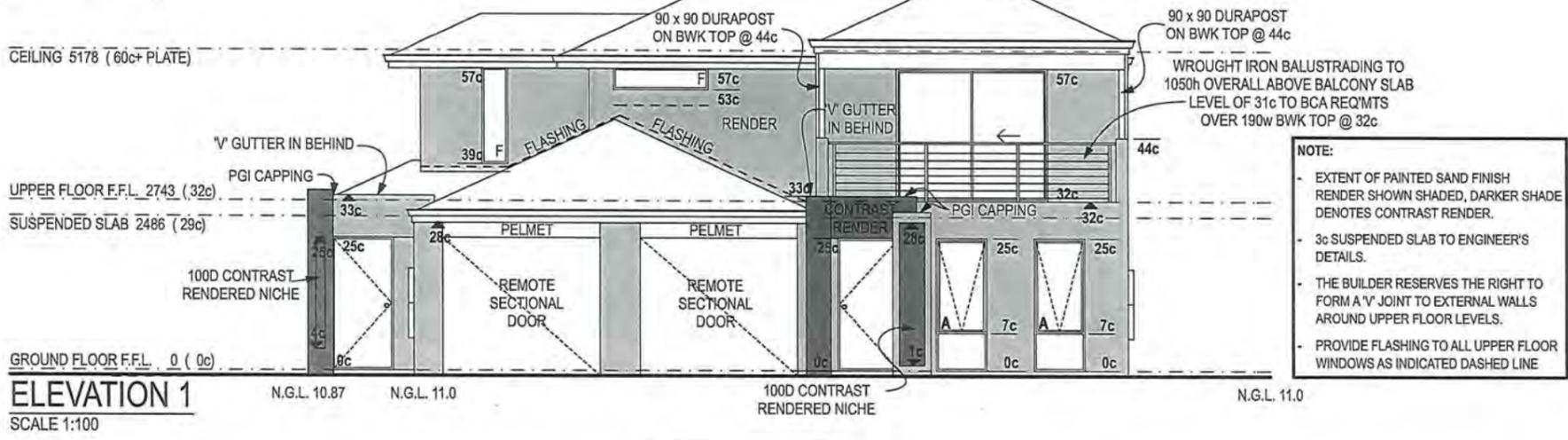
CLIENT: D.O.H
DATE: 04 JUN 2013
BUILDER: 20-50887-1
DATE:

CLIENT: D.O.H
ADDRESS: LOT 35 (#77) (UNIT 1 & 2) EASTDENE CIRCLE NOLLAMARA

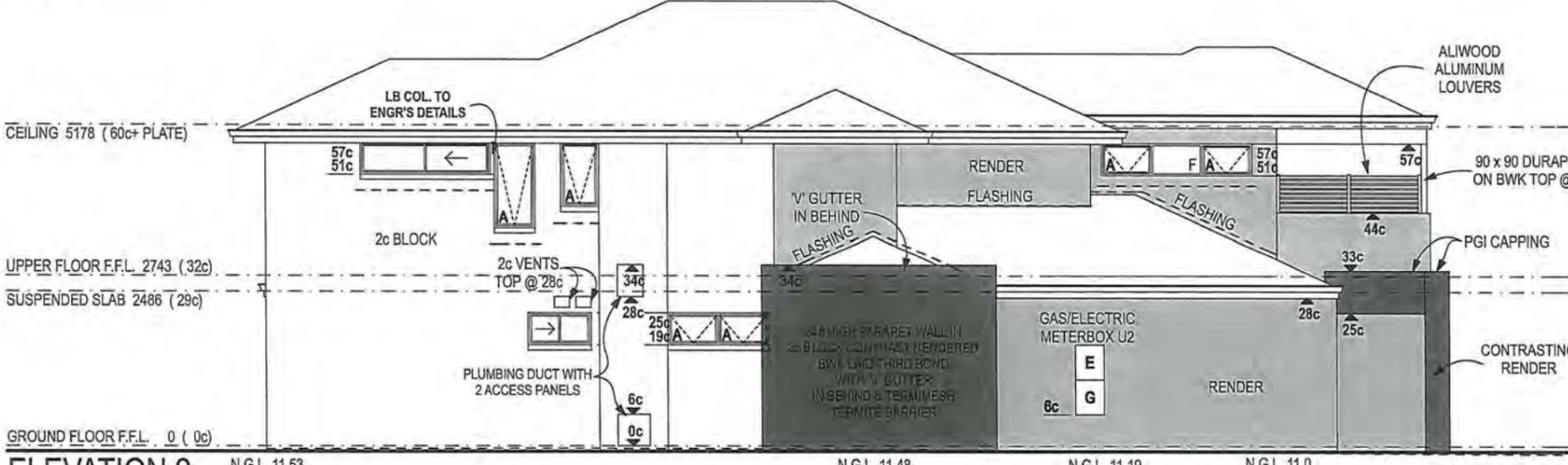
ONE-OFF

MODEL N°	DATE
	01.05.13
MAP REF.	WIND RATING
TBA	N1
COASTAL CATEGORY	ENGINEERS DETAIL
TBA	D10W
HOME ID	SHEET N°
80968	2 OF 19

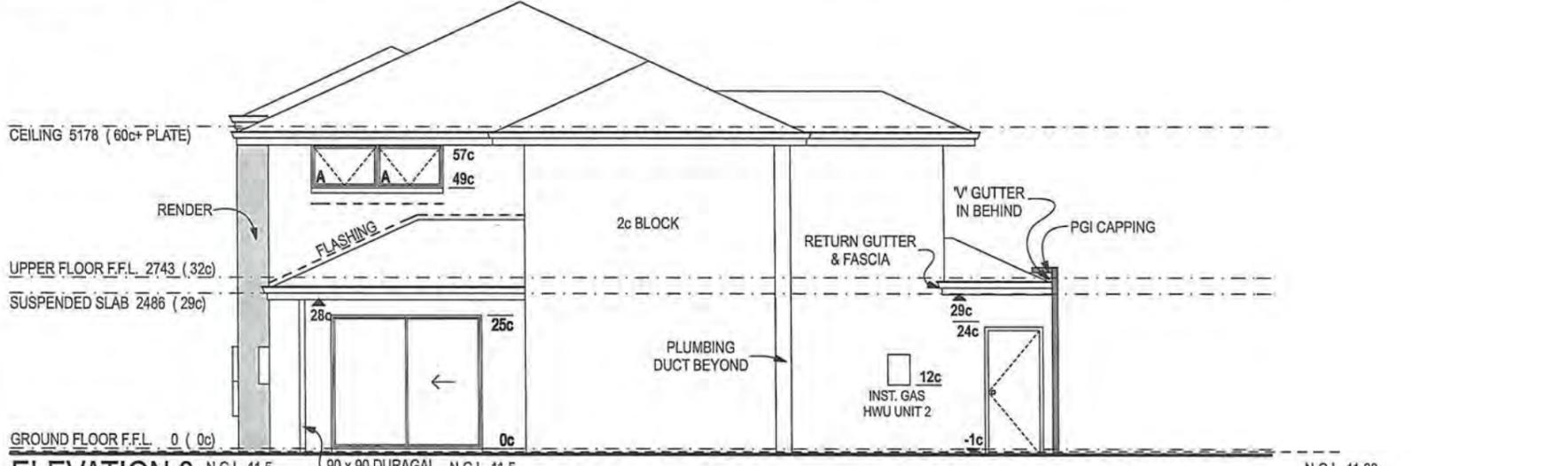
TILED ROOF ON
25°38'0" (25°) PITCH.



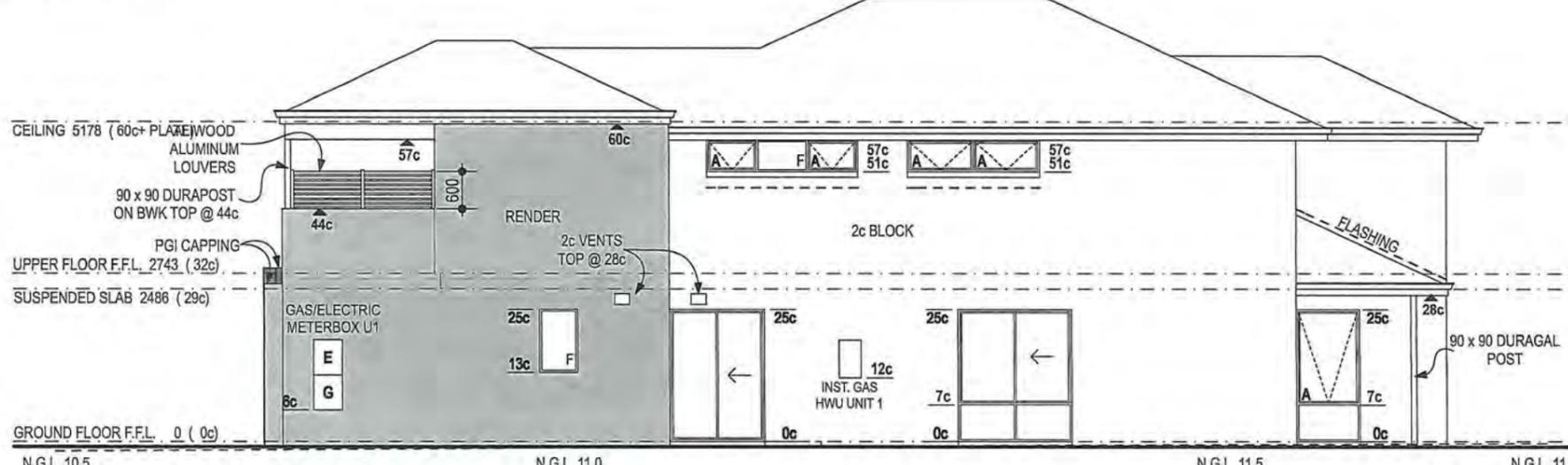
ELEVATION 1
SCALE 1:100



ELEVATION 2
SCALE 1:100



ELEVATION 3
SCALE 1:100



ELEVATION 4
SCALE 1:100



22 MOUNT STREET PERTH PH: 9261 1888
REG. BUILDER N°: 9769
A.B.N. 54 052 543 450
BGC RESIDENTIAL PTY LTD

REVISION	VO #	DRN	DATE	CHK
ENGINEERING		AR	21.02.13	SZ
DRAFTING		MKN	28.03.13	MKN
AMM.		JH	01.05.13	JH

CLIENT:
DATE:
CLIENT:
DATE:
BUILDER: FILE
DATE:

DEPARTMENT OF PLANNING
04 JUN 2013
20-50887-1

CLIENT:
D.O.H
ADDRESS:
LOT 35 (#77)
(UNIT 1 & 2)
EASTDENE CIRCLE
NOLLAMARA

© COPYRIGHT

ONE-OFF

MODEL N°	DATE
MAP REF.	WIND RATING
TBA	N1
COASTAL CATEGORY	ENGINEERS DETAIL
TBA	D10W
HOME ID	SHEET N°
80968	3 OF 19

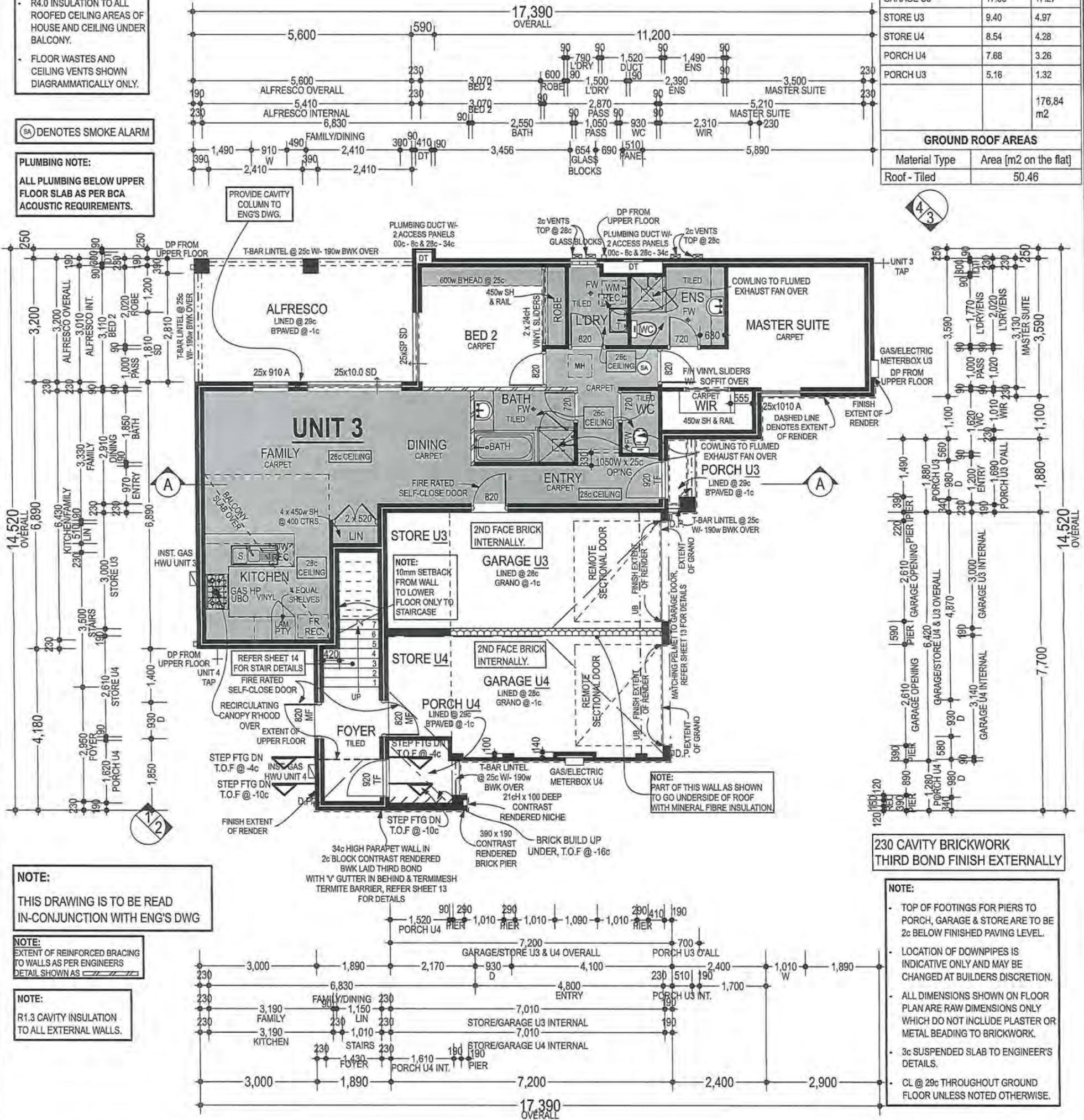
NOTE:

- CLAY BRICKS TO INTERNAL WALLS.
- R4.0 INSULATION TO ALL ROOFED CEILING AREAS OF HOUSE AND CEILING UNDER BALCONY.
- FLOOR WASTES AND CEILING VENTS SHOWN DIAGRAMMATICALLY ONLY.

(SA) DENOTES SMOKE ALARM

PLUMBING NOTE:
ALL PLUMBING BELOW UPPER FLOOR SLAB AS PER BCA ACOUSTIC REQUIREMENTS.

AREAS:		
	PERIM. (m)	AREA (m ²)
HOUSE AREA (Ground)	63.82	109.43
ALFRESCO	17.80	18.48
GARAGE U4	17.56	17.83
GARAGE U3	17.36	17.27
STORE U3	9.40	4.97
STORE U4	8.54	4.28
PORCH U4	7.68	3.26
PORCH U3	5.16	1.32
		176.84 m ²
GROUND ROOF AREAS		
Material Type	Area [m ² on the flat]	
Roof - Tiled	50.46	



NOTE:
THIS DRAWING IS TO BE READ IN-CONJUNCTION WITH ENG'S DWG

NOTE:
EXTENT OF REINFORCED BRACING TO WALLS AS PER ENGINEERS DETAIL SHOWN AS

NOTE:
R1.3 CAVITY INSULATION TO ALL EXTERNAL WALLS.

230 CAVITY BRICKWORK THIRD BOND FINISH EXTERNALLY

NOTE:

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- 3c SUSPENDED SLAB TO ENGINEER'S DETAILS.
- CL @ 29c THROUGHOUT GROUND FLOOR UNLESS NOTED OTHERWISE.

GROUND FLOOR PLAN
SCALE 1:100

Now Living
22 MOUNT STREET PERTH PH: 9261 1888
REG. BUILDER NO: 9769
A.B.N. 54 052 543 450
BGC RESIDENTIAL PTY LTD

REVISION	VO #	DRN	DATE	CHK
ENGINEERING		AR	21.02.13	SZ
DRAFTING	AMM.	MKN	03.04.13	MKN
		JH	01.05.13	JH

CLIENT: D.O.H.
ADDRESS: LOT 35 (#77) (UNIT 3 & 4) EASTDENE CIRCLE NOLLAMARA

DATE: 04 JUN 2013
BUILDER: 20-50287-1

CLIENT: D.O.H.
ADDRESS: LOT 35 (#77) (UNIT 3 & 4) EASTDENE CIRCLE NOLLAMARA

ONE-OFF	
MODEL N°	DATE
TBA	01.05.13
MAP REF.	WIND RATING
TBA	N1
COASTAL CATEGORY	ENGINEERS DETAIL
TBA	D10W
HOME ID	SHEET N°
80969	10 OF 19

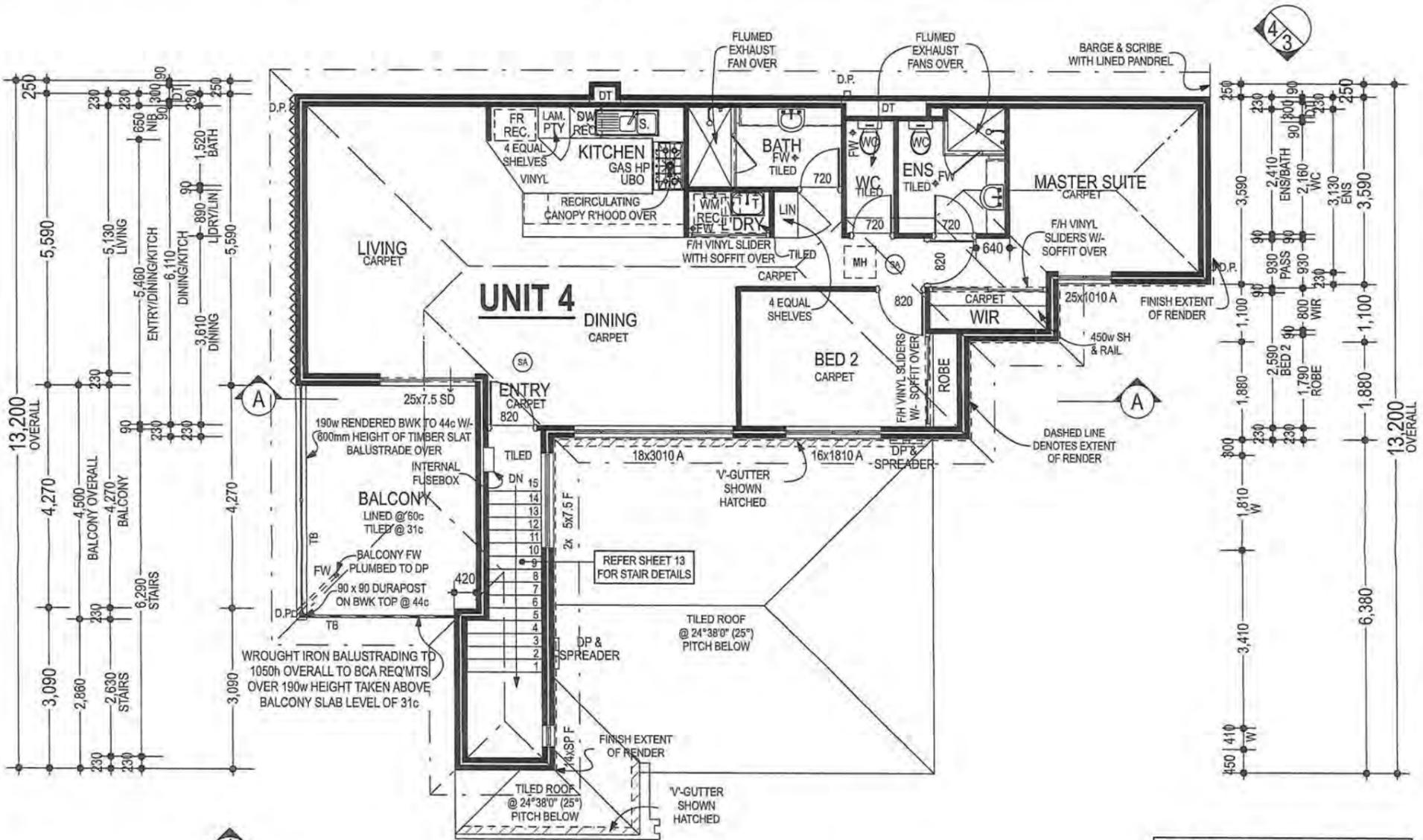
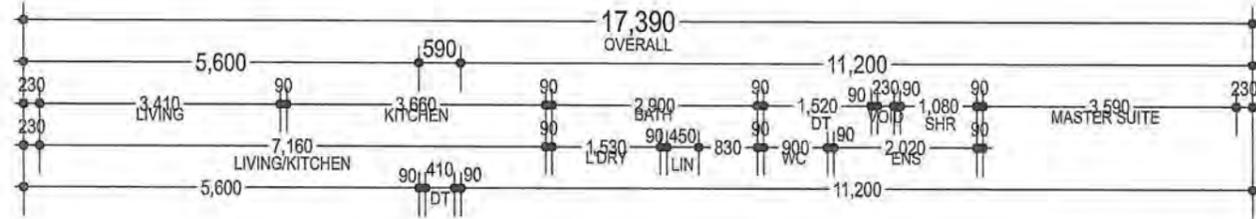
AREAS: UPPER FLOOR		
	PERIM. (m)	AREA (m ²)
HOUSE AREA (Upper)	62.02	111.44
BALCONY	15.84	15.29
		126.73 m ²
UPPER ROOF AREAS		
Material Type	Area [m ² on the flat]	
Roof - Tiled	151.73	

NOTE:

- CLAY BRICKS TO INTERNAL WALLS.
- R4.0 INSULATION TO ALL ROOFED CEILING AREAS OF HOUSE ONLY.
- FLOOR WASTES AND CEILING VENTS SHOWN DIAGRAMMATICALLY ONLY.

(SA) DENOTES SMOKE ALARM

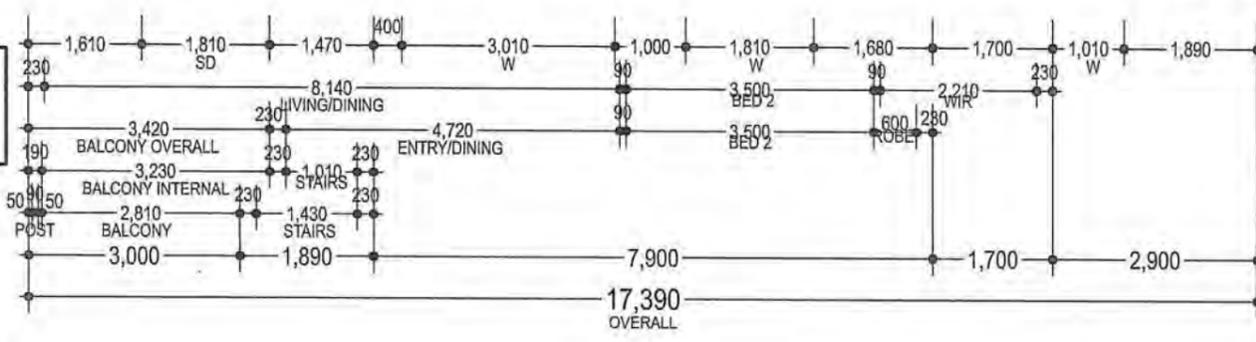
PLUMBING NOTE:
ALL PLUMBING BELOW UPPER FLOOR SLAB AS PER BCA ACOUSTIC REQUIREMENTS.



230 CAVITY BRICKWORK
THIRD BOND FINISH EXTERNALLY

NOTE:
THIS DRAWING IS TO BE READ IN-CONJUNCTION WITH ENG'S DWG

NOTE:
R1.3 CAVITY INSULATION TO EXTERNAL WALLS AS SHOWN AS



NOTE:

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- CL @ 28c + PL THROUGHOUT UPPER FLOOR UNLESS NOTED OTHERWISE.

UPPER FLOOR PLAN
SCALE 1:100



22 MOUNT STREET PERTH PH: 9261 1888
REG. BUILDER N°: 9769
A.B.N. 54 052 543 450
BGC RESIDENTIAL PTY LTD

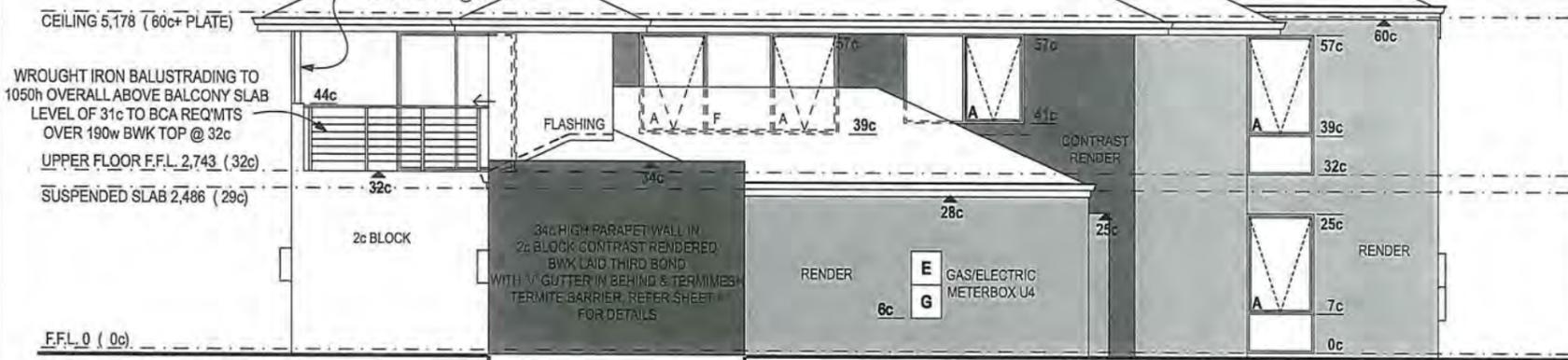
REVISION	VO #	DRN	DATE	CHK
ENGINEERING		AR	21.02.13	SZ
DRAFTING AMM.		MKN	03.04.13	MKN
		JH	01.05.13	JH

CLIENT: DEPARTMENT OF PLANNING
DATE: 04 JUN 2013
CLIENT: FILE
DATE: 20-50287-1

CLIENT: D.O.H.
ADDRESS: LOT 35 (#77) (UNIT 3 & 4) EASTDENE CIRCLE NOLLAMARA

ONE-OFF	
MODEL N°	DATE: 01.05.13
MAP REF. TBA	WIND RATING: N1
COASTAL CATEGORY TBA	ENGINEERS DETAIL: D10W
HOME ID: 80969	SHEET N°: 11 OF 19

TILED ROOF ON 25°38'0" (25°) PITCH.

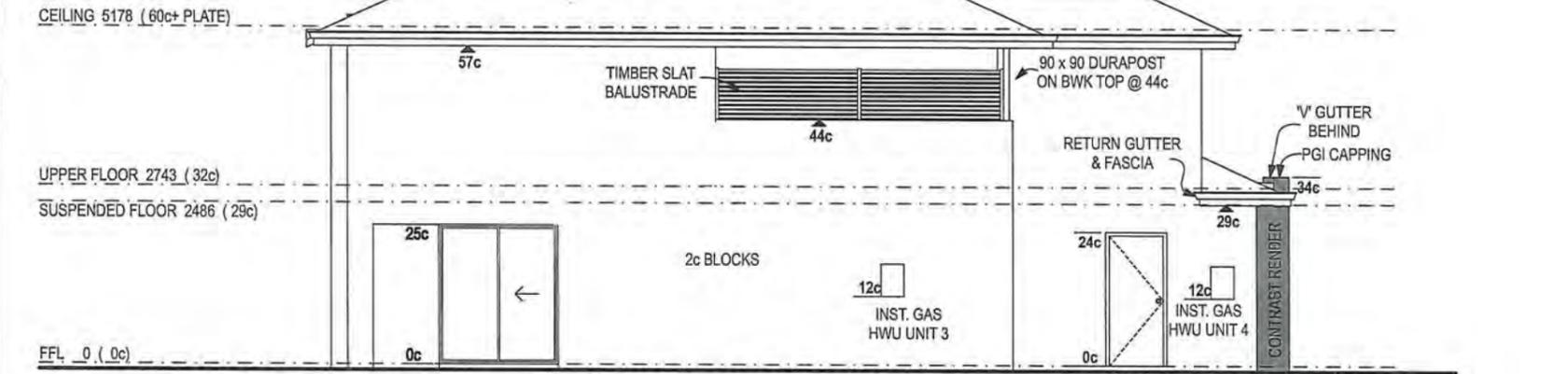


NOTE:

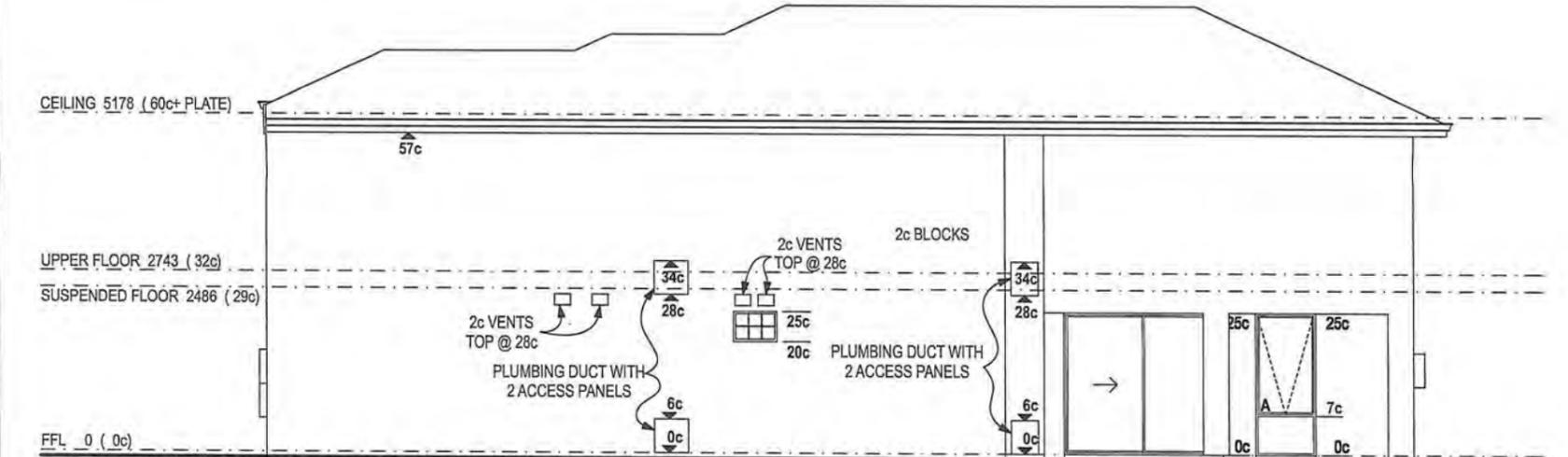
- EXTENT OF PAINTED SAND FINISH RENDER SHOWN SHADED, DARKER SHADE DENOTES CONTRAST RENDER.
- 3c SUSPENDED SLAB TO ENGINEER'S DETAILS.
- THE BUILDER RESERVES THE RIGHT TO FORM A 'V' JOINT TO EXTERNAL WALLS AROUND UPPER FLOOR LEVELS.
- PROVIDE FLASHING TO ALL UPPER FLOOR WINDOWS AS INDICATED DASHED LINE

ELEVATION 1
SCALE 1:100

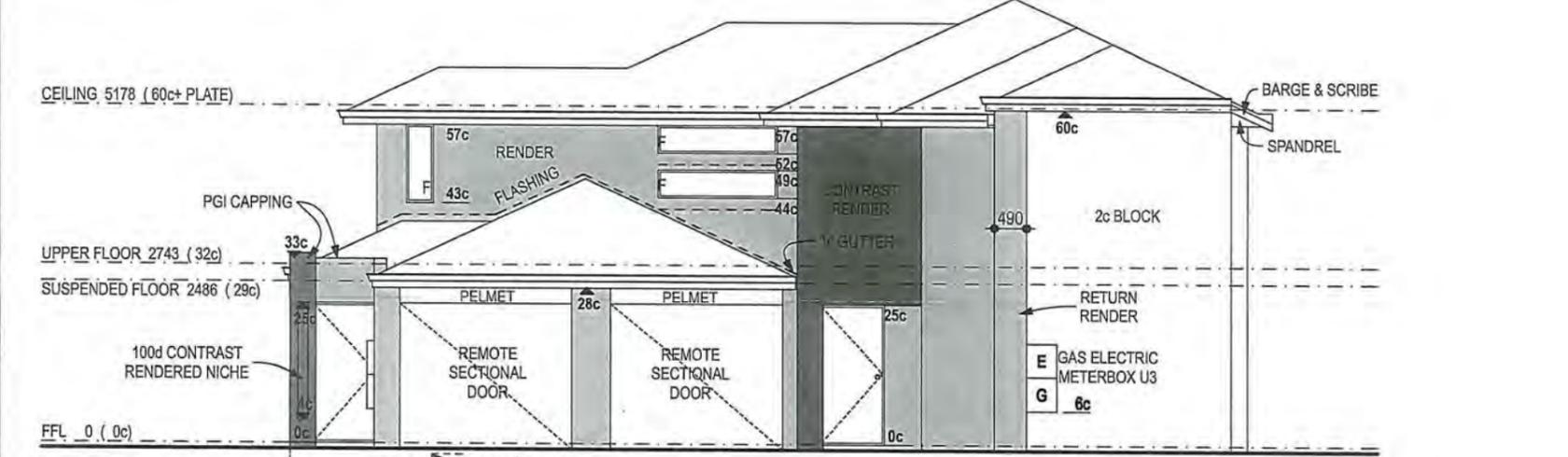
BRICK BUILD UP, UNDER



ELEVATION 2
SCALE 1:100



ELEVATION 3
SCALE 1:100



ELEVATION 4
SCALE 1:100



REVISION	VO #	DRN	DATE	CHK
ENGINEERING		AR	21.02.13	SZ
DRAFTING AMM.		MKN	03.04.13	MKN
		JH	01.05.13	JH

CLIENT:
 DATE:
 CLIENT: DEPARTMENT OF PLANNING
 DATE: 04 JUN 2013
 BUILDER: 20-50887-1
 DATE: FILE

CLIENT: D.O.H.
 ADDRESS: LOT 35 (#77) (UNIT 3 & 4) EASTDENE CIRCLE NOLLAMARA

© COPYRIGHT

ONE-OFF

MODEL N°	DATE
MAP REF.	WIND RATING
COASTAL CATEGORY	ENGINEERS DETAIL
HOME ID	SHEET N°

TBA
N1
TBA
D10W
80969
12 OF 19



Development Application 20-50887-1 (MGA ref 391386mE 6473090mN Zone 50)

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

-  APPROX LOCATION OF APPLICATION
-  PUBLIC USE UTILITY
-  MIXED BUSINESS
-  PRIVATE INSTITUTION
-  CADASTRAL BOUNDARY
-  DEVELOPMENT APPLICATION
-  R CODE BOUNDARY
-  RESIDENTIAL
-  BUSINESS
-  PUBLIC OPEN SPACE

ITEM NO: 9.3

FINAL ENDORSEMENT - SHIRE OF KATANNING LOCAL PLANNING STRATEGY

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Great Southern
AUTHORISING OFFICER:	Executive Director, Regional Planning & Strategy
AGENDA PART:	G
FILE NO:	DP/13/00161/1
DATE:	29/10/2013
ATTACHMENTS:	1. Locality Plan 2. Development Investigation Areas 3. Key Land Use Categories 4. Strategy Plan 1 5. Strategy Plan 2 6. Schedule of Submissions
DETAILS:	Final Endorsement of Shire of Katanning Local Planning Strategy
ADVERTISING:	10 June 2013 - 5 July 2013
SUBMISSIONS:	25 received of no objection or support
COUNCIL'S RESOLUTION:	Adopt for final approval
ENVIRONMENTAL CONDITIONS SET & INCORPORATED:	N/A
MINISTERIALS RECEIVED:	None received

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the attached Schedule of Submissions (Attachment 6);***
- 2. endorse the Katanning Local Planning Strategy.***

SUMMARY:

The draft Katanning Local Planning Strategy (KLPS) was advertised without the five modifications required and prior to the certification issued by the Western Australian Planning Commission (WAPC) on 13 June 2013.

The KLPS has since been modified by the local government to include the five modifications required by the WAPC prior to advertising; and one further modification as a result of submissions received during the advertising process. A finalised document has been submitted for endorsement.

Whilst procedurally the local government did not satisfy relevant sections of the *Town Planning Regulations 1967* with respect to advertising, the KLPS is generally consistent with the Local Planning Manual and the WAPC policy framework, and will provide for growth and development of Katanning in accordance with its identification as a Super Town under the State's Regional Centres Development Program.

Final endorsement of the KLPS is recommended.

BACKGROUND:

The Shire of Katanning is located in the Great Southern Region, approximately 286km south east of Perth (**Attachment 1**). Katanning has a current townsite population of 3800 and an overall population of 4200. WA Tomorrow (2012) forecasts indicate 4400 by 2026.

In June 2012, the then Department of Regional Development and Lands (DRDL) announced funding of \$77.8 million for 17 priority projects put forward by the Super Towns program. The Shire of Katanning was identified as a Super Town and allocated \$8.955m to undertake the first two stages of the project.

In August 2012, the local government completed a Growth Plan which identified a range of priority projects to assist preparation for population and economic growth. The Growth Plan was considered by the WAPC at its meeting on 23 October 2012 where it resolved that;

- *to implement land use aspects of the Growth Plan, the Growth Plan needs to address local planning strategy and scheme processes and procedures outlined in the Town Planning Regulations 1967.*

The local government submitted a draft Katanning Local Planning Strategy (KLPS) for consent to advertise on 24 May 2013. On 13 June 2013 the WAPC certified draft KLPS was consistent with regulation 12A(3) of the Town Planning Regulations and should be advertised for a minimum period of 21 days, subject to five modifications being carried out prior to advertising.

On 10 June 2013 (three days prior to certification by WAPC) the local government commenced advertising of the draft KLPS for 21 days until 5 July 2013. The five modifications required by WAPC were not carried out prior to draft KLPS being advertised. In total 25 submissions were received, the majority from government agencies. There were no objections to the draft KLPS.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Town Planning Regulations 1967
Clause 12B

Strategic Plan

Strategic Goal:	Planning
Outcomes:	Planned Local Communities
Strategies:	Implement State and Regional Planning priorities

Policy

Number and/or Name:	SPP 2.5 Agricultural and Rural Land Use Planning; SPP 3 Urban Growth and Settlement
---------------------	---

DETAILS:

The background content of draft KLPS is derived from the previously endorsed Katanning Growth Plan. The major additional planning components to the KLPS include:

- The KLPS meeting the requirement for preparation of a LPS as required by Regulation 12A(3) of the Town Planning Regulations.
- Introduction of Development Investigation Areas (DIAs) to provide a planning framework for development as identified by the Growth Plan.
- Incorporation of proposed land use categories and mapping.

The Growth Plan identified 10 Structure Plan Areas, which have been developed in the KLPS into 12 Development Investigation Areas (DIA's) encompassing infill development and townsite expansion for residential, low density residential, rural residential and industrial development. Table 1 (**Attachment 2**) details the Development Investigation Areas.

Table 2 (**Attachment 3**), *Strategy Key Elements, Outcomes and Recommendations*, identifies the key land use categories applied in KLPS and outlines outcomes and recommendations for implementation in proposed future Local Planning Scheme No. 5. Strategy Plans 1 and 2 (**Attachments 4 and 5**) identify the designated land uses within the rural area and townsite respectively. All proposed urban development is centred around Katanning.

GOVERNMENT AND CORPORATE IMPLICATIONS

The KLPS, once endorsed by the WAPC, will be the key strategic planning document to guide orderly and proper planning within the Shire of Katanning.

CONSULTATION

Twenty five (25) submissions were received with no objections. Comments were received largely from government agencies and were generally supportive. Many comments related to the Growth Plan, provided as a background document to KLPS, which has already been endorsed by the WAPC. One modification was recommended by the Water Corporation to include a nominal odour buffer around the waste water treatment plant; this was agreed to by the local government.

Recommended WAPC responses to the submissions are included in the Schedule of Submissions (**Attachment 6**).

OFFICER'S COMMENTS:

Katanning is the only settlement proposed in the Shire. All designated development will be in or adjacent to Katanning. KLPS focuses on a consolidated central area in which to locate commercial land uses and designation of such an area will allow guided development to occur. Similarly, proposed new industrial areas are suitably located within a reasonable distance of the townsite with ready access to transport infrastructure; and impacts on residential areas will be avoided. Proposed DIA's and other land use designations have been demonstrated as reasonable to support the Growth Plan's aspirational long term population target of an additional 10,000 people. The land use designations in the KLPS are therefore supported.

Advertising

On 13 June 2013 the WAPC certified draft KLPS for public consultation, subject to five modifications. The local government however advertised draft KLPS from 10 June 2013, three days prior to receiving certification and without undertaking the modifications required by the WAPC. In this regard the local government was not compliant with Sections 12B(1) or 15(1) of the *Town Planning Regulations 1967*.

Notwithstanding that advertising was not carried out in accordance with the Regulations, all initially required modifications related to phrasing, clarification of statements and general editing within the document and do not compromise the content, or misrepresent the WAPC's position to the public. In addition the local government has since undertaken all modifications as required prior to advertising as well as the additional modification of the Water Corporation buffer, and finalised documents have been provided.

Odour Buffer

The Water Corporation requested that due to odour emissions from the wastewater treatment plant, the draft KLPS include a buffer and advised that additional works on the buffer will include scientific modelling to reflect the extent of the buffer required and when completed this will be provided to the Shire for inclusion in the new Local Planning Scheme. In the interim the local government has modified KLPS to include a nominal odour buffer around the wastewater treatment plant as shown on Strategy Plan 2 (**Attachment 5**). This is supported as an interim measure until the use of a Special Control Area to secure the odour buffer in the future Local Planning Scheme occurs. The changes do not compromise the planning intent and re-advertising is not recommended. Note the buffer covers industrial and rural uses only.

CONCLUSION

The KLPS is reflective of the endorsed Katanning Growth Plan, is supported by stakeholders and consistent with WAPC policy. While the document was advertised without required changes, these were minor and endorsement of the KLPS is recommended.



Legend

Local government area

BUNBURY



SHIRE OF KATANNING



ALBANY



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Locality Plan

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0 48.62 97.2 Kilometres

1: 1,914,270

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Produced by: FUNCTIONALITY TO COME

Date produced: 08-Nov-20

Proposed DIAs	Growth Plan Area	DIA Purpose	Opportunities and environmental characteristics	Constraints/Issues to be addressed in addition to standard MST requirements	Priority 1, 2 or 3 (in decreasing order of priority)	DIA Areas and Yield Estimates
1 – Warren Road	A	To provide for consolidation of urban land as a transitional link to proposed new northern residential area	<ul style="list-style-type: none"> Infill residential (R20 to R40) Landscape/creepline improvement (recreation and environment) Substantially cleared Minor areas of remnant and introduced vegetation 	<ul style="list-style-type: none"> Existing development Multiple ownership Servicing Landscape/creepline protection Street and pedestrian connectivity Pedestrian linkage to DIA 2 to implement the LPS Multiple Use Corridor 	2	DIA area 34.2ha less approx 11.5ha existing reserved land. Developable area estimate 23ha Yield estimate 276 Lots @ 12Lots/ha
2 – Piesse Park	B	To provide for a mix of residential development including medium density housing and potential aged accommodation around a high amenity lake and parkland revitalisation	<ul style="list-style-type: none"> Infill and increased residential density (R20 to R40) Variety of dwelling types Aged accommodation Consolidate, revitalize and activate residential area close to town centre, hospital and open space Rationalise and provide high amenity public open space for housing and community use Existing creek/drainage line degraded Majority of area cleared with isolated trees 	<ul style="list-style-type: none"> Existing development Servicing Drainage/water management Land tenure and reservation/zoning Contaminated site Tree retention Pedestrian linkage to DIA 1 to implement the LPS Multiple Use Corridor 	1	DIA area 21.2ha less approx 45% for retained open space, drainage, roads. Developable area estimate 11.6ha Yield estimate 290 Lots @ 25 Lots/ha
3 – Northern Special Rural Town Entry	F	To consolidate the rural residential entry along Katanning-Dumbleyung Road and provide for re-subdivision of existing lots	<ul style="list-style-type: none"> DIA Identified for consolidation given the areas location within an identified urban expansion corridor including adjoin DIA 4 Consolidate existing rural residential lots to achieve additional Special Rural lots (minimum size 1.0ha) Improve rural town entry with additional landscaping from additional subdivision Potential to establish multiple use corridor along existing creepline Area largely developed with cleared pasture and minimal areas of remnant vegetation 	<ul style="list-style-type: none"> Existing development Multiple ownership Access and servicing Landscape/creepline protection Land capability assessment Provision for future street and pedestrian connectivity for potential long term northern townsite expansion 	2	DIA area 59.2ha less approx 6ha for potential Multiple Use Corridor if created as a reserve Yield estimate 39 Lots @ 1.5ha/Lot Practical Lot yield may be lower due to existing lot configuration and land ownership.
4 – Northern Residential Expansion	F	To provide for primary residential expansion	<ul style="list-style-type: none"> Residential neighbourhood (R15 to R30) land is frontal to existing townsite and accessible to the existing road network and town centre Largely cleared, undeveloped and well drained 	<ul style="list-style-type: none"> Fire management with adjoining golf course bushland Existing servicing requirements Vegetation protection Provision for future street and pedestrian connectivity for potential long term northern townsite expansion 	2	DIA area and developable area 60.5ha Yield Estimate 720 Lots @ 12 Lots/ha
5 – Northern Low Density Residential	G	To provide for special residential (2,000 to 4,000m ² lots) to consolidate the eastern margins of the townsite	<ul style="list-style-type: none"> Provide a range of residential living opportunities (2,000 to 4,000m² lots) Rural vistas Road access Land predominantly cleared and gently undulating 	<ul style="list-style-type: none"> Proximity to proposed freight route Potential conflict with adjoin agricultural uses Fire management 	2	DIA area and developable area 36ha Yield estimate 108 Lots @ 3 Lots/ha
6 and 7-Eastern Residential	G	To provide for residential areas to consolidate the eastern margins of the townsite	<ul style="list-style-type: none"> Provide variety of residential living opportunities (R15 to R30) Land is elevated and undulating with attractive rural views Land frontal to recreation facilities and country club Largely cleared and gently undulating 	<ul style="list-style-type: none"> Proximity DIA 7 to existing gun club Proximity to freight route Fire management Existing Wastewater treatment plant Buffers to existing industry Vegetation protection 	3	Combined DIA area 106ha less approx 20% for buffers and fire management Developable area estimate 85ha Yield estimate 1020 Lots @ 12 Lots/ha
8-Industrial	H	To provide for industrial expansion based around the new sales yards and existing rural service industries	<ul style="list-style-type: none"> Potential for broad range of industrial and agri food based industries that require large lot sizes not available within existing industrial zoned area Proximity to town centre, local road network and railway New sales yard potential business catalyst Proximity to services Potential to be serviced by proposed long term freight route Large site to accommodate buffers Potential for value adding to regional economy Predominantly cleared, gently undulating and well drained 	<ul style="list-style-type: none"> Need to confirm established demand for planning and investment Determination and justification of lot sizes for intended uses Removal of land from agricultural production Servicing and infrastructure requirements and costs ownership 	1	DIA area 315ha Lot yield to be justified and determined by structure planning process
9 – WAMMCO	I	To provide limited industrial expansion to facilitate complementary landuse to WAMMCO	<ul style="list-style-type: none"> Potential for only rural based industries to complement existing abattoir operation and expansion compatible with buffer requirements Predominantly cleared 	<ul style="list-style-type: none"> Determination and justification of proposed complimentary landuses, development and lot sizes Buffer and transitional landuse requirements to existing abattoir and residential landuses to be incorporated within DIA and structure plan area Buffer to be Internal/ within DIA and not encroaching on surrounding lots Drainage management Protection of creepline and water quality Servicing and infrastructure requirements Highway visual Impact 	2	DIA area 367ha (majority of area previously zoned and developed) Lot yield to be justified and determined by structure planning process
10 – South Western Rural Residential	J	To consolidate and redevelop existing rural residential areas	<ul style="list-style-type: none"> Potential for rural residential infill and more efficient use of land Land contiguous with adjoining Special Rural Majority of land zones Special Rural Minor existing development and site predominantly cleared apart from areas of creepline riparian vegetation 	<ul style="list-style-type: none"> Existing Structure Plan for Special Rural zoned area currently restricts development Need and cost for upgrading of existing road network Proximity to existing rail line, industrial site, waste water treatment ponds and highway. Drainage and creepline management Land capability Low lying areas present with potential drainage issues 	3	DIA area 346ha less approx 20% for roads, drainage and vegetation Developable area estimate 278ha Yield estimate 185 Lots @ average 1.5ha/Lot Practical Lot yield may be lower due to existing lot configuration, land ownership and constraints management
11 – O’Callaghan Park	E	To provide opportunities for a range of uses including (but not limited to) low density residential, low cost temporary workers, migrant, student and separate mine accommodation	<ul style="list-style-type: none"> Provision of transitional and mining camp accommodation as a substantial community and economic benefit Potential for a land swap to secure underutilised O’Callaghan for development Environmental benefit for potential reservation and protection of quality remnant vegetation within Special Rural lots owned by the Shire Special Rural lots owned by the Shire of Katanning to be converted into a reserve 	<ul style="list-style-type: none"> Highway noise buffer Vegetation assessment and clearing Fire management Servicing and Infrastructure Highway and road access Transitional landuses to adjoining residential and rural residential landuses Land swap to convert Shire owned rural residential lots to Parks and Recreation reserve Onsite landuse connectivity and compatibility 	1	DIA area 61ha less 20ha for Shire land to be reserved Estimated yields subject to structure planning potentially comprising but not limited to: <ul style="list-style-type: none"> 35 Low density residential Lots Caravan Park/short term workers accommodation. Workers accommodation. Mining camp accommodation.
12- North East Rural Small Holding	Not included	To provide a new form of rural living in the form of Rural Small Holdings to broaden the range of lifestyle opportunities provided within Katanning and a transitional landuse between proposed urban expansion and conventional rural landuse	<ul style="list-style-type: none"> Land contiguous with proposed urban expansion areas Potential for a broad mix of lot sizes to focus on maintaining or encouraging rural landuses and to prevent existing farming lots from being used for this purpose Land is elevated and undulating with attractive rural views Good connection to existing road network with access to the town centre Land predominantly cleared 	<ul style="list-style-type: none"> Potential removal of land from rural production. Drainage and creepline management Land capability Proximity to proposed freight route Potential conflict with adjoin agricultural uses 	3	DIA area 282ha less approx 20% for buffer requirements and roads etc Developable area estimate approx 185ha Yield estimate 37 Lots @ average 5ha/Lot

5

Table 1 - Katanning Development Investigation Areas

Key Elements and Landuse Categories	Strategy Outcomes	Recommendations for Local Planning Scheme No. 5 Development
Development Investigation Areas (DIAs)	<ul style="list-style-type: none"> The Strategy contains 12 DIAs as detailed in Table 1 for a range of landuse outcomes subject to detailed planning prior to subdivision and development. The Katanning townsite is to be the primary and only settlement within the Shire to provide for urban growth. The Katanning townsite is to be the key recipient of investment in business, civic facilities, community infrastructure and services to enable it to maintain and expand its function as a regional centre. 	<ol style="list-style-type: none"> LPS5 to include DIA's for infill development and priority DIAs to accommodate a minimum of 5 years potential urban expansion where detailed planning and environmental assessment and landuse outcomes are finalised by the Structure Plan process. LPS5 to introduce a Future Development Zone for infill and priority DIAs to facilitate subdivision and development control to be addressed by endorsed Structure Plans.
Residential and Residential Infill	<ul style="list-style-type: none"> The Residential landuse category applies to existing and proposed residential expansion areas. The Residential Infill landuse category applies to areas within the existing residential and low density areas identified for infill residential development within close proximity to the town centre, key facilities and/or areas of interest. The Strategy recognises existing residential areas within the Katanning townsite have largely been subdivided and developed. Over the short term the ability of these areas to accommodate significant redevelopment is limited without significant investment. The majority of existing residential areas under TPS4 have a split density coding of R12.5/R25. The strategy supports application of the higher code (R25) to areas that have higher potential for servicing and the lower code of 12.5 to those areas with lower potential or higher costs for servicing. The Shire of Katanning and Water Corporation are to monitor and review the provision of reticulated services (including funding opportunities) to facilitate residential infill and urban expansion. 	<ol style="list-style-type: none"> Recode existing R12.5/R25 residential areas without access to reticulated sewer to R12.5 to more clearly reflect current development potential. Recode existing R12/25 residential areas with access with access to reticulated sewer to R25 to confirm development potential. Recode residential land surrounding the town centre with access to rear lanes to R40 to facilitate the delivery of closer residential development at a density generally not offered within the townsite
Low Density Residential	<ul style="list-style-type: none"> Applies to existing and proposed low density residential areas. 	<ol style="list-style-type: none"> Rezone Special Residential land within TPS4 to the Residential zone with appropriate density coding of R2.5 and R5. Review and introduce provisions for modifications to the Residential Design Codes to address setback and fencing control.
Rural Residential	<ul style="list-style-type: none"> Applies to existing and proposed rural residential areas. The Strategy recognises opportunities for more efficient utilisation and consolidation of land already zoned and/or developed for rural residential development to provide for greater lifestyle choice. 	<ol style="list-style-type: none"> Zone existing Special Rural land to the more widely used Rural Residential Zone with provisions consolidated where possible for ease of interpretation and application.
Rural Small Holding	<ul style="list-style-type: none"> Applies to land identified for minor rural pursuits, hobby farms and alternative rural residential purposes where part time income from cottage industries, home occupations and the use of land for agriculture may occur. Land identified for rural small holding development is located on the fringe of the Katanning townsite to provide a transitional land use between proposed residential expansion areas and traditional rural farmland and to prevent existing farming lots being used for this purpose. 	<ol style="list-style-type: none"> LPS5 to develop and include a Rural Small Holding zone consistent with zones recently introduced into other Local Planning Schemes.
General Agriculture	<ul style="list-style-type: none"> Applies to existing agricultural land that is not proposed for other non rural purposes. 	<ol style="list-style-type: none"> LPS5 to apply the General Agriculture zone to replace the Rural zone within TPS 4. Review the Use Class table for the zone to ensure the permitted range of landuses and development is flexible and compatible with state policy.
Industrial	<ul style="list-style-type: none"> Applies to existing Industrial areas and a proposed new industrial DIA. 	<ol style="list-style-type: none"> Retain the two industrial zones under TPS4 LPS5 to review the potential of identified industrial areas to be rezoned Residential
Composite Industry	<ul style="list-style-type: none"> Applies to existing industrial land identified for a zoning change to Composite Industry to provide for single residential dwellings and compatible industrial development. 	<ol style="list-style-type: none"> LPS5 to introduce a Composite Industrial Zone consistent with the zone introduced within the Shire of Augusta Margaret River LPS4

Abattoir and Rural Industries	<ul style="list-style-type: none"> Applies to the existing WAMMCO abattoir site (zoned Special Use under TPS4) with provision for further rural industries compatible with buffer requirements in accordance with DIA requirements. 	<p>15) Review and expand the Special Use zone to cover the whole DIA.</p> <p>16) Amend special provisions to include compatible rural industries and that the requirement for any rezoning, structure plan, subdivision or development proposal must demonstrate that required buffers to the abattoir, any related rural industries and adjoining residential development are confined within the DIA boundary.</p>
Town Centre	<ul style="list-style-type: none"> Applies to the commercial, civic and heritage core of the Katanning townsite including potential for residential and mixed use development. The Strategy does not identify any new town centre commercial areas. The findings of the Growth Plan confirms that existing commercially zoned land has the capacity for redevelopment to serve the potential level of growth outlined by the Strategy. 	17) LPS5 to develop and apply a more flexible and contemporary Town Centre zone to replace the two commercial zones under TPS4.
Civic and Community Uses	<ul style="list-style-type: none"> Applies to Crown land including and not limited to Unallocated Crown Land and other reserves for such purposes as hospital, schools and utilities etc. 	18) Scheme Maps to identify the purpose of reserved land.
Parks and Recreation	<ul style="list-style-type: none"> Applies to existing reserves (both vested and unvested) for parks and recreation. In some cases existing reserves subject to review within a DIA are not identified in the Strategy are reserved in LPS5. 	<p>19) Scheme maps to reflect existing Parks and Recreation reserves.</p> <p>20) Scheme Maps to accurately reflect the reservation of the Katanning Regional Recreation Centre and grounds.</p>
Private Club	<ul style="list-style-type: none"> Applies to privately owned land including the Golf Club and Gun Club. 	21) Retain the Special Use zone under TPS4.
Church and Private Education	<ul style="list-style-type: none"> Applies to privately owned land for church, private education and related development 	22) Retain the applicable Special Use zone under TPS4.
Multiple Use Corridor	<ul style="list-style-type: none"> Applies to existing creeks and drainage lines intended for staged development of a parkland recreation network. 	23) That following the outcomes of flood modelling as part of a District Water Management Strategy that Council develops a strategy and/or policy to investigate and implement portions of the multiple use corridor network with a focus on those portions within DIA's and existing reserves.
Highway, Major Roads and Railway	<ul style="list-style-type: none"> Applies to the existing regional road network and railway line. 	24) Scheme Maps to reflect the road hierarchy and railway.
Long Term Freight Route (proposed)	<ul style="list-style-type: none"> The Strategy recognises the potential for a long term freight route and the need for its consideration as part of detailed planning for affected and abutting development areas. 	25) The long term freight route requires detailed investigation, analysis, costing and consultation prior to consideration for inclusion into LPS5.
Katanning Dumbleyung Truck Route	<ul style="list-style-type: none"> Applies to existing local truck route link road. 	26) Existing road to be reflected on Scheme maps.
Water Corporation Wastewater Treatment Plant Buffer	<ul style="list-style-type: none"> Buffer applies to the Water Corporation Wastewater Treatment Plant. The Strategy recognises the importance of the wastewater treatment plant and the potential for appropriate landuses to be located within the buffer to the plant. 	27) The Scheme maps to include the Water Corporation Wastewater Treatment Plant Buffer (based on detailed cadastral information) as a Special Control Area.

Table 2 – Strategy Key Elements, Outcomes and Recommendations

Adoption

Prepared and adopted pursuant to Regulation 12A (1) of the Town Planning Regulations 1967 by resolution of the local government of the Shire of Katanning at the Meeting of the local government held on the 24 day of April 2013

[Signature]
SHIRE PRESIDENT
[Signature]
CHIEF EXECUTIVE OFFICER

Final Approval

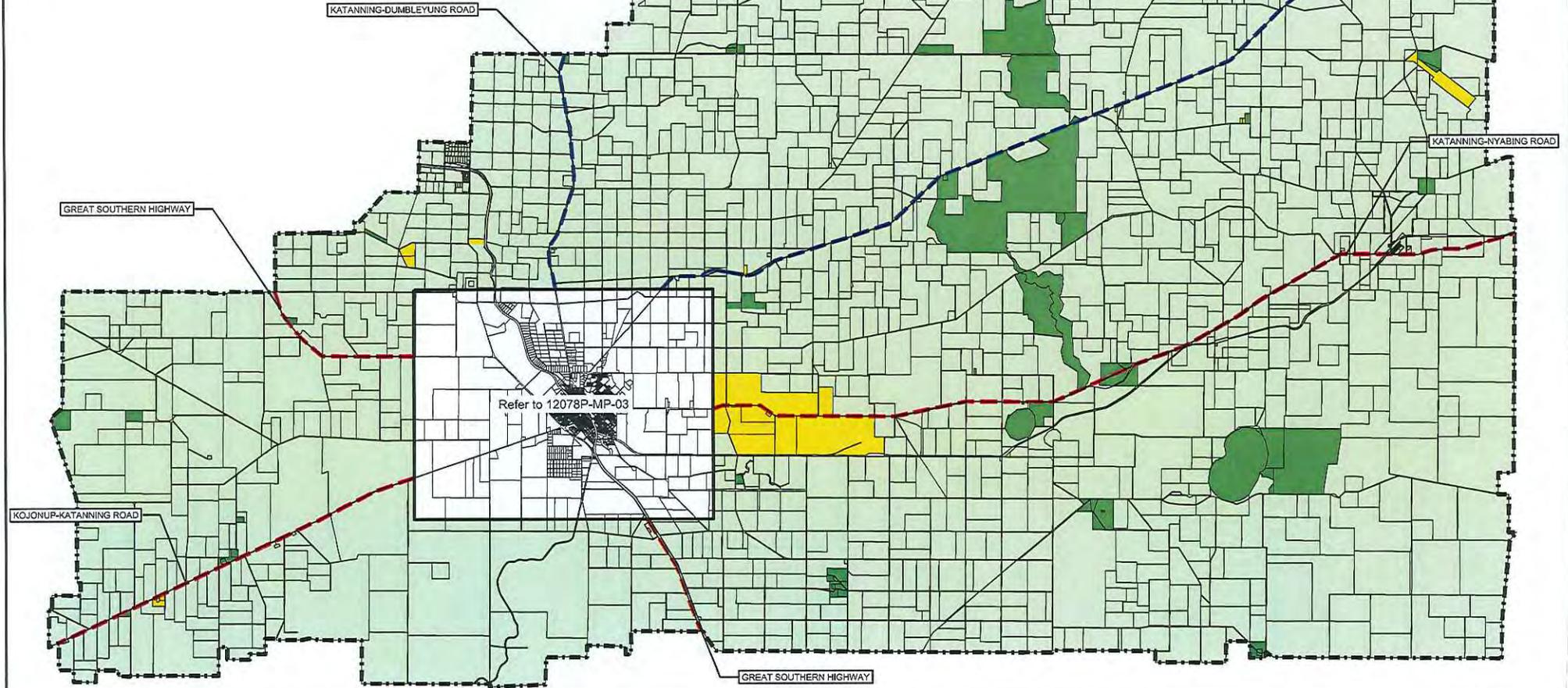
Adopted pursuant to Regulation 12B (3) of the Town Planning Regulations 1967 by resolution of the Shire of Katanning at the Meeting of the local government held on the 14 day of July 2013

[Signature]
SHIRE PRESIDENT
[Signature]
CHIEF EXECUTIVE OFFICER

Certified by the WAPC on ___/___/___ pursuant to Regulation 12B (1) of the Town Planning Regulations 1967.

Endorsed by the WAPC on ___/___/___ under Regulation 12B (4) of the Town Planning Regulations 1967.

DATE



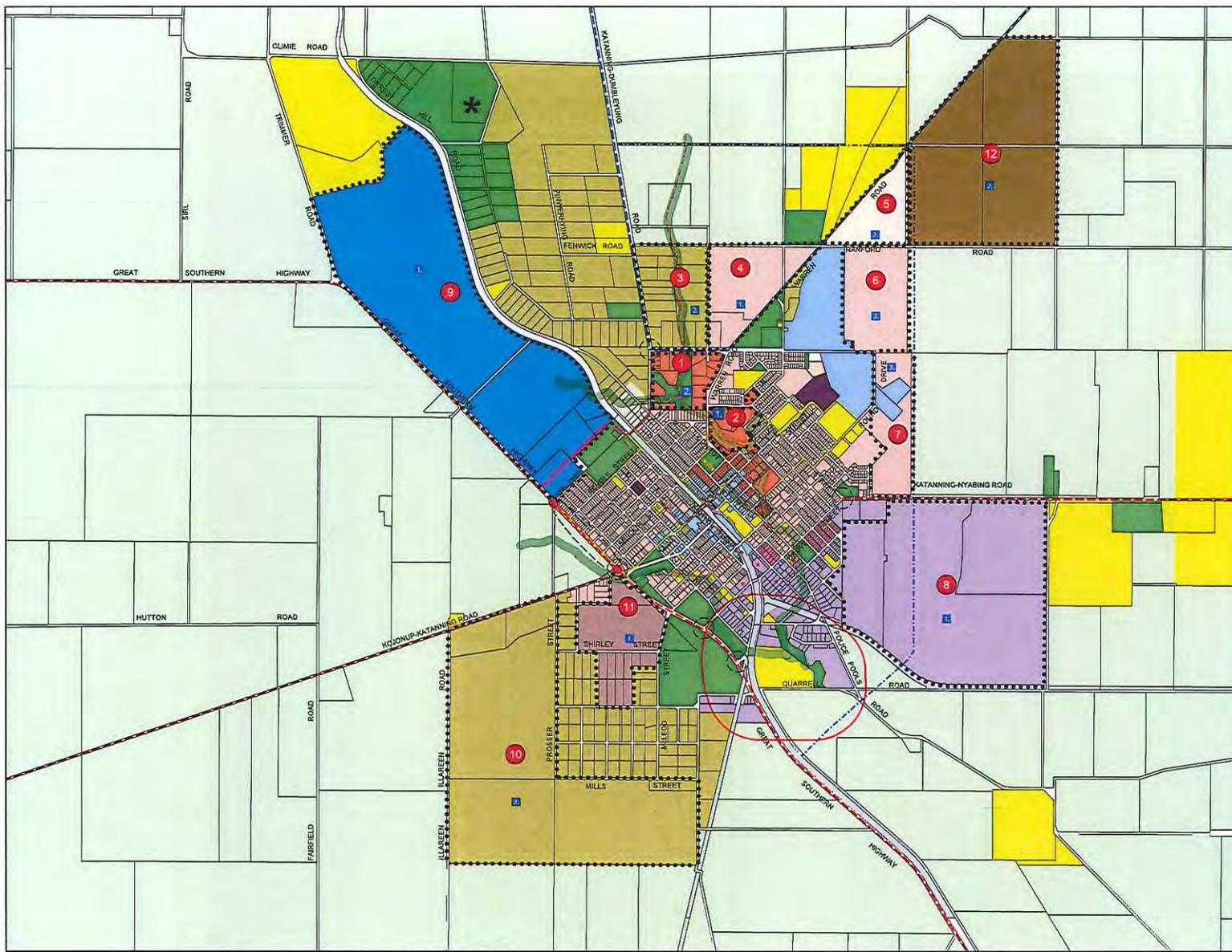
Legend	
Local Government Boundary	Long Term Freight Route
Highway and Major Roads	Green Link Enhancements
District Local Roads	Entry Nodes
Katanning Dumbleyung Track Route	Road / Intersection Upgrade
Heritage Trail	Priority for DIA Development (or otherwise enter (1 to 3))
Townsite Boundary	DIA Areas
Activity/Service Trail	Siting Inhabited Areas to be reviewed as part of scheme review
Greenway	
Multi Use Corridor	

Land Use Designations	
Residential	General Agriculture
Residential Infill	Industrial
Low Density Residential	Composite Industry
Rural Residential	Town Centre
Rural Small Holding	Clubs and Community Uses
Abattoir and Rural Industries	Parks and Recreation
	Pubs/Club
	Community Centre

Conservation, Residential, Short stay and Visitors Accommodation
Church and Private Education

SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
STRATEGY PLAN 1





- ### DIA Purpose
- 1 To provide for consolidation of urban land as a transitional link to proposed new northern residential area
 - 2 To provide for a mix of residential development including medium density housing and potential aged accommodation around a high amenity lake and parkland revitalisation.
 - 3 To consolidate the rural residential entry along Katanning-Dumbleyung Road and provide for re-subdivision of existing lots.
 - 4 To provide for primary residential expansion
 - 5 To provide for special residential (2,000 to 4,000m² lots) to consolidate the eastern margins of the townsite.
 - 6, 7 To provide for residential areas to consolidate the eastern margins townsite.
 - 8 To provide for Industrial expansion based around the new sales yards and existing rural service industries.
 - 9 To provide limited industrial expansion to facilitate complementary land use to WAMMCO.
 - 10 To consolidate and redevelop existing rural residential areas.
 - 11 To provide opportunities for a range of uses including (but not limited to) low density residential, low cost temporary workers, migrant, student and separate mine accommodation.
 - 12 To provide a new form of rural living in the form of Rural Small Holdings to broaden the range of lifestyle opportunities provided within Katanning and a transitional land use between proposed urban expansion and conventional rural land use.

Structure Planning

DIAs are to be subject to structure planning prior to subdivision and development unless as provided for by the LPS.

Adoption

Prepared and adopted pursuant to Regulation 12A (1) of the Town Planning Regulations 1967 by resolution of the local government of the Shire of Katanning at the Meeting of the local government held on the 24 day of April 2013

[Signature]
SHIRE PRESIDENT

[Signature]
CHIEF EXECUTIVE OFFICER

Certified by the WAPC on / / pursuant to Regulation 12B (1) of the Town Planning Regulations 1967.

Final Approval

Adopted pursuant to Regulation 12B (3) of the Town Planning Regulations 1967 by resolution of the Shire of Katanning at the Meeting of the local government held on the 24 day of July 2013

[Signature]
SHIRE PRESIDENT

[Signature]
CHIEF EXECUTIVE OFFICER

Endorsed by the WAPC on / / under Regulation 12B (4) of the Town Planning Regulations 1967.

DATE



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Legend	
--- Local Government Boundary	Multi Use Corridor
--- Highway and Major Roads	Green Link Enhancements
--- District Local Roads	Entry Node
--- Katanning Dumbleyung Truck Roads	Road / Intersection Upgrades
--- Heritage Trail	Priority for DIA Development (in secondary order of priority 1 to 3)
--- Townsite Boundary	DIA areas
--- Activity/Exercise Trail	Existing Industrial Areas to be reviewed as part of scheme review
* Speedway	
--- Long Term Freight Route	Water Corporation Waste Water Treatment Plant Odour Buffer
Land Use Designations	
Residential	Abattal and Rural Industries
Residential Infill	General Agriculture
Low Density Residential	Industrial
Rural Residential	Composite Industry
Rural Small Holding	Town Centre
	Civic and Community Uses
	Parks and Recreation
	Private Club
	Community Centre
	Conservation, Residential, Short stay and Workers Accommodation
	Church and Private Education

SHIRE OF KATANNING LOCAL PLANNING STRATEGY STRATEGY PLAN 2



**SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
1	Great Southern Institute of Technology PO Box 894 ALBANY WA 6331	<p>In response to the Shires referral of the draft Local Planning Strategy, the Great Southern Institute of Technology (GSIT) proposes the following actions:</p> <ul style="list-style-type: none"> • The anticipated Language Learning Centre be collocated within the Katanning GSIT premises and be expanded and made available to non-English residents. • To expand the range of learning opportunities through the GSIT by installing a multimedia hub to encourage and allow the Katanning community to seek higher training qualifications. • Currently provide commercial and lifestyle training courses and these could be expanded to meet the growing needs. Also provide resources/mining sector, industrial and work safe training. • An annual planning cycle could be developed with community groups identifying training needs. • Future planning with the Department of Training 	<p>The GSIT's comments refer to Part 2 of the draft Local Planning Strategy (draft LPS) which is the existing Growth and Implementation Plan adopted by State Cabinet, Shire, GSDC, WA Planning Commission etc. No changes are proposed to this existing adopted strategy.</p> <p>The comments support the intentions of the LPS and the specific recommendations will be worked through with the GSIT over time.</p> <p>No modifications to the draft LPS are recommended.</p>	Note.

**SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		<p>Workforce Development highlighted need for additional trades training to be delivered.</p> <p>The GSIT can adapt and modify its delivery and look forward to being involved in the future growth of Katanning and surrounding areas.</p>		
<p>Council Recommendation</p> <p>Submission 1 Great Southern Institute of Technology The submission be noted.</p>				
2	<p>Keystart Home Loans Department of Housing PO Box 6679 EAST PERTH WA 6892</p>	<p>Have no objections to the draft LPS and commend the Shire on its efforts to define the planning framework and direction for local planning.</p> <p>The Country Housing Authority/Keystart Home Loans are aware of Katanning's 'SuperTown' status and are pleased to see the Shire planning for greater infill, variety of housing choice/density and expansion to cater for anticipated growth.</p> <p>Are pleased with Katanning's desire to facilitate business and include flexibility to accommodate rural businesses.</p> <p>Advise of the Department's lending</p>	<p>The comments support the intentions of the LPS.</p> <p>No modifications to the draft LPS are recommended.</p>	Note.

**SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		services to rural and regional areas and will make contact with the Shire to discuss further opportunities.		
<p>Council Recommendation</p> <p>Submission 2 Keystart The submission be noted.</p>				
3	Department of Education Services PO Box 1766 OSBORNE PARK WA 6916	Advise the Department's role is as a regulator of non-government schools rather than a provider and are not able to provide details regarding future infrastructure requirements for the Shire.	Comments noted. No modifications to the draft LPS are recommended.	Note.
<p>Council Recommendation</p> <p>Submission 3 Department of Education Services The submission be noted.</p>				
4	Department of Lands PO Box 1143 WEST PERTH WA 6872	<p>Advise LPS contains a number of parcels of Crown Land identified for other than public use and these have been discussed through the development of the Growth Plan.</p> <p>These initiatives require further negotiations with the Department to address future tenure.</p> <p>The proposed land exchange around O'Callaghan Park is progressing and a valuation is being sought.</p> <p>The Department supports the</p>	<p>The comments support the intentions of the LPS. The LPS includes a number of proposals that impact on Crown land and these changes will need to be worked through between the Department and Shire.</p> <p>No modifications to the draft LPS are recommended.</p>	Note.

**SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		principle of the LPS and will work with the Shire to implement tenure changes where appropriate to facilitate the desired outcomes.		
<p>Council Recommendation</p> <p>Submission 4 Department of Lands The submission be noted.</p>				
5	Department of Communities 140 William Street PERTH WA 6000	for The Department has reviewed the document with particular regard to the special needs populations and are supportive of the broad directions of the draft strategy. Comment as key element missing from the strategy is describing an ongoing role for the community in the development and delivery of the plan. Comment the way the community is engaged is critical to the success of the plan and will need to be flexible to respond to changes. Identify and comment that the project titled 'Development Community and Cultural Capacity' (p.100) should ensure a variety of strategies to gain input and ownership of special needs and marginalised communities and recommend using existing successful models and highlights	The Department's comments refer to Part 2 of the draft Local Planning Strategy which is the existing Growth and Implementation Plan adopted by State Cabinet, Shire, GSDC, WA Planning Commission etc. No changes are proposed to this existing strategy. The comments support the intentions of the LPS and the specific recommendations are being handled through the Community Development section. No modifications to the draft LPS are recommended.	Note.

**SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		<p>successful programmes completed including those in the Great Southern region.</p> <p>Encourage this work to be undertaken in collaboration with neighbouring shires.</p>		
<p>Council Recommendation</p> <p>Submission 5 Department for Communities The submission be noted.</p>				
6	<p>Katanning Clay Target Club PO Box 617 KATANNING WA 6317</p>	<p>Wish to be consulted over the future plans for the area shown in Plan 2 of the draft LPS.</p> <p>Provide some details regarding the history of the club, current membership, buffer requirements etc.</p> <p>Advise they have legal agreement with the Department of Agriculture and Food to deal with shooting over their land.</p> <p>Invite Council to inspect the grounds to get an appreciation of their concerns.</p>	<p>The Director of Planning & Development met with club representatives following the public meeting to discuss the proposed long-term freight route connecting the Dumbleyung and Warren Roads to the proposed new industrial area (around the new saleyards) and Great Southern Highway.</p> <p>The representatives were advised that the preparation of the structure plan for the area would involve them directly (as stakeholders) and would establish/quantify all of the buffer areas required (clay target, agricultural, freight noise, odour etc.) to address their concerns.</p> <p>No modifications to the draft</p>	<p>Note.</p>

**SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
			LPS are recommended.	
Council Recommendation				
<p>Submission 6 Katanning Clay Target Club The submission be noted and the club be advised that their concerns would be addressed through the preparation of the structure plan for the area around the club and/or new heavy freight route and they will be consulted directly during its preparation.</p>				
7	Department of Education 151 Royal Street EAST PERTH WA 6004	<p>Have reviewed the document and make the following comments:</p> <ul style="list-style-type: none"> • Based on anticipated lot yield of approximately 4,000, the Department calculates an expected student yield of 700. • Currently the maximum residential density code is R30 and the increase in dwellings will be gradual and increase in student numbers would be proportionate to the housing yield. • The Department would require staging plans for the Growth Plan to enable the assessment of the development on student numbers. <p>The Department advise based on the information provided and their assumptions, the schools would be able to accommodate the increase in student numbers. Recommend continued liaison with the Shire will assist assessing the impact on the existing schools.</p>	<p>The Department's assumption appear reasonable, although the timing of the developments proposed under the LPS is difficult to quantify. That said the Department seem confident that most growth can be adequately catered for at the existing schools.</p> <p>The Department will be consulted during the preparation of the various structure plans to be undertaken for the expansion areas (as stakeholders) and would establish/quantify any requirements at that stage.</p> <p>No modifications to the draft LPS are recommended.</p>	Note.

**SHIRE OF KATANNING
LOCAL PLANNING STRATEGY
SCHEDULE OF SUBMISSIONS**

No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
<p>Council Recommendation</p> <p>Submission 7 Department of Education The submission be noted.</p>				
8	Great Southern Development Commission PO Box 280 ALBANY WA 6330	<p>The Commission understand the LPS has been prepared to implement the land use planning recommendations contained in the Growth and Implementation Plan developed under the SuperTowns initiative.</p> <p>The GSDC support the draft LPS and makes the following general comments:</p> <ul style="list-style-type: none"> The Growth and Implementation Plan informs the LPS and the WA Planning Commission has accepted its use as a base for the LPS. The LPS will inform the development of the new Local Planning Scheme No. 5 and the recommendations in the LPS will be implemented through the Local Planning Scheme. 	<p>Comments noted.</p> <p>No modifications to the draft LPS are recommended.</p>	Note.
<p>Council Recommendation</p> <p>Submission 8 Great Southern Development Commission The submission be noted.</p>				
9	Department of Water PO Box K822 PERTH WA 6842	<p>Advise have no objection to the draft LPS and provide the following comments:</p>	<p>Comments noted. The structure plans required for each of the growth areas identified in the</p>	Note.

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		<ul style="list-style-type: none"> • Under Better Urban Water Management framework, water management is required to support change in land use/zoning. The Department recommend the Development Investigation Areas include local water management strategy to support the changes. • The Department supports the designation of Katanning Creek and other waterways as multi-use corridors that accommodate drainage, as well as pedestrian/cycle paths. • Have previously provided comment on the Growth Plan and look forward to working with the Shire to implement the plan. 	<p>draft LPS will require the preparation of a local water management strategy to support the proposed land use changes.</p> <p>No modifications to the draft LPS are recommended.</p>	
<p>Council Recommendation</p> <p>Submission 9 Department of Water The submission be noted.</p>				
10	<p>State Heritage Office PO Box 7479 CLOISTERS SQUARE PO WA 6850</p>	<p>Provide the following comments</p> <ul style="list-style-type: none"> • Are encouraged by the level of prominence given to historic heritage in the draft LPS. • The Shire should include reference to State Planning Policy 3.5 Historic Heritage Conservation in Part 4 of the LPS as it has been prepared 	<p>Comments noted.</p> <p>Part 4 of the draft LPS advises the strategy has been prepared with regard to all State Planning Policies including SPP 3.5. The inclusion of a specific reference to this policy is not necessary or supported.</p>	<p>Note.</p>

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		<p>to guide identification, planning and management of heritage places.</p> <ul style="list-style-type: none"> The Shire may also wish to consider incorporating an objective to update Municipal Inventory/Heritage List. 	<p>The updating of the Municipal Inventory is not a function of the LPS and will be undertaken over the next financial year. The preparation of the new Local Planning Scheme No. 5 will require the preparation of a Heritage List based around the revised the Municipal Inventory.</p> <p>No modifications to the draft LPS are recommended.</p>	
<p>Council Recommendation</p> <p>Submission 10 State Heritage Office The submission be noted.</p>				
11	Department of Finance Locked Bag 11 CLOISTERS SQUARE PO WA 6850	Having considered the draft LPS there does not appear to be any implication on the Department.	Comments noted. No modifications to the draft LPS are recommended.	Note.
<p>Council Recommendation</p> <p>Submission 11 Department of Finance The submission be noted.</p>				
12	Department of Mines and Petroleum Mineral House 100 Plain Street EAST PERTH WA 6004	Have assessed the document with respect to mineral/petroleum resources, geothermal energy and basic raw materials. Are pleased to see mineral resources and mining addressed in the draft LPS and Growth and Implementation Plan.	The Departments request to include additional text refer to Part 2 of the draft LPS which is the existing Growth and Implementation Plan adopted by State Cabinet, Shire, GSDC, WA Planning Commission etc. No changes are proposed to this existing adopted strategy.	Note.

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		<p>Request some additional text be added to the Growth and Implementation Plan dealing with other mineral resource potential in the Shire.</p> <p>Advice the Shire contains 9 sites for gold and vanadium/titanium iron ore with 29 mining tenements wholly or partially within the Shire (which includes 3 mining leases, 7 prospecting licences, 3 miscellaneous licences, 2 general purpose leases, 13 exploration licences and 1 application for an exploration licence.</p> <p>As these are subject to change, updates can be obtained through the Department's website and TENGRAPH database system.</p>	<p>No modifications to the draft LPS are recommended.</p>	
<p>Council Recommendation</p> <p>Submission 12 Department of Mines and Petroleum The submission be noted.</p>				
13	<p>Department of Culture and the Arts PO Box 8349 PERTH BC WA 6849</p>	<p>Support the draft LPS in-principle and associated Growth and Implementation Plan and have no further comment to make.</p> <p>Request continued engagement for future town planning and implementation/actions relating to culture, heritage, built infrastructure and arts.</p>	<p>Comments noted.</p> <p>No modifications to the draft LPS are recommended.</p>	<p>Note.</p>

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No	Name/Address Submitter	of	Summary of Submission	Local Government Comment	WAPC Recommendation
<p>Council Recommendation</p> <p>Submission 13 Department of Culture and the Arts The submission be noted.</p>					
14	National Trust of Australia (WA) PO Box 1162 WEST PERTH WA 6872		<p>Advise the draft LPS takes a positive approach towards the Shire's heritage places with a focus on creating a heritage precinct in the town centre as part of revitalising the amenity of the town. This action is commended as it establishes an identity and contributes to the conservation of heritage places.</p> <p>The draft LPS includes limited reference to other heritage places located outside of the town centre and other places (contained on the Municipal Inventory, State Register of Heritage Places or National Trust list) should also be managed and protected. For example ensuring the Municipal Inventory is up to date and that significant places are incorporated into the Town Planning Scheme is one activity that should be undertaken. Financial and non-financial incentives for owners of heritage places should be investigated of no scheme is currently available.</p> <p>Provide advice on the role and</p>	See comments for submission 10 above.	Note.

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		<p>projects (partnerships, tax deductions appeals, heritage advice, conservation/interpretation, design guidelines, heritage policies etc.) undertaken by the National Trust and are available to work with the Shire to achieve these outcomes.</p>		
<p>Council Recommendation</p> <p>Submission 14 National Trust of Australia (WA) The submission be noted.</p>				
15	<p>Department of State Development Level 6, 1 Adelaide Terrace EAST PERTH WA 6004</p>	<p>Provides the following comments:</p> <ul style="list-style-type: none"> • The document refers to the State completing a route alignment study for the proposed Bunbury-Albany gas pipeline. This was completed in late 2012. • State Government announced a preferred corridor encompassing Donnybrook, Bridgetown, Manjimup, Mt Barker and Albany. • Plan includes notional laterals to accommodate potential demand in other regional centres although their development would be a commercial decision for the project proponent. • The State Government intends to commence selection of preferred proponent in the 	<p>The Department's request to alter the text regarding the Bunbury-Albany gas pipeline refer to Part 2 of the draft LPS which is the existing Growth and Implementation Plan adopted by State Cabinet, Shire, GSDC, WA Planning Commission etc. No changes are proposed to this existing adopted strategy.</p> <p>No modifications to the draft LPS are recommended.</p>	<p>Note.</p>

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		<p>third quarter of 2013.</p> <ul style="list-style-type: none"> The Department is progressing the pipeline under the State Government Lead Agency Framework. 		
<p>Council Recommendation</p> <p>Submission 15 Department of State Development The submission be noted.</p>				
16	<p>Department of Agriculture and Food Locked Bag 4 BENTLEY DC WA 6983</p>	<p>Supports the draft LPS intentions to protect agricultural land, investigate potential food processing cluster and expansion for compatible industry adjoining the saleyards and allocation of some areas for future rural residential and rural small holdings.</p> <p>Advise there is no priority agricultural land identified in the Shire and they intend to identify high quality agricultural land precinct in the Great Southern including the Shire to support future planning. It is not available for use at this stage.</p> <p>Regarding the potential food processing precinct adjacent to WAMMCO, industrial uses next to the saleyards, the Department reiterates the need to understand any land use impacts and ability to accommodate buffers within the</p>	<p>Comments noted.</p> <p>No modifications to the draft LPS are recommended.</p>	<p>Note.</p>

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No	Name/Address Submitter	of	Summary of Submission	Local Government Comment	WAPC Recommendation
			<p>area.</p> <p>Regarding the potential future rural residential and rural small holdings, they note the issues of land capability and land use conflict be evaluated against the criteria established by the Department of Health and EPA guidelines. They should be provided on the land to be developed and not impact on agricultural uses on the remaining agricultural land.</p>		
<p>Council Recommendation</p> <p>Submission 16 Department of Agriculture and Food The submission be noted.</p>					
17	<p>Tourism Western Australia GPO Box X2261 PERTH WA 6847</p>		<p>Support the consolidation of the 2 commercial zones into 1 new Town Centre zone which will assist in increasing the range of land use in the town centre. This will encourage economic growth and vitality and increase the experiences available and combined with multiculturalism and heritage assets will boost tourism to the Shire.</p> <p>The redevelopment of existing residential areas, development of O'Callaghan Park and special residential lots on Warren Road will facilitate the growth of the resident</p>	<p>Comments noted. The comments support the intentions of the LPS.</p> <p>No modifications to the draft LPS are recommended.</p>	<p>Note.</p>

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No	Name/Address Submitter	of	Summary of Submission	Local Government Comment	WAPC Recommendation
			<p>population whilst catering for visitors and business need. Support the proposed zones/reserves in the draft LPS including identifying tourist, caravan parks, parks and recreation and development of short-term accommodation facilities for tourism purposes.</p> <p>Commends the introduction of pop-up shops for temporary use to encourage business investment to provide flexibility and appeal to the town centre and surrounding district.</p>		
<p>Council Recommendation</p> <p>Submission 17 Tourism Western Australia The submission be noted.</p>					
18	Water Corporation PO Box 100 LEEDERVILLE WA 6902		<p>Advise the Corporation undertook a review of Katanning's planning and existing assets in 2012 and this information has been included in the draft LPS. It notes the very limited expansion capability of certain components of both water supply and wastewater assets for any significant growth.</p> <p>At this time, no changes have occurred to their upgrading plans although the Corporation is currently undertaking further</p>	<p>Comments noted.</p> <p>The inclusion of the nominal odour buffer around the wastewater treatment works is supported. The use of a special control area in the new local planning scheme is also supported.</p>	Uphold - Modify Strategy Plan 2 to include a nominal buffer.

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No	Name/Address Submitter	of	Summary of Submission	Local Government Comment	WAPC Recommendation
			<p>wastewater treatment capacity and the draft LPS is an important reference for this work.</p> <p>Request due to odour emissions from the wastewater treatment plant, the draft LPS include a buffer. Advise that additional works on the buffer will include scientific modelling to reflect the extent of the buffer required and when completed this will be provided to the Shire for inclusion in the new town planning schemes.</p> <p>Recommend use of Special Control Areas to secure odour buffer in new town planning scheme. Advise they are investigating potential for strategic resource areas as a possible alternative mechanism to secure the buffer.</p> <p>Advise the town is well serviced to allow for growth provided it is frontal. Developments may result in the need for local upgrading. For example, it may be necessary to review the existing water supply pipes in the Clive Street area in regards to capacity should developments bring about higher instantaneous demand including fire fighting requirements. Many of</p>		

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		the mains are 100mm diameter and this maybe a constraint to commercial type developments including FESA building conditions. 150mm diameter mains are within close proximity of the town centre to feed any upgrade works required and any upgrades would be at the developers cost.		
<p>Council Recommendation</p> <p>Submission 18 Water Corporation The submission be noted and the draft LPS be modified to include the odour buffer around the Water Corporation Wastewater Treatment Plant nominated by the Water Corporation.</p>				
19	Western Power GPO Box L921 PERTH WA 6842	Advise have no specific comments to make at this time and would appreciate being informed of developments. Advise their planning information is available for viewing via their website.	Comments noted. No modifications to the draft LPS are recommended.	Note.
<p>Council Recommendation</p> <p>Submission 19 Western Power The submission be noted.</p>				
20	Department of Aboriginal Affairs PO Box 3153 EAST PERTH WA 6892	<p>Have completed a review of the information provided and advise there are 209 known Aboriginal heritage places located within the strategy area.</p> <p>Recommend that parties seeking to undertake works conduct an assessment of risk to Aboriginal heritage from proposed</p>	Comments noted. No modifications to the draft LPS are recommended.	Note.

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
		developments using the Cultural Heritage Due Diligence Guidelines.		
Council Recommendation				
Submission 20 Department of Aboriginal Affairs The submission be noted.				
21	Department of Fire and Emergency Services PO Box P1174 PERTH WA 6844	Have reviewed the draft LPS and have no comment to make.	Comments noted. No modifications to the draft LPS are recommended.	Note.
Council Recommendation				
Submission 21 Department of Fire and Emergency Services The submission be noted.				
22	WA Police Service 2 Adelaide Terrace EAST PERTH WA 6004	Have been in contact with the Superintendent of the Great Southern District and agree we have no need to comment. Would be pleased to comment on any further developments or changes to strategic plans based on any policing needs for the district.	Comments noted. No modifications to the draft LPS are recommended.	Note.
Council Recommendation				
Submission 22 WA Police Service The submission be noted.				
23	Department of Commerce Locked Bag 14 Cloisters Square PERTH WA 6850	The Director General has no comment on the draft LPS.	Comments noted. No modifications to the draft LPS are recommended.	Note.
Council Recommendation				
Submission 23 Department of Commerce The submission be noted.				

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No	Name/Address of Submitter	Summary of Submission	Local Government Comment	WAPC Recommendation
24	Office of the Environmental Protection Authority Locked Bag 10 EAST PERTH WA 6892	<p>Apologise for the delay in responding.</p> <p>The OEPA have not completed a critical review of the draft LPS to determine if the areas identified for future development are likely to have significant environmental impacts as there is insufficient information in the strategy to undertake such a review.</p> <p>The EPA is primarily concerned with land use changes that will require zoning changes in the new Local Planning Scheme No. 5. The strategy advises that the new LPS5 will not change the zoning of any land except for the Development Investigation Areas which will potentially be zoned 'Future Development'.</p> <p>When LPS5 is referred to the EPA, the areas where the zoning is being changed will need to be clearly identified in the referral documentation and the potential environmental impacts of these new zones should also be described in accordance with the EPA's Guidance Statements and include details on these statements.</p>	<p>Comments noted. The submission was received by email and is undated.</p> <p>Given the length of time taken for them to respond, it is disappointing the Authority could not be more specific about any potential 'significant environmental impacts' to which they refer.</p> <p>The existing TPS4 was gazetted in January 1998 and staff are looking at whether it was assessed as it was after the date of the changes to the EP Act in 1996.</p> <p>The suggestion to not include some areas within LPS5 and treat them as amendments is not supported. The scheme should be assessed in one process/motion as required under the EP Act. The intention is to zone the future areas and then complete structure plans for the individual areas which would include all relevant environmental assessments as outlined by the OEPA.</p>	<p>Note - comments predominantly relate to future assessment of new Local Planning Scheme; no modifications or additional information required at this stage of planning process.</p>

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No	Name/Address Submitter	of	Summary of Submission	Local Government Comment	WAPC Recommendation
			<p>Advise the existing TPS4 may not have been assessed under the changes to the <i>Environmental Protection Act 1986</i> completed in 1996 which requires scheme amendments to be referred to them for assessment and that development of pre-1996 zoned land which is likely to have a significant impact on the environment will require referral to the EPA. Advise where a zoning change has the potential to have a significant impact on the environment, consideration should be given to excluding it from LPS5 and include it as an amendment to LPS5.</p>		
<p>Council Recommendation</p> <p>Submission 24 Office of the Environmental Protection Authority The submission be noted.</p>					
25	<p>Department of Health PO Box 8172 PERTH BC WA 6849</p>		<p>Support the designation of Public Purpose reserves that will support schools, hospitals etc.</p> <p>There is reference in the draft LPS to plans for the hospital to become a regional health campus or regional centre for health. Advise the regional hospital for the Great Southern is located in Albany and Katanning Hospital is a District</p>	<p>The Department's request to alter the text regarding the Katanning Hospital refers to Part 2 of the draft LPS which is the existing Growth and Implementation Plan adopted by State Cabinet, Shire, GSDC, WA Planning Commission etc. No changes are proposed to this existing adopted strategy.</p>	<p>Note - No modification required.</p> <p>Reference in the draft LPS to plans for the hospital to become a regional health campus or regional centre for health refers to Part 2 of the draft LPS which is the existing Growth and Implementation Plan.</p>

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No	Name/Address Submitter	of	Summary of Submission	Local Government Comment	WAPC Recommendation
			<p>Hospital and there are no plans to change its designation. All references should be revised to reflect its status as a district hospital and refer to it as 'Katanning Health Campus, Central Great Southern Health District.</p> <p>Advise they have completed detailed clinical services planning for the Central Great Southern Health District and consider the needs and required services are adequate to meet the needs of the community.</p> <p>Advise services are being considered as part of the broader Southern Inland Health Initiative and early planning indicates a number of priorities for local health service reform that will result in greater integration of services in Katanning and an overall strengthening of service integration between Albany and Katanning.</p> <p>Note the draft LPS is a broad strategy and more detailed planning will provide an opportunity for WA Health to provide further comment.</p>	<p>It is clear from the local community's point of view that additional services are required to be provided such as maternity which has been the subject of a petition to State Parliament recently.</p> <p>No modifications to the draft LPS are recommended.</p>	
Council Recommendation					

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No	Name/Address Submitter	of	Summary of Submission	Local Government Comment	WAPC Recommendation
	Submission 25 Department of Health		The submission be noted.		

ITEM NO: 9.4

DEVELOPMENT: RESTAURANT - LOT 300 GREAT NORTHERN HIGHWAY, HERNE HILL

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager,
Metropolitan Planning North East, Perth and Peel
Planning
AUTHORISING OFFICER: A/Director,
Metropolitan Planning North East, Perth and Peel
Planning
AGENDA PART: G
FILE NO: 21-50389-1
DATE: 25 October 2013
ATTACHMENT(S): 1. Proposed Development Plans
2. Location Plan/Zoning Map
3. Aerial Photograph
REGION SCHEME ZONING: Rural
LOCAL GOVERNMENT: City of Swan
LOCAL SCHEME ZONING: Swan Valley Rural
LGA RECOMMENDATION(S): Approval
REGION DESCRIPTOR: West Swan
RECEIPT DATE: 4 October 2012
PROCESS DAYS: 53
APPLICATION TYPE: Development
CADASTRAL REFERENCE: Lot 300 Great Northern Highway, Herne Hill

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for the proposed restaurant on Lot 300 Great Northern Highway, Herne Hill, subject to the following conditions and advice:

- 1. This approval relates to the proposed "Restaurant" detailed on plans 1.0, 1.1, 3.0, 7.0 and 9.0 prepared by Bermick, and date stamped 4 October 2012 by the Department of Planning (copy attached).***
- 2. The car park being redesigned to provide:***
 - a) a minimum 15m setback to the front boundary (existing Great Northern Highway boundary); and***

b) achieve a minimum of 30 bays;

to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.

- 3. A Landscape Plan is to be prepared and implemented to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.**
- 4. Vehicle access onto the site shall be restricted to that shown on the approved site plan.**
- 5. Vehicle parking area, access and circulation areas being constructed, kerbed and drained to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.**
- 6. All stormwater is to be collected and contained onsite. No stormwater is to be discharged from the property into other land or reserves. Stormwater drainage plans are to be included at submission of building permit application.**
- 7. An approved effluent treatment and disposal system to the specifications of the City of Swan and the Department of Health and the satisfaction of the Western Australian Planning Commission must be installed prior to the occupation of any building the subject of this approval.**

Advice:

- 1. The applicant is advised that approval to this development does not negate the need to obtain a building licence from the Local Government prior to the construction of works.**
- 2. All development must comply with the provisions of the City of Swan Local Planning Scheme, Health Regulations, Building Code of Australia, Public Building Regulations, and all other relevant Acts, Regulations and Local Laws. This includes the provision of access and facilities for people with disabilities in accordance with the Building Code of Australia.**
- 3. With regard to Condition 2b, a total of 30 parking bays shall be provided, each measuring 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway. Where the accessway abuts a building or other barrier, a minimum width of 6.5 metres is required. Disabled bays to comply with Australian Standard 2890.6, bays near obstructions to measure 5.5 x 2.8m.**
- 4. With regard to Condition 3, the Landscape Plan is to ensure the development, including the car parking areas, reflect the rural amenity of the Swan Valley.**

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5. ***The City of Swan advises that prior to the commencement of the change of use herein approved, a Change of Building Classification approval is required to be obtained from the City of Swan's Building Services.***
 6. ***In relation to Condition 6:***
 - ***No fluid, other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.***
 - ***The drainage system of the site must be designed for a 1 in 10 year, 10 minute storm (minimum). An overland flow path must be provided for potential internal system failure.***
 7. ***This approval does not constitute approval from other service authorities to construct the crossover as shown on the plan. It is recommended that the applicant ascertain the location and depth of any services that may interfere with crossover and associated building construction. Any adjustment to affected services is to be arranged by the applicant at their expense with the appropriate service authority approval, prior to works commencing on the site.***
 8. ***In accordance with the Health Act 1911 and the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, an application to construct an on-site effluent treatment and disposal system must be submitted to and approved by the City of Swan's Principal Environmental Health Officer and the Department of Health, prior to the construction of such a system.***
 9. ***The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.***

All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard.

No works shall commence prior to 7.00 am without the City of Swan's approval.

10. ***In accordance with the Food Act 2008, detailed plans and internal elevations showing the design, construction, layout and finishes of fixtures, fittings and equipment must be submitted, with the required application form and fee, and approved by the City of Swan's Principal Environmental Health Officer, prior to any food being prepared or sold on the premises.***
11. ***The carrying on of the development must not cause a dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust***

nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City of Swan's Principal Environmental Health Officer if it is considered that a dust nuisance exists.

12. Main Roads Western Australia advises as follows:

- *No earthworks are to encroach on the Great Northern Highway road reserve;*
- *No stormwater is to be discharged onto the Great Northern Highway road reserve;*
- *Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost;*
- *One driveway shall be permitted onto Great Northern Highway. This shall be constructed to the City of Swan standards for commercial driveways; and*
- *This property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads drawing 1.1403 and will be required for road purposes at some time in the future. The project for the upgrading/widening is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long-term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.*

SUMMARY:

The application seeks approval to extend and convert an existing shed to a restaurant on Lot 300 Great Northern Highway, Herne Hill within Area 'B' of the *Swan Valley Planning Act 1995*. The application is consistent with the objectives of the *Swan Valley Planning Act 1995* for Area 'B', the objectives of the City of Swan Local Planning Scheme No.17 for the 'Swan Valley Rural' zone and is supported by the City of Swan.

The application is referred to the Statutory Planning Committee for determination as it is recommended the application be approved, in variance to the recommendation of the Swan Valley Planning Committee.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Swan Valley Planning Act 1995 <i>Metropolitan Region Scheme</i>
Section:	Swan Valley Planning Act 1995 - Section 8 <i>Metropolitan Region Scheme Text - Part IV subclause 30B(5)</i>

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: State Planning Policy 2.5 - Agricultural and Rural Land Use Planning
Government Sewerage Policy - Perth Metropolitan Region
Environmental Protection Authority's Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses

INTRODUCTION:

The application seeks approval to extend and convert an existing shed to a restaurant. The proposed restaurant comprises a total area of 303.94m², to cater for 120 patrons and 32 parking bays (**Attachment 1** - Proposed Development Plans). The existing shed is located at the rear of the lot behind the existing dwelling within Lot 300 Great Northern Highway, an existing 3199m² lot. The existing dwelling is proposed to be retained. The proposed opening hours are Friday to Monday 7am - 5pm.

The subject land is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Swan Valley Rural' under the City of Swan Local Planning Scheme No.17 (LPS 17) and is located within Area 'B' of the Swan Valley Planning Act 1995 (SVP Act) (**Attachment 2** - Location Plan/Zoning Map). Under LPS 17, a restaurant is a discretionary use within the 'Swan Valley Rural Zone'. The front portion of the site (first 10m) is reserved Primary Regional Roads under the MRS to provide for the future widening of Great Northern Highway.

The application has been referred to the Western Australian Planning Commission (WAPC) for determination in accordance with subclause 30B (5) of the Metropolitan Region Scheme as a result of conflicting recommendations from the City of Swan and the Swan Valley Planning Committee. The application has been referred to the Statutory Planning Committee in accordance with the notice of delegation, as the recommendation to approve the application varies from the Swan Valley Planning Committee recommendation.

CONSULTATION:

The City of Swan resolved to support the application subject to conditions.

The proposal was referred to the Swan Valley Planning Committee (SVPC) by the City of Swan. The SVPC resolved as follows:

- "1. *That the proposal is not compatible with the Planning Objectives 8(2) and 8(6) of Area B of the Swan Valley Planning Act 1995.*
- "2. *Recommend to the City of Swan does not approve the application."*

The following is the SVPC's reason for their decision:

"In the committee's opinion the siting of the existing shed at the rear of the house and the location of the car park occupying an area comprising half of the area of the subject lot is not compatible with the character of the area and likewise transgresses Objective 6, compatibility of design, siting and landscaping with the character of the area."

The Department of Health (DoH) originally objected to the proposal as it exceeded the development density allowed for unsewered development by the Government Sewerage Policy - Perth Metropolitan Region. The landowners then approached the Minister for Health, who granted an exemption to the sewer connection requirement. Given the exemption from the Minister for Health, the Department of Health is now satisfied the site is capable of disposing and containing wastewater that will be treated by an ATU unit and disposed of by way of drip irrigation.

The Department of Water and the then Department of Environment and Conservation have no comments on the proposal.

Main Roads Western Australia objects to the proposal as portion of the car park on the subject lot is within the regional road reservation for Great Northern Highway. If the proposal is amended to address this issue, Main Roads would have no objections to the proposal subject to conditions.

COMMENTS:

City of Swan Local Planning Scheme No 17 (LPS 17)

The City of Swan LPS No.17 states the objectives for the 'Swan Valley Rural Zone' are to:

- (a) *promote the core area of the Swan Valley primarily as a horticultural, recreational, tourism and landscape resource;*
- (b) *provide for limited rural living within the Swan Valley, subject to locational, design and landscaping requirements to enhance the character and amenity of the valley and to ensure compatibility with productive rural activities;*
- (c) *recognise the occurrence of high quality horticultural soils and scarce plastic clays and to protect these resources from development which would jeopardise their current and future use;*
- (d) *ensure that the development and use of land accords with the planning objectives for Area B as specified in the Swan Valley Planning Act 1995.*

As discussed in the following section, the application is considered consistent with the objectives of the 'Swan Valley Rural Zone'.

The proposed use is listed as a discretionary 'D' under LPS 17. The City has supported the proposal, thus on the issue of land use in the context of the local scheme, the proposal is considered compliant.

Swan Valley Planning Act 1995

The subject land is located within Area 'B' of the *SVP Act* and is considered to comply with the objectives of the *SVP Act*. The proposal has been assessed against the relevant objectives as listed below:

1. The protection of viticulture.
2. The provision of water for viticulture and horticulture and the discouragement of other activities that have high water demands.
3. The encouragement of tourist facilities provided that they do not detract from the rural character of the area.
4. The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area.
5. The encouragement of the consolidation of retail and community facilities at Herne Hill, Caversham and West Swan.
- 5A. The limited expansion of existing retail and community facilities at Herne Hill, Caversham and West Swan where such facilities are required to service the local community and will not detract from the rural character of the area.
6. The compatibility of design, siting and landscaping with the character of the area.
7. The discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area.

Viticulture

The site does not contain any viticultural activities and at 3199m² the site is considered too small to operate a viable viticulture operation. There is an existing vineyard operating to the west, on the opposite side of Great Northern Highway, approximately 80m from the proposed restaurant. There are further vineyards to the north and south-east which are located approximately 90m and 180m respectively from the proposed restaurant (**Attachment 3** - Aerial Photograph).

The Environmental Protection Authority's Guidance Statement No 3 '*Separation Distances Between Industrial and Sensitive Land Uses*' require a 500m buffer distance between broad scale vineyard operations and sensitive land uses. A restaurant is not specifically listed as a sensitive land use under Guidance Statement 3. Being a tourist area, there are a number of restaurants within the Swan Valley, some associated with vineyards/traditional agricultural activities and others as stand-alone establishments. Although not strictly achieving the separation distances (if a restaurant is considered a sensitive land use) there is general acceptance that viticulture and restaurants can co-exist in the Swan Valley. This is particularly the case in this instance as the restaurant is only open four days a week (Friday to Monday), generally over the weekend period.

The proposed development does not constitute a use which would create high water demands and therefore would not be impacting upon water provision for viticulture and horticulture.

Tourism

A restaurant is not related to what is considered to be the traditional activities of the Swan Valley, although eating establishments are now common and an important element of the Swan Valley. The application intends to provide a tourist attraction in the form of a restaurant serving local food and beverages. It is considered that the small scale of the establishment will not detract from the traditional activities continuing to operate in the Swan Valley. The proposal utilises the existing shed (although being extended) and is considered to be consistent with the rural character of the area.

Design, Siting and Landscape

The locality is characterised primarily by residences and vineyards but also includes frequent tourist attractions as Great Northern Highway is a major thoroughfare or tourist route through the Swan Valley. The restaurant is located behind the existing dwelling and involves an extension and conversion of an existing shed which is considered to contribute to maintaining the rural character of the area. However a significant portion of the site will consist of car parking which was of concern to the SVPC.

The proposed car park for the restaurant has a 4m setback to the front boundary which means car parking is proposed within the 10m wide regional road reserve. To minimize the impact of the car park on the rural character of the area, the streetscape and the regional road reservation it is recommended that no parking be provided within 15m of the front boundary. This will ensure that the 10m regional road reservation is excluded from development and an additional 5m is provided which can accommodate landscaping. The 15m setback is generally similar to the setback to the existing house (around 18.5m). Until the regional road reserve is required for road purposes, it is possible for the entire 15m setback to be landscaped.

It should be noted that the City of Swan recommends a condition requiring a total of 30 bays to accommodate the 120 patrons. If the 15m setback is applied to the current car park design only 25 bay are provided. However, it is possible for the car park to be redesigned to allow for the 30 bays whilst maintaining the 15m setback, although it is likely the 4m high damaged tree located centrally within the car park will need to be removed which is considered acceptable.

A landscape plan condition is also recommended to minimise the impact the proposal has on the rural amenity of the Swan Valley.

Government Sewerage Policy - Perth Metropolitan Region

The subject site is located within the Outer Metropolitan Area, as defined within the Government Sewerage Policy (GSP). The proposal (proposed restaurant and existing residence) is considered 'Density Development' under the GSP which is defined as:

-
- a) any residential development greater than a single house; or
 - b) a non-residential development likely to produce wastewater at a rate greater than a single residential equivalent.

The GSP requires the provision of reticulated sewage for density development. The GSP provides possible exemptions to the mandatory sewer connection requirement, however the proposal does not meet the requirements where an exemption can be applied under the GSP.

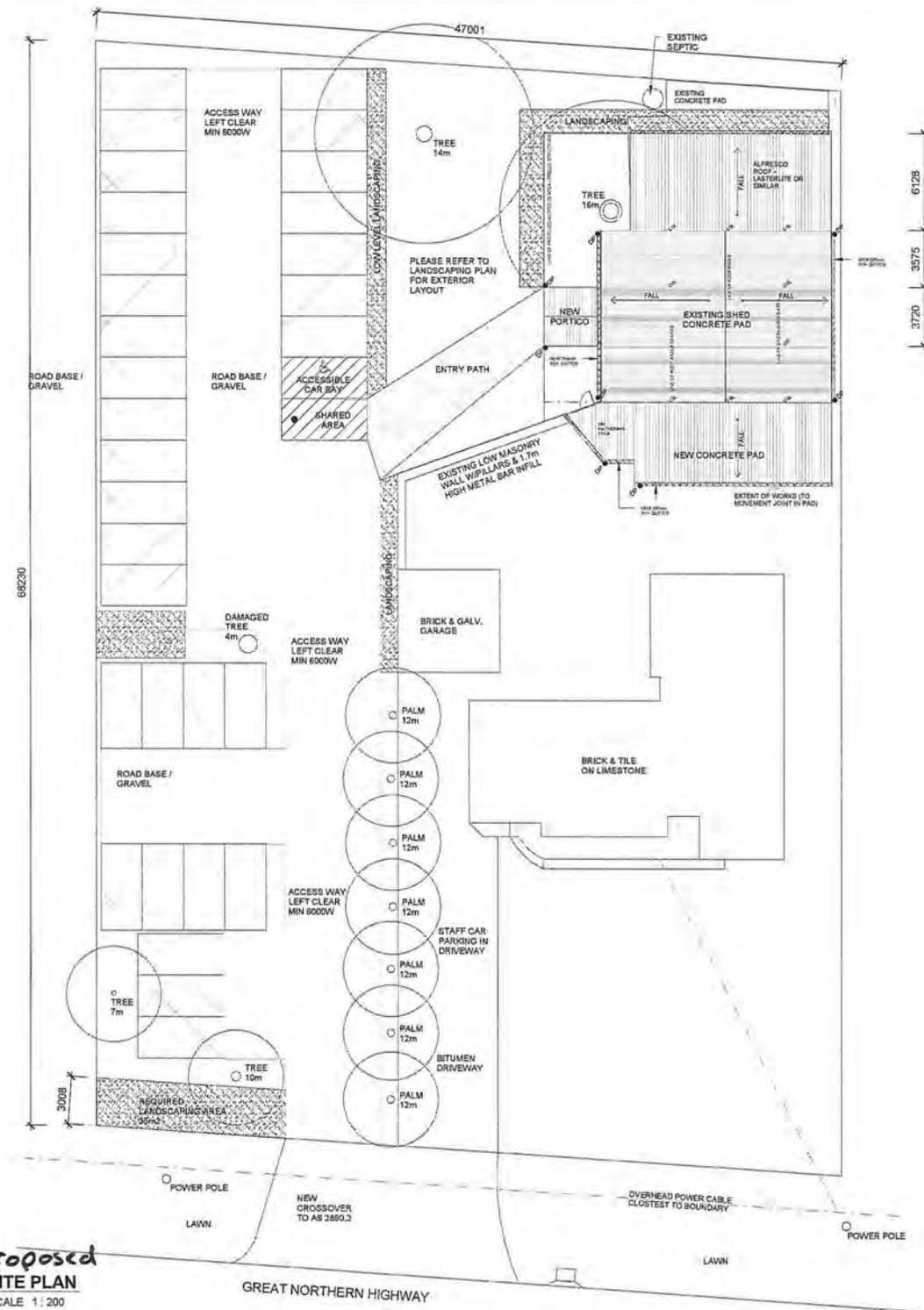
Given the above, the landowners approached the Minister for Health to seek a special exemption from the sewer connection requirement which was granted. The DoH has advised that pursuant to the Minister for Health granting the exemption, the installation of the on-site wastewater treatment and disposal system serving the development must be to the satisfaction and approval of the Department of Health. A suitable condition can be imposed to address this requirement.

CONCLUSION:

The restaurant is a discretionary use within the Swan Valley Rural zone and is supported by the City of Swan. The concerns expressed by the SVPC relating to compatibility of design, siting and landscaping with the character of the area, together with MRWA concerns relating to car parking in the regional road reserve, can be addressed by requiring a greater setback to Great Northern Highway and the provision of landscaping.

The application is considered compatible with the *Swan Valley Planning Act 1995* and the objectives of the City of Swan Local Planning Scheme No.17. Accordingly, it is recommended the application be conditionally approved.

No.	Description	Date



1
Proposed
SITE PLAN
 SCALE 1:200

BREMICK
 think - design - build - operate
 524 Beaulieu Street, Highgate, WA 6003
 T: (08) 9270 8100
 F: (08) 9270 8188
 www.bremickgroup.com.au

RUSTY SWAN
 586 GREAT NORTHERN HWY, HERNE
 HILL WA 6056

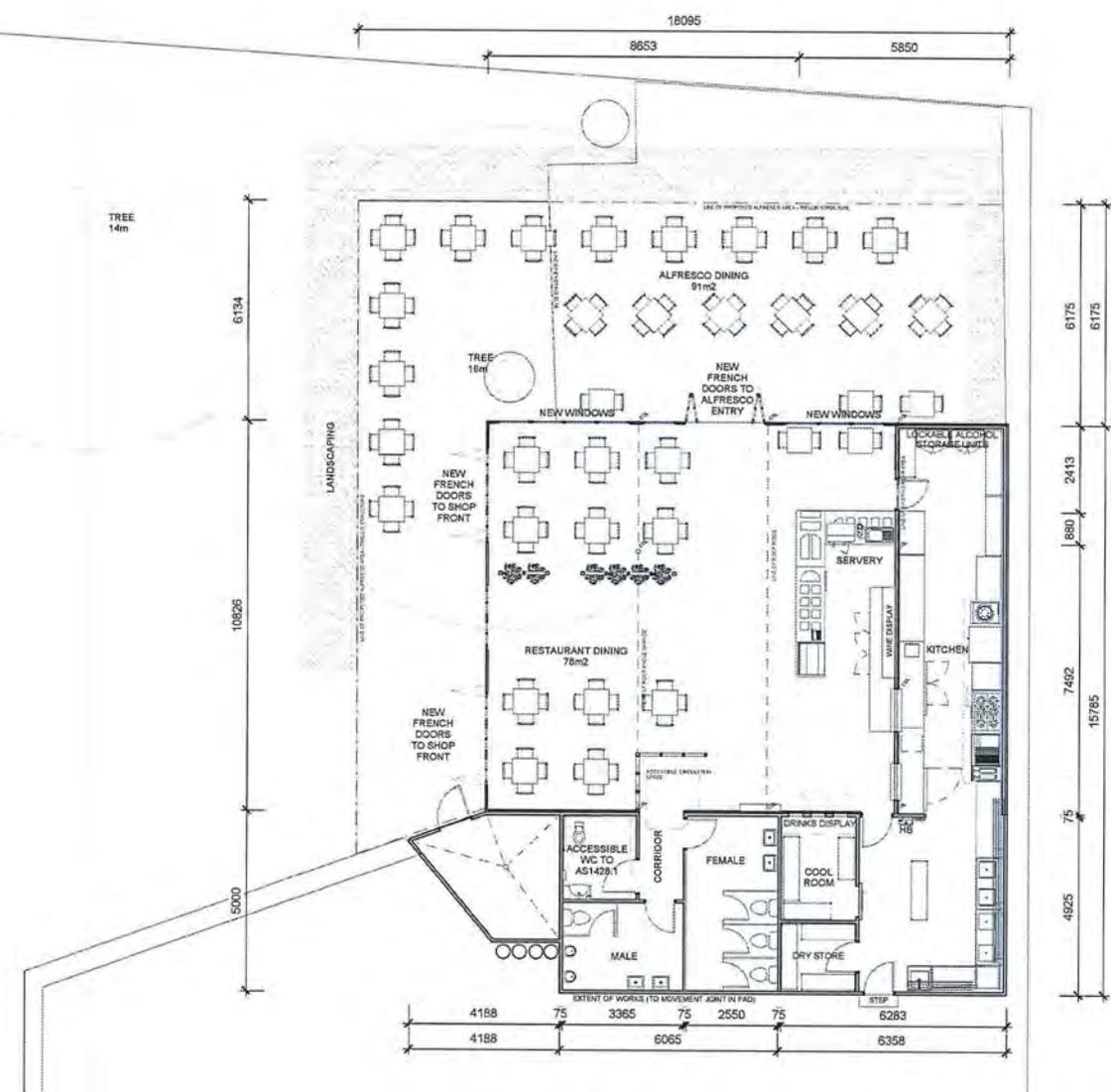
**DESIGN
 DOCUMENTATION
 SITE PLAN**

Project Number D3485
 Date 18/04/2012
 Drawn by KLM
 Checked by MB

Scale @ A2 sheet size 1:200

THE DRAWINGS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS, SPECIFICATIONS, FINISHES AND EQUIPMENT SCHEDULES. DO NOT SCALE THE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE PRIOR TO PROCEEDING WITH ANY WORK. MATERIALS AND INSTALLATION SHALL BE IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS AND BUILDING CODES OF AUSTRALIA. COPYRIGHT OF THE DRAWINGS AND DESIGN HEREIN REMAINS THE PROPERTY OF BREMICK AND MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF BREMICK GROUP.

No.	Description	Date



1 LAYOUT PLAN
SCALE 1 : 100

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F: (08) 9270 8199
www.bremickgroup.com.au

RUSTY SWAN
586 GREAT NORTHERN HWY, HERNE
HILL WA 6056

DESIGN
DOCUMENTATION
LAYOUT PLAN

Project Number D3485
Date 18/04/2012
Drawn by KLM
Checked by MB

03.0
Scale @ A2 sheet size 1 : 100

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No.	Description	Date



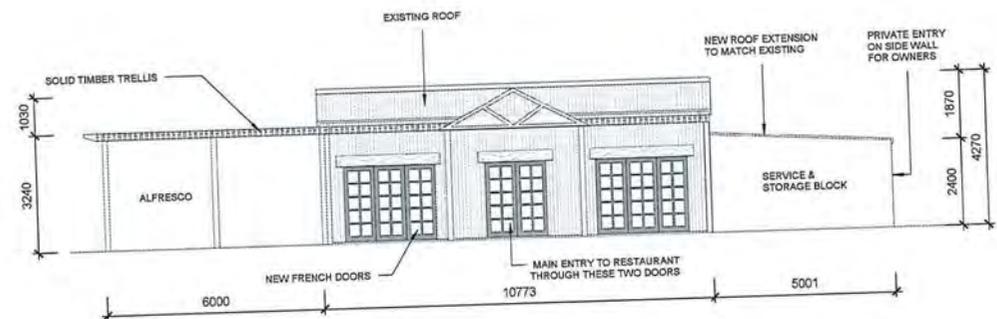
PLEASE NOTE - THIS ART WORK IS A LOOSE IMPRESSION ONLY. TIMBER FINISHES AND TYPES, LANDSCAPING, FURNISHINGS AND MUCH OF THE 'CHARACTER' OF THE BUILDING'S FACADE WILL BE DETERMINED DURING THE DESIGN DOCUMENTATION STAGE.

PLEASE READ THE CONCEPT DOCUMENT IN CONJUNCTION WITH THIS SET OF DRAWINGS FOR A FULLER EXPLANATION OF THE INTERIOR CONCEPT.

1 **EXTERNAL ELEVATION - ARTIST'S IMPRESSION**
SCALE 1: 10

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HILL WA 6056



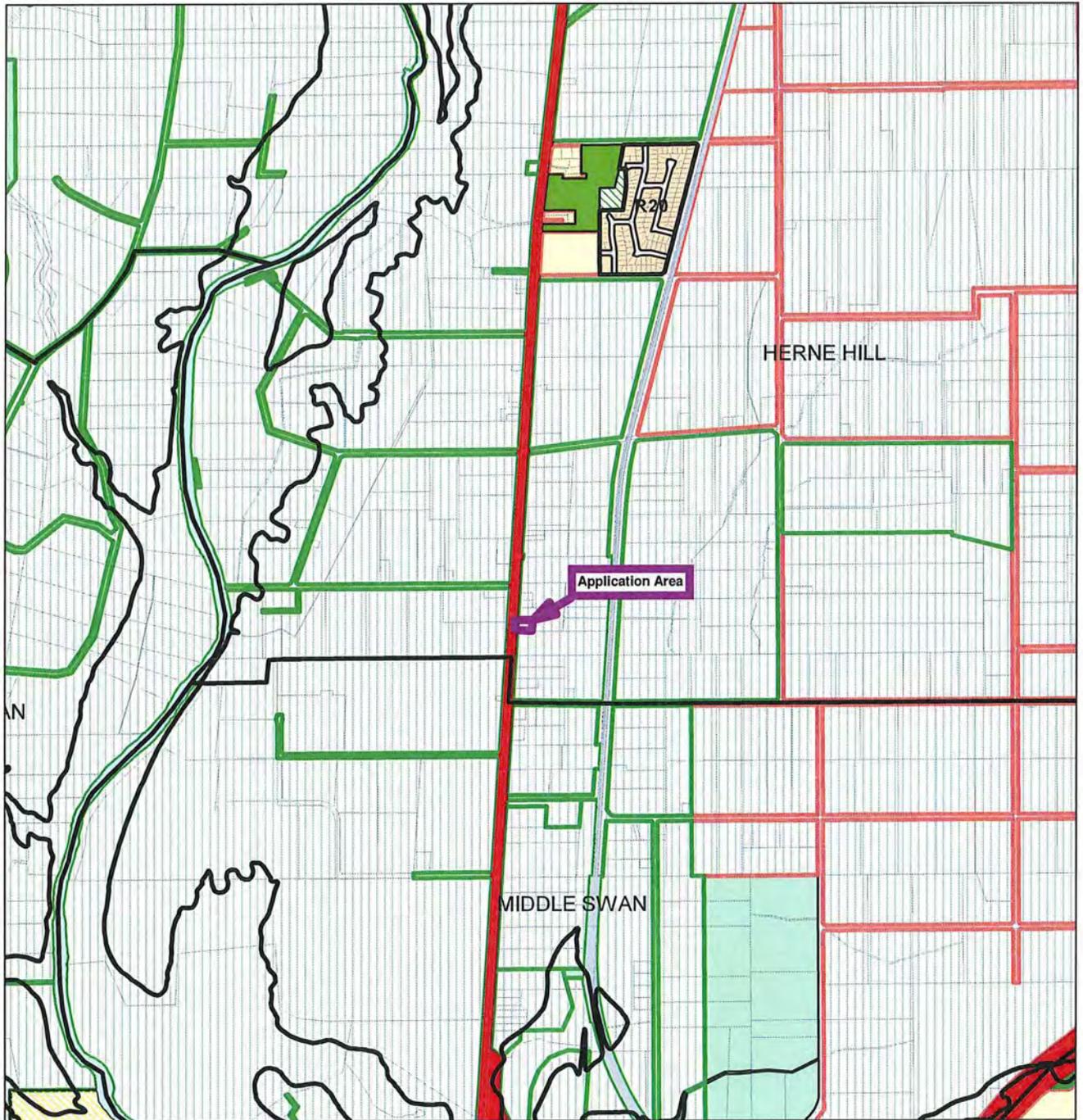
2 **EXTERNAL ELEVATION**
SCALE 1: 100

DESIGN DOCUMENTATION ELEVATIONS

Project Number D3485
Date 18/04/2012
Drawn by KLM
Checked by MB

07.0
Scale @ A2 sheet size As indicated

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Suburbs	PRIMARY REGIONAL ROADS	RESIDENTIAL
Cadastre	WATERWAYS	RESIDENTIAL DEVELOPMENT
Townsites	PARKS & RECREATION	RESIDENTIAL REDEVELOPMENT
SPECIAL 10	RAILWAYS	RURAL LIVING
FLOOD PRONE AREA	GENERAL RURAL	RURAL RESIDENTIAL
MUNICIPAL BOUNDARY	PRIVATE CLUBS & INSTITUTIONS	SWAN VALLEY RURAL
TPS - Scheme Boundaries	PUBLIC PURPOSES	
TPS - R Code Boundaries	RECREATION	

Scale 1:24,758
 0 500 m

Prepared by: mcarbone
 Prepared for:
 Date: Monday, October 28, 2013 09:14
 Plot identifier: P20131028_0914

DP INTERNAL USE ONLY



Proposed Restaurant
 Lot 300 Great Northern Highway
 Herne Hill



- Suburbs
- Cadastre

2012 Metro Central Aerial Photography

Scale 1:3,228
0 50 m

Prepared by: mcarbone
Prepared for:
Date: Monday, October 28, 2013 09:27
Plot identifier: P20131028_0924

DP INTERNAL USE ONLY



Government of Western Australia
Department of Planning

Proposed Restaurant
Lot 300 Great Northern Highway
Herne Hill

ITEM NO: 9.5

SUBDIVISION TO CREATE 163 LOT(S) FOR RESIDENTIAL PURPOSE AT BAYONET HEAD, ALBANY: RECONSIDERATION OF 3 CONDITIONS

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Regional Manager - Great Southern Planning
AUTHORISING OFFICER:	Executive Director, Regional Planning & Strategy
AGENDA PART:	G
FILE NO:	145693
DATE:	3/10/13
ATTACHMENT:	<ol style="list-style-type: none">1. Revised Plan of Subdivision2. City of Albany Town Planning Scheme No.3 section 5.5.43. Request for reconsideration.4. Aerial Location Plan
DETAILS:	Reconsideration of Conditions 20, 25 and 26
ADVERTISING:	Not Applicable
SUBMISSIONS:	Not Applicable
COUNCIL'S RESOLUTION:	Retain Condition 20 & delete Conditions 25 & 26
ENVIRONMENTAL CONDITIONS SET & INCORPORATED:	Not applicable
MINISTERIALS RECEIVED:	Not Applicable

RECOMMENDATION:

That the Western Australian Planning Commission resolves to retain condition 20 and delete conditions 25 and 26 to its approval dated 25 June 2013.

SUMMARY:

The subdivider has requested reconsideration of conditions 20, 25 & 26 applied to WAPC approval 145693 approved 25 June 2013.

Conditions 25 and 26, which relate to a foreshore management plan and pedestrian access way, are not relevant in the context of the current plan and should be deleted. However, Condition 20, which requires the payment of Shared Costs is valid and should be maintained.

BACKGROUND:

Subdivision No. 145693 was submitted on 28 February 2012. The application replicated Application No. 136278, under which the WAPC approved the subdivision of Lots 3000 and 9003, Compass Boulevard, Bayonet Head into 163 lots. The approval to Application No. 136278 expired on 21 December 2011.

The original plan for 145693 proposed the creation of 163 lots. Following negotiations with the proponent and Department of Parks & Wildlife (DPaW), a modified plan including a 1.77ha vegetated POS corridor linkage on the northern boundary, and a reduction in the number of lots from 163 to 102 was submitted (Attachment 1). The modified plan was in line with the outcomes of the Strategic Environmental Assessment (SEA) of the Bayonet Head Outline Development Plan Area (BHODP), information provided by the DPaW and advice received through informal assessment by the Office of the EPA (OEPA).

The proposal was found to be in line with the provisions of the Residential Development zoning and R20 coding applicable to the site and was granted approval, subject to conditions by the WAPC on 25 June 2013. Section 5.5.4 of the City of Albany's Town Planning Scheme No. 3 (TPS3) provides statutory support for Condition 20 (Attachment 2).

On 5 August 2013 the applicant lodged a request for reconsideration of subdivision approval conditions 20, 25 and 26. The applicant has requested that the final determination to retain Condition 20 be presented to the SPC.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D 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 Planning Assessment section.

DETAILS:

Reasons for Reconsideration of Condition 20

In the letter provided to the WAPC (Attachment 3) requesting reconsideration, the applicant outlines concerns regarding the imposition of condition 20. There are 3 fundamental reasons provided by the applicant for reconsideration of this condition;

1. The absence of a formal Guided Development Scheme, as required by Section 5.5.4 (b) of TPS3.

-
2. The City of Albany's failure to maintain, distribute and update the schedule of shared costs as required by section 5.5.4 (e), (f) and (h).
 3. The reasonableness and apportionment of the shared costs as determine in the existing schedule of shared costs.

Applicant request for reconsideration of Condition 25

The City of Albany confirmed there are no pedestrian access ways shown on the approved plan of subdivision, the condition has no relationship to the application.

Applicant request for reconsideration of Condition 26

The letter from the City of Albany on 24 July 2013 also confirmed there are no foreshores or waterways shown on the approved plan of subdivision, thus Condition 26 is not relevant to the application.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Approval without requiring the landowner/applicant to provide a contribution towards the costs of providing community and/or common infrastructure is contrary to Clause 5.5.4 of the City of Albany Town Planning Scheme No.3.

CONSULTATION

The City of Albany has no objection to the removal of conditions 25 and 26 as they are not relevant in the context of the approved plan of subdivision. However, the City supports the retention of condition 20.

OFFICER'S COMMENTS:

Condition 20

The landowner/applicant contributing towards the costs of providing community and/or common infrastructure pursuant to Clause 5.5.4 of the City of Albany Town Planning Scheme No.3.

Reasons for Reconsideration

In the letter provided to the WAPC, the applicant outlines concerns regarding the imposition of condition 20, which are addressed as follows:

Response

Reason 1. *The absence of a formal GDS as required by Section 5.5.4 (b).*

The applicant's reasons for reconsideration are largely based on the absence of a formal GDS as required by Section 5.5.4 (b) (Attachment 2) . However, while a formal GDS has not been adopted as required by section (b), section (c) states that:

c) Until the GDS is adopted and gazetted, any approval given to subdivide land within the ODP area is given on condition that the subdivider will pay his/her proportion of the Shared Costs as adopted by the Council and deemed applicable at the time of subdivision.

This section validates the condition by providing a mechanism for the contribution of shared costs when no formal gazetted GDS exists.

In 2002 the City of Albany prepared a schedule of shared costs and distributed it to landowners, including the landowners for this application, the Peet Bayonet Head

Syndicate. This Schedule of Costs is currently being updated by the Council and will be made available to the Peet Bayonet Head Syndicate. The reason for reconsideration is therefore not supported because the scheme has provision for an alternative *Schedule of Shared Costs* when no formal gazetted GDS exists.

Reason 2. *The City of Albany's failure to maintain and distribute and updates schedule of shared costs as required by section 5.5.4 (e), (f) and (h).*

Council minutes showed that on 20 February 2007 Council resolved to abandon Provision 5.2.4 (now 5.5.4) of the *City of Albany Town Planning Scheme No.3* due to the cost associated with maintaining the schedule (Attachment 4). Despite this, there has been no amendment to the Scheme, thus the provision has been maintained. In addition, a total amount of \$72,466 of contributions had been collected in 2007 from land holders, in line with the Schedule of Costs.

Reason 2 for reconsideration is not supported as the requirement for a Schedule of Shared Costs has been maintained in the Scheme and the Schedule of Costs is currently being revised by local government.

Reason 3. *The reasonableness and appropriation of the shared costs as determined in the existing schedule of shared costs.*

The condition requires that the landowner/applicant contribute toward the costs of providing community and/or common infrastructure pursuant to Clause 5.5.4 of the *City of Albany Town Planning Scheme No.3*. Section 5.5.4 *Provisions relating to the Bayonet Head Outline Development Plan (ODP) Area*, states that:

c) Until the GDS is adopted and gazetted, any approval given to subdivide land within the ODP area is given on condition that the subdivider will pay his/her proportion of the Shared Costs as adopted by the Council and deemed applicable at the time of subdivision.

Clause 5.5.4(j) provides a mechanism to resolve disputes regarding the Shared Costs and/or their apportionment through referral for determination by a single arbitrator in accordance with the provisions of the Commercial Arbitration Act 1985. Therefore the WAPC does not have jurisdiction to determine the reasonableness of the shared costs.

In November 2003 Peet Bayonet Head Syndicate and Anor appealed the validity of conditions of previous approval WAPC 136278 to the Town Planning Appeal Tribunal of Western Australia (WATPAT 75). Included in this appeal was Condition 25 which stated:

"25. Arrangements being made to the satisfaction of the Western Australian Planning Commissions for the payment of the appropriate proportion of the Shared Costs adopted by the local government in accordance with Amendment No 202 to the City of Albany Town Planning Scheme No 3 or the proposed Guided Development Scheme."

In this case the applicant appealed both the application of the condition to Lots 284 and 285 and the imposition of the Shared Costs Schedule by the City of Albany. The tribunal dismissed the appeal against Condition 25 and found that:

In our view, clause 5.2.4(c) has the effect of imposing, as a matter of law, the obligation on a subdivider within the ODP area of paying its proportion of the Shared Costs Schedule which apply at subdivision,

and

...a challenge to the validity of Condition 25 is in effect a challenge to the validity of clause 5.2.4. The Tribunal does not have jurisdiction to determine a challenge to the validity of clause 5.2.4.

The tribunal found that clause 5.2.4 (j), (now 5.5.4 (j)), provides a mechanism to resolve disputes regarding the Shared Costs or their apportionment, and therefore the tribunal does not have jurisdiction to determine the reasonableness of the shared costs. Similarly in the case of this reconsideration, Clause 5.5.4 (j) provides a mechanism to resolve disputes regarding the Shared Costs and/or their apportionment and therefore the WAPC does not have jurisdiction to determine the reasonableness of the shared costs.

The City of Albany's new Local Planning Scheme (LPS1) is to be considered for final approval by the WAPC on 26 November 2013. LPS1 was advertised from the 3 April to 3 August 2012. The advertised version replaces existing clause 5.5.4 with Schedule 13 - Community Infrastructure Development Contribution Plans for Structure Plan Areas (Attachment 6). The Bayonet Head Structure Plan Area is included as DCP1. This schedule lists infrastructure and administrative items to be funded, which include:

Upgrading of Lower King Road including:

- Planning and design
- Land Acquisition
- Earthworks and site works
- Construction costs for roads and paths
- Landscaping and drainage

Administrative Costs including:

- Costs to prepare and administer the plan during the period of operation
- Costs to prepare and review estimates
- Costs to prepare the cost apportionment schedule
- Valuation costs

There is no continuing requirement for a GDS as in clause 5.5.4 of TPS 3. In May 2013 the City of Albany proposed a modification to remove Schedule 13. DoP sought clarification from the City of Albany in relation to removal of the schedule. In response (Attachment 5) the City has advised DoP of its continuing support for the application of Condition 20. The City considers that there is a planning nexus between the development of land and the provision of the infrastructure stipulated by the schedule of shared costs, and that there needs to be assurance of equitable distribution of cost between land owners. The City acknowledges that the Schedule of Shared Costs has not been reviewed annually, as per clause 5.5.4(e) but notes

that this was largely due to inactivity in the structure plan area pending the now finalised EPA formal assessment of the Bayonet Head 'Plan for Development', undertaken pursuant to Section 39B of the *Environmental Protection Act 1986* (EP Act).

Condition 20 is considered valid as it requires that the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure pursuant to Clause 5.5.4, which includes provision for contributions to be paid where no GDS is adopted and gazetted. DoP do not recommend removal of the requirement for developer contributions for the BHODP area from LPS1 and a modification to Schedule 13 of the new Scheme is recommended to align the provisions in the schedule more closely with the current provisions in TPS 3.

Condition 25

Response

Agree condition should be removed.

Condition 26

Response

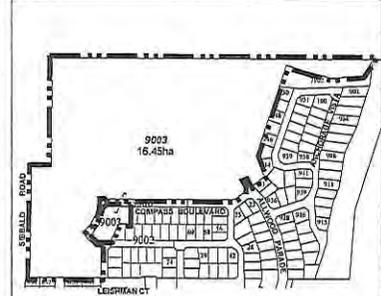
Agree condition should be removed.

CONCLUSION

It is concluded that conditions 25 and 26 should be deleted and condition 20 should be retained.

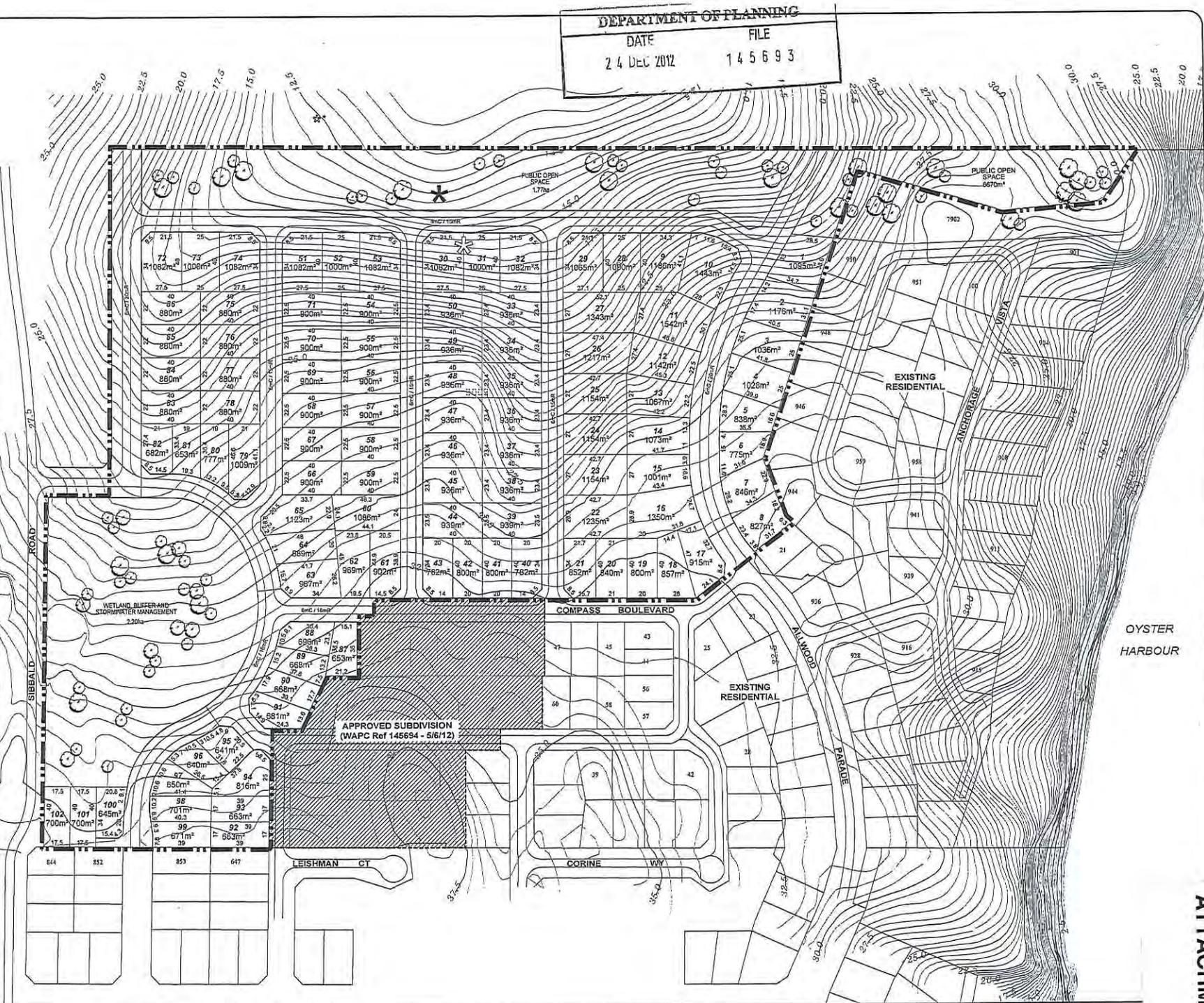
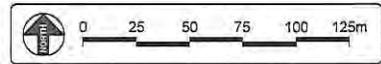
LOT YIELD	
500m ² - 700m ²	14 Lots
701m ² - 900m ²	26 Lots
900m ² - 1000m ²	30 Lots
1000m ² +	32 Lots
TOTAL	102 Lots
Total Lot Area	9.45ha
Minimum Lot Area	640m ²
Maximum Lot Area	1542m ²
Average Lot Area	926m ²

ORIGINAL LANDHOLDING NTS



LEGEND

- Subject Site
- Temporary Stormwater Management and/or Wastewater Pumping Station Location
- Temporary Stormwater Management and/or Wastewater Pumping Station Alternative Location



- (a) the major road systems under the Scheme;
- (b) topographic conditions;
- (c) land holdings adjacent to or in the vicinity of the subject land;
- (d) the necessity of providing civic and public facilities;
- (e) preservation of the environment.

5.5.2 Outline Development Plans shall be prepared for areas as described under clause 5.5.1 by either the owners of the land involved or by the Council and shall be submitted by the Council to the Western Australian Planning Commission. *AMD 32 GG 22/1/82; AMD 221 GG 29/4/03; RENUMBERED BY AMD 241 GG 29/8/06; CORRECTION NOTICE 15/9/06; AMD 280 GG 2/3/10*

5.5.3 Outline Development Plans shall show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show - *RENUMBERED BY AMD 241 GG 29/8/06; CORRECTION NOTICE 15/9/06*

- (a) the location and width of the distributor road system proposed;
- (b) the approximate location and quantity of shopping, civic and public facilities proposed together with an analysis of the factors used in determination of such facilities;
- (c) the distribution of the recreation and open space areas proposed;
- (d) the population and residential densities proposed;
- (e) the physical condition of the land having regard to the need for deep sewerage and/or main drainage.

5.5.4 Provisions relating to the Bayonet Head Outline Development Plan (ODP)

Area

AMD 202 GG 31/10/00; RENUMBERED BY AMD 241 GG 29/8/06; CORRECTION NOTICE 15/9/06

- a) No person shall carry out subdivision within the ODP area unless the Plan of Subdivision conforms to the adopted ODP for the area.
- b) Council intends to prepare and have adopted a Guided Development Scheme (GDS) to, amongst other things, establish a schedule of Shared Costs and to designate the basis upon which such costs are equitably apportioned between the landowners within the ODP area.
- c) Until the GDS is adopted and gazetted, any approval given to subdivide land within the ODP area is given on condition that the subdivider will pay his/her proportion of the Shared Costs as adopted by the Council and deemed applicable at the time of subdivision.
- d) Council shall prepare a Schedule of Shared Costs and shall make the Schedule available to the owners within the ODP area including an outline of the basis upon which the Shared Costs are to be apportioned between the subdividing owners pursuant to subclause (h) hereof.
- e) The Schedule of Shared Costs are to be reviewed annually in the month of July in each year. The Council shall, prior to their adoption, distribute the revised Shared Costs to the owners who will be allowed 21 days in which to comment.

- f) The applicable Shared Costs shall be the costs adopted by Council for each review period as referred in subclause (e) hereof.
- g) When any item of Shared Cost has not been paid or ascertained at the time of subdivision, they may be estimated by the Council. Payment of an estimate by a subdivider discharges the subdividers liability in respect of the item.
- h) The Shared Costs shall be apportioned in the proportion that the nett subdividable area of the land being subdivided bears to the total nett subdividable area of the land within the ODP area.
- i) A subdividing landowner shall pay his/her proportion of the Shared Costs to the Council prior to the Commission endorsing its final approval on any diagram or plan of subdivision.
- j) If any dispute arises between the Council and the subdivider in regard to the Shared Costs or their apportionment, such dispute may be referred for determination by a single arbitrator in accordance with the provisions of the Commercial Arbitration Act 1985. If an owner proceeds to arbitration under this subclause it shall preclude the owner the right to commence an appeal in accordance with the provisions of clause 6.7 of the Scheme.
- (k) Each party shall bear its own costs of the arbitration unless the arbitrator determines that the costs have been caused or contributed to by unreasonable, frivolous or vexatious actions of one party or the other, in which case the arbitrator may award the payment of costs by and to one party or the other.
- (l) Upon gazettal of the GDS referred to in subclause (b) hereof, the provisions of the GDS shall prevail and the provisions of clause 5.5.4 shall have no further application or effect.

5.6 SPECIAL RURAL ZONES

AMD 31 GG 2/3/84; RENUMBERED BY AMD 241 GG 29/8/06; CORRECTION NOTICE 15/9/06

The following provisions shall apply generally to all land included in the Special Rural Zone. In addition to any provisions which are more specifically applicable to such land under this Scheme:

- (a) Before making provisions for a Special Rural Zone. Council will prepare, or require the owner(s) of the land to prepare a submission supporting the creation of the special Rural Zone and such submission shall include:
 - (i) A statement as to the purpose or intent for which the zone is being created.
 - (ii) The reasons for selecting the particular area the subject of the proposed zone with particular reference as to how this relates to the Council's Local Rural Strategy.
AMD 221 GG 29/4/03.
 - (iii) A plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements.
 - (iv) Information regarding the method whereby it is proposed to provide a potable water supply to each lot.
 - (v) A plan of proposed subdivision for the entire zone, showing proposed road reserve widths, approximate lot areas and dimensions, together with the proposed staging of the subdivision and of any development, including criteria to be met before successive stages are implemented.



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 PO Box 165, Subiaco, Western Australia 6904
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WAPC Ref: 145693
Our Ref: 1279.01
Date: 5 August 2013

The Secretary
 Western Australian Planning Commission
 140 William Street
 PERTH WA 6000

Dear Sir

RE: REQUEST FOR RECONSIDERATION OF SUBDIVISION APPROVAL CONDITIONS FOR LOT 9003 AND PT LOT 3000 COMPASS BOULEVARD, BAYONET HEAD

On behalf of our client, Peet Bayonet Head Syndicate Ltd, we seek the Western Australian Planning Commission's (WAPC) reconsideration of several conditions imposed on the freehold (green title) subdivision approval (Ref: 145693) issued on 10 July 2013 for the above land.

In accordance with WAPC requirements, please find enclosed a completed Form 3A and a cheque for \$4,007.80 being the required fee for reconsideration of a 102 lot subdivision approval. Please also find attached for further information and reference, the following documents:

- **Attachment 1** - WAPC subdivision approval dated 10 July 2013;
- **Attachment 2** - Email correspondence received from Department of Planning dated 7 June 2013;
- **Attachment 3** - Email correspondence received from City of Albany dated 24 July 2013;
- **Attachment 4** - City of Albany Guided Development Scheme No12 prepared in 2002; and
- **Attachment 5** - Extract from City of Albany Ordinary Council Meeting Minutes dated 20 February 2007.

The primary issue of concern to our client is **Condition 20**, and the ability of the City of Albany to require developer contributions for shared infrastructure costs in accordance with Clause 5.5.4 of the City of Albany Town Planning Scheme No.3. In addition to Condition 20, our client is also seeking the removal of **Condition 25** (relating to construction of pedestrian access ways) and **Condition 26** (requiring a Foreshore Management Plan), given advice recently received from the City of Albany clarifying these requirements in the context of the approved plan.

Justification for the reconsideration of Conditions 20, 25 and 26 is provided below.

Condition 20

"The landowner/applicant contributing towards the costs of providing community and/or common infrastructure pursuant to Clause 5.5.4 of the City of Albany Town Planning Scheme No.3 (Local Government)"

DEPARTMENT OF PLANNING	
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On the 5th June 2013, prior to determination of the subdivision application, Department of Planning (DoP) staff provided RPS with a set of draft subdivision conditions for review and comment. This included a condition requiring arrangements to be made for the contribution of shared costs, consistent with that ultimately applied via Condition 20 of the approval. In querying this with City of Albany planning staff on 6th June 2013, RPS were advised that there was no formal cost sharing plan or schedule of shared costs in place for Bayonet Head, and furthermore, there was no intent by the City of Albany to prepare or implement such an arrangement any time soon.

Based on this advice, RPS wrote to DoP staff querying the need for such a condition relating to common infrastructure contributions. DoP staff responded by email (refer copy enclosed) on the 7 June 2013, confirming that:

"Re the conditions that refer to cost recoupment, this was included in order to flag that Peet, in providing more than the normal 10% area as POS, and also by providing areas of conservation POS that may enable some level of POS credit, may be eligible for some form of reimbursement as a result (and if so the reimbursement should be worked out as per the ODP). However if there are concerns in this regard DoP is agreeable to removing such reference in the conditions, noting that the ability to seek recoupment would still apply anyway even if not stated in the condition."

Although the removal of this condition was requested by RPS, it remained in the report to the Statutory Planning Committee (SPC) on 9 July 2013 and was subsequently included on Subdivision Approval Ref.145693 dated 10 July 2013.

On 22 July 2013, RPS again queried with City of Albany planning staff their intent regarding this condition. On 24 July 2013, the City of Albany's Manager of Planning Services responded (refer copy of email correspondence enclosed), noting that:

"This condition relates to the Guided Development Scheme 12 (attached). As the vast majority of this land is owned by Heath who have taken on the upgrades as part of their development, arrangement should be made with them to determine a contribution. The Peet lots are referenced as Loc 284 and Loc 285".

Upon querying the status of Guided Development Scheme 12 (GDS12) and the schedule of shared costs contained within it, the City of Albany confirmed that that while GDS12 may have originally been supported by Council, it was never formally endorsed by the WAPC nor properly gazetted by Government. Furthermore, it was confirmed that while the schedule of shared costs contained within GDS12 was reviewed on an annual basis for a few years following its preparation in 2002, it has not been kept up to date or formally approved by the City of Albany in recent years.

Having regard for those matters outlined above (and correspondence attached), we wish to note the following key concerns and issues of contention of relevance to Condition 20:

- i. It is clear that DoP and City of Albany planning staff have a different understanding of the intent of this condition, as evidenced by email correspondence from both agencies.

- ii. Although RPS had previously requested the condition be removed (to the apparent agreement of DoP staff), for reasons unknown it was kept on the SPC report and ultimately applied to the approval.
- iii. RPS, in reviewing the draft condition, was seeking critical information from the City of Albany to better understand potential financial implications of the draft condition. City of Albany planning staff were not aware of any Guided Development Scheme or a schedule of shared costs for the area. If the GDS information (as recently provided by the City) was publicly available and the intentions of the Manager of Planning services known at the time, such a condition would have been more strongly opposed.
- iv. The notion that an "*arrangement should be made*" with Heath Development Company (HDC) to determine an appropriate contribution, is considered inappropriate for the following reasons:
- The clearance authority for Condition 20 is the City of Albany, not HDC.
 - It is not appropriate for a condition to require the involvement/agreement of a third party such as HDC to enable the clearance of a condition between the developer (Peet) and the clearance authority (City of Albany).
 - HDC have a vested interest in the matter, and it is inappropriate for our client's potential contribution amounts to be determined by them.
 - The City of Albany, not HDC, is the properly authorised agency to determine and approve a Schedule of Shared Costs, and determine contribution amounts, in accordance with the requirements of TPS3 Clause 5.5.4.
 - The advice provided by the City of Albany in regards to satisfying the condition amounts to an improper delegation.
- v. The requirement for Peet Ltd to pay a contribution in accordance with TPS3 Clause 5.5.4, is considered inappropriate for the following reasons:
- RPS investigations and discussions with Council staff have revealed that the 2002 version of the GDS was not formally gazetted, and therefore, has no status.
 - The schedule of shared costs presented in the 2002 GDS has not been updated and approved by Council annually, and no revised costs have been put to landowners for consultation, as required under TPS3 clause 5.5.4(e). Furthermore, the schedule has not been made freely/easily available to Peet Bayview Heights Syndicate Ltd (being an affected landowner) as required under Clause 5.5.4(d).
 - The condition is not competent to the extent that there is no Guided Development Scheme or properly updated/approved schedule shared costs as required under the terms of TPS3 Clause 5.5.4.
 - The net area of the approved subdivision (minus POS, conservation/drainage) would appear to comprise less than 5% (11.81ha) of the original Bayonet Head ODP net area. The remaining balance of the ODP area is now understood to be under single ownership (HDC). There would appear little reason to allocate proportionate costs given these respective shares.
 - In the absence of a valid GDS or properly maintained/approved schedule of shared costs, responsibility lies with Council to consult owners and determine an appropriate new schedule of shared items, if such action is considered necessary/appropriate. The clearance of Condition 20 should not be subject to such an exercise being carried out, particularly given how long it could take given the lack

of a relevant/up to date ODP for the area, consultation requirements and approval processes.

- Our client is already having to give up more than the standard 10% POS obligation for the additional conservation corridor etc - certainly more than what was previously contemplated under the 2002 GDS and cost schedule. It would therefore seem unnecessary for such protracted additional investigations and negotiations to be required for the sake of this subdivision approval.
- It is questionable that there is a clear need and nexus between the Stage 3 subdivision site, and the infrastructure potentially required/provided in the wider HDC controlled portion of the ODP area. Peet are already meeting their own POS, drainage and civil infrastructure requirements, and there is no clear need/nexus between the Peet land and GDS listed upgrades to Lower King Road. Furthermore, it would be inappropriate to require a contribution be made to the administration, management and preparation of the GDS given it has no formal status.
- Council have already agreed to abandon the Bayonet Head ODP cost sharing arrangements, as per the resolution of Council on 20 February 2007 (refer copy of Council minutes enclosed). Commitments at the time to review the plan and consult further with landowners have not been fulfilled by Council. It is unreasonable for the Council to avoid its own responsibilities to properly prepare, consult on and approve a new schedule of shared costs, and instead expect Peet to agree with HDC a contribution amount to clear Condition 20.

In light of the concerns and issues described above, it is respectfully requested that the WAPC reconsider Condition 20 and have it removed from the subdivision approval.

Condition 25

"All pedestrian access ways(s) within the subdivision being constructed and drained at the landowner/applicant's cost and shown on the diagram or plan of survey (deposited plan) as such and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)"

of - not on approval plan (was on original only).

On the 24th July 2013, written advice (refer email correspondence attached) from the City of Albany's Manager of Planning Services confirmed that given there are no pedestrian access ways (PAWs) shown on the approved plan of subdivision, this condition would simply be cleared without further action by our client. It is therefore requested that the WAPC reconsider and remove Condition 25 on the grounds that it is unnecessary and has no relationship to the approved plan of subdivision.

Condition 26

"Prior to the commencement of subdivisional works a Foreshore Management Plan is to be prepared and approved to ensure the protection and management of the site's environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)"

Needs checks. Mf have been carried out. unnecessary from previous approvals??

On the 24th July 2013, written advice (refer email correspondence attached) from the City of Albany's Manager of Planning Services confirmed that this condition would simply be cleared



without further action by our client, given that the plan of subdivision doesn't create any new foreshore reserves. It is therefore requested that the WAPC reconsider and remove Condition 26 on the grounds that it is unnecessary and has no relationship to the approved plan of subdivision.

Conclusion

In light of our concerns and justification outlined above, we respectfully request that the WAPC re-consider and remove the Conditions, 20, 25 and 25 of subdivision approval granted 10 July 2013.

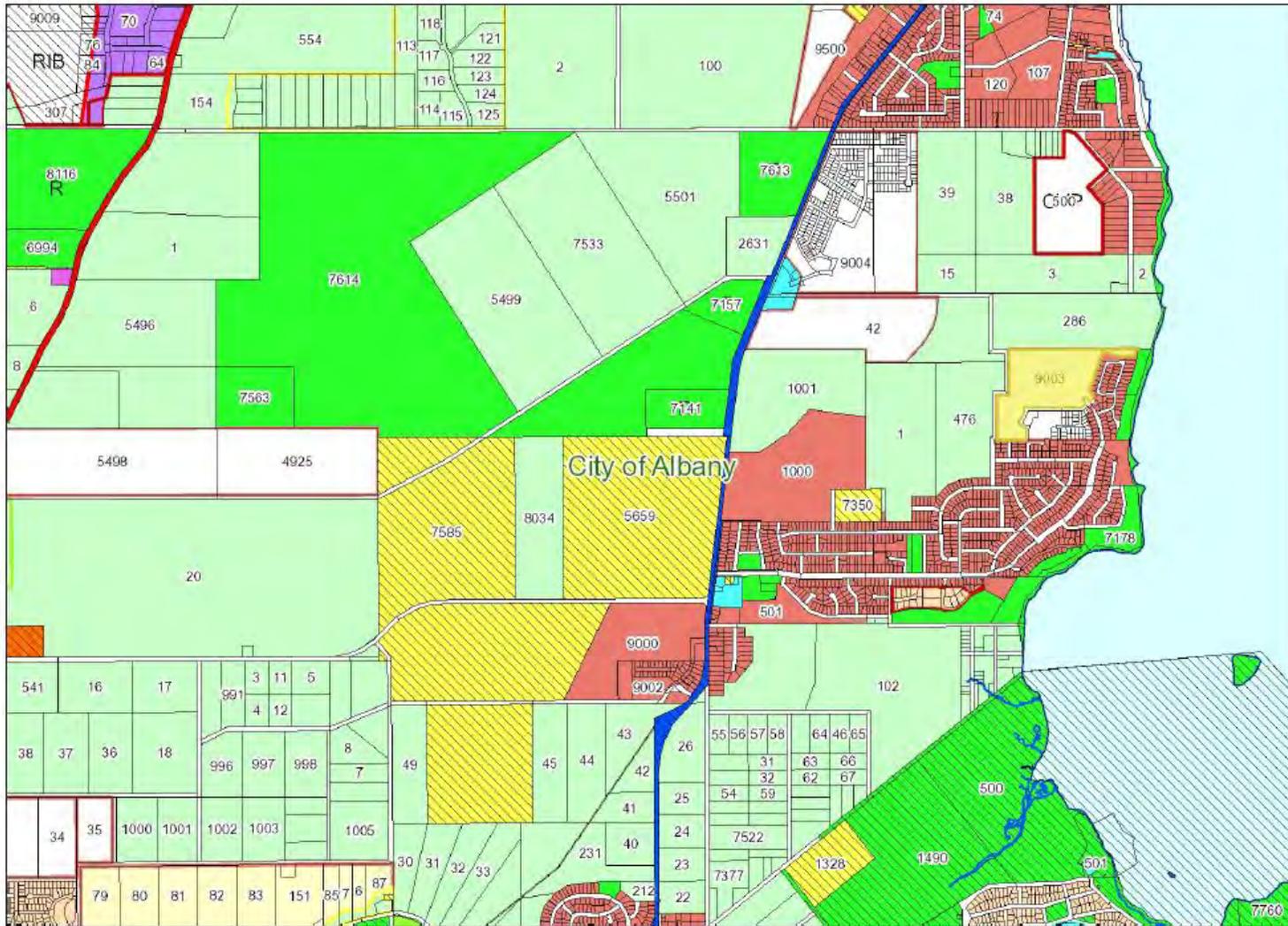
We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the undersigned on 9211 1111.

Yours sincerely
RPS

Scott Vincent
Senior Planner

cc: Peet Bayonet Head Syndicate Ltd

DEPARTMENT OF PLANNING	
DATE	FILE
- 5 AUG 2013	1 4 5 6 9 3



Government of Western Australia
Department of Planning

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.

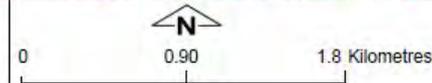
Produced by: **FUNCTIONALITY TO COME**

Date produced: 19-Nov-2013

PlanViewWA Map

INTERNAL USE ONLY

PlanViewWA
[Link to viewer](#)



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at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

ITEM NO: 9.6

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF THREE, TWO STOREY DWELLINGS ON LOT 1851 CANNING HIGHWAY, CORNER OF IRWIN STREET, EAST FREMANTLE

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer
AUTHORISING OFFICER: Director
AGENDA PART: G
FILE NO: 04-50010-1
DATE: 11 November 2013
ATTACHMENTS: Attachment 1 - Development Proposal
Attachment 2 - Location and Zoning Map
Attachment 3 - MRWA Land Requirement Plan
Attachment 4 - Municipal Inventory Listing
REGION SCHEME ZONING: Urban and Primary Regional Road Reserve
LOCAL GOVERNMENT: Town of East Fremantle
LOCAL SCHEME ZONING: Residential R12.5/40
LGA RECOMMENDATION: Refusal
REGION DESCRIPTOR: Perth Metro Central
RECEIPT DATE: 10 September 2013
PROCESS DAYS: 61
APPLICATION TYPE: Development
CADASTRAL REFERENCE: Lot 1851 (No. 235) Canning Highway, corner of Irwin Street, East Fremantle

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the demolition of an existing building and the construction of three, two storey single houses on Lot 1851 (No. 235) Canning Highway, corner of Irwin Street, East Fremantle subject to the following conditions and advice:

CONDITIONS:

- 1. Prior to the commencement of development, a landscaping plan, prepared by a qualified landscape architect, shall be submitted to the specification of the Town of East Fremantle and the satisfaction of the Western Australian Planning Commission. The landscaping plan is to include details regarding verge treatments, including street trees.***

-
2. ***All landscaping, including the proposed street trees indicated on the approved plan, shall be developed upon practical completion of the buildings to the satisfaction of the Western Australian Planning Commission.***
 3. ***All driveways, parking and manoeuvring areas shall be constructed of materials to the specification of the Town of East Fremantle and the satisfaction of the Western Australian Planning Commission.***
 4. ***New crossovers shall be constructed in accordance with the approved plans, to the specification of the Town of East Fremantle and the satisfaction of the Western Australian Planning Commission.***
 5. ***Stormwater from all roofed and paved areas shall be collected and contained on site to the specification of the Town of East Fremantle and the satisfaction of the Western Australian Planning Commission.***
 6. ***The land required for the widening of Canning Highway as shown on the attached Main Roads Western Australia plan number 201232-0158 is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lots for the purpose of providing right of pedestrian access, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening.***
 7. ***Prior to commencement of the development, a noise assessment report shall be prepared which details noise attenuation measures (noise insulation) in accordance with the relevant 'deemed to comply' packages of the Implementation Guidelines of 'State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning' to the specification of Main Roads Western Australia and the satisfaction of the Western Australian Planning Commission. All approved noise attenuation measures shall thereafter be incorporated as part of documentation for a building permit.***

ADVICE:

1. ***The applicant is advised that approval to this development does not negate the need to obtain a building or demolition permit. The applicant is advised to consult with the Town of East Fremantle in this regard.***
2. ***All development must comply with the provisions Health Regulations, Building Code of Australia, Building Act 2011, and Local Laws.***
3. ***It is advised that any building work involving the removal or alterations to asbestos products should be carried out with extreme caution. The disposal of asbestos products is to be in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection***

(Controlled Waste) Regulations 2001. The applicant is advised to consult with the Town of East Fremantle in this regard.

- 4. *Main Roads Western Australia advises the landowner/applicant with regard to the Canning Highway road reserve, that:***
 - i) no earthworks are to encroach onto the road reserve;***
 - ii) no stormwater drainage is to be discharged onto the road reserve;***
 - iii) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.***
 - iv) no development other than landscaping shall be permitted on the land required for future road purposes, as indicated on the attached Main Roads Western Australia plan number 201232-0158.***
- 5. *With regard to Condition 6, the landowner/applicant is advised to contact Main Roads Western Australia for information on purchase options.***
- 6. *With respect to Condition 6 above, the applicant is advised that the extent of reservation for Canning Highway is currently under review by the Department of Planning in consultation with Main Roads Western Australia. The purpose of the review is to redefine and reduce the existing 'Primary Regional Road' reservation requirements for Canning Highway. The review is considerably progressed and will form the basis for a Metropolitan Region Scheme amendment in the near future.***
- 7. *The applicant is advised that no vehicular access is permitted from/to Canning Highway. A restrictive covenant condition restricting vehicular access to Canning Highway was recommended to be imposed by Main Roads Western Australia. This condition was not imposed as part of application, however will be revisited on determination of the concurrent subdivision application WAPC Reference: 147124.***

SUMMARY:

The proposal is referred to the Statutory Planning Committee (SPC) for the following reasons:

- The relevant Instrument of Delegation prescribes the Western Australian Planning Commission (WAPC) as the responsible authority for determining a development application where a recommendation provided by the public authority specified in the delegation notice conflicts with that of the local government. Main Roads Western Australia (MRWA) supports the proposal on regional transport grounds, however, the Town of East Fremantle recommends refusal on the basis that the proposal does not comply with provisions of State Planning Policy (SPP) 3.1 - *Residential Design Codes* (or R-Codes), a number of operative local planning scheme provisions and development criteria contained in a local planning policy related to residential design and precinct requirements;

-
- The proposal comprises the demolition of the existing building and development of three dwellings on land affected by a 20 metre wide 'Primary Regional Road Reservation' which is under review.

The proposal is considered to be generally consistent with the Metropolitan Region Scheme (MRS), State planning policies, the local planning scheme and related policy, and is recommended for conditional approval;

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10 - Development Approval

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

Number and / or Name:

State Planning Policy 5.4 - *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*
State Planning Policy 3.1- *Residential Design Codes 2013*

Development Control Policy 1.2 - *Development Control - General Principles*

Development Control Policy 1.7 - *General Road Planning*

INTRODUCTION:

Location and Zoning

The subject land is a 840m² north facing lot, situated on the corner of Canning Highway and Irwin Street, East Fremantle. It is understood that the existing, vacant building on site was a florist shop, but was originally constructed as a 'corner deli' shop and residence.

The subject land is zoned 'Urban' in the MRS and is also affected by a 20.0 metre wide 'Primary Regional Road Reservation'. The Town of East Fremantle Town Planning Scheme No. 3 (TPS No. 3) zones the urban component of the land as 'Residential' with a density coding of 'R12.5/40'. Schedule 2 of TPS No. 3 allows additional uses including a Shop, Consulting Rooms or Home Business on the subject land. None of these uses are contemplated as part of this proposal.

Context

The subject land fronts a local park (Lees Park) to the east, single houses to the south east, and a substantially completed grouped dwelling development to the south and the rear (west) boundary (also owned and being developed by the applicant) over Lots 550, 551 and 552.

Proposed Development

The proposal comprises the demolition of the existing building and development of three dwellings. The corner dwelling will address both Canning Highway and Irwin Street and the two rear dwellings will front Irwin Street. All vehicular entry will be off single-width crossovers accessed off Irwin Street.

Decision Making Authority

The applicant lodged an appeal (DR166/2013) with the State Administrative Tribunal (SAT) following the Town's resolution to refuse the proposal on 16 April 2013. As part of mediation proceedings the applicant sought the advice of the Western Australian Planning Commission (WAPC) in relation to its views regarding acquisition of the reserved component of the subject land. Upon enquiry with the WAPC, it became apparent that the WAPC is the responsible determining authority in accordance with Schedule One of the Instrument of Delegation 2011/02 *Powers to Local Government MRS*, due to the fact that the MRWA supports the proposal and the Town objects. The SAT matter has been adjourned, pending WAPC determination of the development application.

BACKGROUND:

The WAPC has deferred consideration of a concurrent subdivision application (WAPC Reference 147124) submitted by the applicant in December 2013 to create three lots over the subject land, pending determination of the development application. The configuration and site areas for each of the lots are identical in each application. Should the WAPC favourably determine the subject development application, the subdivision application will be conditionally approved under delegation.

CONSULTATION:

Main Roads Western Australia

MRWA has advised that the subject land is affected by a 20 metre 'Primary Regional Road' reservation, however current planning indicates that only a 5.2m widening and a standard 18m² truncation will be required (**Attachment 3** - MRWA Land Protection Plan). In this respect, the WAPC Committee endorsed a road planning study / concept plan and resolved to initiate an MRS amendment to rationalise the Canning Highway road reservation in January 2013 (Report Number WAPC/1714, Minute No. 204.12.3). MRWA has no objection to the proposal subject to imposition of a number of conditions. One condition, which proposes a restrictive covenant to prohibit vehicular access to or from Canning Highway, will not be imposed. The development application does not propose any vehicular access off Canning Highway and a restrictive covenant condition will be imposed as part of the concurrent subdivision application. Nevertheless, an advice note will draw the applicant's attention to the matter of the review of the MRW reservation and that vehicular access to Canning Highway is prohibited.

Town of East Fremantle

Recommendation

The Town of East Fremantle resolution to refuse the proposal is summarised as follows:

- The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of ten (10) elements of the R-Codes including site area requirements, additional site area requirements/concessions, setbacks of the building generally, setbacks of garages and carports, buildings setback from the boundary, building on the boundary, open space, excavation or fill, building height and solar access for adjoining sites;
- The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of the Local Planning Policy Residential Design Guidelines with regard to five (5) elements including demolition, construction of new building, building setbacks and orientation, roof form and pitch, precinct requirements (access, parking, garages, building height, form, scale and bulk)

The Town was invited to provide conditions of approval, should the WAPC resolve to support the subject development application. However the Town's view is that the proposal is substantially non-compliant in respect of the R-Codes and any approval would be contrary to the provisions of Clause 5.1.1 (which states that any development of land is to comply with the provisions of the scheme) and Clause 5.2.2 of TPS No. 3. Clause 5.2.2 states that unless provided elsewhere in the scheme the development of any land for residential purposes shall conform to R-Codes provisions. Further, Clause 5.6.1 provides the Town with the ability to vary certain site and development standards and requirements **except** for development assessed against the R-Codes. On this basis it was the Town's view that no conditions could be appropriately applied to the proposal in its current form. Appropriate conditions of approval have been formulated to meet the intent of the relevant scheme provision relating to the split density coding of the land pertaining to noise attenuation as well as other conditions, including conditions similarly applied to the adjoining development under construction on surrounding land.

Public Submissions

The Town advertised the development application to surrounding neighbours for a period of two weeks, during which time four submissions opposing the proposal were received. The submissions are summarised as follows:

- The building should be retained and renovated as it represents a historical snapshot of life and building construction of a previous time;
- The building adds to the historic nature of the Town which is valued by residents;
- The building has a few original features, similar to other corner shop developments, that have been retained and preserved in the locality; and

-
- The building is an example of building form that should be retained, owing to the services it provided (historically) to travellers and residents travelling between Perth and Fremantle.

In support of the proposal, the Town has forwarded a petition completed by the applicant as the owner of this site and three surrounding properties. A further nineteen (19) residents (predominantly from Irwin Street and nearby View Street) signed the petition, after sighting plans for the proposed development and indicated their preference for the development of three, two storey dwellings on the subject land.

COMMENTS:

Relevant Town Planning Scheme No. 3 Provisions

Clause 5.3.2 - *'Highway Frontage Dual Coding'*

The site is zoned R12.5/40 and therefore pursuant to Clause 5.3.2 *'Highway Frontage Dual Coding'* of TPS No. 3. As such there are a number of development provisions that are required to be satisfied to enable consideration at the higher R40 density coding. These are summarised as follows:

- Sole vehicular access to the site via a street other than Canning Highway;
- Noise attenuation measures for all habitable rooms in all dwellings;
- Development to be designed to face all street frontages, including Canning Highway; and
- The heritage value of any place included on the heritage list under Clause 7.1 of the Scheme.

The Town has assessed the corner lot accommodating Unit 'A' at the R40 standard and 'Units B' and 'C' (which face Irwin Street) and at the R12.5 standard. The Town has not justified the rationale behind this assessment (determination by Council on its April 2013 meeting) although it appears the assessment was made on the basis that the lots proposed by the deferred subdivision application (WAPC Reference 147124) have been created.

The assessment, is considered flawed and inconsistent with the Town's favourable determination of the adjacent development, approved in November 2011 and currently being constructed by the applicant. The Town approved the adjacent development (comprising eight grouped dwellings and two single houses, accessed off Irwin Street) at the higher R40 density, despite those lots not being created at the time. The WAPC subsequently endorsed Deposited Plan 73948 which created the lots accommodating the adjacent development in December 2012.

For the purposes of assessment, the development application is considered to be compliant with the abovementioned provisions and has been assessed as a grouped dwelling development (as the lots the subject of the proposal are yet to be created) at the R40 density coding for the following reasons:

-
- ***Vehicular Access***
All sole vehicular access for each dwelling will be off Irwin Street. Further, a restrictive covenant condition required by MRWA will prohibit any future vehicular access from the site to Canning Highway;
 - ***Noise Attenuation Measures***
A condition will be imposed regarding noise attention measures in accordance with State Planning Policy 5.4, and a discussion in this regard follows in the 'WAPC Policy' subsection below. It will be incumbent on the applicant to carry out these measures, prior to commencing development of the subject land;
 - ***Development Design***
All dwellings have frontage to, and access arrangements off Irwin Street. 'Unit A', situated on the corner of the subject land, has a front entry to Canning Highway and another entry from Irwin Street. Above the highway entry is a balcony to an upper floor bedroom. These architectural features, coupled with a gable end roof with finial detail and limestone cladding to the balcony element clearly articulate a street entrance to Canning Highway. Most of these architectural treatments are also featured on the Irwin Street facade to all units and will also be replicated on the surrounding development under construction on Canning Highway and Irwin Street (refer to elevations on Sheet 4 forming part of **Attachment 1**). Upon completion, all the development over Lots 550, 551, 552 and the subject Lot 1851 will present as one contiguous development and form an entry statement to this part of the streetscape on Irwin Street;
 - ***Heritage Value***
The applicant and the Town have separately engaged specialist heritage consultant architects to assess the cultural and heritage values of the existing building. The consultants have concluded that the heritage rating of the building should be downgraded as it has allowed to deteriorate. Clause 7.1 of TPS No. 3 provides the Town with the ability to refuse a development application for demolition of a building which forms part of its heritage list. The existing building is not included on the heritage list. Nevertheless, it does form part of the Town's municipal inventory, which does not have a statutory link to TPS No. 3 (**Attachment 4 – Municipal Inventory Listing**). Additionally, a search of the State Heritage Register has revealed that whilst the site is a registered place (No. 19106) it has no statutory heritage listing. Further, the future road widening requirement along Canning Highway necessitates removal of a substantial portion of the existing shop and verandah. As advised by MRWA, there is a degree of certainty that road widening is likely to occur in the foreseeable future and it is questionable whether any remaining portion of the building would have any significant heritage values left.

Town of East Fremantle Residential Design Guidelines

These guidelines are not referenced in TPS No. 3, however Clause 2.3.2 of the scheme states the following:

"...A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the

objectives which the Policy is designed to achieve before making its determination...."

The Town's Residential Design Guidelines have similar performance-based provisions to the R-Codes and are interpreted as local planning policy. The Town considers that the proposal does comply with the following aspects of the Guidelines:

- Demolition of the existing building will detract from the amenity of the locality by removal of a heritage building.
DOP comment: Conversely, it can be argued that removal of a dilapidated building and clearing of unkempt land, coupled with replacement contemporary housing, will improve the amenity of the locality;
- The proposed dwellings are not compatible with the traditional building styles found in the Town. They will have a setback of 2.0 metres from Irwin Street, as opposed to the predominant 7.0 metre street setback of character single storey houses in the locality with car parking structures being typically side or rear oriented. The dwellings will be bulkier than the predominant character of the surrounding locality and no attempt has been made to vary the building bulk of the development to complement the predominant single storey character of the surrounding streetscape (such as incorporating single storey stepping towards the street boundary).
DOP comment: As the R40 coding effectively allows a minimum site area of 180m², resultant development at this coding is typically two storey in order to accommodate open space, car parking and minimum indoor living areas. The site areas for the development are 398m² for Unit A and 221m² for Units B and C. The adjacent development has been approved at R40 coding and the two dwellings to the south side of the subject land (Lots 551 and 552) have a near identical building footprint, setbacks and appearance to the dwellings proposed. It is therefore difficult to reconcile the planning rationale for the Town's approval of the neighbouring dwellings and the Town's current assessment.
- The east-west orientation of the lots will impact on the amenity of each of the other dwellings and the character of the streetscape.
DOP comment: As above.
- Reduced street setbacks and two storey boundary walls will create inconsistent additional overshadowing, height and amenity concerns.
DOP comment: As above.
- The proposed 25° roof pitch is not consistent with the prevailing roof typology of the immediate locality.
DOP comment: As above.
- Access arrangements will result in the deletion of approximately three on-street car parking bays which service Lees Park, opposite the subject site. This may exacerbate car parking issues in the locality and create issues for the proposed development, with regard to sight-lines and access/egress to individual lots/units the site.
DOP comment: As this park is in a local neighbourhood location, it is most likely that surrounding residents will walk rather than drive to it. The Town has not supported these comments with any transport assessment or engineering comments, nor has the MRWA raised any concerns regarding sightlines or access/egress from the site or the intersection of Irwin Street and Canning Highway.

-
- Proposed garages are considered to be excessive in scale and width, with garage doors occupying approximately 45% of the lot frontage (for the smaller lot for Units B and C).
DOP comment: As above.

WAPC Policy

State Planning Policy (SPP) 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

MRWA recommends imposition of a condition, consistent with the intent of SPP Policy 5.4, to ensure that noise attenuation measures are applied in accordance with supporting implementation guidelines to the policy. A condition is recommended to reflect this requirement, and provides similar noise attenuation standards than those of the Town's equivalent Local Planning Policy. The applicant has provided an acoustic report compiled for the adjoining grouped dwelling development on Lot 500 which demonstrated that the Town's noise abatement policy requirements could be met for that development.

State Planning Policy 3.1- Residential Design Codes 2013

The Town has based its assessment of the development on the 2010 R-Codes, whilst the Department of Planning (DOP) assessment is based on the 2013 R-Codes (adopted in August 2013). It is noted that the Town has approved near identical development on the adjoining lots to the south and west of the subject land. It therefore follows that the dwellings the subject of this application generally conform to the R-Codes either as single houses or grouped dwellings for the following reasons:

- The proposal achieves minimum (180m² required, 221m² provided) and average (220m² required, 240m² provided) site area requirements of the R40 Code.
- Proposed site works exceed the deemed-to-comply requirement of 0.5 metre by 0.1 metre, however comply to the design principle pathway of the R-Codes, as there are equal amounts of cut and fill proposed that will not affect the levels as viewed from the street front and will assist in providing flat finished ground levels to outdoor living areas, whilst protecting the privacy of residents;
- Unit A overshadows Unit B's outdoor living area by 34%, being more than the 35% requirement prescribed by the R-Code (69% resultant overshadowing). Similarly Unit B overshadows Unit C's outdoor living area by 33% more than the 35% requirement prescribed by the R Code (68% resultant overshadowing). Whilst this will mean that the outdoor living areas to Units B and C will not receive the desired winter sun, the dwellings also have front 7.5m² balconies, accessible from upper floor living rooms, which will be within the minimum overshadowing requirement and will allow alternative outdoor access to winter sun. This variation is considered to comply with the design principle pathway of the R-Codes; and
- The minimum open space requirement for Units B and C should be 45%. A variation of 2% or 4.42 metres is proposed and considered to be minor. Additionally the variation is compensated by 7.5m² balcony space (although it is acknowledged it provides limited utility, for example a chair and possibly a

café table) as well as outdoor living areas twice the size of the 20m² prescribed minimum and complies with the design principle pathway of the R-Codes.

Development Control (DC) Policy 1.2 - Development Control - General Principles

A principle objective of DC Policy 1.2 is to ensure that the use or development of any reserved land is not prejudiced by the application. The proposal complies in this regard, as the WAPC has resolved to initiate an MRS amendment to substantially reduce the reservation over the land. In this respect the proposal has been designed to take into consideration the MRWA's likely 5.2 metre wide land requirement.

DC 1.7 - General Road Planning

DC Policy 1.7 outlines the provisions for contributions towards roads as a result of development of land. In the case where the WAPC is the determining authority and land is required for road reservation under the MRS, such land may be set aside as a separate lot pending acquisition. A condition reflecting this requirement is recommended.

Orderly and proper planning and amenity considerations

The application is considered to be consistent with the orderly and proper planning of the locality, as the proposed development will provide housing in keeping with the intent of the Scheme, is close to commercial and community facilities, and will not be out of character when compared to surrounding development under construction. The proposed development will present to the street and adjoining properties in a manner that will not detract from or have any negative amenity impacts on surrounding streetscape and development.

Canning Highway is a major transport corridor that feeds into the Perth Central Business District and Fremantle and is well serviced by high frequency bus routes with rail links. Whilst not strictly in compliance with local policy intent and the R-Codes, the proposed development represents a more efficient and sustainable use of land containing an existing dilapidated building which will assist in meeting the Town's 600 dwelling target proposed by *Directions 2031 and Beyond*.

CONCLUSION:

In conclusion, the proposed residential proposal represents appropriate development for the 'Urban' zone under the MRS, is found to be generally in keeping with the design principles of the R-Codes and satisfactorily meets the general intent of the Town of East Fremantle Town Planning Scheme No. 3. Accordingly, it is recommended that the application is conditionally approved.



LOT 1852

20.12

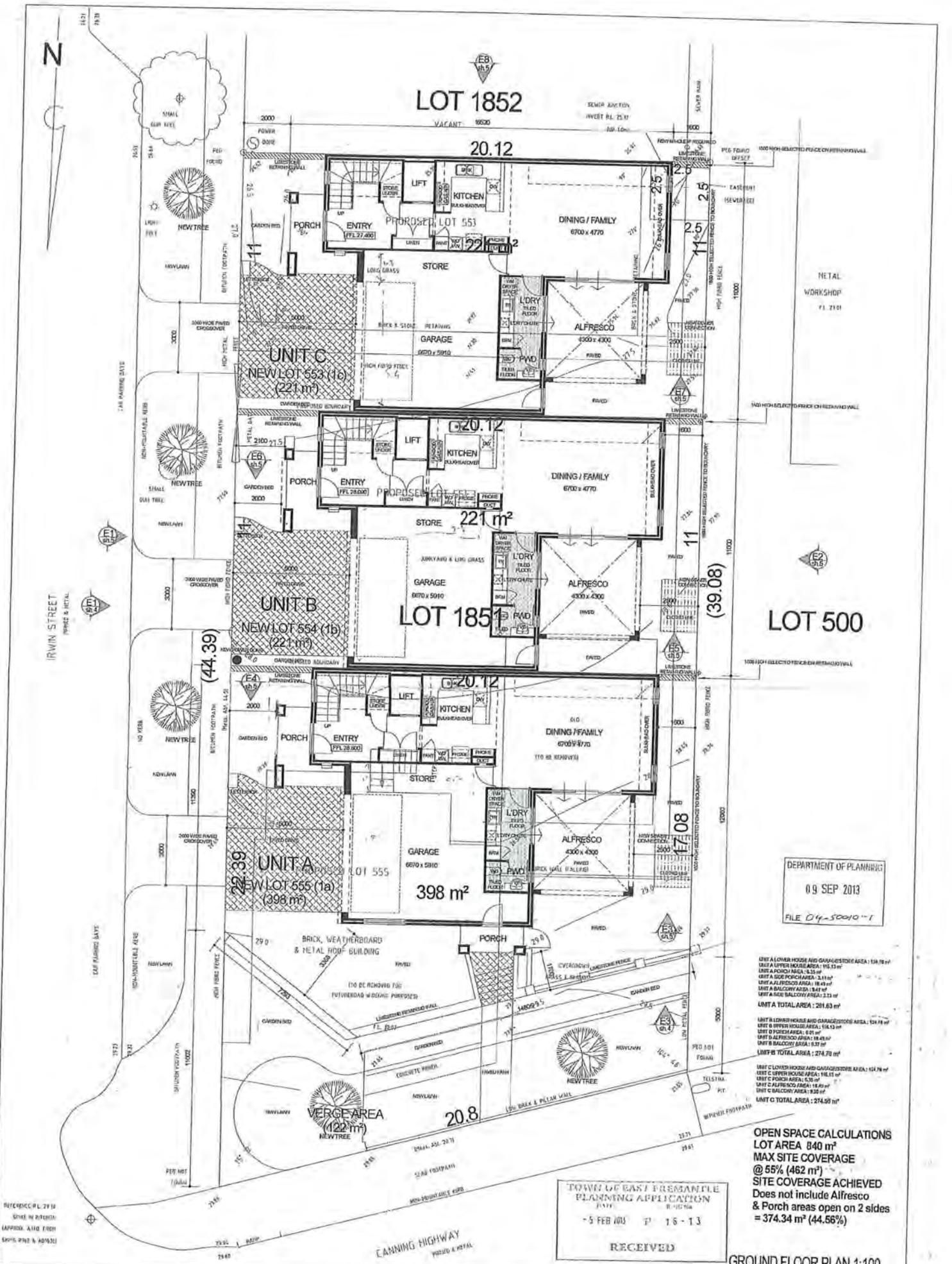
221 m²

LOT 1851

398 m²

20.8

LOT 500



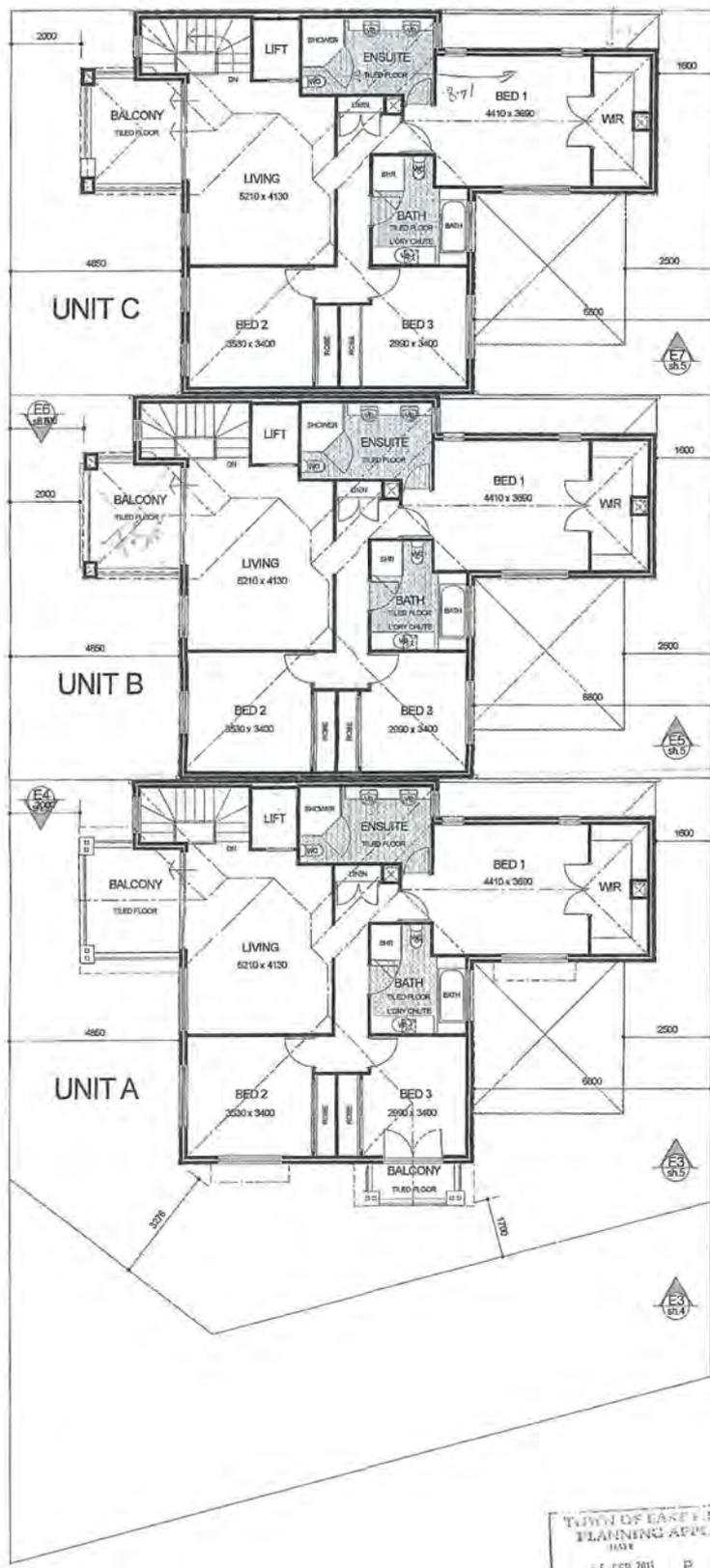
DEPARTMENT OF PLANNING
09 SEP 2013
FILE D14-50010-1

- UNIT A LOWER HOUSE AND GARAGE/STORE AREA: 154.78 m²
- UNIT A UPPER HOUSE AREA: 198.23 m²
- UNIT A PORCH AREA: 15.25 m²
- UNIT A SIDE PORCH AREA: 3.75 m²
- UNIT A ALFRESCO AREA: 18.80 m²
- UNIT A BALCONY AREA: 18.80 m²
- UNIT A SIDE BALCONY AREA: 2.13 m²
- UNIT A TOTAL AREA: 281.63 m²
- UNIT B LOWER HOUSE AND GARAGE/STORE AREA: 154.78 m²
- UNIT B UPPER HOUSE AREA: 198.23 m²
- UNIT B PORCH AREA: 15.25 m²
- UNIT B ALFRESCO AREA: 18.80 m²
- UNIT B BALCONY AREA: 18.80 m²
- UNIT B TOTAL AREA: 274.99 m²
- UNIT C LOWER HOUSE AND GARAGE/STORE AREA: 154.78 m²
- UNIT C UPPER HOUSE AREA: 198.23 m²
- UNIT C PORCH AREA: 15.25 m²
- UNIT C ALFRESCO AREA: 18.80 m²
- UNIT C BALCONY AREA: 18.80 m²
- UNIT C TOTAL AREA: 274.99 m²

OPEN SPACE CALCULATIONS
LOT AREA 840 m²
MAX SITE COVERAGE
@ 55% (462 m²)
SITE COVERAGE ACHIEVED
Does not include Alfresco
& Porch areas open on 2 sides
= 374.34 m² (44.56%)

TOWN OF EAST FREMANTLE
PLANNING APPLICATION
DATE: 16-13
RECEIVED

GROUND FLOOR PLAN 1:100



DEPARTMENT OF PLANNING
09 SEP 2013
FILED 4-50010-1

UNIT A LOWER HOUSE AND GARAGE/STORE AREA: 124.79 m²
 UNIT A UPPER HOUSE AREA: 116.15 m²
 UNIT A PORCH AREA: 6.53 m²
 UNIT A SIDE PORCH AREA: 3.44 m²
 UNIT A ALFRESCO AREA: 18.49 m²
 UNIT A BALCONY AREA: 18.41 m²
 UNIT A SIDE BALCONY AREA: 3.33 m²
 UNIT A TOTAL AREA: 281.82 m²

UNIT B LOWER HOUSE AND GARAGE/STORE AREA: 124.79 m²
 UNIT B UPPER HOUSE AREA: 116.15 m²
 UNIT B PORCH AREA: 6.53 m²
 UNIT B ALFRESCO AREA: 18.49 m²
 UNIT B BALCONY AREA: 18.41 m²
 UNIT B SIDE BALCONY AREA: 3.33 m²
 UNIT B TOTAL AREA: 274.78 m²

UNIT C LOWER HOUSE AND GARAGE/STORE AREA: 124.79 m²
 UNIT C UPPER HOUSE AREA: 116.15 m²
 UNIT C PORCH AREA: 6.53 m²
 UNIT C ALFRESCO AREA: 18.49 m²
 UNIT C BALCONY AREA: 18.41 m²
 UNIT C SIDE BALCONY AREA: 3.33 m²
 UNIT C TOTAL AREA: 274.86 m²

OPEN SPACE CALCULATIONS
 LOT AREA 840 m²
 MAX SITE COVERAGE
 @ 55% (462 m²)
 SITE COVERAGE ACHIEVED
 Does not include Alfresco
 & Porch areas open on 2 sides
 = 374.34 m² (44.56%)

TOWN OF EAST FREMANTLE
 PLANNING APPLICATION
 18/03/12
 - 5 FEB 2013 P 16 - 13
 RECEIVED

UPPER FLOOR PLAN 1:100

DRAWN BY: A.G.B.	DATE: 15/12/12	de pledge design 3a cann road attadale PH 0438 196 172	CLIENT: PAINTESSA DEVELOPMENTS PTY LTD BUILDING ADDRESS: LOT 1851 #235 CANNING HIGHWAY CNR IRWIN STREET EAST FREMANTLE	SHEET No. 3 OF 5 JOB No.: T00208
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1 ELEVATION
SCALE 1:100

VIEW FROM IRWIN STREET, EAST FREMANTLE



3 ELEVATION (WITH SCREEN WALL SHOWN)
SCALE 1:100

VIEW FROM CANNING HIGHWAY, EAST FREMANTLE

TOWN OF EAST FREMANTLE
PLANNING APPLICATION
16-13
15 FEB 2015 P 15-13
RECEIVED

OPEN SPACE CALCULATIONS
LOT AREA 840 m²
MAX SITE COVERAGE
@ 55% (462 m²)
SITE COVERAGE ACHIEVED
Does not include Alfresco
& Porch areas open on 2 sides
= 374.34 m² (44.56%)

UNIT A (LOW HOUSE AND GARAGE) AREA 108.78 m²
UNIT A COVERED AREA 108.78 m²
UNIT A BALCONY AREA 1.00 m²
UNIT A TERRACE AREA 1.00 m²
UNIT A DRIVEWAY AREA 1.00 m²
UNIT A SUB TOTAL AREA 112.78 m²
UNIT B (LOW HOUSE AND GARAGE) AREA 108.78 m²
UNIT B COVERED AREA 108.78 m²
UNIT B BALCONY AREA 1.00 m²
UNIT B TERRACE AREA 1.00 m²
UNIT B DRIVEWAY AREA 1.00 m²
UNIT B SUB TOTAL AREA 112.78 m²
UNIT C (LOW HOUSE AND GARAGE) AREA 108.78 m²
UNIT C COVERED AREA 108.78 m²
UNIT C BALCONY AREA 1.00 m²
UNIT C TERRACE AREA 1.00 m²
UNIT C DRIVEWAY AREA 1.00 m²
UNIT C SUB TOTAL AREA 112.78 m²
UNIT D (LOW HOUSE AND GARAGE) AREA 108.78 m²
UNIT D COVERED AREA 108.78 m²
UNIT D BALCONY AREA 1.00 m²
UNIT D TERRACE AREA 1.00 m²
UNIT D DRIVEWAY AREA 1.00 m²
UNIT D SUB TOTAL AREA 112.78 m²
UNIT E (LOW HOUSE AND GARAGE) AREA 108.78 m²
UNIT E COVERED AREA 108.78 m²
UNIT E BALCONY AREA 1.00 m²
UNIT E TERRACE AREA 1.00 m²
UNIT E DRIVEWAY AREA 1.00 m²
UNIT E SUB TOTAL AREA 112.78 m²

DEPARTMENT OF PLANNING
09 SEP 2015
FILE 04-57010-1

DEPARTMENT OF PLANNING
16-13
15 FEB 2015 P 15-13

ELEVATIONS 1:100

DESIGNER: de pledge design 3a camp road ottobello PH 0438 196 172	CLIENT: PAINTESSA DEVELOPMENTS PTY LTD LOT 1551 #215 CANNING HIGHWAY CNR IRWIN STREET EAST FREMANTLE	SHEET NO: (4) OF (5)	JOB NO: T00208
ISSUED BY: AJB	DATE: 09/01/15		



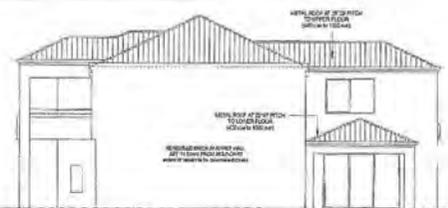
1 ELEVATION
SCALE 1:100



2 ELEVATION
SCALE 1:100



3 ELEVATION
SCALE 1:100



5 ELEVATION
SCALE 1:100



7 ELEVATION
SCALE 1:100



4 ELEVATION
SCALE 1:100



6 ELEVATION
SCALE 1:100



8 ELEVATION
SCALE 1:100

UNIT A LOT AREA: 284.00 m² (65.56% SITE COVERAGE)
 UNIT B LOT AREA: 284.00 m² (65.56% SITE COVERAGE)
 UNIT C LOT AREA: 284.00 m² (65.56% SITE COVERAGE)
 UNIT A TOTAL AREA: 284.00 m²
 UNIT B TOTAL AREA: 284.00 m²
 UNIT C TOTAL AREA: 284.00 m²

OPEN SPACE CALCULATIONS
 LOT AREA 840 m²
 MAX SITE COVERAGE @ 65% (462 m²)
 SITE COVERAGE ACHIEVED Does not include Alfresco & Porch areas open on 2 sides = 374.34 m² (44.56%)

DEPARTMENT OF PLANNING
 09 SEP 2012
 FILE 04-5700-10-1

RECEIVED
 16-13

ELEVATIONS 1:100

de pledge design

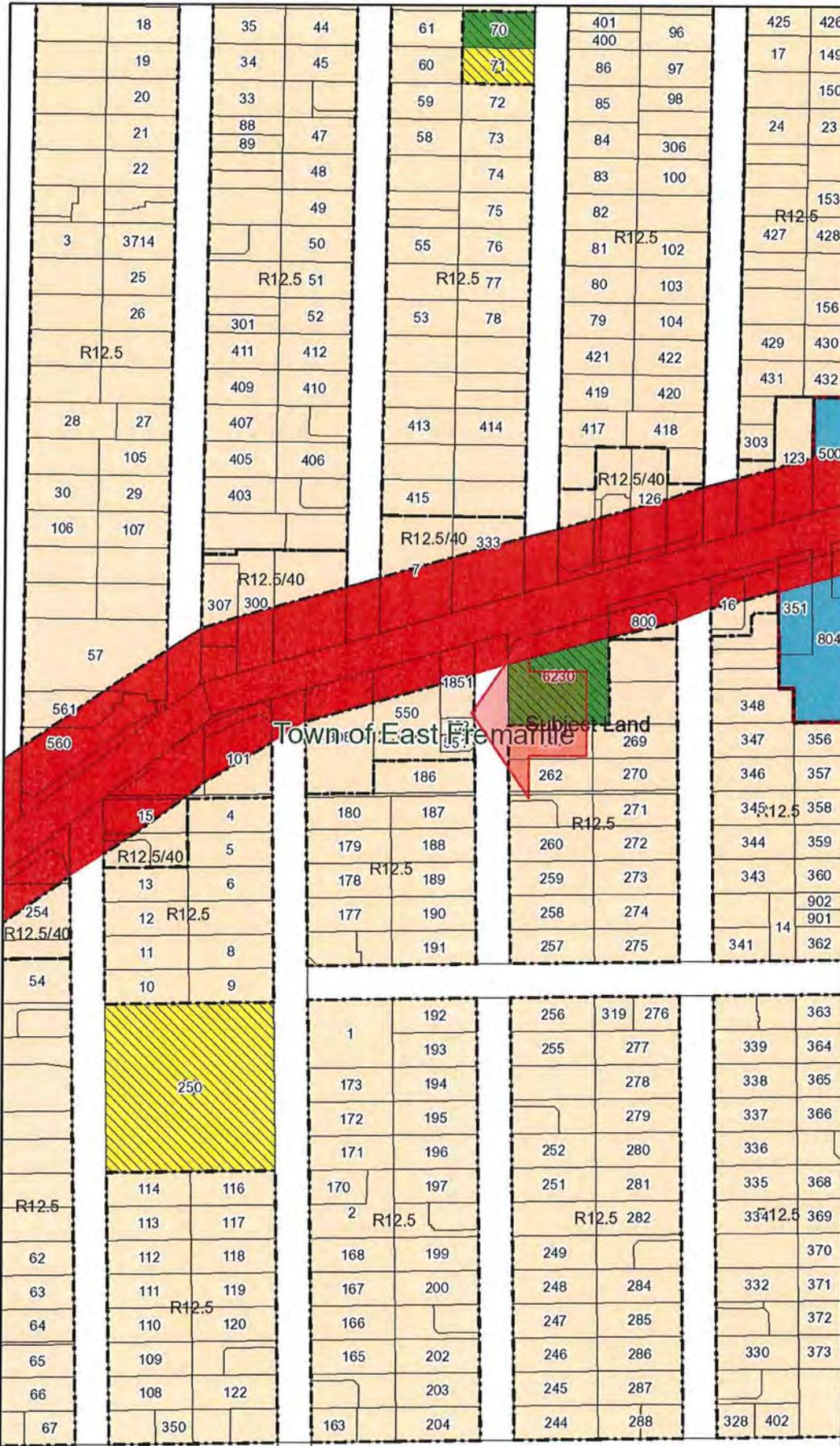
PAINTESSA DEVELOPMENTS PTY LTD

SHEET 5 OF 5

30 cam road PH 0439 186 172

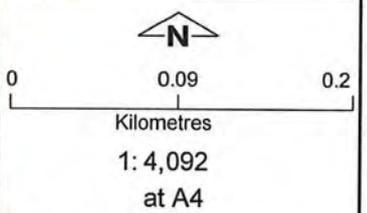
AGENDA PAGE 142

T00208



Legend

- Local government area
- Cadastre (view 1)
- Cadastre (view 2)
- Cadastre (view 3)
- Cadastre (view 4)
- W.A. Coastline
- R-Code Boundary
- GBRS - Reserves**
 - other regional roads
 - port installations
 - pp - airport
 - pp - high school
 - pp - hospital
 - pp - prison
 - pp - public utilities
 - pp - special uses
 - pp - technical school
 - pp - university
 - primary regional roads
 - railways
 - regional open space
 - state forests
 - waterways
- MRS - Reserves**
 - civic and cultural
 - other regional roads
 - parks and recreation
 - parks and recreation - restricted
 - port installations
 - pp - car park
 - pp - commonwealth government
 - pp - high school
 - pp - hospital
 - pp - prison
 - pp - special uses



Projection:
WGS 1984 Web Mercator Auxiliary Sphe

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

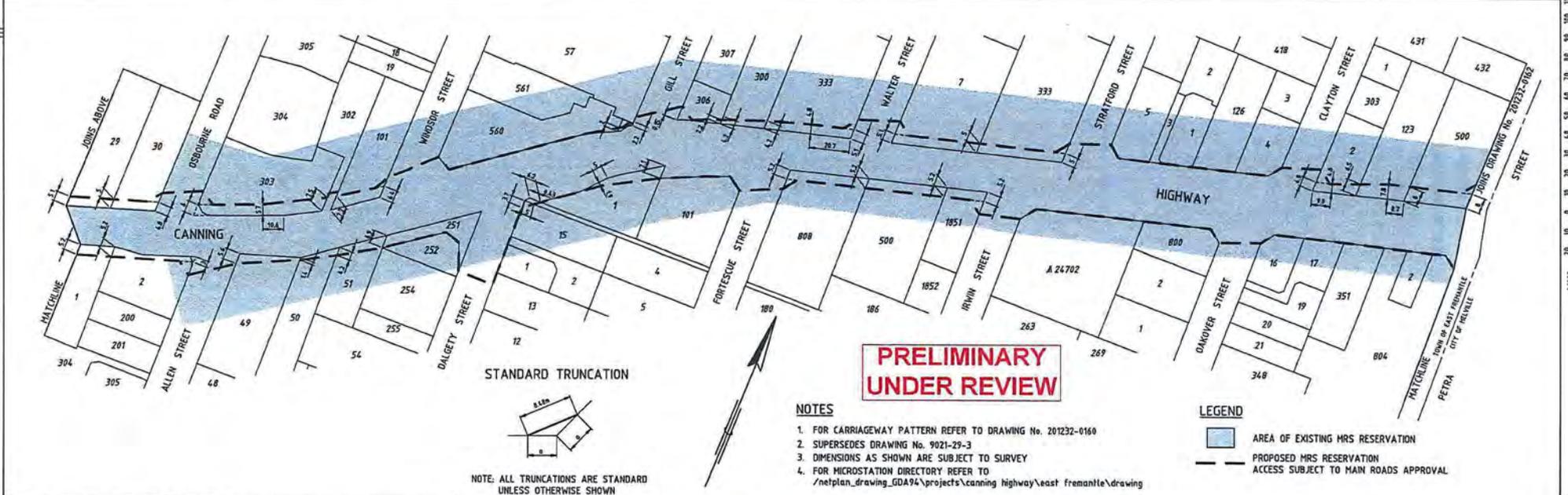
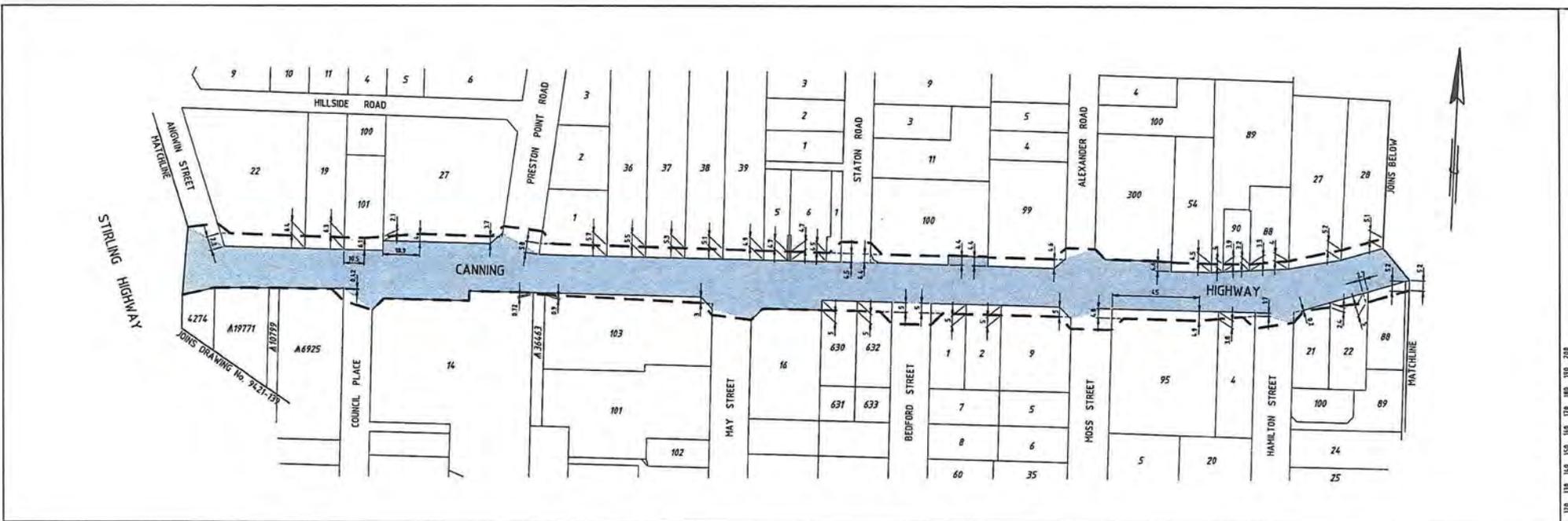
Date produced: 13-Nov-2013

PlanViewWA Map

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to viewer](#)

11000 10000 9000 8000 7000 6000 5000 4000 3000 2000 1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000



NOTES

1. FOR CARRIAGEWAY PATTERN REFER TO DRAWING No. 201232-0160
2. SUPERSEDES DRAWING No. 9021-29-3
3. DIMENSIONS AS SHOWN ARE SUBJECT TO SURVEY
4. FOR MICROSTATION DIRECTORY REFER TO /netplan_drawing_GDA94/projects/canning highway/east fremantle/drawing

LEGEND

- AREA OF EXISTING MRS RESERVATION
- PROPOSED MRS RESERVATION
- ACCESS SUBJECT TO MAIN ROADS APPROVAL

THIS DRAWING IS AN AMENDMENT OF THE APPROVED DRAWING

REV	DESCRIPTION	CHKD	DATE	APPR	DATE	PLAN NO.

MRS EFFECTIVE DATE		ORIGINAL DRAWING SET A1		IN THE ABSENCE OF THE APPROVED SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY	
DATE	AJND	DESIGNED	DRAWN	CHECKED	EXAMINED
04-07-94		D. VAN DER DRIES	D. VAN DER DRIES	D. VAN DER DRIES	

CANNING HIGHWAY (H013)
 STIRLING HIGHWAY TO PETRA STREET
LAND PROTECTION PLAN
 S.L.K. 15.40 TO S.L.K. 13.98

LOCAL AUTHORITY: TOWN OF EAST FREMANTLE



ROAD PLANNING BRANCH
 WATERLOO CREEK EAST PERTH WA
 TEL: (08) 202 0211 FAX: (08) 202 0667

DRAWING NUMBER: **201232-0158**

Heritage Survey 2006

(MUNICIPAL HERITAGE INVENTORY)

PLACE RECORD FORM

Management Category	Lot	St No.	Street	Precinct (TPS3)	Type of Place
B		235	Canning Hwy	Woodside	Corner Shop & Residence
TPS 3 Heritage List TPS 3 Heritage Area					Woodside East Canning Hwy



Categories		Significance				
Historic Theme	Demographic Settlement	Aesthetic				
Sub-Theme	Residential Land Subdivision	Historic				
Period	Inter-War	Social				
Style	Inter-War Commercial	Scientific				
		Representative				
		Rarity				
Rating & Assessment		High		Low		
Aesthetic Value		1	2	3	4	5
Architectural Merit		1	2	3	4	5
Rarity Value		1	2	3	4	5
Group/Precinct Value		1	2	3	4	5
Condition		1	2	3	4	5
Integrity		1	2	3	4	5

CATEGORY B

State Register of Heritage Places	Town Planning Scheme No. 3 Heritage List	Heritage Survey / Municipal Inventory	Town Planning Scheme No. 3 Provisions
No	Yes	Yes	Yes

Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Planning Scheme to conserve the significance of the place. A Heritage Assessment / Impact Statement to be required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.