



Statutory Planning Committee

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

**Tuesday 11 February 2014
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. Declaration of opening
2. Apologies:
3. Members on leave of absence and applications for leave of absence
4. Disclosure of interests
5. Declaration of due consideration
6. Deputations and presentations
7. Announcements by the Chairperson of the board and communication from the WAPC
8. Confirmation of minutes of the meeting of 21 January 2014
9. Reports (see attached index of reports)
10. Confidential items (see attached index of reports)
11. General business
 - 11.1 State Planning Policies and Instruments of Delegation (see attached list) for consideration on 25 February 2014)
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
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13. Closure - next meeting will be a Policy meeting to be held on 25 February 2014

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Minutes
of ordinary meeting 7494
held on Tuesday 21 January 2014

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	Acting Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Lindsay Baxter	Planning Director, Perth and Peel Planning (Item 10.5)
Ms Natalie Cox	Planning Manager, Perth and Peel Planning (Item 10.1)
Ms Rebecca Fuller	Senior Planning Officer, Schemes and Amendments (Items 10.2, 10.4 and 10.6)
Ms Sally Grebe	Senior Planning Officer, Independent Planning Reviewer
Ms Frances Page-Croft	Senior Planning Officer, Perth and Peel Planning (Item 10.5)

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Observers

Mr Ashley Cranenburgh	Save Como Action Group (Item 6.8 ref Item 10.6)
Mr Remo Formato	City of Stirling (Item 6.2 ref Item 10.2)
Mr Mohsin Mattaqui	Planning Manager, Strategy, Policy and Projects (Item 10.3)
Mr Berto Santana	Senior Planning Officer, Strategy, Policy and Projects (Item 10.2)
Ms Teena Shervington	Department of Regional Development
Mr Brian Stinson	Pulse Property Solutions (Item 6.1 refers Item 10.2)
Ms Pauline Thurston	Save Como Action Group (Item 6.8 ref Item 10.6)
Mr Tony Thurston	Save Como Action Group (Item 6.8 ref Item 10.6)
Mr Matthew Whelpdale	Primewest (Wattleup) Pty Ltd (Item 6.5 ref Item 10.5)

Presenters

Ms Amanda Gauci	Pulse Property Solutions (Item 6.1 refers Item 10.2)
Mr Fraser Henderson	City of Stirling (Item 6.2 refers Item 10.2)
Mayor Giovanni Italiano	City of Stirling (Item 6.2 refers Item 10.2)
Mr Tim Trefry	Roberts Day Town Planning & Design (Item 6.3 refers Item 10.3)

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Mr Phil Russell Mr Craig Clarke	City of Swan (Item 6.4 ref Item 10.3) McLeods Solicitors (Item 6.4 ref Item 10.3)
Mr Jon Burgess	Burgess Design Group (Item 6.5 ref Item 10.5)
Mayor Susanne Doherty Cr Kevin Trent	City of South Perth (Item 6.6 ref Item 10.6) City of South Perth, Moresby Ward (Item 6.6 ref Item 10.6)
Mr Peter Goff Mr Reg Bateman	MGA Town Planners (Item 6.7 ref Item 10.6) Realcom (Item 6.7 ref Item 10.6)
Mr Greg Benjamin Mr Ed Turner	Save Como Action Group (Item 6.8 ref Item 10.6) Turner Master Planners Australia (Item 6.8 ref Item 10.6)
Committee Support Ms Christina Sanders	Committee Support Officer - Department of Planning

7494.1 Declaration of Opening

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

7494.2 Apologies

Nil.

7494.3 Members on Leave of Absence and Applications for Leave of Absence

Mr Martin Clifford had previously submitted a Leave of Absence for the meeting of 21 January 2014.

7494.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Duncan Ord	10.6	12	Impartiality

Mr Ord, who has disclosed an impartiality interest as his sister is a member of the Save Como Action Group, declared that he would depart the meeting for Item 10.6 City of South Perth Town Planning Scheme No. 6 - Amendment No. 40 - For Final Approval, and take no part in discussion or voting on the item.

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Members noted the disclosure.

7494.5 Declaration of Due Consideration

No declarations were made.

Moved to Item 8.1.

7494.6 Deputations and Presentations

7494.6.1 **City of Stirling Local Planning Scheme No. 3 Amendment No. 32 (refers Item 10.2)**

Presenters Ms Amanda Gauci

Ms Gauci gave a powerpoint presentation against the City of Stirling Local Planning Scheme No. 3 Amendment No. 32.

A copy of the presentation has been placed on file.

Ms Gauci and Mr Stinson provided further information in response to members' questions.

Moved to Item 6.3.

7494.6.2 **City of Stirling Local Planning Scheme No. 3 Amendment No. 32 (refers Item 10.2)**

Presenters Mr Fraser Henderson
Mayor Giovanni Italiano

Mayor Italiano introduced Mr Fraser and Mr Formato.

Mr Fraser gave a powerpoint presentation in support of the City of Stirling's Local Planning Scheme No. 3 Amendment No. 32 and provided further information in response to members' questions.

A copy of the presentation has been placed on file.

Moved to Item 6.1.

7494.6.3 **City of Swan – Local Planning Scheme Amendment No. 96 (refers Item 10.3)**

Presenter Mr Tim Trefry

Mr Trefry provided a summary of progress on the City of Swan's Local Planning Scheme Amendment No. 96 and noted there is no need or nexus for a bridge over the Ellen

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Brook for Ellenbrook's Village 7b as the existing road network is sufficient.

Two maps had been forwarded to members prior to the meeting and copies have been placed on file.

7494.6.4 **City of Swan – Local Planning Scheme Amendment No. 96 (refers Item 10.3)**

Presenters Mr Phil Russell
 Mr Craig Slarke

Mr Russell spoke in favour of the City of Swan Local Planning Scheme Amendment No. 96 in particular the proposed bridge, which would enhance connectivity, particularly for pedestrians and cyclists.

Mr Slarke outlined the necessity for the bridge and responded to questions from members.

7494.6.5 **Subdivision to Create 93 Lots - Wattleup Road, Wattleup (refers Item 10.5)**

Presenters Mr John Burgess

Mr Burgess spoke in support of the subdivision to create 93 lots in Wattleup Road, Wattleup and outlined the history of the project.

7494.6.6 **City of South Perth Town Planning Scheme No. 6 Amendment 40 (refers Item 10.6)**

Presenters Mayor Susanne Doherty
 Cr Kevin Trent

Mayor Doherty spoke in favour of the City of South Perth's Town Planning Scheme No. 6 Amendment 40 and tabled a diagram of the proposed area.

A copy of the diagram has been placed on file.

Deputation comments had been forwarded to members prior to the meeting and a copy had been placed on file.

7494.6.7 **City of South Perth Town Planning Scheme No. 6 Amendment 40 (refers Item 10.6)**

Presenters Mr Peter Goff
 Mr Reg Bateman

Mr Goff spoke against the City of Perth's Town Planning Scheme No. 6 Amendment 40. He tabled amendment maps for members' interest.

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A copy of the maps has been placed on file.

Mr Bateman gave a background to the history of the site, the community consultation that occurred and the process still to be undertaken.

7494.6.8 **City of South Perth Town Planning Scheme No. 6 Amendment 40 (refers Item 10.6)**

Presenters Mr Greg Benjamin
Mr Ed Turner

Mr Turner spoke against the City of South Perth's Town Planning Scheme No. 6 Amendment 40.

Mr Benjamin spoke on behalf of the Como Action Group against the City's Town Planning Scheme and tabled copies of his and Mr Turner's powerpoint presentations.

Copies of the three presentations have been placed on file.

7494.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman advised that Western Australian Planning Commission (WAPC) is in the process of preparing a WAPC Budget and a Service Level Agreement between the Department of Planning and the WAPC on behalf of the Minister. The Service Level Agreement is the result of a Value for Money Audit of the Department and further discussions through the Expenditure Review Committee of Cabinet.

As a Board of Management, an induction session will be held on 28 January 2014 for WAPC members. As advised at the December WAPC meeting, the WAPC will be increasing and expanding the focus of the Statutory Planning Committee, Executive Finance and Property Committee and Infrastructure Coordinating Committee. Regional Planning Committees will be focusing primarily on strategic issues. The SPC will meet bimonthly, however every fourth meeting will be devoted to considering policy review and other key policy initiatives. Members will receive a list of existing policies and the SPC will move progressively through those to ensure the policies are relevant and there is no conflict between other policies. At the first policy meeting, the SPC will set priorities for policy discussion.

Moved to Item 9.1.

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7494.8 Confirmation of Minutes

7494.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 10 December 2013

Resolved

Moved by Ms Taylor, seconded by Mr Ord

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

The motion was put and carried.

Moved to Item 6.2.

7494.9 Reports

7494.9.1 Shire of Coorow - Coorow Townsite Local Planning Strategy - Final Endorsement

File DP/13/00451/1

Report Number SPC/584

Agenda Part E

Reporting Officer Planning Manager - Central Regions

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions to the Strategy in accordance with the Schedule of Submissions (Attachment 3);*
- 2. endorse the Shire of Coorow Townsite Local Planning Strategy as being consistent with regulation 12A(3) of the Town Planning Regulations 1967 (as amended) with the following modification:*

Insert sentence "Where there is a conflict between the existing Shire of Coorow Local Planning Strategy 2001 and the Coorow Townsite Local Planning Strategy, the Coorow Townsite Local Planning Strategy

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shall prevail" as a last paragraph in section 1.1 in order to address any future potential conflict between the two documents.

The motion was put and carried.

7494.10 Confidential Items

7494.10.1 City of Kwinana Town Planning Scheme No. 2 Amendment No. 135 - For Final Approval

File TPS/0944/1
Report Number SPC/585
Agenda Part B
Reporting Officer Manager, Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7494.10.2 City of Stirling Local Planning Scheme No.3 Amendment No.32 - Consent to Advertise

File TPS/0973
Report Number SPC/586
Agenda Part B
Reporting Officer Planning Manager - Schemes and Amendments

7494.10.3 City of Swan - Local Planning Scheme Amendment No. 96 - For Final Approval

File TPS/1011/1
Report Number SPC/587
Agenda Part B
Reporting Officer Planning Manager- Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7494.10.4 City of Stirling Local Planning Scheme No.3 Amendment No.38 - Consent to Advertise

File TPS/1123
Report Number SPC/588
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

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- 7494.10.5** **Subdivision to Create 93 Lots For Residential Purposes, Two Public Open Space Reserves and Two Balance Lots (One Homestead, the Other for the Widening of Rowley Road) at Lots 117, and 805 Wattleup Road, Wattleup (Hammond Park) : Applicant: Primewest (Wattleup) Pty Ltd**

File 147987
Report Number SPC/589
Agenda Part D
Reporting Officer Planning Manager,
Metropolitan Planning South West,
Perth and Peel Planning

THIS ITEM IS CONFIDENTIAL

- 7494.10.6** **City of South Perth Town Planning Scheme No. 6 - Amendment No. 40 - For Final Approval**

File TPS/1095
Report Number SPC/590
Agenda Part F
Reporting Officer Planning Manager, Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

- 7494.10.7** **Endorsement of the Ashburton North Strategic Industrial Area (ANSIA), General Industrial Area (GIA) Stage 1c (Eastern Portion) Outline Development Plan**

File SPN/0257
Report Number SPC/591
Agenda Part G
Reporting Officer Planning Manager - Pilbara Region

THIS ITEM IS CONFIDENTIAL

- 7494.10.8** **State Administrative Tribunal Review: Invitation to Reconsider Condition of Approved Residential Lease and to Accept Modification To Approved Plan of Subdivision Via Deposited Plan at Lot 236 and 237 Helena Valley Road, Helena Valley**

File 263/2/27/1 Vol 3 and 146730
Report Number SPC/592
Agenda Part G
Reporting Officer A/Manager Planning Appeals

THIS ITEM IS CONFIDENTIAL

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7494.11 General Business

Nil.

7494.12 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

7494.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 11 February 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.02 pm.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	REPORTS
A	POLICY
9.1	CITY OF KALGOORLIE-BOULDER R-CODES POLICY (RCODES 01) TO VARY STATE PLANNING POLICY 3.1 RESIDENTIAL DESIGN CODES
E	LOCAL PLANNING STRATEGIES
9.2	SHIRE OF THREE SPRINGS: DRAFT LOCAL PLANNING STRATEGY – FOR FINAL ENDORSEMENT
9.3	SHIRE OF THREE SPRINGS – THREE SPRINGS TOWNSITE STRATEGY – FOR FINAL ENDORSEMENT
G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.4	SUBDIVISION TO CREATE THREE LOTS FOR RESIDENTIAL PURPOSE. LOT 63 (NO. 20) JUKES WAY, WEMBLEY
9.5	DEVELOPMENT: RURAL SHED - LOT 16 GREAT NORTHERN HIGHWAY, BASKERVILLE.
9.6	RECONSIDERATION OF CONDITIONS TO SUBDIVISION APPROVAL ISSUED FOR LOT 500 COOTHALLIE ROAD, CHIDLOW AND VARIATION TO OUTLINE DEVELOPMENT PLAN NO 357
10	CONFIDENTIAL REPORTS
A	POLICY
10.1	ENDORSEMENT OF DRAFT PLANNING BULLETIN 49: CARAVAN PARKS
10.2	RURAL PLANNING GUIDELINES REVIEW
B	LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS

10.3 AMENDMENT NO.1 TO CITY OF STIRLING LOCAL
PLANNING SCHEME NO. 3 CONSIDERATION FOR
FINAL APPROVAL

C SUBDIVISIONS / AMALGAMATIONS

10.4 CALCULATION OF MAXIMUM AVERAGE DENSITY

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

10.5 SHIRE OF TOODYAY - LOCAL PLANNING SCHEME
NO. 4 AMENDMENT 6 - FOR FINAL APPROVAL

10.6 CITY OF GREATER GERALDTON LOCAL PLANNING
STRATEGY AND LOCAL PLANNING SCHEME NO.1 -
RESOLUTION TO PREPARE A SCHEME

ITEM NO: 9.1

CITY OF KALGOORLIE-BOULDER R-CODES POLICY (RCODES01) TO VARY STATE PLANNING POLICY 3.1 RESIDENTIAL DESIGN CODES

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager - Statutory Planning, Central Regions
AUTHORISING OFFICER:	Executive Director - Regional Planning and Strategy
AGENDA PART:	A
FILE NO:	TPS/0458
DATE:	9 January 2014
ATTACHMENT(S):	Attachment 1 - RCODES01 Attachment 2 - Proposal Details and Assessment

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. approve the amendment of deemed-to-comply provisions of State Planning Policy 3.1 Residential Design Codes as contained in the City of Kalgoorlie-Boulder Residential Design Codes Policy RCODES01 (Attachment 1), adopted by the City of Kalgoorlie-Boulder on 16 December 2013;***
- 2. notify the local government accordingly.***

SUMMARY:

In accordance with Clause 7.3.2 of State Planning Policy 3.1 Residential Design Codes (R-Codes), the City of Kalgoorlie-Boulder has submitted for WAPC approval, its new Residential Design Codes Policy which amends a number of deemed-to-comply provisions. All proposed amendments in this instance respond to local conditions, remain consistent with the objectives and design principles of the R-Codes and will raise no issues in relation to implementation.

BACKGROUND:

Following public advertisement in accordance with the City of Kalgoorlie-Boulder Town Planning Scheme No. 1 (TPS 1), the City of Kalgoorlie-Boulder (the City) Council, in December 2013, adopted a revised and updated version of its 2008 R-Codes Policy. The new version of the policy is referred to as *RCODES01 - R Codes*

Policy (RCODES01) and contains amendments to the deemed-to-comply provisions of several design principles included in State Planning Policy 3.1 Residential Design Codes (the R-Codes) gazetted in August 2013. The proposed amendments are intended to facilitate improved "as-of-right" residential development in response to the local planning and development context.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 5

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned Local Communities developing a sense of place

Strategies:

Improve local planning service capability

Policy

Number and Name:

State Planning Policy 3.1 Residential Design Codes

DETAILS:

Part 7, Section 7.3 of the R-Codes provides for local planning policies, local development plans, local structure plans and activity centre plans to amend or replace deemed-to-comply provisions set out in Parts 5 or 6. With the exception of provisions listed at Clause 7.3.1, WAPC approval is required for any amendment to deemed-to-comply provisions.

In addition to five amendments in accordance with Clause 7.3.1, RCODES01 proposes nine amendments requiring WAPC approval. These 9 amendments will allow for the following:

- for carports up to 9 metres in length to have a nil boundary setback.
- access to on-site car parking spaces from a primary street.
- for onsite stormwater retention in all areas other than Boulder, South Boulder or lots identified as being located within the Gribble Creek Flood Plain by the Gribble Creek Flood Study.
- prohibits the use of sumps in all areas and provides the ability to use bubble-up pits in some areas, considered on an individual basis.
- the disposal of stormwater from any structure over 60m² to be directed to the street.
- outbuildings up to 200m² or 10 per cent of the lot.
- car parking based on the number bedrooms rather than the size (m²) of the dwelling.

The five amendments included in RCODES01 in accordance with clause 7.3.1 are not considered in this report as there is no requirement for WAPC approval.

GOVERNMENT AND CORPORATE IMPLICATIONS:

There are no foreseeable implications for the State Government resulting from the proposed amendments to deemed-to-comply provisions in the R-Codes.

CONSULTATION:

In accordance with section 8.8 of TPS 1, RCODES01 was publicly advertised from 19 October 2013 to 11 November 2013. With the exception of the Department of Planning's advice regarding the need to submit the policy for WAPC approval in accordance with section 7.3 of the R-Codes, no submissions were received.

OFFICER'S COMMENTS:

Clause 7.3.2 of the R-Codes, requires the WAPC to be satisfied, "that the proposed amendment:

- 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."

Attachment 2 details the proposed amendments and includes the rationale for each, as provided by the City. Attachment 1 also contains an assessment by the Department of Planning of each proposal in accordance with the above criteria and an associated recommendation. In each instance approval is recommended. The proposed amendments are all considered to be in response to local conditions, to retain consistency with the objectives and design principles of the R-Codes and do not raise any issues in terms of implementation.

It is also noted that the City anticipates that the proposed amendments to the R-Codes will reduce the number of planning applications received by the City because of relatively minor inconsistencies with the R-Codes, thereby delivering improved efficiencies for local planning and development stakeholders.



RESIDENTIAL DESIGN CODES POLICY

RCODES01

BACKGROUND

The Residential Design Codes provide a basis for the control, through local government, of residential development throughout Western Australia.

To overcome planning deficiencies, local governments may adopt planning policies which allow for more effective assessment of local differences. In some instances there are particular matters of a local nature that require specific variations to planning controls outlined in the Residential Design Codes.

This policy seeks to provide additional or modified 'deemed-to-comply' criteria only.

OBJECTIVES

The key objective of this policy is to provide for consistent, fair and thorough assessment of residential development in the municipality of the City of Kalgoorlie-Boulder, taking into account the local context. This policy provides guidance to staff, Councillors, landowners, developers, consultants, other governmental agencies and the general public regarding residential planning matters.

In addition, this policy endeavours to encourage good quality development within the City.

LEGAL STATUS/CONSIDERATIONS

Policy is adopted in accordance with clause 7.3.1 and 7.3.2 of the *Residential Design Codes of Western Australia 2013* and as a town planning scheme policy pursuant to clause 8.8 of the *City of Kalgoorlie-Boulder Town Planning Scheme No. 1*.

SPECIAL PROCEDURAL CONSIDERATIONS

Nil.

POLICY STATEMENT

The following deemed-to-comply criteria are either modified or additional to the deemed-to-comply criteria set out in the *Residential Design Codes of Western Australia 2013*.

Part 5 – Design elements for all single and grouped dwellings; and multiple dwellings in areas coded less than R30

5.1.2 Street setback

- | | |
|--------------|---|
| 5.1.2 C2.1 i | in accordance with Table 1; except that in areas coded R10 to R17.5, buildings other than carports and garages to be setback 6m from the primary street boundary; |
| 5.1.2 C2.4 i | A balcony, verandah or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the |

street setback area, provided that the total of such projection does not exceed 20% of the frontage at any level (refer Figure 2b)

- 5.1.2 C2.4 ii A porch, chimney or the equivalent may (subject to the Building Code of Australia) project more than 1m into the street setback area, provided that the porch, chimney or the equivalent does not project closer to the primary boundary than the front wall of the dwelling.

5.1.3 Lot boundary setback

- 5.1.3 C3.1 vi carports with a wall height no greater than 3m and a length no greater than 9m may be built up to the lot boundary.
- 5.1.3 C3.2 ii in areas coded R12.5, R15, R20 and R25, walls not higher than 3.5m with an average of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only.

5.2.1 Setback of garages and carports

- 5.2.1 C1.2 Notwithstanding clause 5.1.2 C2.1 iii, carports set back 1.5m from the primary street.

5.3.5 Vehicle access

- 5.3.5 C5.1
- from the primary street frontage.

5.3.9 Stormwater management

- 5.3.9 C9.1 All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site. This does not include the localities of Boulder and South Boulder; or lots either wholly or partially within the Gribble Creek Flood Plain, as identified in the Gribble Creek Flood Study.

Note: Sumps are not acceptable; bubble-up pits may be permissible.

- 5.3.9 C9.2 In all localities, stormwater from dwellings and other substantial buildings over 60m² may be directed to the street.

5.4.3 Outbuildings

- 5.4.3 C3 Outbuildings that:
- are not attached to a dwelling;
 - are non-habitable;
 - collectively do not exceed 200m² in area of 10% in aggregate of the site area, whichever is the lesser;
 - do not exceed a wall height of 3m;

- v. do not exceed a ridge height of 5m;
- vi. are not within the primary street setback area;
- vii. do not reduce the amount of open space required in Table 1; and
- viii. comply with the setback requirements of Table 1, but in areas coded R15 or less, the rear setback requirement is determined by Tables 2a and 2b.

Part 6 – Design elements for multiple dwellings in areas coded R30 or greater

6.3.3 Parking

6.3.3 C3.1

The following minimum number of on-site car parking spaces is provided for per dwelling in Location B:

- * 1 bedroom – 1 space
- * 2 or more bedrooms – 2 spaces
- * Visitors car parking spaces (per dwelling) – 0.25 spaces

6.3.5 Vehicle access

6.3.5 C5.2

- from the primary street frontage.

6.3.8 Stormwater management

6.3.8 C8.1

All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site. This does not include the localities of Boulder and South Boulder; or lots either wholly or partially within the Gribble Creek Flood Plain, as identified in the Gribble Creek Flood Study.

Note: Sumps are not acceptable; bubble-up pits may be permissible.

6.3.8 C8.2

In all localities, stormwater from dwellings and other substantial buildings over 60m² may be directed to the street.

Policy Owner:	<i>Director Community & Development Services</i>
Council Adoption:	<i>Monday 16 December 2013 – Item 15.2.7</i>
Review Date:	<i>December 2014</i>

R-CODES (August 2013) DEEMED-TO-COMPLY PROVISIONS	RCODES01 DEEMED-TO-COMPLY PROVISIONS	CITY OF KALGOORLIE-BOULDER COMMENTS	DOP ASSESSMENT			WAPC RECOMMENDATION
			Local Need	Consistency with Objectives and Design Principles	Implementation	
<p>5.1.3 Lot Boundary Setback</p> <p>C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <p>i. buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b...;</p> <p>ii. unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, setback as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level;</p> <p>iii. separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them;</p> <p>iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and</p> <p>v. the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m...</p>	<p>5.1.3 Lot Boundary Setback</p> <p>C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <p>i. buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b...;</p> <p>ii. unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, setback as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level;</p> <p>iii. separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them;</p> <p>iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and</p> <p>v. the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m...</p> <p>vi. <u>carports with a height no greater than 3m and a length no greater than 9m may be built up to the lot boundary.</u></p>	<ul style="list-style-type: none"> The City's existing 2008 R-Codes Policy allows for carports up to 6m to have a nil boundary setback. A large number of applications are received for carports that have a length greater than 6m, closer than 1.5m to the lot boundary. As carports do not have a side wall, there is no building bulk impacting on the adjoining property and this would also allow greater flexibility in use of the site. Vehicles in the Goldfields area tend to be larger than vehicles in the metropolitan area and allowing greater capacity to use a site to allow more room for those vehicles will assist in reducing the impact of verge parking on the visual amenity of residential areas. 	✓	✓	✓	Approve

R-CODES (August 2013) DEEMED-TO-COMPLY PROVISIONS	RCODES01 DEEMED-TO-COMPLY PROVISIONS	CITY OF KALGOORLIE-BOULDER COMMENTS	DOP ASSESSMENT			WAPC RECOMMENDATION
			Local Need	Consistency with Objectives and Design Principles	Implementation	
<p>5.3.5 & 6.3.5 Vehicular Access</p> <p>C5.1 Access to on-site car parking spaces to be provided: & C5.2</p> <ul style="list-style-type: none"> where available, from a right-of-way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street; from a secondary street where no right of way exists; or from the primary street frontage where no secondary street or right-of-way exists. 	<p>5.3.5 & 6.3.5 Vehicular Access</p> <p>C5.1 Access to on-site car parking spaces to be provided: & C5.2</p> <ul style="list-style-type: none"> where available, from a right-of-way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street; from a secondary street where no right of way exists; or from the primary street frontage where no secondary street or right-of-way exists. <u>from the primary street frontage.</u> 	<ul style="list-style-type: none"> Including this modification means that a proposed development on a corner lot with a right-of-way at the rear and proposes access from the primary street, if it meets all other deemed to comply requirements, could be exempt from planning approval. There is an existing policy in place which states that where a development proposes to have its primary access from the right-of-way when the primary street is available, then the developer is required to construct the right-of-way. Access from the primary street as a deemed-to-comply provision is considered appropriate in the Kalgoorlie-Boulder area given there are very wide streets that allow for much greater manoeuvrability. 	✓	✓	✓	Approve
<p>5.3.9 & 6.3.8 Stormwater Management</p> <p>C9 & C8</p> <p>All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.</p>	<p>5.3.9 & 6.3.8 Stormwater Management</p> <p>C9.1 & C8.1</p> <p>All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site. <u>This does not include the localities of Boulder and South Boulder; or lots either wholly or partially within the Gribble Creek Flood Plain, as identified in the Gribble Creek Flood Study.</u></p> <p><u>Note: Sumps are not acceptable; bubble-up pits may be permissible.</u></p> <p>C9.2 & C8.2</p> <p><u>In all localities, stormwater from dwellings and other substantial buildings over 60m² may be directed to the street.</u></p>	<ul style="list-style-type: none"> The soil in the Kalgoorlie-Boulder area is impermeable and does not allow for the effective use of sumps. The Boulder/South Boulder area and areas affected by Gribble Creek are not appropriate for bubble-up pits due to the high water table in the area. The City of Kalgoorlie-Boulder's stormwater disposal system is generally use of the road network which directs stormwater flow to Gribble Creek or the Throssell Street dam. This modification will allow stormwater to the street as a deemed-to-comply provision. 	✓	✓	✓	Approve

R-CODES DEEMED-TO-COMPLY PROVISIONS (August 2013)	RCODES01 DEEMED-TO-COMPLY PROVISIONS	CITY OF KALGOORLIE-BOULDER COMMENTS	DOP ASSESSMENT			WAPC RECOMMENDATION										
			Local Need	Consistency with Objectives and Design Principles	Implementation											
<p>5.4.3 Outbuildings</p> <p>C3 Outbuildings that:</p> <p>i. are not attached to a dwelling;</p> <p>ii. are non-habitable;</p> <p>iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;</p> <p>iv. do not exceed a wall height of 2.4m;</p> <p>v. do not exceed a ridge height of 4.2m;</p> <p>vi. are not within the primary street setback area;</p> <p>vii. do not reduce the amount of open space required in Table 1; and</p> <p>viii. comply with the setback requirements of Table 1, but in areas coded R15 or less, the rear setback requirement is determined by Tables 2a and 2b.</p>	<p>5.4.3 Outbuildings</p> <p>C3 Outbuildings that:</p> <p>i. are not attached to a dwelling;</p> <p>ii. are non-habitable;</p> <p>iii. collectively do not exceed <u>200m²</u> in area or 10 per cent in aggregate of the site area, whichever is the lesser;</p> <p>iv. do not exceed a wall height of <u>3m</u>;</p> <p>v. do not exceed a ridge height of <u>5m</u>;</p> <p>vi. are not within the primary street setback area;</p> <p>vii. do not reduce the amount of open space required in Table 1; and</p> <p>viii. comply with the setback requirements of Table 1, but in areas coded R15 or less, the rear setback requirement is determined by Tables 2a and 2b.</p>	<ul style="list-style-type: none"> The City's existing 2008 R-Codes policy already contains this provision. It has previously been recognised that residents in the Kalgoorlie-Boulder area tend to have larger vehicles and, given the remote location, often also have boats, caravans, motor bikes, etc. that are used when travelling, that are required to be stored. 	✓	✓	✓	Approve										
<p>6.3.3 Parking</p> <p>C3.1 The following minimum number of on-site car parking spaces is provided per dwelling:</p> <table border="1"> <thead> <tr> <th>Type and plot ratio of dwelling</th> <th>Car parking spaces (B)</th> </tr> </thead> <tbody> <tr> <td>Small (<75m² or 1 bedroom)</td> <td>1</td> </tr> <tr> <td>Medium (75-110m²)</td> <td>1.25</td> </tr> <tr> <td>Large (>100m²)</td> <td>1.5</td> </tr> <tr> <td>Visitors car parking spaces (per dwelling)</td> <td>0.25</td> </tr> </tbody> </table>	Type and plot ratio of dwelling	Car parking spaces (B)	Small (<75m ² or 1 bedroom)	1	Medium (75-110m ²)	1.25	Large (>100m ²)	1.5	Visitors car parking spaces (per dwelling)	0.25	<p>6.3.3 Parking</p> <p>C3.1 The following minimum number of on-site car parking spaces is provided per dwelling:</p> <p>* <u>1 bedroom - 1 space</u></p> <p>* <u>2 or more bedrooms - 2 spaces</u></p> <p>* Visitors car parking spaces (per dwelling) - 0.25 spaces</p>	<ul style="list-style-type: none"> There is no access to high frequency rail or bus routes in the Kalgoorlie-Boulder area. Given the frequency with which there is often a high shortage of accommodation, dwellings are often rented to capacity and there are often, for example, more than four cars at a four bedroom dwelling. 	✓	✓	✓	Approve
Type and plot ratio of dwelling	Car parking spaces (B)															
Small (<75m ² or 1 bedroom)	1															
Medium (75-110m ²)	1.25															
Large (>100m ²)	1.5															
Visitors car parking spaces (per dwelling)	0.25															

ITEM NO: 9.2

SHIRE OF THREE SPRINGS: DRAFT LOCAL PLANNING STRATEGY – FOR FINAL ENDORSEMENT

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: A/Planning Manager - Central Regions
AUTHORISING OFFICER: Executive Director Regional Planning and Strategy
AGENDA PART: E
FILE NO: DP/12/00991/1
DATE: 29 January 2014
ATTACHMENT(S):
1. Location Plan
2. Three Springs Local Planning Strategy Map
3. Three Springs Townsite
4. Schedule of Submissions
5. Schedule of Modifications

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions to the Strategy in accordance with the attached Schedule of Submissions (Attachment 4);*
- 2. endorse the Shire of Three Springs Local Planning Strategy as being consistent with regulation 12A(3) of the Town Planning Regulations 1967 (as amended) subject to the modifications in the Schedule of Modifications being effected prior to final endorsement (Attachment 5);*
- 3. advise the Shire of Three Springs to publish a notice of the local planning strategy and the endorsement of the Commission, in accordance with regulation 12B(4) of the Town Planning Regulations 1967 (as amended).*

SUMMARY:

On the 20 November 2013, the Shire of Three Springs resolved to adopt a Local Planning Strategy (the Strategy) for submission to the Western Australian Planning Commission (WAPC) for final endorsement. The Strategy is consistent with WAPC policy and it is recommended that final endorsement, subject to modifications, be granted.

BACKGROUND:

The Strategy will provide a strategic basis for land use planning decisions within the Shire over the next 10 to 15 years, and will assist the Shire and the WAPC in assessing local planning scheme amendments, subdivision applications, and development proposals into the future.

The Shire of Three Springs Town Planning Scheme No. 1 was gazetted on 20 July 1988 and is currently under review. The Shire has also prepared a draft Townsite Strategy for the Three Springs townsite. The Townsite Strategy provides the strategic direction for the townsite only and is consistent with the draft Local Planning Strategy and draft Scheme.

The Strategy was funded through the Royalties for Regions Northern Planning Program and was administered by the Local Government Assistance Project (LGAP) team at the Department of Planning. This program has also funded the development of the draft Townsite Strategy and draft Local Planning Scheme.

The Shire of Three Springs is located in the Mid-West Region of Western Australia, approximately 310km north of Perth and 140km south-east of Geraldton. It abuts the Shires of Irwin, Mingenew and Morawa to the north-west, north and north-east respectively; and the Shires of Carnamah and Perenjori to the south and east (**Attachment 1 - Location Plan**).

The Shire has two gazetted town sites: Three Springs, the largest and administrative centre; and Arrino, primarily a rural siding stopover servicing the grain handling bins. According to the 2011 Australian Bureau of Statistics (ABS) Census, the Shire had a total population of 616 residents, 391 of whom resided in the Three Springs town site, 4 residents in Arrino and the remainder dispersed throughout the Shire.

The WAPC's WA Tomorrow 2012 document forecasts a decline in population for the future and this has been further highlighted by the Census 2011 figures, counting less residents (616) than predicted (710) by WA Tomorrow for the same year.

The main industries operating throughout the Shire are agriculture and supporting services, as well as a number of minor mining operations including a Talc mine. There are 26 existing mining tenements and 5 tenement applications wholly or partially within the Shire.

The majority of the Shire is cleared of remnant vegetation, however some areas with conservation value exist in the south and west as Department of Parks and Wildlife (DPAW) Nature Reserves. It is proposed to reclassify these reserves as 'Conservation' Local Scheme Reserves. There are no major environmental issues associated with the Shire and the Strategy.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation
Section:

Town Planning Regulation 1967
Section 12A(3) & 12B

Strategic Plan

Strategic Goal: Planning
Outcomes: Planned local communities developing a sense of place.
Strategies: Improve local planning service capacity.

Policy

Number and / or Name: SPP 2 – Environment and Natural Resources Policy
SPP 2.5 – Agricultural and Rural Land Use Planning
SPP 2.7 – Public Drinking Water Source Policy
SPP 2.9 – Water Resources
SPP 3.0 – Urban Growth and Settlement
SPP 3.1 – Residential Design Codes
SPP 3.4 – Natural Hazards and Disasters
SPP 3.5 – Historic Heritage Conservation
SPP 3.6 – Development Contribution for Infrastructure
SPP 4.1 – Draft State Industrial Buffer Policy (Amended)
Local Planning Manual (LPM)

DETAILS:

The Strategy provides a spatial planning framework for the Shire of Three Springs arising from the Shire's Strategic Community Plan 2011 and consistent with the broader Western Australian planning framework.

The Strategy is separated into two sections as per the LPM. The Background Document provides a detailed description of the Shire's social, physical and economic characteristics as a whole, as well as a thorough state, regional and local planning context. It provides the rational and justification for the planning direction outlined in the Strategy Document.

The Strategy Document seeks to classify land according to the current land use and provide guidance for future development (**Attachment 2 - Three Springs Local Planning Strategy Map**). Areas with significant conservation value have been identified to be reserved accordingly, as well as those which serve a certain purpose such as heritage sites and water catchment areas. No significant new developments are planned. The Strategy Document identifies objectives, strategies and actions based on the settlements of Three Springs and Arrino, and the rural hinterland. The Strategy proposes a number of zoning changes, as described below, and this information is assisting the review of the Shire's local planning scheme.

Three Springs Town Site

The Three Springs town site has a linear arrangement along Midlands and Railway Roads and is bisected by a railway line running through the centre of the town (**Attachment 3 - Three Springs Townsite**). 'Commercial' and 'Townsite' land uses dominate the southern side of the railway, facing onto Railway Road with a small amount of residential zoned land behind it. The northern side of the railway line contains a large portion of land zoned and used for 'Railway' purposes, as well as the majority of the town's residential land.

The Strategy proposes to rezone the remaining 7 lots along Midlands Road from 'Residential' to 'Townsite' to promote further contiguous mixed use development fronting the town's main road.

The town's industrial land is situated in the south-west corner of the town site and currently zoned 'Industry' in the current planning scheme. The Strategy proposes to divide up industrial uses into 'General Industry' and 'Light Industry' and identifies the expansion of existing industrial land (proposed as 'Light Industry') running south along West Yarra Road. This industrial land is appropriately buffered from residential lots by land classified as 'Parks and Recreation' and 'Public Purposes'.

The Strategy identifies 23 vacant residential lots in the town site which can be developed in the short term to cater for immediate residential development. Two larger super-lots located in the north of the town are also zoned 'Residential' and have the potential to be subdivided to further provide for expansion. A site abutting the north-west corner of the town site has been identified for short term and medium to long term residential expansion.

A site abutting the eastern part of the town has been identified as a 'Rural Residential Expansion Area' proposing a transient land use from surrounding rural areas to the town.

Arrino Town Site

Arrino is a small settlement located approximately 17km north-west of the Three Springs town site with a population of four persons, with the majority of the lots undeveloped. The Strategy proposes the rezoning of the undeveloped land from 'Residential' to 'Townsite' to discourage further development. A number of larger lots are to be reserved for 'Conservation' to reflect their current uses and also discourage development. Immediately surrounding the town site there are a number of existing rural lots (5.5ha - 9.5ha) that are the result of historical subdivisions. No further development is proposed in Arrino.

Rural Hinterland

The rural hinterland comprises the majority of the land area in the Shire and the major land use is broad acre agriculture. The Strategy supports the identification of Priority Agricultural Land, in conjunction with the Department of Agriculture and Food WA, and discourages the fragmentation Agricultural zoned land for subdivision.

The Strategy also aims to recognise and protect Conservation reserves and remnant vegetation by classifying DPAW reserves as 'Conservation' Local Scheme Reserves and encourages the preparation of native vegetation management planning. In addition, special control areas and buffers are suggested for the local planning scheme to protect public drinking water supply areas, such as Arrowsmith Water Reserve and Dookanooka Water Reserve.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The Local Planning Strategy provides the opportunity for the application of State and regional policy across the local government. It will update local strategic planning and inform statutory planning across the Shire.

CONSULTATION:

In 2009, the Local Government adopted the *Shire of Three Springs Plan for the Future 2009 - 2012* document, which sets out goals, visions and considerations impacting the Shire and how they will be addressed in time. The key objectives established a need to update the strategic and statutory planning ambitions for the Shire through the development and review of relevant planning documentation. The preparation of this Strategy is in accordance with the objectives contained within this strategic document.

The WAPC granted consent to advertise the Strategy on 31 January 2013 subject to modifications, including the removal of lots to the east of Arrino for future small rural holdings. This modification has been made to the final document.

In granting consent to advertise, the WAPC further advised the Local Government that:

“The proposed 'Rural Residential Expansion Area' in the Three Springs Town Site is likely to confine any long term residential expansion of the town to the south-east. Given that the Town has other expansion constraints to the south and south-west, the Shire is advised to consider the modification of the area during the consultation process, in order to not restrict the potential for the long term residential expansion of the Town. This may involve locating the Rural Residential Expansion Area to the north where existing Rural Residential development currently exists”.

It is noted that no changes to the Strategy document have been made as a result of this advice.

The Strategy was advertised in accordance with regulation 12B of the *Town Planning Regulations, 1967 (as amended)* from 25 March 2013 for 60 days. Ten (10) submissions were received from State and local government, service providers and landholders, none of which objected to the Strategy (**Attachment 4: Schedule of Submissions**).

OFFICER'S COMMENTS:

The Strategy comprehensively addresses the requirements of the LPM and satisfies the requirements for Local Planning Strategies under section 12A(3) of the *Town Planning Regulations, 1967 (as amended)*.

Modifications

The Local Government have recommended a number of minor modifications to the Strategy as a result of the submissions. These modifications will provide more accurate information and are generally supported.

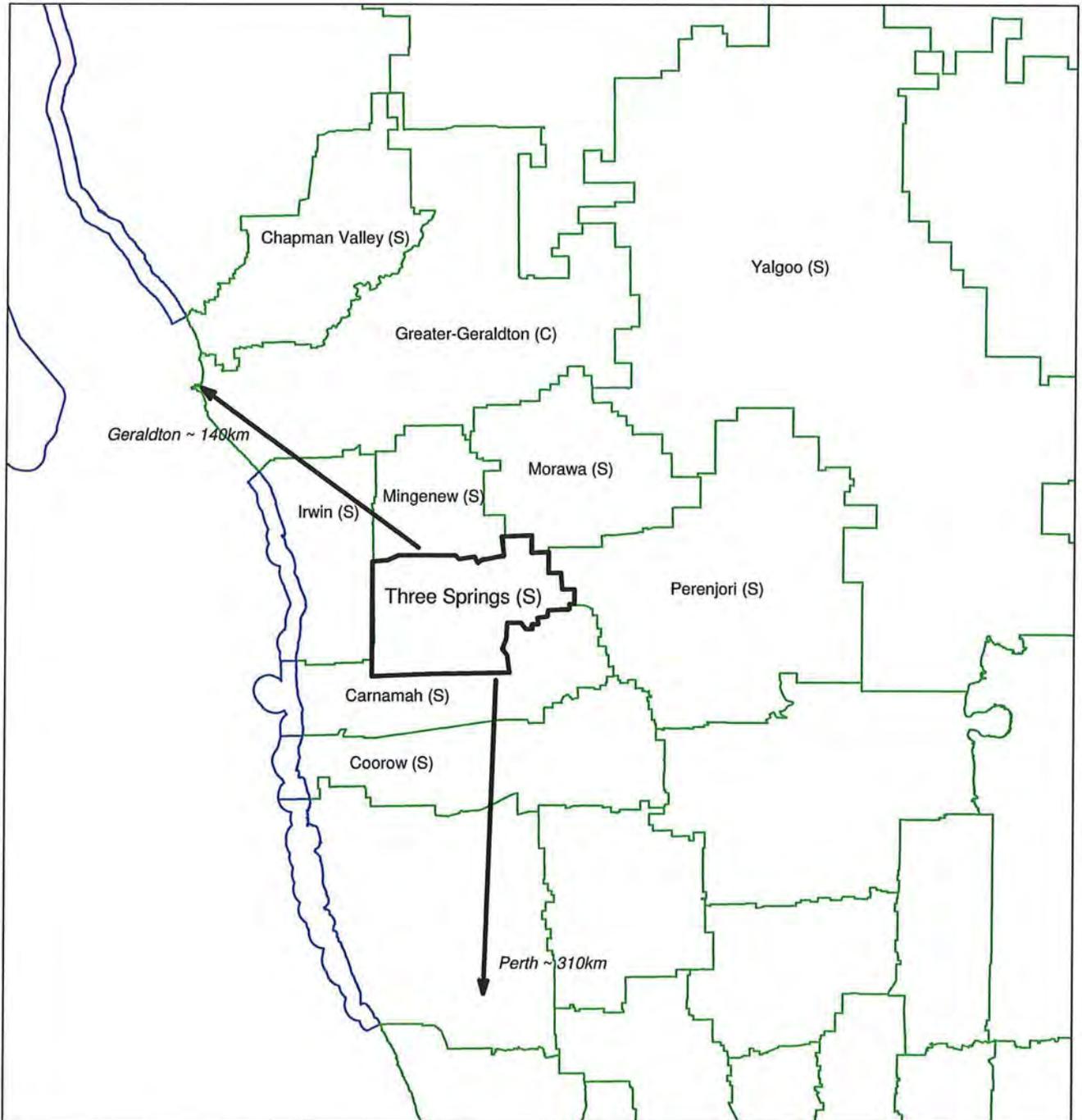
In their submission, the Department of Mines and Petroleum (DMP) recommended that action number 2 of the Raw Materials Objective, which included 'Industry-Mining' as an 'A' use in the scheme, be removed. The Local Government have modified the Strategy in accordance with DMP's recommendation, however this is not supported. The Minister for Planning has recently approved schemes in Mt Magnet and Chapman Valley that have included 'Industry-Mining' in Table 1 – Zoning Table with an associated footnote and additional clause clarifying the limited role of Council in determining mining applications under the *Mining Act 1978*. It is recommended that the Strategy reinstate the action in order to be consistent with the approach for regional schemes recently approved by the Minister for Planning.

Formal advertising of the Strategy has not identified any major issues that would preclude final approval of the document. In addition to the above, further modifications are recommended as summarised below (**Attachment 5 – Schedule of Modifications**):

- i. Removal and addition of actions that relate to the Rural Hinterland Objective;
- ii. Changes the map extent in Figure 2;
- iii. Clarify the status of the document in relation to the Townsite Strategy and Local Planning Scheme; and
- iv. Minor updates and changes to text.

Conclusion

The Strategy will provide the local government with a strategic basis for growth and development in the Shire and will inform the Shire of Three Springs upcoming Scheme review. The Strategy is consistent with WAPC policy and it is recommended that final endorsement, with modifications, be granted.



-  Country
-  Islands

Scale 1:2,175,310
0 50 km

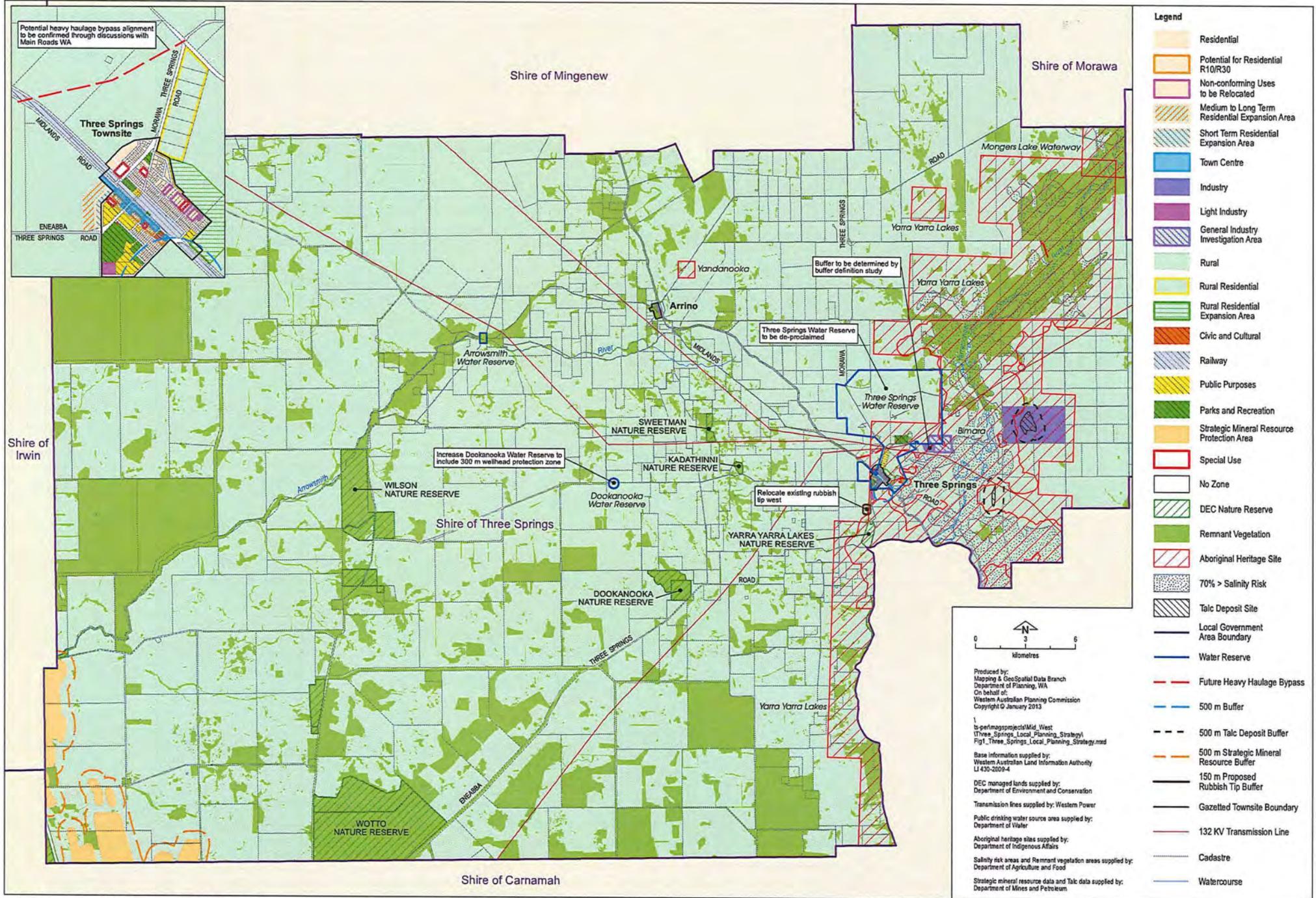
Prepared by: apetrovski
Prepared for:
Date: Tuesday, November 06, 2012 08:40
Plot identifier: P20121106_0840



Government of Western Australia
Department of Planning

DP INTERNAL USE ONLY

Three Springs Local Planning Strategy



Shire of Three Springs



Three Springs Townsite

Name of Submitter	Nature of Submission	Local Government Comment	WAPC Recommendation
1. Department of Indigenous Affairs	a. There are twenty Aboriginal heritage places on the DIA database that are located within the Shire's boundary.	Noted	Note Submission.
	b. Those using the LPS should be made aware of the DIA Cultural Heritage Due Diligence Guidelines.	DIA mapping is included on the Strategy maps for the reference of users.	Note Submission.
	c. It would be beneficial for the Shire to consult with the Native Title Claimants for the area and seek comment upon the LPS.	Noted. The current level of consultation is deemed appropriate for the preparation of the Strategy. Should any development be proposed in the vicinity of an Aboriginal heritage place further consultation will be required as part of the assessment process for that development	Note Submission.
2. Department of Environment and Conservation	a. Number of spelling mistakes in scientific names of flora and fauna species.	Changes have been made to correct the typographic errors.	Uphold submission. The Local Government modification is supported.
	b. Contact should be made with the DEC prior to commencing any development around identified contaminated sites	Any application for development on a contaminated site will be referred to the DEC as part of the development assessment process.	Note Submission.
	c. Separation distances for industrial and sensitive land uses should comply with EPA Guidance Statement No. 3.	Buffer areas are shown on the Strategy maps in accordance with the guidance statement.	Note Submission.
	d. The DEC anticipates that environmental planning issues will be appropriately managed through the Shire's planning process.	Environmental issues form an integral part of the planning process and will be appropriately managed through the planning process.	Note Submission.
3. Department of Mines and Petroleum	a. DMP believes that 'Industry-Extractive' should be listed as a 'P' use for all rural or general agriculture zones.	Classification of the 'Industry-Extractive' use as an 'A' use is consistent with the existing scheme provisions and it is considered appropriate that this use has the potential to be advertised as part of the local government assessment.	Dismiss submission. The Local Government comment is supported.
	b. It is preferable not to have an 'Industry Mining' category.	Agreed. The 'Industry-Mining' use is removed as part of the updated strategy text.	Dismiss submission. The Industry-Mining use should be included in the Local Planning Scheme with an additional provision clarifying that the role of Council is limited in the authorisation of mining proposals. This approach is consistent with other regional scheme recently approved by the Minister for Planning.
	c. The Mining Act 1978 states that town planning schemes and local laws are to be considered but no to derogate from the Mining Act. Therefore planning schemes cannot prohibit or affect the granting of mining tenements or the carrying out of any mining operation authorised by the Mining Act.	Agreed. The role of local government is to assess and manage extractive industries of a local nature rather than large commercial mining operations.	Dismiss submission. The Industry-Mining use should be included in the Local Planning Scheme with an additional provision clarifying that the role of Council is limited in the authorisation of mining proposals. This approach is consistent with other regional scheme recently approved by the Minister for Planning.
	d. If the Shire insists on including 'Industry-Mining' in its scheme land use table then it should be classified as a 'P' use in all rural or general agriculture zones.	'Industry-Mining' is proposed to be removed from the final version of the LPS.	Dismiss submission. The 'Industry-Mining' use should be allocated as an 'A' use in rural or general agriculture zones.
	e. DMP have identified a number of typographical errors on pages 28 and 29 within the geology section.	Noted. These have been corrected in the final version of the LPS.	Uphold submission. The Local Government modification is supported.

4. Department of Agriculture and Food	a. DAFWA recommends the inclusion of guidelines for buffer zones to protect current and future agricultural activities.	Buffers to agricultural uses are considered to be relevant at the development stage under the scheme rather than at the broader strategic level.	Note Submission.
	b. DAFWA is unclear about the intention of Strategy 2 of Section 3.3.3.	The intention of Strategy 2 is to restrict uses that may increase salinity in high and extreme risk areas.	Note Submission.
	c. DAFWA suggests that the last sentence of section 1 of page 31 be changed to "Erosive winds can, however, occur at any time of year. Soils require at least 50% ground cover to reduce risk".	Noted.	Note Submission.
	d. The reference to DAFWA salinity mapping on page 31 is incorrect. This is known as Land Monitor mapping.	Noted. Updated in final version.	Uphold submission. The Local Government modification is supported.
	e. DAFWA recommends that the first sentence of paragraph 2 on page 32 be changed to: "With respect to wind erosion, the risk is generally higher on land that is cleared for annual crops or pastures".	Noted. Updated in final version.	Uphold submission. The Local Government modification is supported.
	f. DAFWA recommends that all land capability maps currently included in the Background Report (figures 12-16) be removed due to risk of being misleading. DAFWA is currently reviewing land capability mapping. The Shire of Three Springs will receive the corrected maps once complete.	Noted. Mapping is included in final version. Updated mapping may be referred to once completed and provided.	Uphold submission in part. It is recommended that the land capability mapping be included with additional text that states DAFWA are in the process of reviewing the maps, on page 33.
	g. DAFWA requests that the numerous source documents and other material used to compile these DAFWA reports are cited correctly in a reference list.	The source documents are noted in the DAFWA reports and it is considered appropriate that the final reports influencing the strategy are noted in the background document.	Dismiss submission in part. Reference list not required for the final document. DAFWA to be acknowledge in the text in the background document where appropriate.
5. State Heritage Office	a. Support the high level of prominence given to heritage in the strategy, in particular the action to seek funding for the preparation of a Conservation Plan for the State Registered Duffy's Store and Billiard Room (fmr).	Noted.	Note Submission.
	b. You may wish to consider using the term 'historic heritage' in the strategy rather than European heritage as this is the terminology used in State Planning Policy 3.5. The term 'historic heritage' also provides a cleaner impression of the scope of the Heritage of Western Australia Act 1990, as it does not focus on a single group or a particular period.	Noted. Updated in final version.	Uphold submission. The Local Government modification is supported.
	c. Because Aboriginal and historic heritage are managed under separate legislation, government agencies and referral process, it is recommend that they are addressed separately within strategic documents.	Noted.	Note Submission.

6. Main Roads Western Australia	a. Supports the approach set out within objective 3.1.4 Transport Network Objectives.	Noted.	Note Submission.
	b. MRWA is willing to assist in the development of options for a new Heavy Vehicle bypass for Three Springs. Until such time as this is constructed MRWA's aim will be to control access on the Midlands road by: a) resisting new accesses; and b) consolidating existing accesses where chances arise through the planning process by encouraging use of access/service roads, joint accesses and easements where opportunities arise.	Noted.	Note Submission.
7. Shire of Irwin	a. The Shire shows support for the LPS, trusting that Three Springs shall prosper through implementing the strategies included in the document.	Noted.	Note Submission.
8. Water Corporation.	a. There is no current water scheme planning for Three Springs. In the absence scheme planning the Corporations approach is to review the creation of new lots or increased density as they are formally proposed. Proposed development of new lots should not assume that there is capability in the scheme to be supplied with water until a review is completed	Noted.	Note Submission.
	b. The proposed strategy to locate rural residential expansion along existing water pipelines should consider the following; Services off existing trunk mains to rural residential properties may be provided under a 'service by agreement' with the owner. This generally means that the Corporation cannot guarantee water quality, supply or pressure to the standard level of service.	Noted and will be addressed at the subdivision stage.	Note Submission.
	c. The wastewater conveyance planning will need to be reviewed in order to understand how area proposed to be developed outside of the catchment area may be served and rezoning's within the catchment area. The wastewater treatment and disposal planning will need to consider if the size of the treatment and disposal ponds are large enough to cater for creation of new lots or significant rezoning.	Assessment of the wastewater capacity will be undertaken as part of any proposed development or scheme amendment application.	Note Submission.
	d. Only compatible uses are supported within the wastewater treatment plant buffer. The corporation shall program review of the current WWTP buffer. The review may recommend a reduction in the buffer, which would require Corporation and Shire agreeing to any proposed reduction. The review will need to consider previous odour complaints to date and liaise with local residents which could be completed as part of this strategy.	The Shire welcomes a review of the current WWTP buffer and will co-operate with the Water Corporation although considers this process to be outside of the LPS process and that any likely changes to the buffer be altered in the form of an amendment to ensure that the adoption of the LPS is not held up. The Local Planning Scheme will address land use within the WWTP buffer.	Note Submission.
	e. Three Springs WWTP buffer plan provided showing extent of previous and current buffer area. As well as an information sheet on buffers including land use compatibility table.	The WWTP shown in the Strategy maps is as per the Water Corporation 500m buffer shown on plans provided No incompatible land uses are proposed within the WWTP buffer within the Strategy.	Note Submission.

<p>9. Morris Van Buerle (Landowner)</p>	<p>a. The rubbish tip needs to be moved as the power lines currently running through the tip is a safety and health hazard. The levels of electro magnetic radiation (not currently monitored) is a cause of concern.</p>	<p>The location of the rubbish tip is not proposed to be changed as part of the LPS.</p>	<p>Note Submission.</p>
<p>10. Anthony Thomas (Landowner)</p>	<p>a. WWTP where is the measure taken from middle or from the edge. Is it 500 metres?</p>	<p>The WWTP buffer is shown at the nominal 500 metres from the boundary of the WWTP which has been assessed by WAPC and the Environmental Protection Authority. The Environmental Protection Authority Guidance Note No. 3 – Separation Distances Between Industrial and Sensitive Land Uses under Waste Water Treatment Plants states “buffer studies in progress to determine appropriate separation distances”. There are no current studies that have been undertaken in regards to the Three Springs WWTP that have investigated an appropriate buffer specific to this facility and therefore the nominal 500m buffer has been applied. The Water Corporation states as part of their submission on the LPS that the “Corporation shall programme a review of the current WWTP buffer, to date and liaise with local residents”. The review may recommend a reduction in the buffer, which would require Corporation and Shire agreeing to any proposed reduction. The review will need to consider previous odour complaints</p>	<p>Note Submission.</p>

Schedule of Modifications
Shire of Three Springs draft Local Planning Strategy

Local Government Modifications

Any reference to page numbers and paragraph numbers relate to the advertised versions of the Strategy and/or Background document.

1. Update the spelling mistakes in scientific names of flora and fauna species in the background document.

Recommended by the Department of Parks and Wildlife (formally the Department of Environment and Conservation) and supported by Local Government. See submission # 2a.

2. Update the typographical errors within the geology section in the background document.

Recommended by the Department of Mines and Petroleum and supported by Local Government. See submission # 3f.

3. Update the name of DAFWA salinity mapping on page 31 to Land Monitor mapping in the background document.

Recommended by the Department of Agriculture and Food WA and supported by Local Government. See submission # 4d.

4. Update the first sentence of paragraph 2 on page 32 in the background document to read:

"With respect to wind erosion, the risk is generally higher on land that is cleared for annual crops or pastures".

Recommended by the Department of Agriculture and Food and supported by Local Government. See submission # 4e.

5. Update the Land Management Hazards section on page 31 in the background document to acknowledge DAFWA technical reports where required.

Recommended by the Department of Agriculture and Food and supported by Local Government. See submission # 4g.

6. Update the term 'European Heritage' with 'Historic Heritage' throughout the documents.

Recommended by the State Heritage Office and supported by Local Government. See submission # 5b.

WAPC Modifications

Strategy Document

7. Reword the last sentence on page 2, 1st paragraph to read:

"The Strategy has been prepared in accordance with these provisions, with the primary intent to update the Shire of Three Springs Town Planning Scheme No. 1 (TPS1) and planning framework".

To ensure readability of the text.

8. Include the following into Part 1.0 and Part 4.0:

"Where there is a conflict between the Shire of Three Springs Local Planning Strategy and the Three Springs Townsite Strategy, the Three Springs Townsite Strategy shall prevail".

In order to address any future potential conflict between the two documents.

9. Change "3.1.1 Sustainable Agriculture Objective" on page 10 to "3.3.1 Sustainable Agriculture Objective"

To ensure accuracy of numbering.

10. Delete action 3 and 4 in section 3.3 - Rural Hinterland, 3.3.1 Sustainable Agriculture Objective and replace with a new action 3

"Circumstances under which rural subdivision may be considered is outlined in WAPC policy".

To ensure the document is further aligned with State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP 2.5), Development Control Policy 3.4 – Subdivision of Rural land (DC 3.4), and Rural Planning Guidelines.

11. Retain Action # 2 in the Raw Materials Objective in the strategy document.

The Local Government removed 'Industry – Mining' for the final document. It needs to be reinstated for final approval. This approach is consistent with other regional schemes recently approved by the Minister for Planning. See submission # 3b,c,d.

12. Expand the Three Springs Townsite Strategy Map (Figure 2) to include the entire boundary of the 500m WWTP buffer to the south, and all eight rural residential lots to the north.

To ensure the entire Three Springs Townsite is included in Figure 2.

13. Change the name of the Department of Environment and Conservation to the Department of Parks and Wildlife throughout the document.

To ensure the new Department name is reflected in the text.

Background Document

14. Include additional text relating to land capability mapping on page 33 in the background document that states 'DAFWA are in the process of reviewing the maps'.

To ensure it is clear the maps are being reviewed so they are not misleading. See submission # 4f.

15. Update the name of SPP 2.5 to Land Use Planning in Rural Areas and change text to acknowledge it has been formally adopted on page 8 in the background document.

To ensure WAPC policy is correctly referred to.

ITEM NO: 9.3

SHIRE OF THREE SPRINGS – THREE SPRINGS TOWNSITE STRATEGY – FOR FINAL ENDORSEMENT

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: A/Planning Manager - Central Regions
AUTHORISING OFFICER: Executive Director - Regional Planning and Strategy
AGENDA PART: E
FILE NO: DP/13/00479/1
DATE: 29 January 2014
ATTACHMENTS: Attachment 1 – Location Map
Attachment 2 - Townsite Strategy Map
Attachment 3 – Schedule of Modifications

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. note that there were no formal submissions;*
- 2. endorse the Shire of Three Springs Townsite Strategy as being consistent with regulation 12A(3) of the Town Planning Regulations 1967 (as amended) subject to the modifications in the Schedule of Modifications being effected prior to final endorsement (Attachment 3: Schedule of Modifications);*
- 3. advise the Shire of Three Springs to publish a notice of the townsite strategy and the endorsement of the Commission, in accordance with regulation 12B(4) of the Town Planning Regulations 1967 (as amended).*

SUMMARY:

The Shire of Three Springs Townsite Strategy (Townsite Strategy) outlines the long term strategic plans for the Three Springs townsite. The Townsite Strategy aligns with WAPC Policy, the local planning framework, and requirements under the *Town Planning Regulations 1967 (as amended)*.

Final endorsement of the Three Springs Townsite Strategy, with modifications, is recommended.

BACKGROUND:

The Shire of Three Springs is currently in the process of reviewing their Local Planning Scheme, gazetted in 1988, and has also prepared a draft Local Planning Strategy. The Townsite Strategy was funded through the Royalties for Regions Northern Planning Program and was administered by the Local Government Assistance Project team at the Department of Planning. This program has also funded the development of the Local Planning Strategy and Scheme.

The Shire of Three Springs is located in the Mid-West Region of Western Australia approximately 310km north of Perth and 140km south-east of Geraldton and has an area of 2,657m² (**Attachment 1 - Location Plan**). The Shire has a population of 635 residing in Three Springs and Arrino townsites and the rural hinterland. The Three Springs townsite is the main administrative centre for the Shire and home to approximately 391 people.

The main economic drivers in the Shire are agriculture and supporting services and a number of minor mining operations. There are 26 existing mining tenements and five tenement applications wholly or partially within the Shire. There are no large planned mining or agricultural activities with the potential to affect the economy of the Shire. Statistical data in WAPC's WA Tomorrow (2012) and the Australian Bureau of Statistics Census (2011) indicate that the population is in decline, however Three Springs will continue to be in main settlement in the Shire to accommodate residents and provide services to the surrounding farming and mining operations.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Town Planning Regulations, 1967 (as amended)

12A & 12B

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective delivery of integrated plans

Strategies:

Planned local communities - developing a sense of place

Policy

Number and / or Name:

SPP 2.5 Land Use Planning in Rural Areas

SPP 3 Urban Growth and Settlement

SPP 3.1 Residential Design Codes

SPP 4.1 Industrial Buffer Policy

DC 3.4 Subdivision of Rural Land

Planning Bulletin 83 Planning for Tourism (PB 83)

Local Planning Manual (LPM)

WA Tomorrow

DETAILS:

At its meeting of 18 December 2013, the Council resolved to finally adopt the Townsite Strategy and submit it to WAPC for final endorsement. The Townsite Strategy was prepared together with the Local Planning Strategy. While the Local Planning Strategy relates to the Shire as a whole, the Townsite Strategy is focussed on the Three Springs townsite only and provides the detail necessary to guide development. The content of the Townsite Strategy accords with Part 2 of the LPM and satisfies the requirements for Local Planning Strategies under section 12A(3) of the *Town Planning Regulations, 1967 (as amended)*.

The current population of the townsite is 391 persons. Based on population data from ABS 2011 Census, WA Tomorrow forecasts, current vacant land with subdivision potential, up-codings and proposed mixed use, there is the potential for another 430 new lots/dwellings which would allow for double the current population. Infill and subdivision on currently vacant land is preferred in the short to medium term.

The Townsite Strategy identifies residential land in the short term to cater for immediate residential development. Two larger super-lots located in the north of the town are also zoned 'Residential' and have the potential to be subdivided to further cater for expansion. A site abutting the north-west corner of the town site has been identified for short term and medium to long term residential expansion. A site abutting the eastern part of the town has been identified as a 'Rural Residential Expansion Area' proposing a transient land use from surrounding rural areas to the town.

The industrial land in Three Springs is situated in the south-west corner of the town site and currently zoned 'Industry' in the current planning scheme. The Townsite Strategy proposes that industrial development will be 'light industry' and identifies the expansion of existing industrial land (proposed as 'Light Industry') running south along West Yarra Road. This industrial land is appropriately buffered from residential lots by land zoned 'Parks and Recreation' and 'Public Purposes'.

The objectives of the Townsite Strategy are to:

- provide guidance to the Shire in planning for the development of the town over the next 10-15 years;
- focus on urban consolidation and development;
- provide guidance regarding future development applications, subdivision applications, town planning scheme amendments and local structure plans;
- provide guidance on streetscape, infrastructure, movement networks and urban design; and
- provide guidance on the allocation of land uses and coordinated decision-making in determining future servicing requirements.

The Townsite Strategy divides the townsite into 5 precincts: Precinct 1 - town centre; Precinct 2 - residential east; Precinct 3 - rural residential surrounds; Precinct 4 - residential west; and Precinct 5 - industrial. Objectives and planning provisions are proposed for each precinct based on the character of that precinct and are identified as short, medium or long term.

The document identifies a range of detailed key elements to facilitate the growth of the townsite commensurate with demand while making the best use of the existing urban infrastructure. The Townsite Strategy also emphasises the tourism potential of maintaining the heritage and landscape features of the town. The key proposals for the future development of the Three Springs townsite are shown on the Townsite Strategy Map numbered 1 – 16 (**Attachment 2 – Townsite Strategy Map**).

GOVERNMENT AND CORPORATE IMPLICATIONS:

The Townsite Strategy provides a strategic planning framework to guide the future development of the Three Springs townsite, and does not raise any government or corporate implications at this time.

CONSULTATION:

The WAPC granted consent to advertise the Townsite Strategy on the 12 September 2013 and provided advice, as follows:

“The proposed 'Rural Residential Expansion Area' in the Three Springs Town Site is likely to confine any long term residential expansion of the town to the south-east. Given that the Town has other expansion constraints to the south and south-west, the Shire is advised to consider the modification of the area during the consultation process, in order to not restrict the potential for the long term residential expansion of the Town. This may involve locating the Rural Residential Expansion Area to the north where existing Rural Residential development currently exists”.

No changes to the final version of the Townsite Strategy have been included as a result of this advice.

The Townsite Strategy was formally advertised for public inspection for a period of 21 days in accordance with regulation 12B of the *Town Planning Regulations, 1967 (as amended)* from 13 November 2013. No submissions were received during the advertising period.

OFFICER’S COMMENTS:

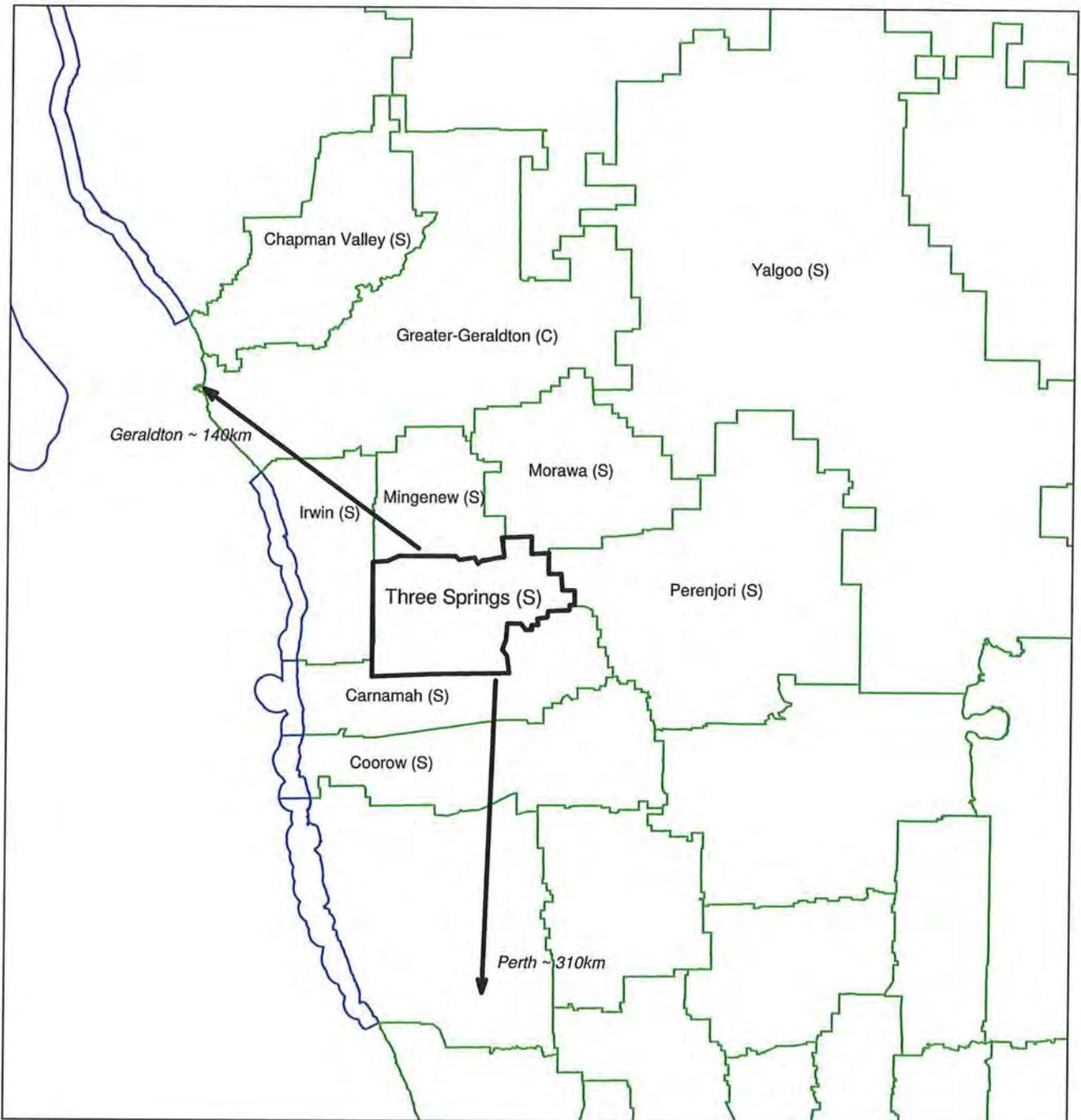
The Townsite Strategy comprehensively addresses the requirements of the LPM and satisfies the requirements for Local Planning Strategies under section 12A(3) of the *Town Planning Regulations, 1967 (as amended)*. The proposed objectives are supported by appropriate data, and are fundamentally consistent with relevant WAPC policies. Formal advertising has not identified any major issues that would preclude final approval of the document.

Minor modifications are recommended as follows (**Attachment 3 - Schedule of Modifications**):

- i. clarify the status of the document in relation to the Local Planning Strategy and Scheme;
- ii. corrections to the legend in Figure 6 Local Planning Strategy Yield Plan;
- iii. removal of Attachment 1;
- iv. update to text in relation to State Planning Policies; and

-
- v. update text to ensure consistency in terminology.

The Three Springs Townsite Strategy provides a measured strategic approach to guide future development of the Three Springs Townsite. The Townsite Strategy aligns with WAPC Policy, the local planning framework, and requirements under the *Town Planning Regulations 1967 (as amended)*. Final endorsement of the Three Springs Townsite Strategy, subject to minor modifications, is recommended.



- Country
- Islands

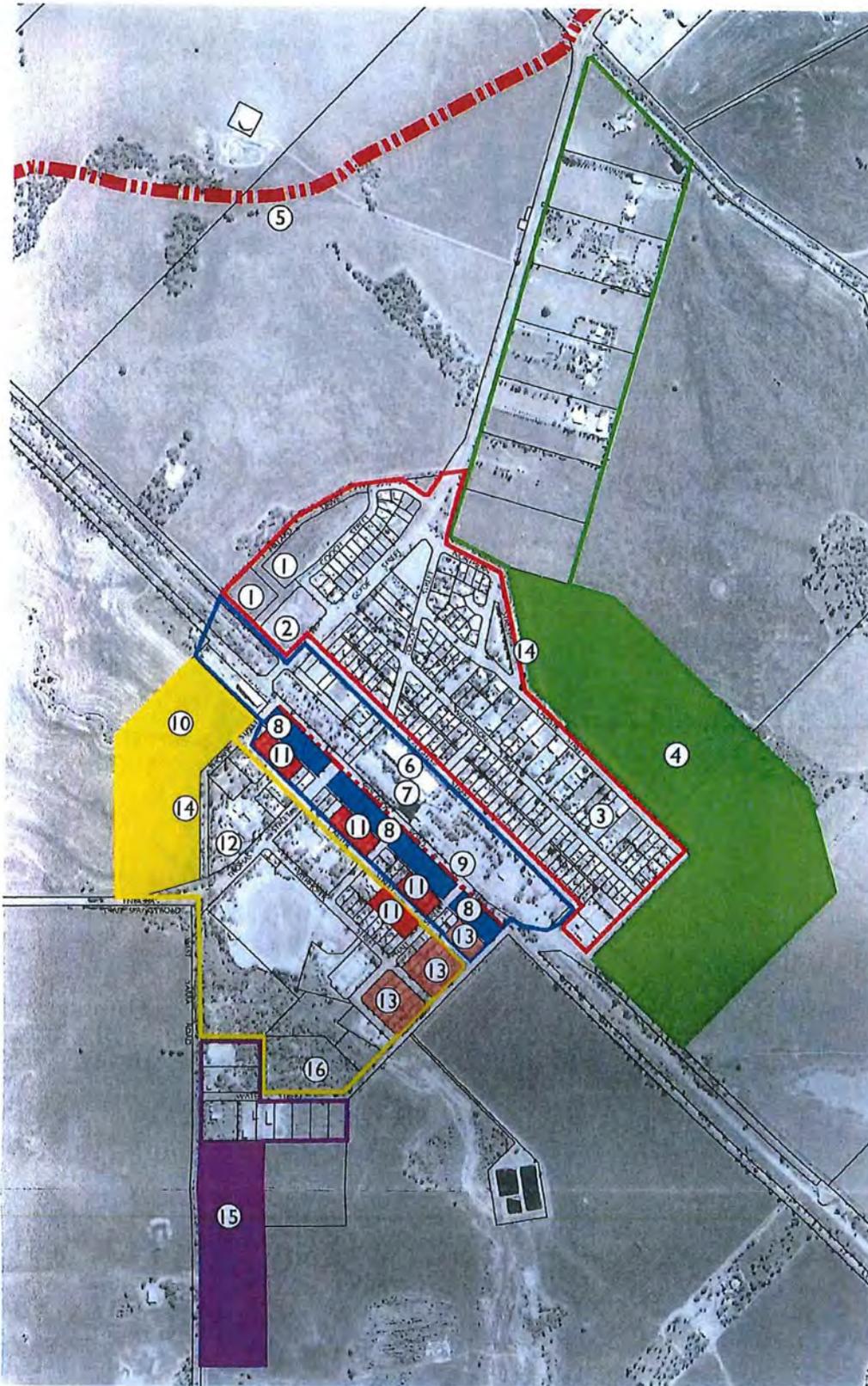
Scale 1:2,175,310


Prepared by: apetrovski
 Prepared for:
 Date: Tuesday, November 06, 2012 08:40
 Plot identifier: P20121106_0840



Government of Western Australia
 Department of Planning

DP INTERNAL USE ONLY



- LEGEND
- ① SHIRE TO DEVELOP VACANT LAND ASSETS
 - ② SHIRE TO DEVELOP VACANT LAND FOR TEMPORARY / SHORT STAY ACCOMMODATION FOR BOTH WORKERS AND TOURISTS
 - ③ REZONE TO 'SPECIAL USE' FOR 'LIVE-WORK' AREA
 - ④ RURAL RESIDENTIAL EXPANSION AREA. INVESTIGATE ON-SITE WASTE WATER TREATMENT WITH DEPARTMENT OF HEALTH WA
 - ⑤ PROPOSED HEAVY HAULAGE BYPASS. SUBJECT TO FURTHER LIAISON WITH MRWA
 - ⑥ INVESTIGATE LONG TERM REDEVELOPMENT OPTIONS FOR GRAIN SILOS AND SURROUNDING RESERVE
 - ⑦ DEVELOP TOURISM REST FACILITIES
 - ⑧ ENCOURAGE ACTIVE LAND USES (COMMERCIAL, TOURIST) TO LOCATE IN VACANT BUILDINGS AND LOTS ON MIDLANDS ROAD
 - ⑨ POTENTIAL HERITAGE TRAIL
 - ⑩ RESIDENTIAL EXPANSION / INVESTIGATION AREA
 - ⑪ INCREASED DENSITY FOR LOTS ALONG THE CARTER STREET
 - ⑫ INVESTIGATE 'KEY WORKERS' AND AGED ACCOMMODATION ON HOSPITAL RESERVE
 - ⑬ LIAISE WITH WATER CORP. REGARDING PERMISSIBLE LAND USES IN WWTP BUFFER
 - ⑭ POTENTIAL FLOODING AND ACCESS ISSUES TO BE INVESTIGATED
 - ⑮ LIGHT INDUSTRIAL EXPANSION INVESTIGATION AREA
 - ⑯ INVESTIGATE EXPANSION OF CARAVAN PARK
- PRECINCT 1 - TOWN CENTRE
 - PRECINCT 2 - RESIDENTIAL EAST
 - PRECINCT 3 - RURAL RESIDENTIAL SURROUNDS
 - PRECINCT 4 - RESIDENTIAL WEST
 - PRECINCT 5 - INDUSTRIAL
- HERITAGE TRAIL
 - LONG TERM HEAVY HAULAGE BYPASS

Townsite Strategy Map

Three Springs Townsite

Schedule of Modifications
Shire of Three Springs draft Townsite Strategy

1. Modify Figure 6 Local Planning Strategy Yield Plan to:
 - a. ensure the correct extent for 'Future Light Industry' as depicted in precinct 15 on the Townsite Strategy Map in Attachment 2; and
 - b. update the legend to ensure the colours are correct for the corresponding land use allocations.

To ensure consistency with the draft Local Planning Scheme and Strategy.

2. Update the name of 'State Planning Policy 2.5 – Agriculture and Rural land Use Planning' to 'State Planning Policy 2.5 – Land Use Planning in Rural Areas', under section 4.1.8.

To ensure recent updates to WAPC policy have been incorporated into document.

3. Include the following into Part 6 – The Strategy:

"Where there is a conflict between the Shire of Three Springs Local Planning Strategy and the Three Springs Townsite Strategy, the Three Springs Townsite Strategy shall prevail".

In order to address any future potential conflict between the two documents.

4. Reword last sentence under Part 6 to remove 'recommendations', as follows:

"Where appropriate, the key elements of this section have been depicted visually.....".

To ensure consistent terminology throughout the document and to reduce confusion; 'recommendations' do not appear in section 6 of the Townsite Strategy.

5. Delete Attachment 1 (including appendix 1 – 4) and update the contents page and references to Attachment 1 throughout.

Attachment 1 - Three Springs Townsite Strategy Workshop Outcomes Report is not required as part of the Townsite Strategy.

ITEM NO: 9.4

SUBDIVISION TO CREATE THREE LOTS FOR RESIDENTIAL PURPOSE. LOT 63 (NO. 20) JUKES WAY, WEMBLEY

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central, Perth and Peel Planning
AUTHORISING OFFICER: Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART: G
FILE NO: 148919
DATE: 11 February 2014
ATTACHMENT(S): Attachment 1: Plan of Subdivision
Attachment 2: Location Plan and LGA Zoning
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: Town of Cambridge
LOCAL SCHEME ZONING: Residential R30
LGA RECOMMENDATION(S): Conditional Approval
REGION DESCRIPTOR: Perth Metro Central
RECEIPT DATE: 18 October 2013
PROCESS DAYS:
APPLICATION TYPE: Subdivision
CADASTRAL REFERENCE: Lot 63 (20) Jukes Way, Wembley

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for Survey Strata of Lot 63 (20) Jukes Way, Wembley as shown on the plan date stamped 18 October 2013 subject to the following conditions and advice:

CONDITIONS:

1. 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 lots shown on the approved plan of subdivision. (Western Power).

-
2. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation).
 3. 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).
 4. 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).

ADVICE:

1. The applicant is advised that 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. In regard to Condition 1, Western Power provides only one underground point of electricity supply per freehold lot.
3. In regard to Conditions 2, 3, and 4, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the *Water Agencies (Powers) Act 1984* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.

SUMMARY:

The application proposes the subdivision of a 830m² lot to create three residential lots of 272m², 270m² and 288m². The existing dwelling and all other improvements are to be removed.

The application complies with the minimum (260m² required, 270m² provided) site area requirements of the Residential Design Codes 2013 (R-Codes) for the R30 density coding, but does not meet the average site area requirement (300m² required, 282.66m² provided).

The application has been referred to the Statutory Planning Committee (SPC) due to non-compliance of the average lot size. The variation to average lot size is 52m² or 5.78%, and is recommended for approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Subdivision / Development Approval / Reconsiderations
Part 10

Strategic Plan

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

Policy

Number and / or Name: State Planning Policy 3.1 – *Residential Design Codes*
Development Control Policy 2.2 – *Residential Subdivision*

INTRODUCTION:

The application proposes the subdivision of an 830m² lot to create three residential lots of 272m², 270m² and 288m². The existing dwelling and all other improvements on the subject land are to be demolished. **(Attachment 1 – Plan of Subdivision)**.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential R30' under the Town of Cambridge Town Planning Scheme No. 1 (TPS 1) **(Attachment 2 – Location Plan)**.

CONSULTATION:

The Town of Cambridge (the Town) advises the proposal has been assessed against the requirements of the R30 density coding and is supported subject to conditions.

Western Power and Water Corporation raise no objections subject to the imposition of standard servicing conditions.

The Department of Water raises no objection to the proposal.

COMMENTS:

Policy Context

The application is presented to the SPC due to the average site area of the proposed survey-strata lots requiring a variation of more than 5%, as permitted under the R-Codes and Clause 3.2.3 of Commission Policy DC 2.2 - '*Residential Subdivision*'. The policy supports green title and survey-strata subdivision applications proposing variations to lot sizes below the minimum and/or average lot sizes subject to the following criteria:

- *all lots in the subdivision meet the minimum lot size requirements;*
- *the variation reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-Codes; and*
- *the variation has been demonstrated by the applicant to have a particular beneficial outcome for the community, or the Commission*

forms the opinion that it will have a particular beneficial outcome for the community.

The application proposes further variation from the policy as it involves a variation greater than 5% (being 5.78%) to the average lot size.

Under the previous version of the R-Codes, the WAPC exercised its discretion and granted approval to proposals that varied the average lot area above 5%. In this instance a variation in excess of 5% to average lot size is sought. It should be noted that all proposed lots exceed the minimum (260m²) lot size for the R30 density coding.

Although the proposed average site area variation of 5.78% represents a departure from the WAPC's DC 2.2 - '*Residential Subdivision*', it is considered that the variation is minimal and therefore justified.

Planning Assessment

The 2013 version of the R-Codes introduced a number of changes including a minor decrease to minimum and average site area requirements for medium to high density coded residential lots (R20 – R80).

It is considered that compliance with the minimum site area requirement is more relevant in infill situations, whereas compliance with the average site area requirement is more relevant for green field sites where a large number of lots are being proposed.

Since adoption of the 2013 R-Codes, a number of applications exceeding the 5% variation for the average site area requirement, but where the minimum lot size was achieved, have been tested and approved by the SPC.

Vehicular Access

The subject land is a corner site and all proposed lots have street frontage access.

Merit of Proposal

It is considered that the proposal can be supported for the following reasons:

- The proposal is consistent with the general intent of the local planning scheme;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- It is acknowledged that while meeting average lot size requirements is an important factor in good subdivision practice, meeting minimum lot sizes is more crucial to determining the success of future built form. In this case, a small departure from the policy requirement (5.78%) for average lot area is considered to be insignificant;

-
- The proposed lots are capable of being developed in accordance with 'deemed- to-comply' R-Code requirements;
 - The proposal will provide a wider choice of residential lot sizes in the locality;
 - This small infill proposal will contribute towards the dwelling targets of the *Central Metropolitan Sub-regional Strategy and Directions 2031* which call for an additional 3,000 dwellings within the Cambridge municipality by 2031; and
 - The proposed lots will not adversely impact on the existing streetscape;

On the basis of the above arguments there is sufficient justification to support the application.

CONCLUSION:

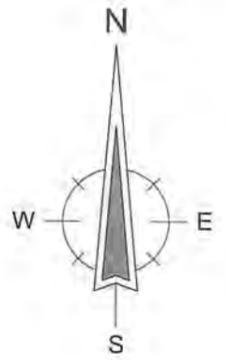
Having regard to the circumstances which apply to the proposed subdivision, it is recommended to approve the application and, in so doing, to depart from WAPC Development Control Policy 2.2 - '*Residential Subdivision*' which provides for a maximum 5% variation to the average site area requirements. Conditional approval is recommended.

PROPOSED TWO (2) LOT GREEN TITLE SUBDIVISION - STAGE 2

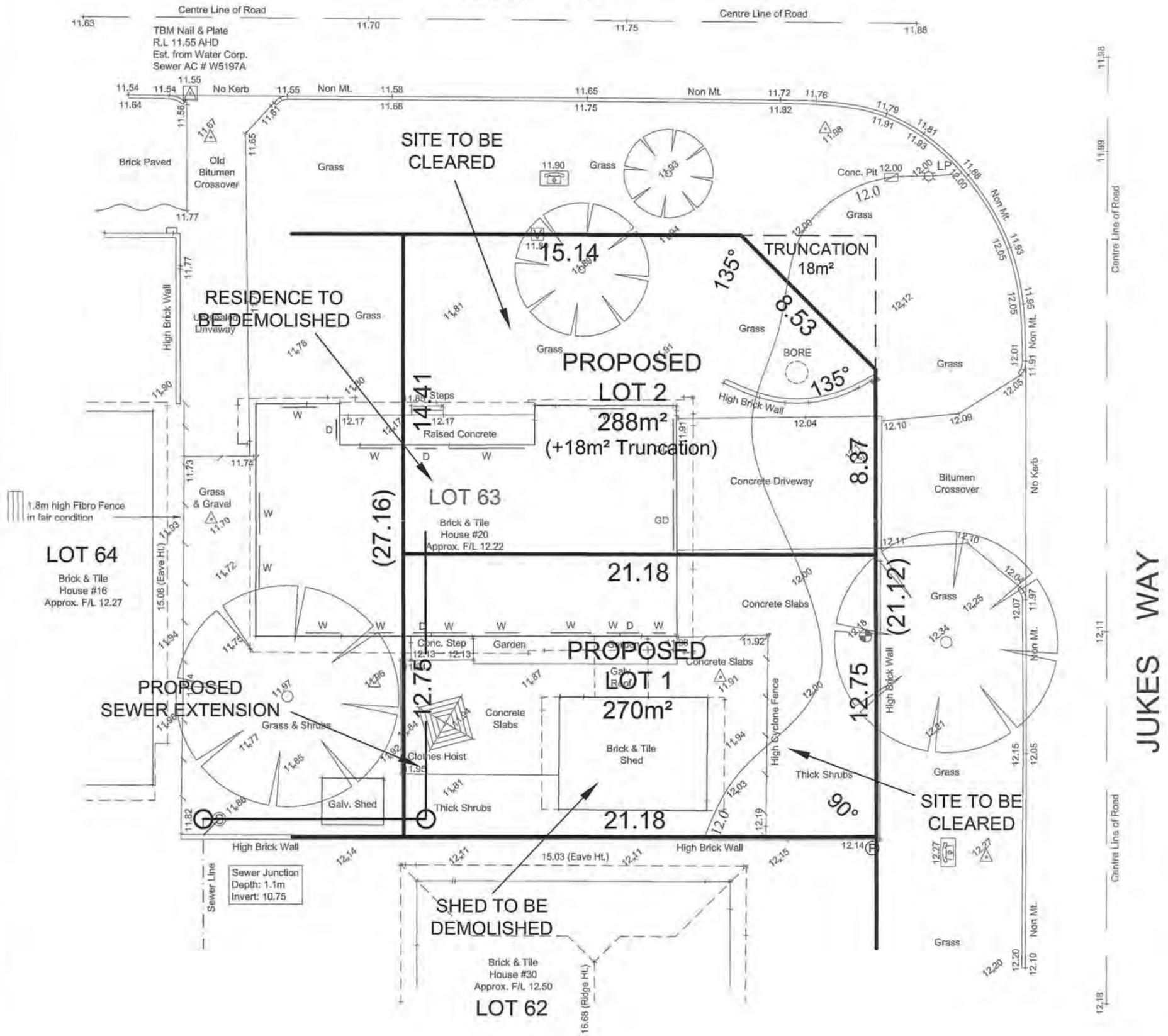
SUBJECT TO WAPC CONDITIONS. SEE FINAL STRATA-PLAN OR DEPOSITED PLAN

STAGE 2 OF SUBDIVISION. SEE STAGE 1

REQUIRES 5% VARIATION TO AVERAGE LOT SIZE



JUKES WAY



IMPORTANT NOTES:

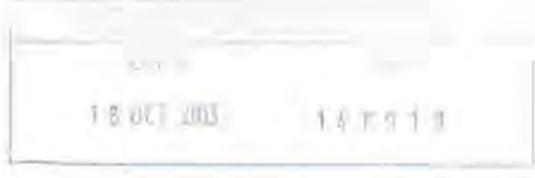
1. ANY POSITION CANNOT BE VERIFIED DUE TO LACK OF SURVEY MARKS/ PEGS, ALL DIMENSIONS & FEATURES ARE APPROX ONLY. BOUNDARY POSITIONS HAVE BEEN OBTAINED FROM BUILDINGS, FENCING, RETAINING WALLS AND OTHER TYPICAL FEATURES ON THE BOUNDARY WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE APPROXIMATED WHEN REPEGGED.

2. ANY WORK IS STARTED ON SITE OR PLANS ARE PRODUCED BY DESIGNERS/ ARCHITECTS, SURVEYORS MUST BE REPEGGED AND EXACT OFFSETS MEASURED TO EXISTING STRUCTURES AND FENCING.

3. SURVEYORS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL OR PORTION OF THE LAND SHOWN ON THIS SURVEY INCLUDING BUT NOT LIMITED TO ANY ADJOINING NEIGHBOURS' DIMENSIONS OR FEATURES THAT HAVE OCCURRED AFTER THE DATE ON THIS SURVEY.

4. DRAINAGE MAY VARY FROM SCHEMATIC DRAWING. CHECK WITH APPROPRIATE AUTHORITY FOR ADOPTION OF POSITION. SURVEY DOES NOT GUARANTEE THE LOCATION OF ANY PEGS OR FENCES. CHECK FOR EASEMENTS / COVENANTS ETC. DIMENSIONS AND LOTS MAY BE SUBJECT TO CONDITIONS WHICH MAY VARY AND/OR ENCUMBER THE PROPOSAL.

5. DIMENSIONS AND LOTS MAY BE SUBJECT TO CONDITIONS, RESTRICTIVE COVENANTS ETC WHICH MAY VARY AND/OR ENCUMBER THE PROPOSAL.



I, the client/s of Vision Surveys recognise this plan as the proposal to be submitted to the department of Planning and Infrastructure for a . . . Lot Survey Strata / Built Strata / Green Title subdivision and agree to the terms and conditions of this plan's use.

Client Signature/s _____ Date _____

Area: 558m²

ATTACHMENT 1

Title: Proposal to the WAPC for the creation of TWO (2) GREEN TITLE LOTS AT LOT 63 (20) JUKES WAY WEMBLEY
Client: CATHERINE NIXON & STEVE HAYES



Licensed & Engineering Surveyors
Land Development Consultants
Project Managers

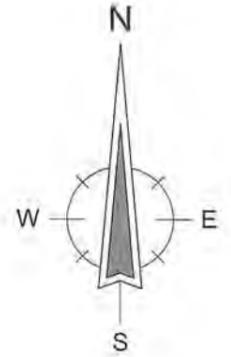
Revisions	Level Datum	AHD(Approx.)
	Scale	1:200
	Date	05/09/2013
	Dwg Ref	Jukes 20 Wembley P
	Surveyor	Stuart Colam
	Drafter	
	Job #	3826
	Sheet 1 of 1	A3

TEL (08) 6144 0000 FAX (08) 6144 0099
59 SCARBOROUGH BEACH RD,
SCARBOROUGH WA 6019
Email: info@visionsurveys.com.au

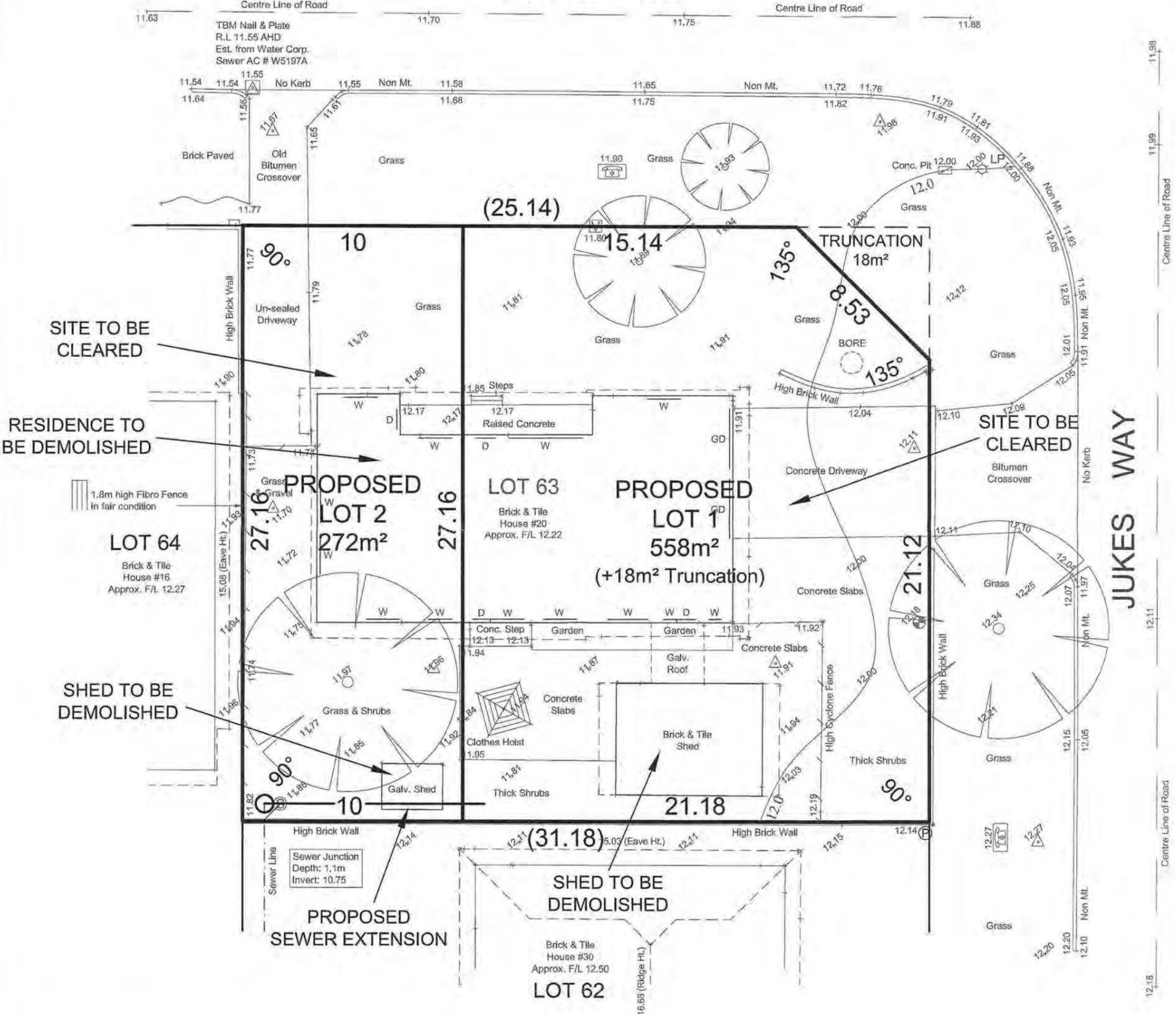
PROPOSED TWO (2) LOT GREEN TITLE SUBDIVISION - STAGE 1

SUBJECT TO WAPC CONDITIONS. SEE FINAL STRATA-PLAN OR DEPOSITED PLAN

STAGE 1 OF SUBDIVISION. SEE STAGE 2



JUKES WAY



IMPORTANT NOTES:

1. POSITION CANNOT BE VERIFIED DUE TO LACK OF SURVEY MARKS/ PEGS, ALL DIMENSIONS & FEATURES ARE APPROX ONLY. BOUNDARY POSITIONS HAVE BEEN MEASURED FROM EXISTING STRUCTURES AND NOT TO THE CORNER OF THE BOUNDARY WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE REPEGGED WHEN REPEGGED.

2. ANY WORK IS STARTED ON SITE OR PLANS ARE PRODUCED BY DESIGNERS/ ARCHITECTS, SURVEY MARKS MUST BE REPEGGED AND EXACT OFFSETS MEASURED TO EXISTING STRUCTURES AND NOT TO THE CORNER OF THE BOUNDARY WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE REPEGGED WHEN REPEGGED.

3. SURVEYOR ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL OR PORTION OF THE LAND SHOWN ON THIS SURVEY INCLUDING BUT NOT LIMITED TO ANY ADJOINING NEIGHBOURS' FEATURES THAT HAVE OCCURRED AFTER THE DATE ON THIS SURVEY.

4. DRAINAGE MAY VARY FROM SCHEMATIC DRAWING / CHECK WITH APPROPRIATE AUTHORITY FOR THE OPTION OF POSITION. SURVEYOR DOES NOT GUARANTEE THE LOCATION OF ANY PEGS OR FENCES.

5. TITLE FOR EASEMENTS / COVENANTS ETC. TO BE CHECKED BY CLIENTS. BOUNDARIES AND LOTS MAY BE SUBJECT TO EASEMENTS WHICH MAY VARY AND/OR ENCUMBER THE PROPOSAL.

6. BOUNDARIES AND LOTS MAY BE SUBJECT TO EASEMENTS, RESTRICTIVE COVENANTS ETC WHICH MAY VARY AND/OR ENCUMBER THE PROPOSAL.



I, the client/s of Vision Surveys recognise this plan as the proposal to be submitted to the department of Planning and Infrastructure for a Lot Survey-Strata / Built-Strata / Green Title subdivision and agree to the terms and conditions of this plan's use.

Client Signature/s _____ Date _____

Area: 830m²

ATTACHMENT 1

Title: Proposal to the WAPC for the creation of TWO (2) GREEN TITLE LOTS AT LOT 63 (20) JUKES WAY WEMBLEY

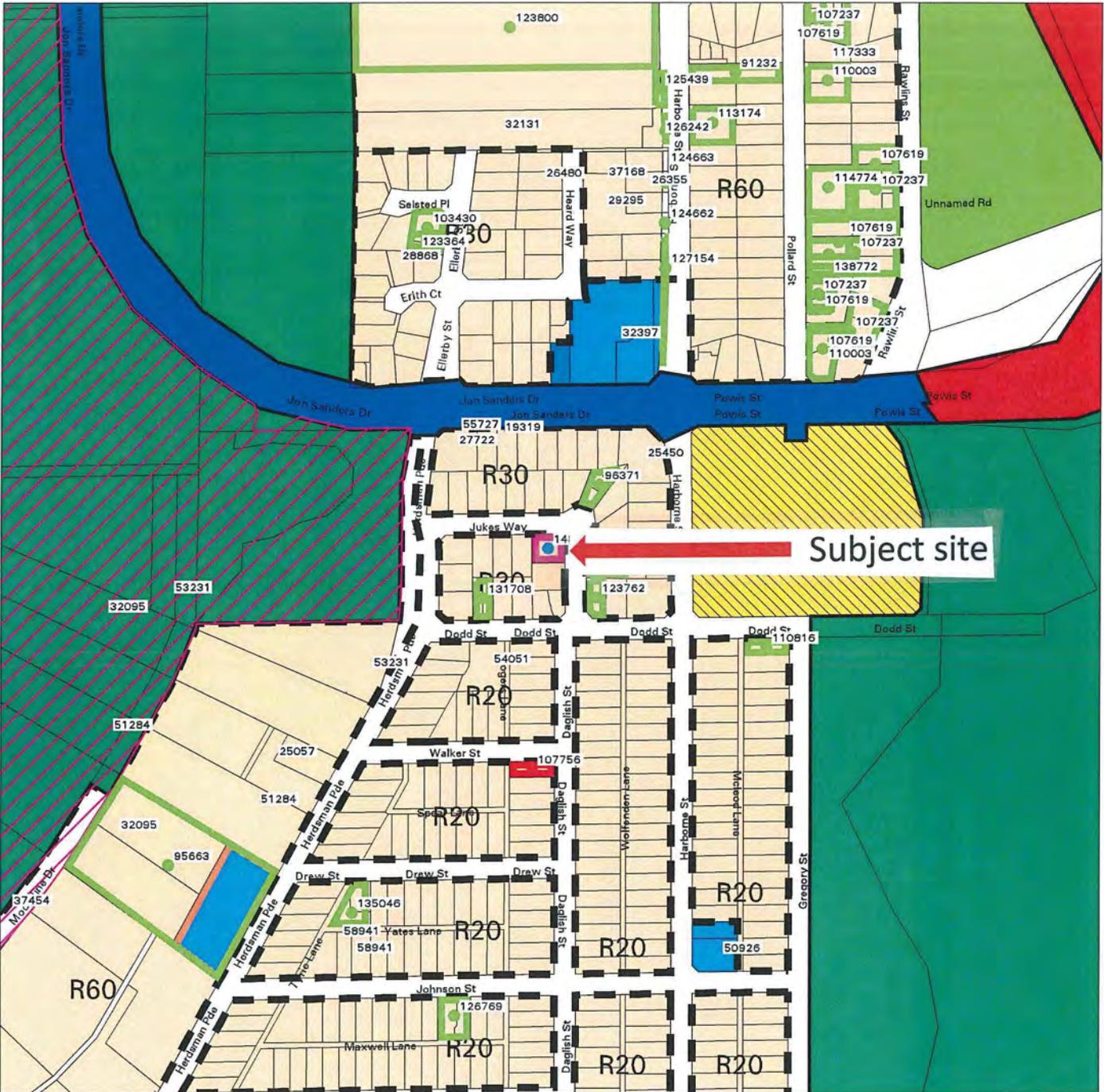
Client: CATHERINE NIXON & STEVE HAYES

VISION SURVEYS

Licensed & Engineering Surveyors
Land Development Consultants
Project Managers

Revisions	Level Datum	AHD(Approx.)
	Scale	1:200
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	Job #	3826
	Sheet 1 of 1	A3

TEL (08) 6144 0000 FAX (08) 6144 0099
59 SCARBOROUGH BEACH RD,
SCARBOROUGH WA 6019
Email: info@visionsurveys.com.au



Subdivision Application 148919 (MGA ref 388313mE 6467391mN Zone 50)

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

- | | | |
|--------------------------------|---------------------|-----------------|
| APPROX LOCATION OF APPLICATION | CANCELLED | LOCAL CENTRE |
| PRIMARY REGIONAL ROADS | REFUSED | BUSINESS |
| OTHER REGIONAL ROADS | OUTSTANDING | HOTEL HOTEL |
| PARKS & RECREATION | APPROVED | PUBLIC PURPOSES |
| CADASTRAL BOUNDARY | REFUSED | PRIMARY SCHOOL |
| BUSH FOREVER 2000 SITES | R CODE BOUNDARY | RESIDENTIAL |
| OUTSTANDING | RESIDENTIAL | LOCAL CENTRE |
| APPROVED | PRIVATE INSTITUTION | |

144136s.eps

ITEM NO: 9.5

DEVELOPMENT: RURAL SHED - LOT 16 GREAT NORTHERN HIGHWAY, BASKERVILLE.

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:	Director, North East, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	21-50412-1
DATE:	27 November 2013
ATTACHMENT(S):	1. Proposed Development Plans 2. Aerial View 3. Contour Map
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:	10 October 2011
PROCESS DAYS:	54
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 16 Great Northern Highway, Baskerville.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for the proposed development on Lot 16 Great Northern Highway, Baskerville subject to the following conditions:

CONDITIONS:

1. This approval relates specifically to Drawing # Job 13125-3 and the Site Plan received by the Department of Planning on 27 November 2013.
2. All stormwater produced on the site shall be disposed of on the site to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.

-
3. The existing unapproved sea containers on site are to be removed to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.

ADVICE TO APPLICANT:

1. All development is to comply with the City of Swan Local Planning Scheme No.17, Health Regulations, Building Code of Australia and all other relevant Acts, Regulations and Local Laws. A Building Permit must be issued by the City of Swan prior to any construction or earthworks commencing on site.
2. The applicant is advised to liaise with the City of Swan with regard to control of sand / dust and acceptable noise levels during construction.
3. The shed shall only be used for domestic and/or rural purposes associated with the property, and not for human habitation. Other uses, such as tourism uses, will require approval through the submission of a separate application for approval to commence development.

SUMMARY:

The application seeks approval for construction of a shed on Lot 16 Great Northern Highway, Baskerville within Area 'B' of the *Swan Valley Planning Act 1995* (SVP Act). The application is consistent with the objectives of the SVP Act for Area 'B' and the objectives of the City of Swan Local Planning Scheme No.17 (LPS 17) for the 'Swan Valley Rural' zone.

The application is referred to the Statutory Planning Committee for determination as it is recommended that the application be approved, contrary to the recommendation of the Swan Valley Planning Committee (SVPC) .

LEGISLATION / STRATEGIC PLAN / POLICY:

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

Strategic Plan
Strategic Goal: Planning
Outcomes: Planned Local Communities Developing a Sense of Place
Strategies:

Policy
Number and / or Name: DC 1.2 Development Control - General Principles

INTRODUCTION

The application proposes the construction of a zincalume farm shed with a footprint of 288m². The proposed total internal floor space will be 504m², including a 216m² mezzanine floor. The dimensions of the proposed shed are 12m by 24m with a wall height of 6.5m and a roof peak height of 8.9m. (**Attachment 1** - Proposed Development Plans)

The subject land is zoned Rural under the Metropolitan Region Scheme (MRS) and Swan Valley Rural under City of Swan LPS 17. The site is within Area B of the land covered by the SVP Act.

A number of fruit trees have been planted and it is understood the landowners intend to plant more fruit trees and vegetables in future. Farm equipment, including a tractor, is currently stored in five sea containers on the lot. It is proposed that the shed replace the sea containers for the storage of this equipment. (**Attachment 2** - Aerial View)

The owners have indicated their intention to use the ground floor of the shed for tourism purposes in future. This use is not the subject of this proposal and will require a separate development application. The placement of the sea containers has not been approved and it is recommended that they be removed as a condition of this approval.

Due to the conflicting recommendations of the City of Swan and the Swan Valley Planning Committee the proposal has been referred to the Western Australian Planning Commission for determination in accordance with Part IV Clause 30B (5) of the MRS.

CONSULTATION

Due to the shed height and potential visual impact the City advertised the proposal for a period of 14 days. Owners of several surrounding properties that were considered to be impacted by the proposal were notified. No submissions were received.

The application was considered at the Swan Valley Planning Committee (SVPC) meeting of 26 August 2013. The Committee resolved at that meeting:

"...to recommend to the City of Swan that the proposed shed be refused as the application does not meet objective 6 for Area B of the Swan Valley Planning Act 1995 in regards to the compatibility of design and concerns with the overall height of the proposed shed. "

At its meeting of 6 November 2013 the City of Swan Council resolved to grant approval to the proposal subject to standard conditions relating to drainage and use.

Main Roads WA raises no objection to the proposal.

PLANNING ASSESSMENT

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

The City of Swan LPS 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.*

The proposal will support horticultural activities on the land which is currently vacant. As such it is considered consistent with the objectives of the 'Swan Valley Rural Zone'.

Swan Valley Planning Act 1995

Section 8 of the Act lists a number of planning objectives for Area B. The objectives relevant to the proposal are discussed below.

Objective 6. "The compatibility of design, siting and landscaping with the character of the area."

The subject land is 2.68ha in area and is in a battleaxe configuration. The proposed shed is located approximately 250m from Great Northern Highway and is setback 20 metres from the side boundary to the north. The land slopes downward from west to east such that the shed floor level would be approximately 3m below the road level. The shed would be further screened from the highway by existing vegetation in the north west corner of the lot. Ground level further eastward is at a higher level, so that the shed is located in a shallow valley. Given the setback distances from the boundary and Great Northern Highway, the lower lying topography of the site and the screening of existing vegetation, the proposed shed is considered compatible with the character of the area. (**Attachment 4** - Contours)

The proposed zincalume cladding is common in the area and the City does not consider the shed size to be detrimental to the rural amenity.

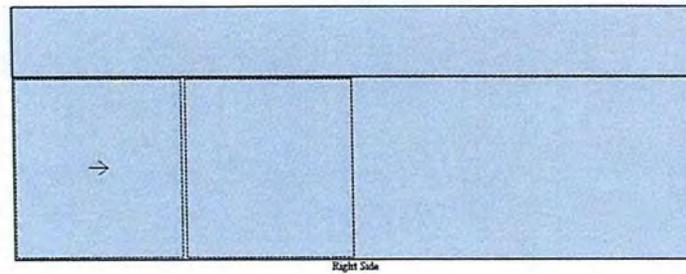
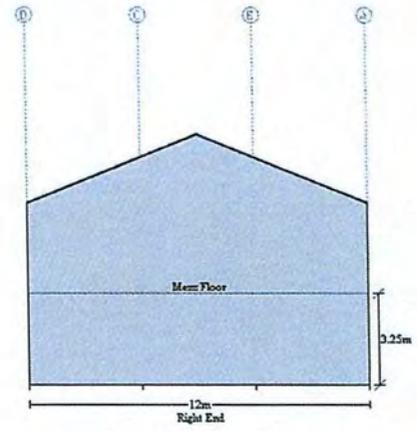
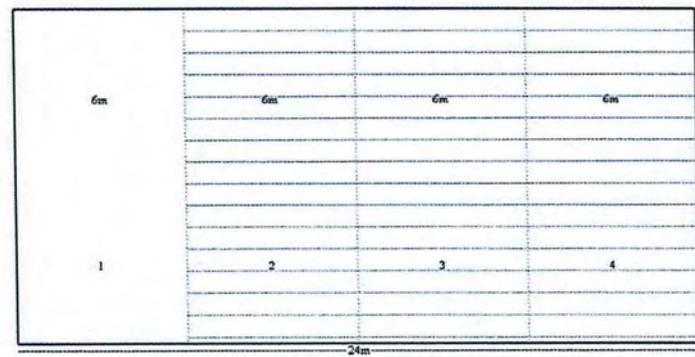
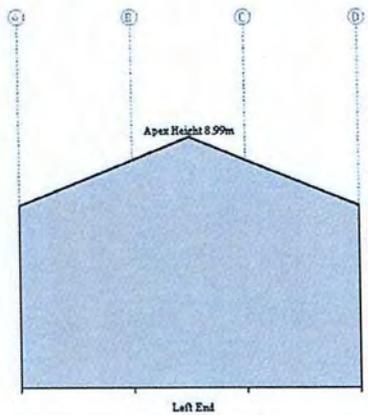
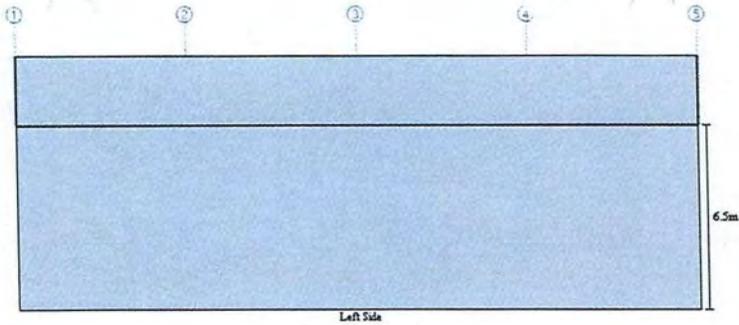
On the basis of the above, proposal is consistent with Objective 6.

Objective 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."

The proposed development is consistent with the encouragement of traditional activities including horticulture as the shed will be used to store equipment associated with an existing and planned horticultural uses on the site.

CONCLUSION

The proposed shed is consistent with the planning objectives for the site as detailed in LPS 17 and the SVP Act. The proposed shed is appropriately located to mitigate the visual impact of the proposed height, which was the reason for objection raised by the Swan Valley Planning Committee. No other planning issues are raised and conditional approval is recommended.



ATTACHMENT 1 A

RECEIVED

17 JUN 2013

CITY OF SWAN - DISTRICT ENGINEER

Purchaser Name: Dave Glossop & Samantha Jacobs

Site Address: Lot 1, 1056 Great Northern Highway BASKERVILLE WA Australia 6056

Drawing # Job 131225 - 3

Print Date: 21/04/13

Layout

Wide Span Sheds

Steelx Pty Ltd

Phone: 07 5657 8888

Fax: 07 5657 8899

Email: admin@sheds.com.au

SHOWERS ENGINEERING PTY LTD

ACN : 075 007 144

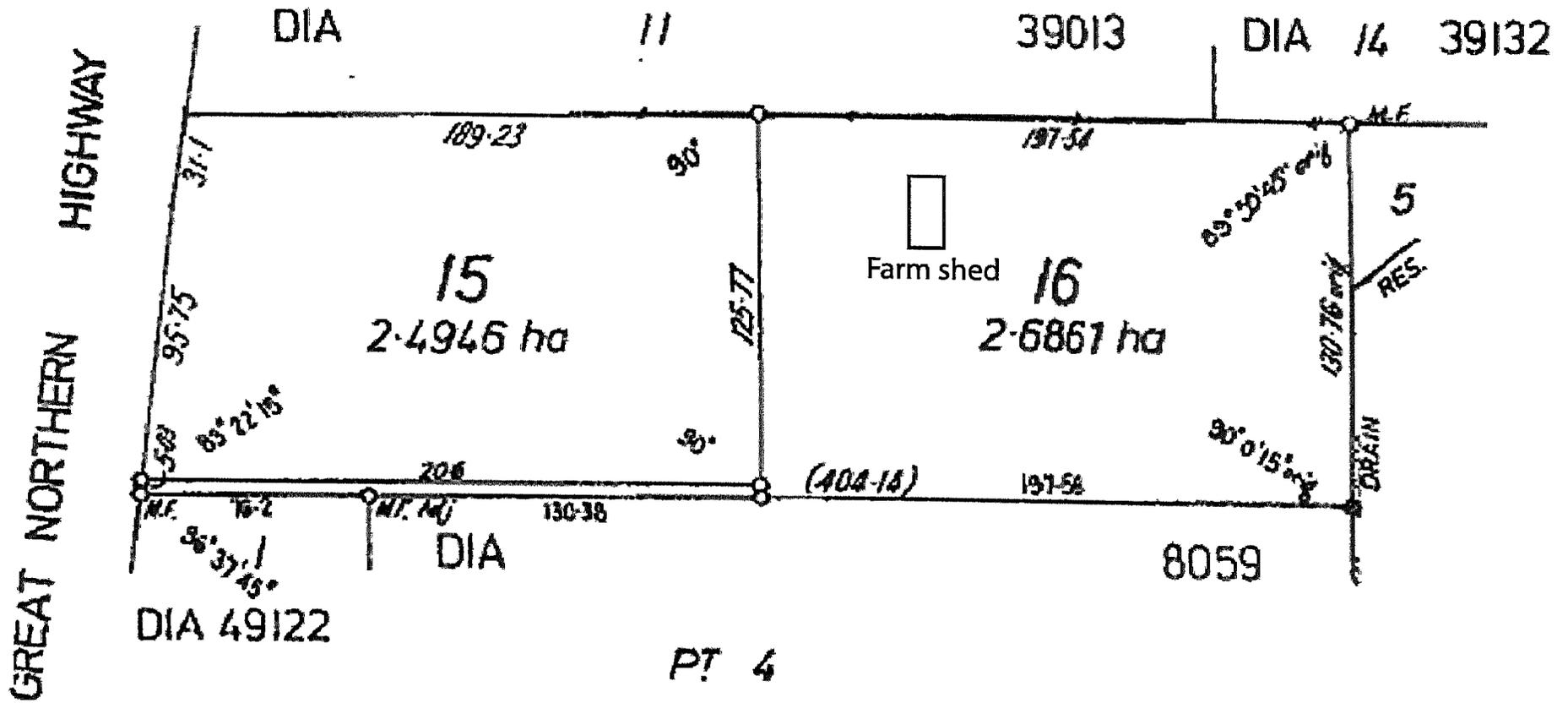
MIE Aust. CPEng. (Registered NPER Structural & Civil) 321787

QLD : RPEQ No.1547, VIC : EC24162, TAS : CC4600H, NT : 46926ES,

Practising Professional Structural & Civil Engineer

Signature: *[Signature]* R.J. Showers Date: 21/04/13

Site plan

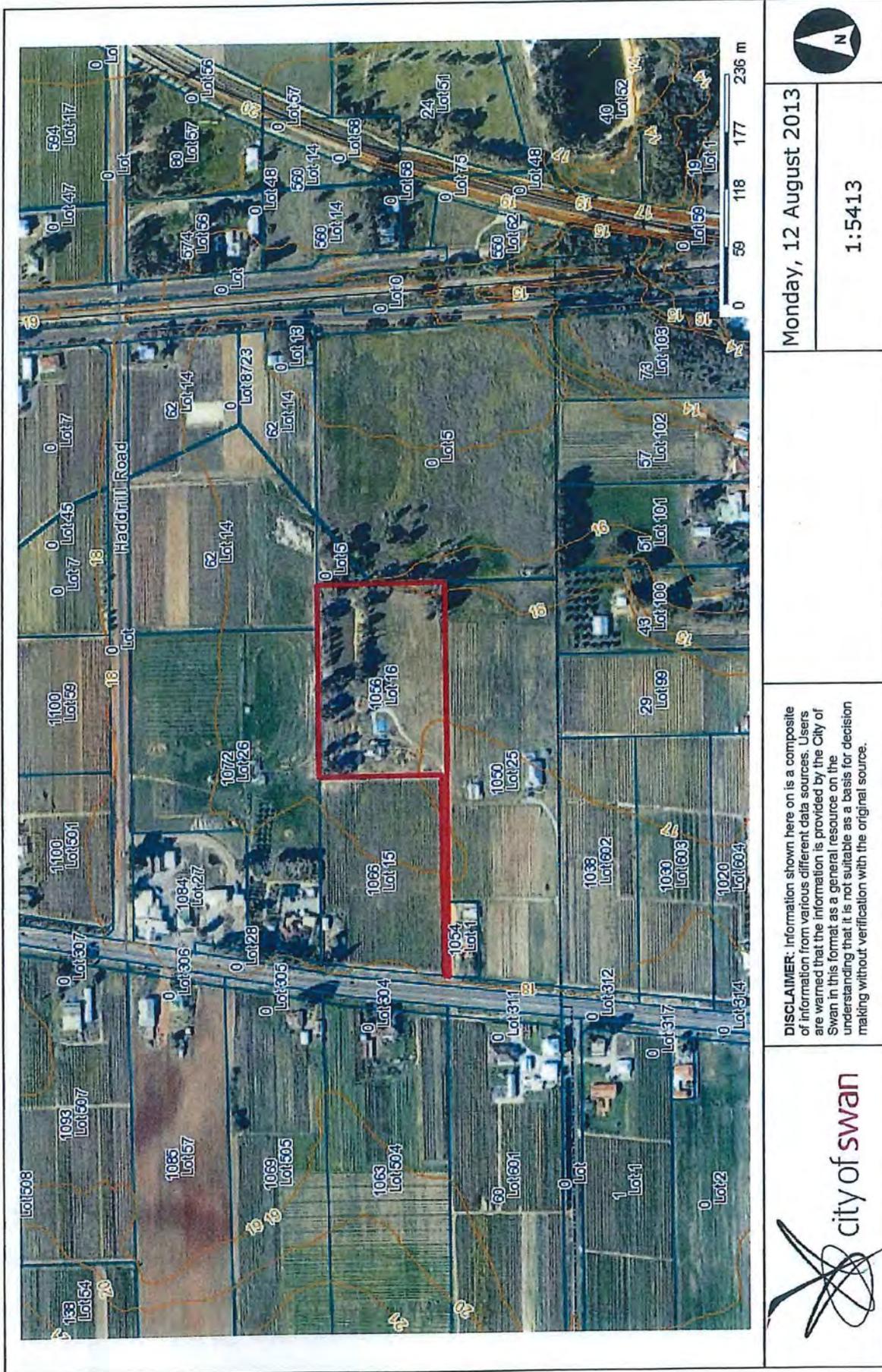


Scale: 1mm:2m

The shed is proposed for the storage of a tractor and farm equipment initially.

1056 Gt Northern Highway (Lot 16)
Baskerville WA 6056

RECEIVED
17 JUN 2013
CITY OF SWAN - CUSTOMER SERVICE



Monday, 12 August 2013

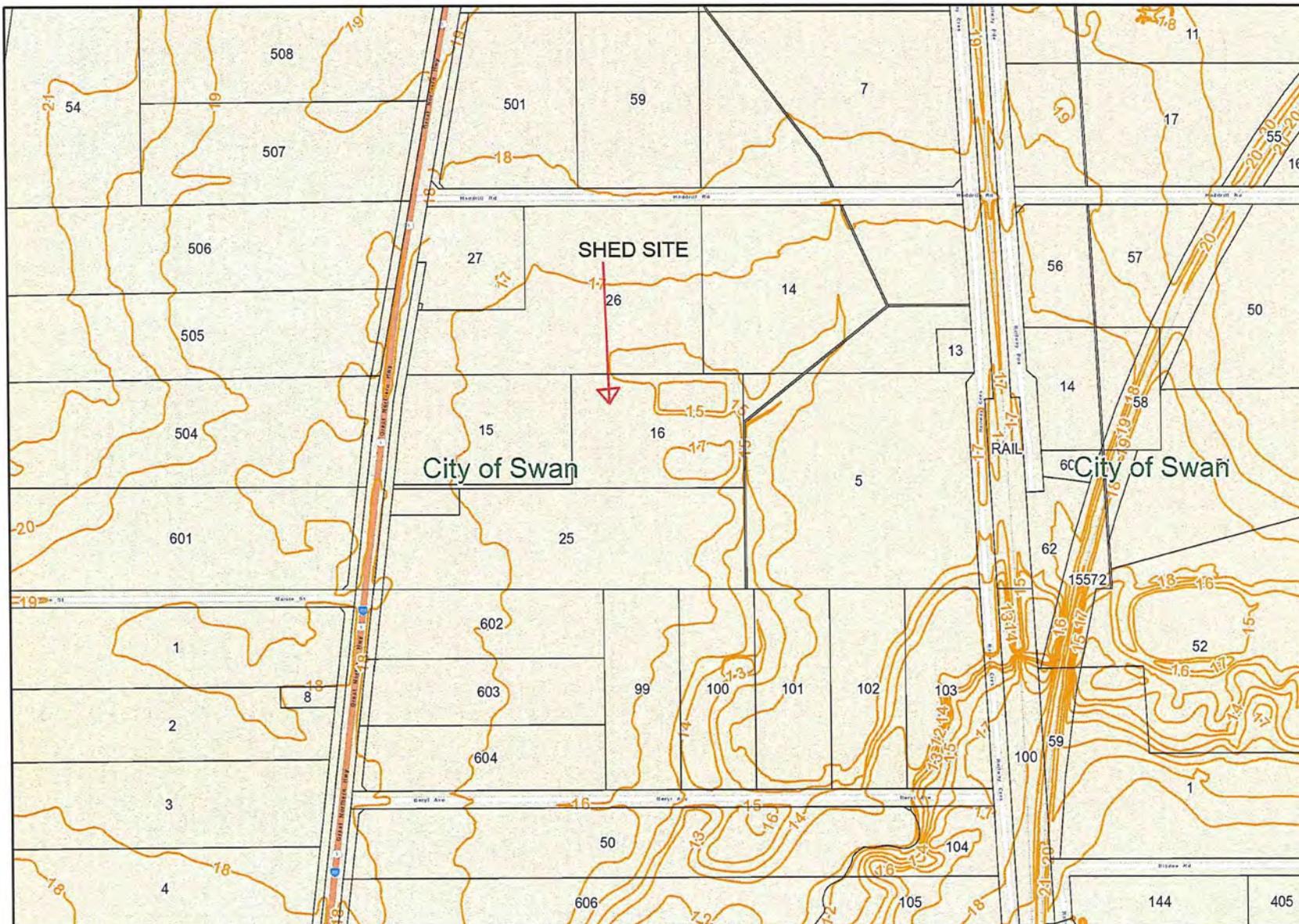
1:5413

DISCLAIMER: Information shown here on is a composite of information from various different data sources. Users are warned that the information is provided by the City of Swan in this format as a general resource on the understanding that it is not suitable as a basis for decision making without verification with the original source.

city of swan

Legend

-  Local Government Areas
-  Cadastre (view 1)
-  Cadastre (view 2)
-  Cadastre (view 3)
-  Cadastre (view 4)
-  W.A. Coastline
-  Contours (1 metre)
-  World Street Map



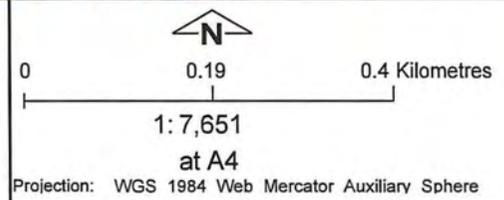
Notes:

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

Map was produced using DoP's PlanViewWA.

CONTOURS (1m)

INTERNAL USE ONLY
PlanViewWA
[Link to viewer](#)



Produced by: FUNCTIONALITY TO COM
Date produced: 24-Jan-20'

ATTACHMENT 3

ITEM NO: 9.6

RECONSIDERATION OF CONDITIONS TO SUBDIVISION APPROVAL ISSUED FOR LOT 500 COOTHALLIE ROAD, CHIDLOW AND VARIATION TO OUTLINE DEVELOPMENT PLAN NO 357

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:	656-12 and 1/2/27/5 P100
DATE:	28 January 2014
ATTACHMENT(S):	1 - Approved Plan of Subdivision 2 - Location/Zoning Map 3 - Local Subdivision and Infrastructure Plan No 357
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	Shire of Mundaring
LOCAL SCHEME ZONING:	Special Purpose (Eco-Village)
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	31 December 2012
PROCESS DAYS:	392 days
APPLICATION TYPE:	Subdivision Reconsideration and Local Subdivision and Infrastructure Plan Modification
CADASTRAL REFERENCE:	Lot 500 (2300) Coothallie Road, Chidlow

RECOMMENDATION:

Modification to LSIP No 357 (File Ref: 1/2/27/5 P100)

That the Western Australian Planning Commission (WAPC) resolves to:

- 1. adopt the modification to Local Subdivision and Infrastructure Plan (LSIP) No. 357 adopted by the Shire of Mundaring on 7 February 2013 in***

accordance with Clause 4.49(8) of the Shire of Mundaring Local Planning Scheme No. 3, subject to the following modifications:

- i. The Local Subdivision and Infrastructure Plan being modified to delete reference to the solar array on the spatial plans.**
- ii. The Local Subdivision and Infrastructure Plan being modified to include a provision requiring buildings within the village centre common property lot to be provided with photovoltaic panels with a minimum capacity of 2kW.**
- iii. The Local Subdivision and Infrastructure Plan being modified to change reference to the total sent-out power capacity from 208kW to 210kW.**

Subdivision Reconsideration 656-12

That the WAPC resolves to:

- 1. modify Condition 5 of its approval letter dated 4 December 2012 to state:**
 - "5. A Management Statement being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:**
 - (a) Management of common property;**
 - (b) Provision of affordable housing;**
 - (c) Insurance;**
 - (d) Safety and security;**
 - (e) Business operations;**
 - (f) Keeping of pets;**
 - (g) Maintenance of infrastructure and services;**
 - (h) Provision and maintenance of minimum 2kW solar photovoltaic panels for electrical energy production for each survey-strata lot and the common property village centre lot;**
 - (i) Conflict and dispute resolution processes;**
 - (j) Development and/or redevelopment on the residential strata lots, non-residential and common property land is to comply with a development approval issued by the local government and is to incorporate as required:**
 - (i) Effluent disposal;**
 - (ii) Power;**
 - (iii) Residential Design Guidelines;**
 - (iv) Traffic movements and regulations;**
 - (v) Fencing;**
 - (vi) Recycling and waste management.**

Amendment to or repeal of the above provisions cannot be effected without the WAPC's agreement." (Local Government)

- 2. modify Condition 14 of its approval letter dated 4 December 2012 to state:**

"14. The Residential Design Guidelines are to be modified and approved by the Shire of Mundaring to refer to a minimum 2kW solar photovoltaic system for each dwelling." (Local Government)

- 3. replace Condition 21 of its approval letter dated 4 December 2012 with the following condition:**

"21. 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. modify Condition 22 of its approval letter dated 4 December 2012 to state:**

"22. A restrictive covenant, to the benefit of the local government pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

'No development of a dwelling or occupation of dwellings on the lot shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 2kW on the lot, such that the minimum 2kW capacity of the panel can be realised without obstruction from shade producing structures or vegetation.'

(Local Government)

- 5. replace Condition 34 of its approval letter dated 4 December 2012 with the following condition:**

"34a)A Network Study being undertaken to determine whether any network upgrades are required to enable the Western Power network to receive 210kW produced through solar power generation. Any network upgrades identified by the Network Study being undertaken and completed by the developer to the

specifications of Western Power and to the satisfaction of the Western Australian Planning Commission." (Western Power)

"b) The on-site power distribution network being designed and installed to the specifications of Western Power and to the satisfaction of the Western Australian Planning Commission." (Western Power)

"c) Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision/plan dated 31 July 2012 (attached)." (Western Power)

6. Condition 33 is retained.

7. advise the applicant that in regard to Condition 21, Western Power provides only one underground point of electricity supply per freehold lot.

8. All other terms and conditions remain as per the Commission's original decision dated 4 December 2012.

SUMMARY:

- On 4 December 2012, the WAPC granted conditional approval to subdivide one lot into 105 survey strata lots and common property for the purpose of a proposed eco-village development (Somerville Eco-village).
- The applicant has requested the reconsideration of conditions relating to the provision of and connection to a communal solar array station, imposed in accordance with the Local Subdivision and Infrastructure Plan (LSIP).
- The proponent is now proposing that each dwelling install a 2kW photovoltaic system as well as connection to the Western Power electricity supply.
- The existing LSIP has been modified and approved by the Shire of Mundaring to support the reconsideration.
- The reconsideration and LSIP modification are forwarded to the Statutory Planning Committee (SPC) for determination as the original determination of these applications was made by the SPC. It is recommended that the LSIP modification be supported and the relevant conditions modified accordingly.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Part 10

Strategic Plan
Strategic Goal: Planning
Outcomes: Effective Delivery of Integrated Plans

Strategies: Implement State and Regional Planning priorities

Policy

Number and / or Name: Development Control Policy DC 1.1 Subdivision of Land - General Principles
Development Control Policy DC 1.3 Strata Titles
Development Control Policy DC 3.4 Subdivision of Rural Land

INTRODUCTION:

On 4 December 2012, the WAPC granted conditional approval to survey-strata subdivide Lot 500 (161.8ha) into 106 survey strata lots comprising of 104 residential lots, 1 lot for commercial land use (village centre), and one common property lot for recreation/rural/infrastructure land use. (**Attachment 1** - Approved Plan of Subdivision)

The subject site is zoned 'Rural' under the Metropolitan Region Scheme and 'Special Purpose - Eco-Village Development' under the Shire of Mundaring Town Planning Scheme No. 3 (TPS 3). An endorsed Local Subdivision and Infrastructure Plan (LSIP) is required as a prerequisite to the subdivision or development of the land (**Attachment 2** - Location/Zoning Map)

Local Subdivision and Infrastructure Plan No 357 - Somerville Eco-village (LSIP 357) was approved for the site in 2008. (**Attachment 3** - Local Subdivision and Infrastructure Plan No 357)

On 31 December 2012, the WAPC received a request for reconsideration of conditions relating to power generation (Conditions 33 and 34). On 11 March 2013, the request was modified to include Conditions 5, 14, 21 and 22 as changes to the power supply affect these conditions. The intent of the reconsideration request is to remove the requirement for a communal solar array station and increase the capacity of the photovoltaic system for each dwelling from 1kW to 2kW. It is also proposed that each strata lot will be provided with a Western Power connection, allowing excess power to be fed back to the grid.

The delay in determining the reconsideration request is as a result of:

- the requirement for the LSIP to be modified to support the reconsideration;
- the need for the submission of further information by the applicant to Western Power; and
- clarification and negotiation with Western Power in relation to the proposed provision of power supply, network capacity issues and condition requirements.

The Shire of Mundaring has also approved a related modification to LSIP 357 to remove reference to the requirement for a communal solar array station and require 2kW photovoltaic systems for each dwelling. Given the LSIP modification influences the subdivision reconsideration request it is considered appropriate for the WAPC to determine the modification concurrently with the subdivision reconsideration.

CONSULTATION:

The Shire of Mundaring and Western Power have been consulted on the subdivision reconsideration. Both agencies are generally supportive of the proposal subject to minor changes to the requested conditions which are discussed below.

COMMENTS:

Shire of Mundaring Town Planning Scheme No 3

The subject site is zoned 'Special Purpose - Eco-Village Development' under the Shire of Mundaring TPS 3. Schedule 1 of TPS 3 details the permissibility of uses and special conditions relating to the site. The following special conditions specifically relate to power:

- *Provided there has been compliance with the LSIP in regard to water, power and affordable housing the land may be subdivided to the full extent shown in the LSIP, that is with a total of 104 lots;*
- *Until servicing has been provided or substantially provided in accordance with clause 5.5 of the LSIP, no more than the 80 lots for the Somerville Eco-village referred to in clause 5.1.1 of the LSIP will be created; and*
- *Compliance with the above requirements to provide servicing shall be confirmed by the Western Australian Planning Commission, following submission of appropriate supporting evidence by the proponents.*

The LSIP modification and subdivision reconsideration seeks to provide a Western Power connection to each survey strata lot as well as requiring 2kW photovoltaic systems for future dwellings, which satisfies the power requirements of TPS 3. The minimum 2kW requirement is achieved by modifying the conditions relating to design guidelines and restrictive covenants to stipulate these requirements.

Local Subdivision and Infrastructure Plan No 357 (LSIP 357)

The Somerville Eco-village is a unique proposal with the key philosophy being a development which is environmentally, socially and economically sustainable with beneficial or minimal environmental impact. An important element of the LSIP is the incorporation of renewable energy systems.

LSIP 357 requires that a power supply be provided via solar photovoltaic panels in the form of a communal solar array station as well as on homes and other buildings. The total sent-out power capacity of the system is required to be at least 100kW under the LSIP. The LSIP does not stipulate the amount of power that should be generated from the communal solar array station or from the panels on homes, only that a total of 100kW should be provided. The LSIP indicates that the size of the communal solar array will be dependent on the amount of capacity that is installed on roofs within the village.

The LSIP modification proposes to remove the requirement for a communal solar array station and require that all solar energy be sourced from the roof of the dwellings. The modification proposes that the photovoltaic system of each dwelling be a minimum 2kW. It is also proposed that the village be connected to the Western

Power electricity supply system to enable the excess power to be fed back to the grid. This will result in a minimum total end capacity of 208kW once all the 104 residential strata lots are developed, and access to be Western Power network.

The applicant has provided the following information to support their application:

"The communal solar array was proposed initially as a cutting edge technology for generating sustainable power from renewable solar resources, consistent with the objectives of the Ecovillage. As the project has progressed, it has been determined that such a communal solar array and privately operated reticulation network would be prohibitively challenging to realise. The modified arrangements, removing the communal solar array, increasing solar panel provision on dwellings and connecting each strata lot directly to the Western Power network will provide a more efficient means of delivering power to each dwelling and will allow each landowner to obtain credits for feeding power back into the grid"

Removing the requirement for a communal solar array station is considered acceptable given the difficulties associated with managing a privately operated communal solar array. The proposed changes will enable individual landowners to regulate their own energy use, rather than being connected to a communal solar array with a relatively low energy capacity (approximately 0.24kW per dwelling). The total renewable energy capacity per dwelling will also increase from approximately 1.24kW to 2kW.

Information on the additional cost of providing the larger 2kW system has been requested, however the applicant has declined to provide this information. It should be noted that most photovoltaic systems start at 1.5kW and the proposed increase to 2kW is therefore only slightly above most starter packages. The larger 2kW system is not considered onerous for individual landowners, particularly when considering that strata lots are now proposed to connect to the Western Power network, rather than rely on a communal solar array station with ongoing maintenance costs.

Requiring 2kW photovoltaic systems on individual homes as well as connecting survey strata lots to the Western Power network is in accordance with the key principles of LSIP 357 relating to the provision of renewable energy, consistent with the eco-village concept. The LSIP currently requires buildings within the village centre to be sourced by solar power, however the proposed changes to the LSIP has made this requirement unclear. To clarify this requirement, and ensure the village centre development utilises renewable energy, it is recommended the LSIP be modified to require future buildings within the village centre common property lot to be provided with a minimum 2kW system, resulting in a total sent-out power capacity of 210kW.

Subdivision Approval 656-12

The WAPC survey-strata subdivision approval (WAPC Ref: 656-12) requires a minimum 25kW communal solar array station be provided which is connected to all strata lots and village centre lot (Condition 21). The subdivision approval also requires design guidelines which stipulate a minimum 1kW photovoltaic system for each dwelling on the survey-strata lots (Condition 14) and a restrictive covenant requiring a minimum 1kW photovoltaic system for future dwellings (Condition 22).

These conditions would result in a minimum total end capacity of 129kW when all dwellings are constructed which achieves the minimum 100kW requirement of endorsed LSIP 357. The individual strata lots are not currently required to connect to the Western Power grid.

The subdivision reconsideration seeks to remove the requirement for a communal solar array station and increase the size of the photovoltaic system of each dwelling from 1kW to 2kW. It also proposes to connect the strata lots to the Western Power electricity supply to enable the excess power to be fed back to the grid. This will result in a minimum total end capacity of 208kW once all the residential strata lots are developed, consistent with the proposed LSIP modification. Requiring future buildings within the village centre common property lot to be provided with a minimum 2kW system will increase the total end capacity to 210kW.

Western Power has no objections to the power supply arrangements. However, Western Power has requested a condition requiring a network study be undertaken to determine whether any network upgrades are required to enable Western Power to receive 210kW produced through solar power generation and for any upgrades to be undertaken. This is discussed in more detail under Condition 34.

In considering the above, it is recommended that the LSIP variation and subdivision reconsideration relating to the removal of the communal solar array station and increasing the photovoltaic panels for each dwelling from 1kW to 2kW be supported. Supporting the subdivision reconsideration impacts on a number of subdivision conditions as discussed below;

Condition 5

Condition 5 of the WAPC's conditional approval dated 4 December 2012 states:

5. *A Management Statement being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:*
 - (a) *Management of common property;*
 - (b) *Provision of affordable housing;*
 - (c) *Insurance;*
 - (d) *Safety and security;*
 - (e) *Business operations;*
 - (f) *Keeping of pets;*
 - (g) *Maintenance of infrastructure and services;*
 - (h) *Guarantee for provision and maintenance of minimum 100kW solar photovoltaic panels for electrical energy production;*
 - (i) *Conflict and dispute resolution processes;*
 - (j) *Development and/or redevelopment on the residential strata lots, non-residential and common property land is to comply with a development approval issued by the local government and is to incorporate as required:*

-
- (i) *Effluent disposal;*
 - (ii) *Power;*
 - (iii) *Residential Design Guidelines;*
 - (iv) *Traffic movements and regulations;*
 - (v) *Fencing;*
 - (vi) *Recycling and waste management.*

Amendment to or repeal of the above provisions cannot be effected without the WAPC's agreement. (Local Government)

The applicant requests the deletion of clause (h) of Condition 5 which requires the Management Statement to include the provision and maintenance of minimum 100kW solar photovoltaic panels. The Shire of Mundaring has no objection to the deletion of 5(h) but suggests an alternative requirement which addresses maintenance of the individual 2kW systems may be appropriate. As 5(h) refers to 100kW which covers the communal solar array station as well as the systems on individual dwellings, it is considered appropriate for 5(h) to be modified to refer to the updated provision for 2kW systems on each strata lot as well as the village centre common property lot. It is therefore recommended that 5(h) be modified as follows:

5(h) Provision and maintenance of minimum 2kW solar photovoltaic panels for electrical energy production for each survey-strata lot and the common property village centre lot.

Condition 14

Condition 14 of the WAPC's conditional approval dated 4 December 2012 states:

14. *Residential Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing housing density, cluster common areas, building setbacks, dwelling design and materials, rainwater tanks, minimum 1kW solar photovoltaic panel, open space and access/car parking (including disability access requirements). (Local Government)*

The applicant requests this condition be modified to replace 'prepared' with 'amended' and replace '1kW' with '2kW'. The Shire of Mundaring supports this change, however recommends that 'prepared' be replaced with 'modified and updated' to allow for more substantial change to the approved design guidelines. As the design guidelines have been approved by the Shire and the subdivision reconsideration is only requiring the change from 1kW to 2kW, it is considered appropriate for Condition 14 to be updated as follows:

14. *The Residential Design Guidelines are to be modified and approved by the Shire of Mundaring to refer to a minimum 2kW solar photovoltaic system for each dwelling. (Local Government)*

Condition 21

Condition 21 of the WAPC's conditional approval dated 4 December 2012 states:

-
21. *The provision of a solar photovoltaic panel array for electrical energy production with an initial minimum capacity of 25kW and connected to each residential strata lot and the village centre site via a 240V AC supply, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The solar array must be located no closer than 50 metres from the centreline of the water course. (Local Government)*

As the solar array station is no longer proposed, the applicant requests Condition 21 be removed and replaced with the model subdivision condition relating to power connection for survey-strata lots. The Shire of Mundaring and Western Power support the removal of this condition and imposing the model subdivision condition relating to power connection. Therefore, it is recommended that Condition 21 be replaced with the following condition:

21. *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)*

Condition 22

Condition 22 of the WAPC's conditional approval dated 4 December 2012 states:

- 22 *A restrictive covenant, to the benefit of the local government pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:*

'No development of a dwelling or occupation of dwellings on the lot shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 1kW either on the lot or by the owner/s of the lot on the common solar panel array, such that the minimum 1kW capacity of the panel can be realised without obstruction from shade producing structures or vegetation.'

(Local Government)

The applicant requests this condition be modified to refer to 2kW and delete reference to the solar array. It is recommended that this request be supported and that the condition be modified as detailed below:

- 22 *A restrictive covenant, to the benefit of the local government pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on*

the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

'No development of a dwelling or occupation of dwellings on the lot shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 2kW on the lot, such that the minimum 2kW capacity of the panel can be realised without obstruction from shade producing structures or vegetation.'
(Local Government)

Condition 33

It is noted that the applicant originally requested the deletion of Condition 33, which states:

33. *'Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision.'* (Western Power)

This condition is necessary as there is an overhead High Voltage power line affecting part of the property which is required to be removed or relocated to accommodate the proposed strata lots. Western Power has requested this condition be retained and the applicant accepts this condition. It is recommended that Condition 33 be retained.

Condition 34

Condition 34 of the WAPC's conditional approval dated 4 December 2012 states:

34. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'A network electricity supply is not available to the strata lot/s.' (Western Power)

The applicant requests Condition 34 be removed as it is now proposed that strata lots be connected to the Western Power electricity network. The Shire of Mundaring and Western Power support the removal of this condition and imposing a model condition regarding connection to the Western Power electricity network as discussed under Condition 21.

It should be noted that this condition only requires a single power connection to the freehold lot and does not require connection to each strata lot. It is important for the strata lots to be connected to the electricity network to allow excess solar power to be provided back to the grid, and to avoid 104 individual landowners extending consumer mains to each strata lot. Discussions were undertaken between the applicant, Department of Planning and Western Power to determine how each of the

strata lots can be connected to power and what conditions are necessary to ensure this.

Western Power has requested a network study be undertaken to determine whether any network upgrades are required to receive the solar power, and if so the network upgrades being undertaken. Further information was sought from Western Power to clarify whether the network has capacity to receive the solar power. Western Power has advised that provided a suitable transformer is installed there should be sufficient capacity in the network, however network reinforcement may be required. Western Power's response is consistent with standard subdivision requirements whereby infrastructure upgrades are common.

In addition an internal network distribution system is required to ensure all strata lots are connected to power. These proposed conditions are detailed below:

- a) *A Network Study being undertaken to determine whether any network upgrades are required to enable the Western Power network to receive 210kW produced through solar power generation. Any network upgrades identified by the Network Study being undertaken and completed by the developer to the specifications of Western Power and to the satisfaction of the Western Australian Planning Commission. (Western Power)*
- b) *The on-site power distribution network being designed and installed to the specifications of Western Power and to the satisfaction of the Western Australian Planning Commission. (Western Power)*

Although these are non-standard conditions, they are necessary in this instance to ensure excess power from the solar panels can be received by the Western Power grid and that electricity can be supplied when solar power is not being generated. The applicant has agreed to these conditions. In addition, Western Power has recommended that a model subdivision condition relating to electrical easements be imposed which is considered acceptable and agreed to by the applicant, as follows:

- c) *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision/plan dated 31 July 2012 (attached). (Western Power)*

Advice to applicant

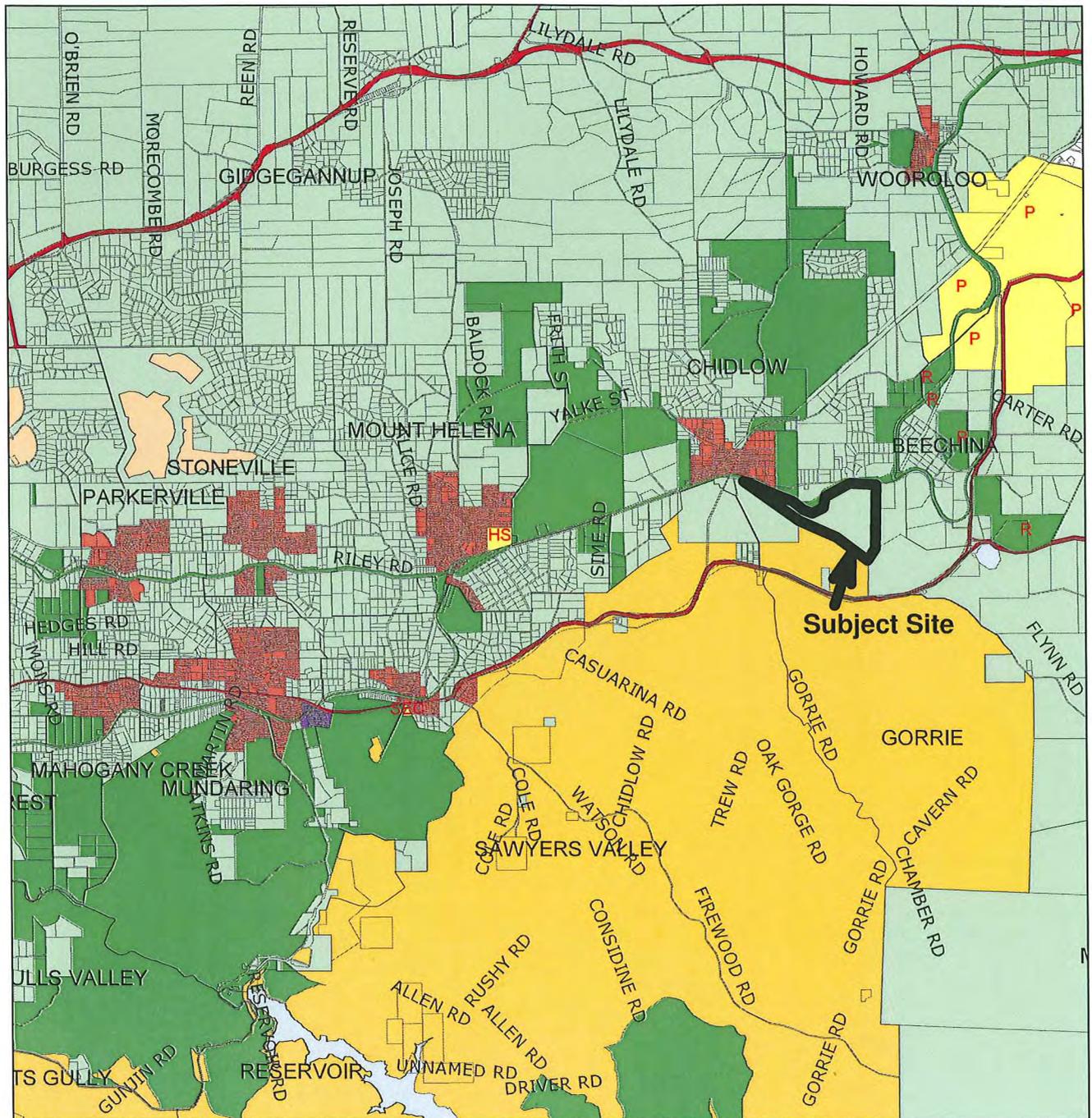
Western Power has requested an additional model subdivision advice note as follows:

6. In regard to Condition 21, Western Power provides only one underground point of electricity supply per freehold lot.

This is a model subdivision advice note and is required to accompany modified Condition 21 relating to power connection.

CONCLUSION:

Accordingly, it is recommended that the WAPC support the LSIP modification to remove the requirements for a communal solar array station, increase the capacity of photovoltaic panels from 1kW to 2kW and require connection to the Western Power network. It is also recommended that the relevant subdivision conditions be modified accordingly.



	Suburbs		PRIMARY REGIONAL ROADS		PP - HIGH SCHOOL
	Cadastre with Lot Numbers		WATERWAYS		PP - STATE ENERGY COMMISSION
	URBAN		PARKS & RECREATION		PP - PRISON
	URBAN DEFERRED		PARKS & RECREATION RESTRICTED		
	INDUSTRIAL		RAILWAYS		
	RURAL		STATE FORESTS		

Scale 1:120,201
 0 2.5 km

Prepared by: mcarbone
 Prepared for: SPC
 Date: Thursday, October 25, 2012 09:04
 Plot identifier: P20121025_0903

DP INTERNAL USE ONLY



Location/Zoning Plan
 Proposed Survey Strata Subdivision
 Lot 500 Coothallie Road, Chidlow

General Subdivision and Lot Layout Design

- Subdivision and lot layout shall generally be in accordance with the conceptual layout depicted in the Technical Guidelines Plan;
- The allocation of land uses shall be designed in accordance with the McHarg Overlay Method;
- Principal access and egress to and from the Somerville Ecovillage™ shall be provided by Ash Road in a location with sufficient sight lines to promote safe access and egress;
- Residential clusters shall locate on the fringes of a centralised Village Centre component, which is no less than 6.0 hectares;
- Each residential cluster shall contain no more than 12 dwellings and should comprise north-south orientated lots to maximise solar access;
- Each residential lot within a cluster shall achieve a minimum area of 1,000m2, with an associated building setbacks to address fire management and vegetation retention; and
- Each residential dwelling shall have either direct car access or access to a dedicated vehicle parking bay within a 50 metre walking distance.

Provided there has been compliance with LSP in regard to water, power and affordable housing the land may be subdivided to the full extent shown in the LSP, that is with a total of 104 lots.

Until servicing has been provided or substantially provided in accordance with clause 5.5 of the LSP, no more than 80 lots for the Somerville Eco-village referred to in clause 5.1.1 of the LSP will be created.

Compliance with the above requirements to provide servicing shall be confirmed by the Western Australian Planning Commission, following submission of appropriate supporting evidence by the proponents.

Internal Access Arrangements

- The Village Centre shall remain 'car-free' with the exception of emergency access vehicles;
- All dwellings and buildings associated with the Village Centre shall be contained within the confinements of a ring road;
- Each residential cluster shall have pedestrian and cyclist access connecting (directly or indirectly) the cluster with the Village Centre, parking areas and bicycle stations;
- Emergency access shall be provided in accordance with an approved Fire Management Plan; and,
- Access arrangements shall generally be in accordance with the 'Access Hierarchy' provisions depicted on the Technical Guidelines Plan and within the LSP report.

Communal Transport Facilities

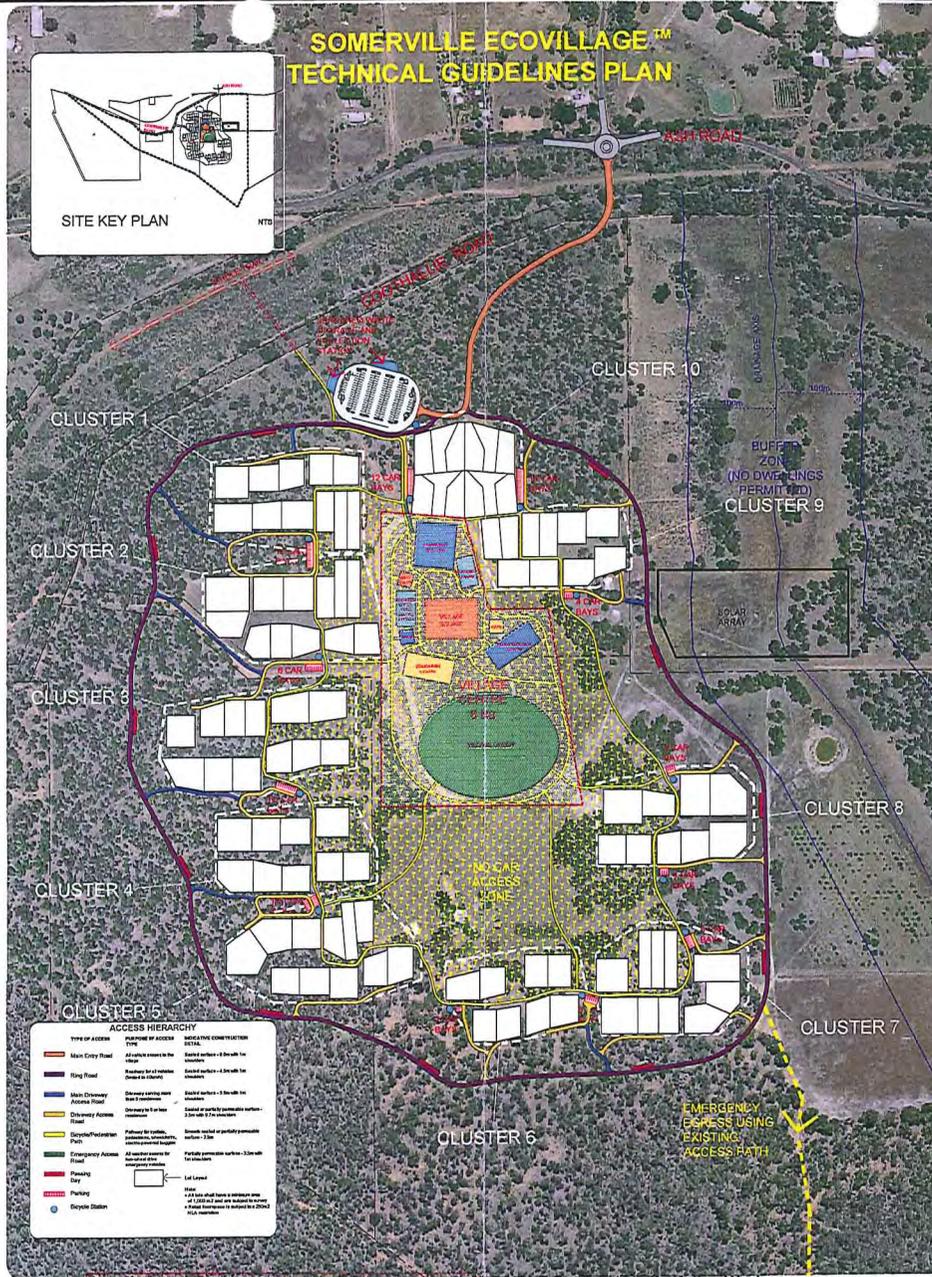
- Sufficient parking area for visitors' vehicles and service vehicles associated with the Village Centre;
- Access to communal bicycle stations; and,
- Communal shuttle service to nearby public transport facilities in and around the Chidlow townsite.

Residential Dwelling Design Provisions

The development of Residential land shall be in accordance with the Scheme provisions that apply to the Residential zone (Other than one coded R2.5) with the exception of open space requirement, setbacks and built form requirements. These aspects and others are to be controlled by 'Residential Design Guidelines and Standards'.

The 'Somerville Ecovillage™ Residential Design Guidelines and Standards' document, which shall address the following elements (inter alia) with reference to the LSP report.

- Housing Density;
- Cluster Common Area;
- Building Setbacks;
- Dwelling Design and Materials;
- Open Space; and,
- Access and Carparking.



Fire Management

The proponent shall provide evidence that the requirements of the WAPC and Fire and Emergency Services Authority publication 'Planning for Bush Fire Protection' have been satisfied with respect to meeting the contained fire protection performance criteria, to the satisfaction of the Shire of Mundaring.

Effluent Disposal and Greywater Use

- Residential clusters shall locate on the fringes of a centralised Village Centre component, which is no less than 6.0 hectares; and,
- All dwellings shall collect greywater for off-site disposal/reuse in accordance with the department of Health's *Guidelines for the Reuse of Greywater in Western Australia* document.
- An Integrated Water Management Plan is to be prepared and implemented, prior to the commencement of site works, to the satisfaction of the DoW and Consistent with the *Stormwater Management Manual for Western Australia, DoW 2007*.

Village Centre and Non-Residential Design Provisions

The development of land within the Village Centre shall be in accordance with the Scheme provisions that apply to the Local Centre zone, except for the permissibility of uses in Table 1 (Zoning Table) of the Scheme.

The permissibility of uses on land within the Village Centre is covered by section 7.8 within the LSP report.

Future development shall be in accordance with an approved 'Somerville Village™ Centre and Ancillary Development Design Guidelines and Standards' document, which shall address the following elements (inter alia) with reference to the LSP report:

- Building Setbacks and Location;
- External Service and Storage Areas;
- Fencing;
- Carparking and Access;
- Water Supply and Hydrological Efficiency;
- Built Form and Character;
- Materials, Finishes, and Colour; and,
- Signage.

Strata Title Subdivision Requirements

As a component of subdivision, a Strata Management Statement incorporating by-laws shall be prepared and implemented under the Strata Titles Act 1985 (as amended). The Management Statement shall have due consideration of the following issues (inter alia):

- Management of common property;
- Insurance;
- Safety and security;
- Business operations;
- Keeping of pets;
- Fencing;
- Maintenance of infrastructure and services;
- Traffic movements and regulations;
- Recycling and waste management; and,
- Conflict and dispute resolution process.

Conservation and Recreation

The development of Rural land shall be in accordance with the Scheme provisions that apply to the general Rural zone, except for the permissibility of uses in Table 1 (Zoning Table) of the Scheme.

The Permissibility of uses on Rural land is covered by section 7.10 within the LSP report.

The Environmental Management Plan and supporting data, including measures to protect remnant vegetation and methods of revegetation, is to be forwarded to the Department of Environment and Conservation for advice/approval prior to determination of any subdivision or development proposals.

Agriculture and Permaculture

Agriculture development shall be assessed in accordance with the provisions of Amendment No. 58.

Heritage

An ethnographic and archaeological survey shall be conducted, prior to any subdivision, to the satisfaction of the Department of Indigenous Affairs.

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DATE: 18 April 2008 FILE: 080418 1122 LSP.dwg

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SHIRE OF MUNDARING LOCAL SUBDIVISION & INFRASTRUCTURE PLAN No: 357 SHEET OF ADOPTED BY COUNCIL ON: 28/8/07 DATE: 7/5/08 ADOPTED BY WA PLANNING COMMISSION:

Signed for and on behalf of the Western Australian Planning Commission. FIGURE 12: TECHNICAL GUIDELINES PLAN SOMERVILLE ECOVILLAGE™ LOTS 41, 42, 45, 46, 307, 17966 AND 26063 COOTHALLIE ROAD, CHIDLOW an officer of the Commission duly authorised by the Commission pursuant to Section 24 of the Planning and Development Act 2005.

FIGURE 12: TECHNICAL GUIDELINES PLAN SOMERVILLE ECOVILLAGE™ LOTS 41, 42, 45, 46, 307, 17966 AND 26063 COOTHALLIE ROAD, CHIDLOW



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ATTACHMENT 3



State planning policies

You Are Here: Home > Plans and policies > State planning policies

State planning policies are prepared and adopted by the WAPC under statutory procedures set out in part 3 of the Planning and Development Act 2005. The process of preparing a state planning policy also includes public consultation and consideration by the Planning Minister and the Governor.

The WAPC and local governments must have 'due regard' to the provisions of state planning policies when preparing or amending local planning schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take account of state planning policies when determining appeals.

State planning policies provided here are not necessarily the official gazetted copies. Gazetted copies should be obtained from the State Law Publisher.

1	<u>State Planning Framework Policy (Variation No 2)</u>	February 2006
2	<u>Environment and Natural Resources Policy</u>	June 2003
2.1	<u>Peel-Harvey Coastal Plain Catchment Policy</u>	February 1992
2.2	<u>Gnangara Groundwater Protection</u>	August 2005
2.3	<u>Jandakot Groundwater Protection Policy</u>	June 1998
2.4	<u>Basic Raw Materials</u>	July 2000
2.5	<u>Land Use Planning in Rural Areas</u>	November 2013
2.6	<u>State Coastal Planning Policy</u>	July 2013
2.7	<u>Public Drinking Water Source Policy</u>	June 2003
2.8	<u>Bushland Policy for the Perth Metropolitan Region</u>	June 2010
2.9	<u>Water Resources</u>	December 2006
2.10	<u>Swan-Canning River System</u>	December 2006
3	<u>Urban Growth and Settlement</u>	March 2006
3.1	<u>Residential Design Codes</u>	August 2013
3.2	<u>Aboriginal Settlements</u>	May 2011
3.4	<u>Natural Hazards and Disasters</u>	April 2006
3.5	<u>Historic Heritage Conservation</u>	May 2007
3.6	<u>Development Contributions for Infrastructure</u>	November 2009
4.1	<u>State Industrial Buffer Policy</u>	May 1997
4.2	<u>Activity Centres for Perth and Peel</u>	August 2010
4.3	<u>Poultry Farms Policy</u>	December 1998
5.1	<u>Land Use Planning in the Vicinity of Perth Airport</u>	February 2004
5.2	<u>Telecommunications Infrastructure</u>	March 2004

5.3	<u>Jandakot Airport Vicinity</u>	March 2006
5.4	<u>Road and Rail Transport Noise and Freight Considerations in Land Use Planning</u>	September 2009
6.1	<u>Leeuwin-Naturaliste Ridge Policy</u>	January 2003
6.3	<u>Ningaloo Coast</u>	August 2004
Draft policies		
4.1	<u>State Industrial Buffer (Amended) (Draft)</u>	July 2009
5.1	<u>Land Use Planning in the Vicinity of Perth Airport</u>	October 2011
5.3	<u>Jandakot Airport Vicinity</u>	July 2013

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Department of
 Planning



Western
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Resolutions and instruments of delegation - WAPC

You Are Here: Home > The planning system > Region and local planning schemes > Resolutions and instruments of delegation - WAPC

The *Planning and Development Act 2005* (section 16) provides for the delegation of the functions of the WAPC by resolution to a member, committee, officer of the WAPC, public authority or a local government. The delegation takes effect when the notice of resolution is published in the Government Gazette.

Extracts with gazettal dates:

DEL 2007	<u>Power of Delegation - to appoint nominated proxies to planning committees</u>	13/07/2007
DEL 2008/07	<u>Powers of officers (Hope Valley-Wattleup)</u> - amendment 30 June 2009	19/12/2008 amended 30/6/2009
DEL 2008/08	<u>Powers of officers (Whiteman Park)</u>	19/12/2008
DEL 2008/09	<u>Powers of Commissioner of Main Roads</u>	19/12/2008
DEL 2008/10	<u>Powers of officers</u> (Department of Environment and Conservation)	19/12/2008
DEL 2008/12	<u>Powers of local governments (PRS)</u> - amendment 30 June 2009	19/12/2008 amended 30/6/2009
DEL 2008/14	<u>Powers of local governments</u> (Ningaloo Coast RIDO 2007)	19/12/2008
DEL 2009/02	<u>Powers of officers</u> (Department of Treasury and Finance)	24/4/2009
DEL 2009/03	<u>Powers of local governments</u> (Strata Titles Act)	9/6/2009
DEL 2009/04	<u>Powers of officers</u> (Department of Housing) - Amendment 27 September 2013	24/7/2009 amended 27/9/2013
DEL 2009/05	<u>Powers of committees - 4 September 2009</u>	04/09/2009
	- amendment 27 November 2009	amended 27/11/2009
	- amendment 30 April 2010	amended 30/4/2010
	- amendment 14 May 2010	amended 14/5/2010
	- amendment 29 March 2011	amended 29/03/2011
	- amendment 9 December 2011	amended 09/12/2011
	- amendment 7 September 2012	amended 07/09/2012
DEL 2011/01	<u>Powers of Local Governments (Hope Valley-Wattleup Redevelopment Act 2000 and Master Plan)</u>	25/01/11
DEL 2011/02	<u>Powers of local governments (MRS)</u> SP 693 SP 694	23/12/2011 amended 08/08/2013

RES 2011/03	<u>Resolution under clause 32 of the MRS</u>	1/11/2011
RES 2011/03	<u>Resolution under clause 21 of the PRS</u>	4/11/2011
DEL 2011/04	<u>Powers of Officers (Swan River Trust)</u>	23/12/2011
DEL 2012/01	<u>Resolution under clause 27 of the GBRs</u>	20/04/2012
DEL 2012/01	<u>Powers of local governments (GBRS)</u>	20/04/2012
DEL 2012/01	<u>Delegation of power to Officers of the WAPC</u>	23/10/2012
	- <u>correction 13 November 2012</u>	13/11/2012
	- <u>Amendment 6 September 2013</u>	09/09/2013
	- <u>Amendment 11 October 2013</u>	11/10/2013

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