



Statutory Planning Committee

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

**Tuesday 12 August 2014
9.00 am**

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



Tim Hillyard
WAPC Secretary

Please convey apologies to Luke Downes on 6551 9549 or email
luke.downes@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
Ms Gail McGowan	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(3)	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**
 - Ms Megan Bartle
- 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**
 - 6.1 – Mr Peter Webb – Peter D Webb & Associates – Sandalford Winery (item 9.2)
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes**
 - Tuesday, 22 July 2014
- 9. Statutory items for decision**
- 10. Policy items for discussion/decision**
- 11. Confidential items**
- 12. Stakeholder engagement & site visits**
- 13. Urgent business**
- 14. Items for consideration at a future meeting**
- 15. Closure**
 - Next meetings will be held:
 - Ordinary meeting – 9 September 2014
 - Policy meeting – 26 August 2014

Statutory Planning Committee

Minutes
of ordinary meeting 7506
held on Tuesday, 22 July 2014

Attendance

Members

Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Martin Clifford	Regional Minister's nominee (Deputy)
Mr Ian Holloway	Professions representative (arrived 9.20 am)
Ms Gail McGowan	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Pam Baskind	Planning Manager; Regional Planning and Strategy
Ms Natalie Cox	Planning Manager; Perth and Peel Planning
Ms Rebecca Fuller	Senior Planning Officer; Schemes and Amendments

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7506.1 Declaration of Opening

Due to the absence of the Presiding Member and in accordance with clause 3.6 of the Standing Orders 2009, a member was chosen to preside over the meeting.

**Ms McGowan nominated Ms Taylor.
Ms Taylor accepted the nomination.**

Resolved

Moved by Ms McGowan, seconded by Mr Clifford

That Ms Taylor preside over the meeting of the Statutory Planning Committee in the absence of the Presiding Member.

The motion was put and carried.

The Presiding Member declared the meeting open at 9.01 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

Statutory Planning Committee

Minutes
of ordinary meeting 7506
held on Tuesday, 22 July 2014

7506.2 Apologies

Mr Eric Lumsden

WAPC Chairman (Presiding Member)

7506.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7506.4 Disclosure of Interests

Nil.

7506.5 Declaration of Due Consideration

No declarations were made.

7506.6 Deputations and Presentations

7506.6.1 Town of Claremont - Local Planning Scheme No.3 - Amendment No.129 - for Final Approval

Presenter Mr David Vinicombe, Town of Claremont

A deputation request had been received from Mr Vinicombe which was subsequently approved and notification provided. Mr Vinicombe did not appear for his deputation.

7506.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7506.8 Confirmation of Minutes

7506.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 8 July 2014

Resolved

Moved by Ms McGowan, seconded by Ms Bartle

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 8 July 2014, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

Statutory Planning Committee

Minutes
of ordinary meeting 7506
held on Tuesday, 22 July 2014

Members agreed to endorse, en-bloc, all the recommendations associated with Items 7506.10.2, 7506.10.4 and 7506.10.5.

Resolved

Moved by Mr Clifford, seconded by Ms Bartle

That the Statutory Planning Committee resolved to endorse, en-bloc, all the recommendations associated with Items 7506.10.2, 7506.10.4 and 7506.10.5.

The motion was put and carried.

7506.9 Reports

Nil.

7506.10 Confidential Items

7506.10.1

Swan Valley Interim Planning Policy

File DP/14/00170/1
Report Number SPC/680
Agenda Part A
Reporting Officer Director – Strategic Projects

THIS ITEM IS CONFIDENTIAL

Moved to item 10.3.

7506.10.2

Shire of Murchison - Local Planning Scheme and Strategy – for Consent to Advertise

File TPS/1258/1
Report Number SPC/681
Agenda Part E
Reporting Officer Statutory Planning Manager - Central Regions

THIS ITEM IS CONFIDENTIAL

Mr Holloway arrived at 9.20 am.

Statutory Planning Committee

Minutes
of ordinary meeting 7506
held on Tuesday, 22 July 2014

7506.10.3 Town of Claremont - Local Planning Scheme No.3 - Amendment No.129 - for Final Approval

File TPS/1302
Report Number SPC/682
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7506.10.4 Shire of Chittering - Town Planning Scheme No.6 Amendment No. 49 - for Final Approval

File TPS/1309
Report Number SPC/683
Agenda Part E
Reporting Officer Planning Manager - Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7506.10.5 Shire of Coorow - Local Planning Scheme No.3 and Local Planning Strategy - Consent to Advertise

File TPS/1192/1
Report Number SPC/684
Agenda Part E
Reporting Officer Statutory Planning Manager

THIS ITEM IS CONFIDENTIAL

7506.11 General Business

Nil.

7506.12 Items for Consideration at a Future Meeting

Mr Holloway will make a presentation to members on liveable neighbourhoods and affordable housing at the 26 August 2014 meeting.

7506.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 12 August 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.33 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

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11.5 Shire of Gnowangerup - Local Planning Strategy
Amendment - For Final Approval

G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA

11.6 State Administrative Tribunal Section 31 Reconsideration
of Subdivision Refusal in the City of Albany

ITEM NO: 9.1

White Gum Valley (former School Site) Local Structure Plan for Final Endorsement

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer, Metropolitan Central Planning
AUTHORISING OFFICER:	Director Metropolitan Central Planning
AGENDA PART:	C
FILE NO:	SPN 0578
DATE:	10 June 2014
REPORT CATEGORY:	Statutory
ATTACHMENT(S):	Attachment 1 Location Plan
	Attachment 2 Zoning Plan
	Attachment 3 Aerial Photography
	Attachment 4 Structure Plan Map
	Attachment 5 Residential Density Plan
	Attachment 6 Tree Retention Plan
	Attachment 7 Schedule of Submissions

RECOMMENDATION:

That the Statutory Planning Committee resolves to:

- 1. note the submissions received during the public consultation period;**
- 2. support the modifications as recommended by the City of Fremantle and as detailed below:**
 - i) The R25 – R40 coded sites be modified to a density coding of R35 with the exception of the portion of land to the east of the drainage reserve which should be modified to a density coding of R40.**
 - ii) The proposed grouped and multiple dwelling sites be modified to a density coding of R60 with the exception of the portion of land immediately north of the drainage reserve which shall have a density coding of R80.**
 - iii) Remove reference to Local Development Plans throughout the Structure Plan document and replace with reference to a commitment to prepare in conjunction with the City of Fremantle a Local Planning Policy to guide built form and design outcomes.**

iv) Delete the following wording (4.2.2, p11):

"The Scheme also outlines a number of other provisions relating to residential development. A summary of these provisions is provided below:

- All residential development shall have regard to the minimum energy efficient rating specified in the local planning policy.**
- Where mixed use development is proposed, Section 7.2 of the R-Codes will apply.**
- Where a Development Area is situated within a local planning area, appropriate development requirements applicable to the Development Area shall be determined by Council through further comprehensive planning, including public consultation. "**

v) Expand on the Directions 2031 and Beyond 2010 discussion (5.1., - p13). Include discussion on infill housing targets applicable to the LSP as opposed to the Greenfield targets.

vi) Delete "and peel" from heading Central Metropolitan Perth and peel sub- regional strategy (2010) and note that the document is draft (5.1.3, p13).

vii) Expand on the Central Metropolitan Perth sub- regional strategy (2010) discussion (5.1.3, p13). For example, the Sub-Regional Strategy for the central Metropolitan area focuses on providing for development in this area through infill housing.

viii) Delete reference to Alkimos-Eglinton (5.1.6, p14).

ix) Expand on discussion on Local Planning Policy 2.13 – sustainable building design requirements (5.2.4, p19), including that the policy does not apply to grouped dwellings or single houses and would only apply to multiple dwellings over 1000 m² in GLA.

x) Write full name of City of Fremantle Policies including the policy number (5.2.5, 5.2.6, 5.2.8, p19 and 20).

xi) Delete mention of Urban Design and Streetscape guidelines (5.2.5, p19) as this refers to a now-revoked City of Fremantle policy.

xi) Delete mention of Urban Design and Streetscape guidelines (5.2.5, p19) as this refers to a now-revoked City of Fremantle policy.

xii) Delete mention of 15 dwellings/ha in Directions 2013 (8.2.4, p39).

Additional Text to be Included

i) Prior to any application for subdivision and/or development of the land subject to the Structure Plan, a study shall be carried out to assess the potential to retain existing trees in addition to those

identified for retention in Figure 16 in Part 2 of the Local Structure Plan.

3. *endorse the Former Kim Beazley School Site White Gum Valley Local Structure Plan; and*
4. *advise the applicant and the City of Fremantle of its decision accordingly.*

SUMMARY:

The key points of this report are:

- The City of Fremantle ('the Council') has forwarded a local structure plan known as the 'White Gum Valley Former Local School Site Structure Plan Structure Plan' (WGV LSP) for Lot 2089 Stevens Street and Lot 2065 Hope Street (**Attachment 1 Location Plan**) for endorsement of the Western Australian Planning Commission (WAPC).
- The WGV LSP seeks to facilitate redevelopment of the site in accordance with the operative local planning scheme provisions which requires coordinated planning of the site to guide future subdivision and development.
- The WGV LSP provides for redevelopment of the site for medium density development contemplating Residential Design Code densities between R35 and R80 and a variety of dwelling types, including provision for affordable housing.
- The site is ideally located for medium to high density living being in proximity and within walking distance to a range of commercial, educational, recreational and community facilities including the Fremantle TAFE, South Fremantle High School, White Gum Valley Primary School, South Street Local Centre, Watkins Street Neighbourhood Centre and the Minilya Street Neighbourhood Centre.
- Council resolved to adopt the WGV LSP at its December 2013 ordinary meeting subject to modifications which require changes to the proposed density codings and the inclusion of additional development standards and requirements.
- The version of the WGV LSP being considered by the Statutory Planning Committee represents the original structure plan which has not been modified in accordance with Council's recommendation.
- The WGV LSP is consistent with Commission policy and practice and it is consequently recommended that the Commission endorses the structure plan as proposed.

BACKGROUND:

The proposed WGV LSP has been prepared on behalf of LandCorp as a requirement of the Special Control 'Development Area' and the 'Development' zone in order to guide and facilitate the subdivision and development of the site for residential and recreational purposes.

The LSP applies to the former Kim Beazley School Site at Lot 2089 Stevens Street and to the adjoining drainage reserve at Lot 2065 Hope Street, White Gum Valley both of which are owned by the State of Western Australia and the City of Fremantle, respectively.

The site is zoned 'Development' (Development Area 12) under the City of Fremantle Local Planning Scheme No. 4 (LPS4) (**Attachment 2 Zoning Plan**) and is approximately 2.29ha in area and located approximately 2.5 kilometres east of Fremantle. The site is located immediately south of the Royal Fremantle Golf Course and Booyembara Park and located central to the established residential area of White Gum Valley.

Lot 2089 does not contain any buildings and only contains vegetation and disused paved/sealed areas. The reserve at Lot 2056 accommodates Sullivan Hall and the Fremantle Men's Shed building, located on the western portion of the site nearest to Nannine Avenue (**Attachment 3 Aerial Photography**).

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10, section 135 (Approval of WAPC required for subdivision)

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective delivery of integrated plans

Planned local communities developing a sense of place

Strategies:

Develop integrated infrastructure and land use plans for the State

Implement State and regional planning priorities

Encourage innovation in the design of our communities

Policy

Number and / or Name:

Statement of Planning Policy No. 1 - *State Planning Framework (2006)*

Statement of Planning Policy No. 3 - *Urban Growth and Settlement*

Statement of Planning Policy No. 3.1 – *Residential Design Codes*

Directions 2031 and Beyond

Draft Central Metropolitan Perth Sub-regional Strategy

DETAILS:

The LSP proposes the area be developed for residential purposes with densities of R25-R40 and R50-R80 density coding as well as being developed in part for public open space at the western end of the site, which will accommodate the existing Sullivan Hall and Men's Shed buildings.

The basis of the LSP design is a north-south aligned through road extending between Hope Street and Stevens Street. The road reserve is significantly wider in the southern and central part of the site and will be utilised for tree retention within the verge area (**Attachment 4 Structure Plan Map**). The LSP proposes to focus the higher densities toward the centre of the site and along Stevens street where there is no residential interface and where the impacts of higher densities will be negligible. The LSP also proposes to locate the lower density R35 codings on the periphery of the site and interfacing with the existing lower density R25 coded areas of White Gum Valley. The LSP also proposes to locate the public open space and the drainage reserve adjacent to Hope Street and Nannie Street to ensure an appropriate interface with the existing residential areas (**Attachment 5 Residential Density Plan**).

The indicative overall yield from the WGV LSP will be in the order of 28 lots which will yield approximately 75 – 80 dwelling units.

GOVERNMENT AND CORPORATE IMPLICATIONS:

This proposal will assist in provision of a variety of housing stock to compliment targets identified in Directions 2031 and Beyond.

There will be no financial or expenditure implications for the WAPC in implementation of the structure plan.

PLANNING FRAMEWORK

Analysis of proposal against policy framework

The proposal is consistent with the Commission's policy framework and is considered to have merit and reflects orderly proper planning as it:

- Will increase residential development on the site and provide additional public open space to the locality.
- The proposal will improve an otherwise underutilised site and will represent efficient and optimal use of land.
- The site is in close proximity to compatible recreational, retail, medical and educational land uses.
- The proposal will be within a walkable distance to local amenities and public transport.
- The amenity of the surrounding residential neighbourhood will not be adversely compromised in terms of overshadowing, overlooking etc.
- The proposal represents a more intensive use of the site than the specialised educational facility that historically existed in this location, allowing for increased diversity of housing type to assist with the accommodation of people within their local community over all stages of life.
- The structure plan will assist in the achievement of optimal dwelling numbers for the locality, in accordance with draft central sub-regional strategy and Directions 2031.
- It will produce a more sustainable development outcome that previously existed on the site and optimises the number of dwellings in close proximity to public transport and local facilities.

CONSULTATION:

Previous to Council adopting the proposed LSP for public comment, and throughout the preparation of the LSP, a series of community consultation forums were undertaken by the Landcorp project team to explore the community development aspirations and vision for the site. In addition, a series of workshops were conducted at the end of 2011, including a series of briefing sessions and 'hands-on' group workshops, the outcomes of the 2011 workshops informed the project vision, objectives and planning and urban design principles outlined in the final proposed LSP.

The WGV LSP was advertised by the Council from 2 September 2013 to 18 October 2013 in accordance with the City's procedures which included on-site signs, letters to surrounding residents, advertisements in local newspapers and documents displayed on the City's website.

At the completion of the public comment period the City had received 161 submissions on the Structure Plan with 152 of these objecting to the Local Structure Plan, 5 submissions in support of the LSP and 3 of no comment. A summary of the concerns raised in the submissions is listed below:

- No big lots being provided in the LSP, especially for families. The preference for R25 or R20 sized lots (larger than 300 – 350 m²) was expressed.
- The LSP not being consistent with WAPC's Directions 2031 and Beyond (Directions 2031) target of 15 dwellings per hectare in new development areas.
- The dual density code ranges (R25/R40 and R50/R80) provided in the LSP being too wide.
- The proposed density being too high and concern that future development will not fit in with the surrounding/existing WGV suburb.
- The impact of the high density on the site coupled with the effect of future development of the adjacent Department of Housing site. Additional concern that the LSP will set a precedent for future development in the area.
- The proposed 3-4 storeys height being too high.
- The loss of trees.
- The proposal devaluing property value in the area.
- The potential increase in traffic on local roads and the resulting danger from this.
- The potential increase in crime and the area becoming a future slum and/or concrete jungle.
- No/not enough public open space (POS) provided on site.
- The development needing to be based on sustainable principles and design of the new buildings being included in the LSP.

The submissions have been addressed individually in the schedule of submissions (**Attachment 7 Schedule of Submissions**). The main submission points are also considered in the Planning Comment section of this report and include:

- Density;
- Building height;
- Retention of existing trees;
- Traffic; and
- Public Open Space.

OFFICER'S COMMENTS:

The intent of a structure plan is to provide a broad planning framework for the coordinated provision and arrangement of future land use, subdivision and development for the site. The subject LSP has been assessed by the DoP and is considered to contain an appropriate level of detail to fulfil the intent of a LSP.

The Structure Plan comprises three parts. Part 1 (Statutory Section) contains the provisions, requirements and standards that have the effect as if included in the City of Fremantle Local Planning Scheme No.4 (LPS 4). Part 2 (Explanatory Section) provides justification and clarification of the provisions contained within Part One but does not have any statutory effect. Part 3 (Appendices) contains all additional studies, investigations and technical reports that are required to inform the Structure Plan.

The LSP will provide 1.66ha of residential land with a range of dwelling density and typologies which will allow both social and economic flexibility. The site's location in proximity to transport, recreation, community, educational and retail facilities as well as being located opposite to the golf course, which provides an attractive outlook, will naturally lend itself to the delivery of a variety of housing typologies that will cater for a range of households.

Housing density is designed to achieve a density average of 30 dwellings per gross hectare. Density distribution will ensure a sensitive transition and integration between adjoining residential areas and the new development is achieved. The LSP proposes a density range of R35-R80 across the site resulting in an estimated yield of 28 lots. This is to allow flexibility at subdivision stage to achieve the best design outcome. The key elements and considerations of the WGV LSP will be addressed below.

Density

Directions 2031 aims to provide a high level spatial framework and strategic plan for Perth's future population growth. Directions 2031 indicates a target for an average density of at least 15 dwellings per gross urban zoned hectare to be achieved in new greenfield development on the urban front (i.e. urban fringe of the metropolitan area). A number of submissions commented that the LSP was not consistent with this target as the LSP proposes to provide dwellings at a rate of between 25 to 80 dwellings per hectare.

In response to these submissions the Department comments that WGV LSP area is located within the Central Metropolitan sub regional area and is not a greenfield development area but rather an infill development area. Rather, Directions 2031 recommends that the Central sub regional area should accommodate almost half of the future population growth (47% of the future growth) by way of infill development. Infill development is the opposite to greenfield development and therefore the density target of 15 dwellings/hectare for a greenfield site is not an appropriate density target for an infill area such as White Gum Valley.

Most significantly, Directions 2031 states that planning will need to focus infill development on target locations for future growth such as in and around retail and

employment centres, transit orientated developments and high frequency public transport corridors; and recommends that higher densities be promoted within areas that have close proximity to educational institutions, community facilities and services such as hospitals, medical centres and libraries.

The WGV LSP site is in an ideal location for infill development and is located within 2 kilometres of the Fremantle Central Business District and 8 kilometres from the Murdoch and Garden City Activity Centres where all the necessary employment, retail, educational and community facilities are available. In addition, the site is within walking distance (approximately 600 metres) to the South Street Local Centre, the Watkins Street Neighbourhood Centre and the Neighbourhood Centre located on Minilya Street. The site is accessible via public transport and is in walking distance to primary and high schools and the Fremantle TAFE. It is therefore concluded that the site presents an opportunity to provide for higher density living close to existing amenities, facilities and services, including high frequency public transport and the Fremantle city centre.

Submissions raised the point that there are no 'big' lots being provided in the LSP, especially for families. Many submissions also expressed a preference for R25 or R20 sized lots, the same as the surrounding suburb's prevailing lot sizes and density coding. As discussed above, because the LSP site is an infill area in central metropolitan Perth the provision of larger lots and therefore lower densities is not consistent with Directions 2031 and therefore the LSP proposes a density range from R25 to R80. In addition to this it is considered that the suburb of White Gum Valley already provides for larger lots in accordance with the R20 and R25 density and in order to provide for a range of lot sizes a range of densities are proposed.

Submissions raised concerns that the dual density code ranges (R25/R40 and R50/R80) are too broad and are a significant increase to the prevailing density of the area which is R20/25. In response to this the City has recommended a modification to the density range as listed below:

- The R25 – R40 coded sites be modified to a density coding of R35 with the exception of the portion of land to the east of the drainage reserve which should maintain a maximum density coding of R40;
- Reduce the density of the proposed grouped/multiple dwelling sites to R60 with the exception of the area immediately north of the drainage reserve which should maintain a maximum density coding of R80.

The Department supports the recommended modification to the density range and considers that it will provide more development certainty to landowners in the locality.

Height

The WGV LSP proposes building height limits for the individual residential codings as per the Residential Design Codes 2013 (the Codes). More specifically, the land coded R60 could be developed with buildings up to three storeys high. The land coded R80 could be developed with buildings up to four storeys and the proposed R35 and R40 coded land could only be developed with buildings up to a height of two storeys.

A number of submissions raised concerns that the proposed 3 to 4 storey height limit that was proposed as part of the LSP would be too high and not in keeping with the surrounding single and two storey dwellings. In response to these concerns it should be noted that the proposed R60 and R80 coded areas have been planned to minimise impacts on the surrounding locality and has located the higher density areas centrally within the site and on the lower lying areas away from surrounding existing properties or on Stevens Street where there is no interface with existing residential properties.

Loss of Trees

A large number of submissions objected to the WGV LSP because it will result in the removal of existing trees and vegetation and seek a greater retention of the trees.

A tree survey was undertaken by LandCorp and forms part of the LSP appendices and is shown in **Attachment 6 Existing Trees**. The Tree Survey indicates that out of the 120 trees that remain on the site only 11 of these have good health and are located in suitable positions where they can be retained as part of the LSP proposal.

It is important to note that the vegetation is not recognised as significant at a State level and is not included as a Bush Plan site and therefore there are no statutory powers to require the retention of the trees.

The LSP however does propose the retention of several large trees within the proposed internal north to south road reserve, which has been designed to accommodate a significantly wider road reserve in order that a cluster of trees in good condition can be retained and maintained as part of the road reserve. This is an innovative solution and is supported by the City and the Department (**Attachment 7 Tree Retention Plan**).

The location of the POS at the western end of the site (to accommodate the Men's Shed) has largely determined its location and has removed the potential to locate the POS central to the site, where a larger number of trees could have been retained.

In summary, there are no statutory requirements to retain the vegetation. The proposal to retain some trees within a large road reserve and within the POS are supported and are considered to adequately address the concerns of the residents. The Council has however recommended a modification to the LSP to require that Landcorp explore additional opportunities to retain existing trees in future stages of development. This modification is supported by the Department.

Traffic

A number of submissions raised concerns that the WGV LSP will result in a population increase in the area and that this could result in an increase in traffic to the locality and that it would negatively impact on the existing neighbourhood road safety. To address this matter a traffic and movement study was undertaken and forms an appendices to the LSP. The study was undertaken in accordance with the WAPC's *Transport Assessment Guidelines for Developments* (2006) and addressed the following:

- Existing local road network
- Street types and cross sections
- Traffic forecasts
- Access intersection control and traffic management
- Pedestrian and cyclist facilities

The study concluded that the predicted traffic flows from the WGV LSP could be accommodated within the existing road network without resulting in adverse impacts on the existing neighbourhood. It is therefore considered that the current capacity of the streets surrounding the LSP can adequately provide for the proposed increase in traffic from future development of the site and that the proposed LSP will not result in adverse impacts to the local road network and will not result in significant increases in traffic movements that would justify any intersection upgrades.

Public Open Space (POS)

The WGV LSP proposes to cede 11.7 % of the site for POS and includes the land required to retain Sullivan Hall and the Men's Shed. The drainage reserve is not included in the 11% POS provided in the structure plan.

The site is opposite to the Royal Fremantle Golf Club and Booyembara Park and is within 1.5 km of Bruce Lee Reserve and Stevens Reserve and is therefore well serviced by POS. The Department supports the location and percentage of POS that is proposed in the LSP and does not recommend the provision of any additional POS.

COUNCIL MODIFICATIONS

In order to address some issues, and partly in response to certain matters raised in submissions, the City of Fremantle has recommended modifications as detailed below:

Density Modifications

- i) The R25 – R40 coded sites be modified to a density coding of R35 with the exception of the portion of land to the east of the drainage reserve which should be modified to a density coding of R40
- ii) The proposed grouped and multiple dwelling sites be modified to a density coding of R60 with the exception of the portion of land immediately north of the drainage reserve which shall have a density coding of R80.

DoP Comment

As discussed earlier in the report the Department supports the recommended modification to the density range and considers that it will provide more development certainty to landowners in the locality.

Local Planning Policy Requirement Modification

- iii) Remove reference to Local Development Plans throughout the Structure Plan document and replace with reference to a commitment to prepare in conjunction with the City of Fremantle a Local Planning Policy to guide built form and design outcomes.

DoP Comment

The DoP Supports the requirement for a Local Planning Policy rather than a Local Development Plan and will give the document a more formal status under LPS4 (a Local Planning Policy would be subject to public advertising and would only come into effect once Council has adopted the Local Planning Policy). The Department also considers that a Local Planning Policy is a suitable mechanism for the implementation of specific development requirements. Once adopted, the City would use the Local Planning Policy to assess and determine any development applications received for development in the LSP area.

Textual Modifications

iv) Delete the following wording (4.2.2, p11):

"The Scheme also outlines a number of other provisions relating to residential development. A summary of these provisions is provided below:

- All residential development shall have regard to the minimum energy efficient rating specified in the local planning policy.*
- Where mixed use development is proposed, Section 7.2 of the R-Codes will apply.*
- Where a Development Area is situated within a local planning area, appropriate development requirements applicable to the Development Area shall be determined by Council through further comprehensive planning, including public consultation. "*

DoP Comment

These provisions already apply to the land by way of LPS 4 and as such is not required to be included within the LSP and the Department supports its deletion.

v) Expand on the Directions 2031 and Beyond 2010 discussion (5.1., - p13). Include discussion on infill housing targets applicable to the LSP as opposed to the Greenfield targets.

DoP Comment

The Department supports this modification because it will provide further information in support of infill development within the Central Metropolitan Region.

vi) Delete "and peel" from heading Central Metropolitan Perth and peel sub-regional strategy (2010) and note that the document is draft (5.1.3, p13).

DoP Comment

The Department supports this modification.

vii) Expand on the Central Metropolitan Perth sub- regional strategy (2010) discussion (5.1.3, p13). For example, the Sub-Regional Strategy for the central Metropolitan area focuses on providing for development in this area through infill housing.

DoP Comment

The Department supports this modification because it will provide further information in support of infill development within the Central Metropolitan Region.

viii) Delete reference to Alkimos-Eglinton (5.1.6, p14).

DoP Comment

This is a textual anomaly and requires deletion and is therefore supported by the Department.

ix) Expand on discussion on Local Planning Policy 2.13 – sustainable building design requirements (5.2.4, p19), including that the policy does not apply to grouped dwellings or single houses and would only apply to multiple dwellings over 1000 m² in GLA.

DoP Comment

The Department supports this modification and considers that it will provide greater clarification/guidance for future development.

x) Write full name of City of Fremantle Policies including the policy number (5.2.5, 5.2.6, 5.2.8, p19 and 20).

DoP Comment

This is a textual anomaly and requires deletion and is therefore supported by the Department.

xi) Delete mention of Urban Design and Streetscape guidelines (5.2.5, p19) as this refers to a now-revoked City of Fremantle policy.

DoP Comment

This is a textual anomaly and requires deletion and is therefore supported by the Department.

xii) Delete mention of 15 dwellings/ha in Directions 2013 (8.2.4, p39).

DoP Comment

This dwelling target is for greenfield areas and not relevant to infill areas within Central Metropolitan Perth and its deletion is supported.

Additional Text to be Included

i) Prior to any application for subdivision and/or development of the land subject to the Structure Plan, a study shall be carried out to assess the potential to retain existing trees in addition to those identified for retention in Figure 16 in Part 2 of the Local Structure Plan.

DoP Comment

LandCorp is supportive of this requirement and the Department therefore raises no objection to its inclusion within the WGV LSP.

CONCLUSION:

The LSP is considered to satisfy the requirements of LPS4 for the preparation of structure plans and the WAPC Guidelines for the Preparation of Structure Plans. The LSP proposes to facilitate the provision of a range of residential development types and densities which will be well serviced by public open space.

It is considered that the development outcomes from the LSP would be consistent with strategic planning policy objectives of the State Government and also meet a number of the Council's own Strategic Plan objectives, notably in respect of providing greater diversity and affordability in housing supply to meet changing population needs.

It is therefore recommended that the LSP be endorsed subject to certain modifications, which should be incorporated into the LSP documentation prior to it being endorsed for final approval.

ITEM NO: 9.2

Proposed Increase in Patronage at Concert Events in Sandalford Winery

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Metropolitan North East
AUTHORISING OFFICER:	Director - Perth and Peel Planning
AGENDA PART:	G
FILE NO:	21-10359-4
DATE:	23 July 2014
REPORT CATEGORY:	Statutory
ATTACHMENT(S):	Attachment 1 - Development Proposal Attachment 2 - Locations Zoning Plan Attachment 3 - Aerial Photograph Attachment 4 - Roundabout Upgrade
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Swan Valley Rural
LGA RECOMMENDATION(S):	Conditional approval
REGION DESCRIPTOR:	
RECEIPT DATE:	31 June 2014
PROCESS DAYS:	14
APPLICATION TYPE:	Development Application
CADASTRAL REFERENCE:	Lot 21 and 213 West Swan Road, Lot 210 Bertram Road, Lot 212 Maxwell Road Caversham

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for the increased patronage at concert events at Sandalford Winery Estate subject to the following conditions:

- 1. This approval is valid for five (5) years from the date of this approval.***
- 2. Temporary toilet facilities shall be positioned a minimum of 100 metres from the bank of the Swan River.***
- 3. Temporary toilet facilities shall be removed as soon as practicable, and shall not remain in place any longer than 72 hours after a standalone event. In the case of events over consecutive weekends, the toilets shall be pumped and cleaned within 2 hours of the event.***

4. *Prior to the commencement of development works the applicant is to consult with APA Group in respect to any potential impacts of the development on their high pressure gas pipelines. Where considered necessary by the APA group, AS 2885 qualitative risk assessment is to be undertaken and if appropriate a pipeline protection plan is to be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the APA group.*
5. *Prior to each event the applicant shall prepare and submit to the City of Swan:*
 - *A Traffic Management Plan;*
 - *A Noise Management Plan to be prepared by a suitable qualified acoustic engineer;*
 - *An Event Management Plan detailed on site and off site security / crowd control provisions, fire and safety, emergency access and first aid; and*
 - *A Wastewater / Effluent Management Plan.*

to the specification of the City of Swan and to the satisfaction of the Western Australian Planning Commission.
6. *Concert events shall be restricted to between 12:00pm and 11pm.*
7. *Maximum number of patrons shall be 16 000 persons.*
8. *Prior to holding any concert event with patronage in excess of 12 000 persons, Sandalford is to upgrade the existing roundabout at the intersection of Benara Road and West Swan Road; such upgrade to be to the specifications of the City of Swan with the City making a contribution to Sandalford of 50% of the cost of construction, but in any event not exceeding an amount of \$75 000.*
9. *At the end of each calendar year in which a concert event or events have been held, Sandalford is to:*
 - *undertake a survey of its neighbours for the purpose of ascertaining the impact of its concert events on them;*
 - *provide a copy of all returned surveys to the City of Swan; and*
 - *provide a report to the City of Swan on the responses contained in the returned surveys and any actions that Sandalford proposes to undertake to address any concerns identified in them.*
10. *On event days the general public are not permitted to egress the site via Maxwell Road entrance after 11:30pm.*

ADVICE

1. *The applicant shall be required to pay for or reimburse APA for any expense involved in where physical protection works are deemed necessary to mitigate any likelihood of damage to the pipeline and all pipeline coating repairs to a standard deemed necessary to ensure*

public safety due to any changes in use or rezoning of the surrounding land.

- 2. The Swan River Trust advises that no debris, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or be allowed to enter the river as a result of the concert events. No temporary structure including perimeter fencing, lighting, generators, rubbish bins and stage equipment are permitted within the Parks and Recreation reserve. No vehicular access is permitted within the Parks and Recreation Reserve.***
- 3. The applicant shall make good any damage to the river and/or foreshore areas resulting from the concert events to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission.***
- 4. The plan referred to in Condition 4, shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines Act 1969-70 and the Western Australian Planning Commission's Planning Bulletin 87. Minimum setbacks for development from the boundary of the high pressure natural gas pipeline shall be determined only after undertaking an approved Qualitative Risk Assessment to AS 2885, 2007 requirements***
- 5. Sandalford to investigate opportunities to encourage patrons attending the concerts to use public transport by providing shuttle buses to and from the concert venue from Guildford and Midland rail stations.***

SUMMARY:

The application seeks to increase the maximum concert patronage from 12 000 to 16 000 persons for concert events within the Sandalford Winery estate. The provision of additional access and parking facilities to support the increased patronage are also proposed.

The application was referred to the Swan Valley Planning Committee (SVPC) who at their meeting on 5 May 2014 resolved to support the application subject to conditions requiring the gate at Maxwell Road to remain closed and the proposed additional exit at Bertram Road being disallowed, during concert events. The City of Swan resolved to approve the proposal without the condition recommended by the SVPC by reason that imposing such a condition would have significant and undesirable adverse consequences to traffic management during concert events. Due to the conflicting resolutions, the City forwarded the application to the Western Australian Planning Commission (WAPC) for final determination. The use of Maxwell and Bertram Road for access and egress is essential to ensuring traffic efficiency during concert events. Conditional approval of the proposal is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Planning and Development Act 2005
Section:	Part 10
Legislation	Swan Valley Planning Act 1995
Section:	Part 3

Strategic Plan

Strategic Goal:	1. Planning
Outcomes:	1. Excellence in Service 2. Planned Local Communities
Strategies:	1. Develop Connected and Accessible Communities

Policy

Number and / or Name:	Development Control Policy 5.1 - Regional Roads (Vehicular Access) Swan Valley Interim Planning Policy
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INTRODUCTION:

The application seeks to increase the maximum concert patronage from 12 000 to 16 000 persons for concert events within the Sandalford Winery estate. The provision of additional access and parking facilities to accommodate this increased patronage is also proposed. Sandalford Winery currently holds temporary planning approval to hold up to ten concert events per year at Lot 213 and Lot 212 in Caversham, conditionally for a period of five years, which is to expire in September 2015.

Details

Sandalford Winery estate currently has approval from the WAPC and the City of Swan to utilise Lots 212 Maxwell Road and 213 West Swan Road for concert events with a patronage of up to 12,000 people per event. The application seeks approval to increase this patronage to 16,000 people and to include Lots 21 West Swan Road and 210 Bertram Road in order to provide for additional vehicular parking and access

Adjoining Lot 202 West Swan Road is currently leased by Sandalford Winery from Main Roads Western Australia (MRWA) as part of a separate planning application to provide for temporary bus parking. This portion of Lot 202 has access to Harris Road. **(Attachment 1 - Development Proposal)**. The frequency of the events is to remain the same (ten events per year) as well as the approved event hours being between 12:00pm and 11pm.

The subject land has a total combined area of 58.5314 hectares and is zoned 'Rural' under the Metropolitan Region Scheme and 'Swan Valley Rural' under the City of Swan's Local Planning Scheme No.17 (LPS 17) **(Attachment 2 - Location Zoning Plan)**. Concert events are classified as 'Place of Assembly' as defined by LPS 17 and is a 'D' use within the 'Swan Valley Rural' zone. The subject land lies within 'Area B' of the *Swan Valley Planning Act 1995*.

The subject land abuts West Swan Road with Lots 213 and 202 also abutting Reid Highway. Lot 210 has frontage to Bertram Road to the southern boundary of the lot with Lot 212 having access to Maxwell Road to the southern boundary of the lot. The main existing access to the subject land is via West Swan Road, with a constructed two lane single carriageway. Access to the subject land is also gained from Harris Road through a constructed driveway (**Attachment 3 - Aerial Photograph**).

Clause 26 (3) and 30b (5) of the Metropolitan Region Scheme requires that the City refer the decision to the WAPC for determination when advice of the SVPC is not accepted by the Local government.

Background

In September 2009 the City of Swan recommended that the WAPC grant temporary planning approval by allowing Sandalford Winery to host up to ten events in any one calendar year at Lot 212 and Lot 213 West Swan Road, for a limited time not exceeding April 2013. The WAPC did not determine the application within the statutory timeframe, and as a result the matter was appealed at the State Administrative Tribunal (SAT).

The application was subsequently approved by the WAPC on the 28 September 2010, pursuant to section 31 of the *State Administrative Tribunal Act 2004*, subject to, *inter alia*, conditions limiting the number of events to ten per year and the number of patrons for any event to a maximum of 12,000 persons. This approval was granted for a limited period of five years from the date of the decision expiring in September 2015.

In considering this previous proposal traffic concerns were raised by the City of Swan. The City of Swan has reviewed the traffic assessment submitted in support on the increased patronage figures and considers that the anticipated volumes of concert traffic can be managed to appropriately mitigate impacts on the functionality of the road network.

CONSULTATION:

The proposal was advertised for public comment between 14 August and 3 September 2013. Landowners within a 500m radius of the subject land and relevant interest groups were consulted during this time. A sign was also erected on site to advise of the proposal.

A total of 42 submissions were received, twenty six of which objected to the proposal. Four government agencies commented on the proposal and raised no objections. The main issues raised within the submissions were concerning traffic impacts, significant negative impacts on the amenity of the Swan Valley Area, loss of property value, anti-social behaviour and non-compliance with the objectives of the zoning as per Area B of the *Swan Valley Planning Act 1995*.

The proposal was referred to the Swan River Trust, the Department of Parks and Wildlife, MRWA, the APA Group, DBNGP Nominees, The Department of Water, and the Department of Lands. No agencies objected to the proposal with some agencies recommending conditions and providing advice.

The application was referred to the Swan Valley Planning Committee (SVPC) who at their meeting on 5 May 2014 resolved to:

1. *note that the application is consistent with the Planning Objectives 1 and 3 for Area B;*
2. *recommends that the application for the increase from 12,000 to 16,000 in concert patronage at Sandalford Winery be approved subject to the gate at Maxwell Road remaining closed for the duration of the concerts and that the additional exit at Bertram Road be disallowed; and*
3. *recommends that the City of Swan discuss with Sandalford opportunities to encourage patrons attending the concerts to use public transport by providing shuttle buses to and from the concert venue from Guildford and Midland Rail Stations.*

The City of Swan at their Ordinary Council meeting of 18 June 2014 resolved to approve the proposal without the inclusion of the recommended conditions from the SVPC on the basis that closure of the gate at Maxwell Road and the disallowance of the Bertram Road exit will have undesirable adverse consequences from a traffic management perspective for patrons during concert events. The City recommended approval of the proposal subject to conditions.

COMMENTS:

Swan Valley Planning Act 1995 (Act)

The subject land lies within 'Area B' of the Act. Planning objectives concerned with this area include:

- objective 1 - the protection of viticulture; and
- objective 3 - the encouragement of tourist facilities provided that they do not detract from the rural character of the area.

The proposal is consistent with the above objectives as it is an existing land use and it will encourage tourism within the Swan Valley without detracting from the rural character and being incidental to the viticulture uses within the site.

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

A 'Place of Assembly' under LPS 17 is defined as premises provided for people to assemble for a public activity. The proposal fits the definition of a place of assembly which is a 'D' use under the current zoning.

The objectives of the 'Swan Valley Rural' zone under LPS 17 include 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; and
- (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 (2005)*.

The previous planning approvals on the subject land for concert events were deemed consistent with objectives a) and c) of LPS 17. As the proposed use of the land is not changing it is considered that the proposal is consistent with the objectives of the 'Swan Valley Rural' zone as it will facilitate the use of the land for recreational uses without detrimentally affecting the current and future use of the high quality horticultural soils.

Swan Valley Interim Planning Policy (Interim Policy)

In February 2014 Cabinet endorsed the findings of *The Way Forward, Swan Valley Land Use and Management Report on Submissions and Recommendations*, and committed to establishing a new governance and regulatory framework for the Swan Valley. The Interim Policy has been prepared to assist decision making authorities to provide consistent advice on land use and planning matters within the Swan Valley, until the new Swan Valley legislation and associated planning instruments take effect.

The Interim Policy has been endorsed by the Swan Valley Planning Committee at their meeting on 7 July 2014 and the Western Australian Planning Commission's (WAPC) Statutory Planning Committee at their meeting on 22 July 2014. The Interim Policy is to be used by the WAPC when determining subdivision and development applications within the *Swan Valley Planning Act 1995* area.

Under the Swan Valley Interim Planning Policy a 'Place of Assembly' is not supported unless it is incidental or ancillary to the predominant viticulture use within 'Area B' of the Act. In this case the 'Place of Assembly' is considered incidental to the viticulture use on the site and it is therefore consistent with the Swan Valley Interim Planning Policy. Furthermore the proposal will promote tourism within the Swan Valley and will not detract from the primary use of the land for viticulture and winery purposes.

Current and proposed access and parking facilities

There are currently two main parking facilities for existing concert events which are accessed via the main driveway from West Swan Road. A 1750 space car park is located on the northern side of the driveway and a 2550 space car park is located on southern side of the main driveway. VIP parking is accessed from Reid Highway via Harris Street and consists of a 280 space car park. Bus, taxi and drop-off areas are also accessed from Harris Street. These arrangements have been subject to previous approvals by the WAPC and the City of Swan and are proposed to continue to support the increased patronage.

An additional 2200 car parking spaces utilising the eastern portion of Lot 21 and an adjacent portion of Lot 213 is to be provided to accommodate the increased in patrons. These proposed parking spaces are to be accessed via Reid Highway via Harris Road. An additional entry point from West Swan Road is also available via

Bertram Road (since the acquisition of Lot 210). The existing bus and taxi drop off areas are to be re-located from Lot 213 to the portion of Lot 202 leased from MRWA.

Traffic Assessment Report (Transcore Revised February 2014) (Traffic Assessment)

The Traffic Assessment used an assessment carried out for a previous concert event to model projected traffic volumes for the proposed increase in patronage for concert events at Sandalford Winery. Based on the previous data collected the Traffic Assessment identified that approximately 2000 vehicles will be anticipated for an event catering for 16, 000 patrons in the inbound peak period and approximately 4920 vehicles in the outbound peak period. Vehicle occupancy of 2.4 persons per vehicle has been used on the advice of the City of Swan. With the assumptions of 90% of patrons arriving by car it is anticipated that events would generate in the order of 6000 vehicles.

Bertram Road and Maxwell Road Access and Egress

A new driveway is to be constructed from Lot 210 to Bertram Road enabling traffic to exit the car parking to turn left onto West Swan Road. This intersection is to be manned by traffic controllers. For the peak hour arrival times, the intersection is a normal priority controlled intersection operating at 88% capacity and for the departure peak hour times the intersection would operate at 66% capacity.

The SVPC recommended that the gate at Maxwell Road remains closed for the duration of the concerts and that the additional proposed exit at Bertram Road be disallowed.

The applicant has advised that access and egress via Bertram Road and egress via Maxwell Road will account for 21% of traffic distribution for the concert events. Prohibiting the use of these proposed access and egress points will substantially reduce the efficiency of traffic management systems with flow on consequences for the surrounding access points including West Swan Road / Benara Road roundabout, right turn from West Swan Road into the Sandalford Winery entrance driveway and the left turn out from Sandalford Winery entrance driveway.

The City of Swan have recommended a condition requiring that egress to the site via the Maxwell Road entrance after 11:30pm not be permitted. This condition was recommended as a result of the recommendation from the SVPC and to address community traffic concerns raised within the submissions. This condition is also consistent with the current arrangements Sandalford employs for concert events.

It is considered that multiple access and egress points are a necessity for large scale venues such as Sandalford, and therefore this condition will still allow for the use of the Maxwell Road entrance for a limited time to aid in the egress for the increased number of patrons proposed. On this basis, the time restriction stipulated for this access and egress point at Maxwell Road is supported.

The extent to which traffic delays might be considered reasonable and tolerated by nearby residents depends on the frequency of their occurrence. It should be noted that the proposal is not proposing an increase in the number of events per year. Therefore the impact on traffic will only be affected a maximum of ten times during a calendar year if and when they take place.

West Swan Road / Benara Road Roundabout

The applicants Traffic Assessment identifies that this roundabout will require modification to accommodate traffic for the proposed 16,000 patron event. To cater for arriving traffic before the event, it is proposed to widen the Benara Road approach to the roundabout to two lanes (one left turn and one right turn lane) (**Attachment 4 - Roundabout Upgrade**). The City of Swan have advised that discussions with the applicant have occurred with regards to the upgrading, and the City of Swan have agreed to contribute to 50% of the total cost associated with the upgrading, not exceeding the amount of \$75 000. This agreement has been reflected in the recommended condition.

Harris Road

The Traffic Assessment has identified that some minor works may be needed to the western section of Harris Road to operate as three lanes (two outbound and one inbound) for the period after major events. The City of Swan have advised that an upgrading to Harris Road was not considered a necessity with respect to the proposal and the upgrading of this road will most likely be carried out in the future.

Public Transport

The SVPC recommended that the City of Swan discuss with Sandalford opportunities to encourage patrons attending concerts to utilise public transport by providing shuttle buses to and from the concert venue. The City of Swan have advised that no discussions between them and the applicant have occurred with regards to this as yet and as such this recommendation has been included as an advice note.

CONCLUSION:

It is considered that the proposal is compliant with the objectives of LPS 17 and it is considered that the proposed increase in patronage for concert events at Sandalford Winery estate from 12,000 to 16,000 persons per concert not have a detrimental effect on the existing traffic volumes currently experienced as a result of events. It is also considered that the proposed Bertram Road and Maxwell Road access and egress points be approved as they will ensure an even distribution with regards to traffic dispersal for concert events. Conditional approval is recommended.

ITEM NO: 9.3

Endorsement of East Gledhow Outline Development Plan

WAPC OR COMMITTEE:**Statutory Planning Committee**

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Great Southern
AUTHORISING OFFICER:	Planning Director, Regional Planning and Strategy
AGENDA PART:	G
FILE NO:	SPN/0555/1
DATE:	06/08/2014
REPORT CATEGORY:	Statutory
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	City of Albany
LOCAL SCHEME ZONING:	Future Urban
LGA RECOMMENDATION(S):	Adopt with Modification
REGION DESCRIPTOR:	Albany
RECEIPT DATE:	15 October 2013
PROCESS DAYS:	301
APPLICATION TYPE:	Structure Plan
CADASTRAL REFERENCE:	Lots 2, 7, 26, 27, 55, 56, 85 and 86 Balston Road, Lots 10, 11, 19 - 21 and 23 Moortown Road, Lot 25 Cuming Road, Lots 2,3,5,7-16 South Coast Highway, Lots 17 and 18 Sydney Street.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the East Gledhow Outline Development Plans (Northern and Southern Catchments), subject to the Schedule of Modifications(Attachment 1);***
- 2. advise the City of Albany of its decision accordingly.***

SUMMARY:

The key points relating to this report are as follows:

- The subject land is zoned Future Urban within the City of Albany Local Planning Scheme No 1;
- Scheme provisions of the Future Urban zone permit limited development that is compatible with the likely future use of the land for urban purposes. For all

other purposes, subdivision and development will only be permitted following the preparation of a Structure Plan.

- The City of Albany commenced advertising of the East Gledhow Outline Development Plan (ODP) on the 3 April 2013 and resolved to adopt it on the 24 September 2013 subject to modifications.
- The Department of Planning has liaised with the City of Albany to facilitate agreement to a number of further modifications, the major ones being reorganisation of the ODP into two separate ODPs to reflect the two separate parts prepared by two separate consultants with different issues, and provision of a modified internal road layout to eliminate direct lot access to MRWA South Coast Highway.
- Due to extensive modifications needed to update the ODPs, time constraints and the need to get WAPC approval, a comprehensive list of modifications has been provided.
- Endorsement of the advertised East Gledhow Outline Development Plan is recommended subject to the Schedule of Modifications (Attachment 1).

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: *Planning and Development Act 2005*
Schedule 7: Matters which may be dealt with by planning scheme.

Strategic Plan

Strategic Goal: Strategic Goal 2: Planning
Outcomes: Planned Local communities developing a sense of place

Strategies: P7: Develop connected and accessible communities (network city) • P8: Encourage innovation in the design of our communities

Policy

Number and / or Name: State Planning Policy 1 - State Planning Framework Policy
State Planning Policy No 3: Urban Growth and Settlement, March 2006
Development Control Policy 1.1 - Subdivision of Land (General Principles)
Development Control Policy 2.2 - Residential Subdivision
Planning Bulletin 37: Draft Model Text Provisions for Structure Plans, February 2000
WAPC Structure Plan Preparation Guidelines and Structure Plan Digital Data and Mapping Standards, August 2012

DETAILS:

The East Gledhow Outline Development Plan (ODP) proposes to guide development of the suburb of East Gledhow, located 5kms to the west of the Albany City Centre. The ODP area is bounded by South Coast Highway to the north, Middle Street and Moortown Road to the west, Balston Road to the east and Cumming Road to the south (**Attachment 2**).

The ODP covers approximately 44.05ha and consists of 30 privately owned lots, one lot which is Vacant Crown Land and one lot which is vested with the Water Corporation. All lots are zoned Future Urban in the City of Albany Local Planning Scheme No 1. Existing lots range in size between 1204m² to 4.43ha.

The ODP area represents the urban front for this part of the City, Land to the east of the ODP area is zoned Residential (R20). Land to the north is also zoned Future Urban for which the Modified McKail Local Structure Plan has been endorsed. Land to the west is predominantly zoned Rural with a small area of nine lots zoned Special Residential. Land to the south is zoned Light Industrial.

Scheme provisions for the Future Urban zone permit limited development that is compatible with the likely future use of the land for urban purposes. For all other purposes, subdivision and development will only be permitted following the preparation of a Structure Plan.

The key aims and objectives of the ODP are:

- to provide a variety of housing choice and lot size;
- to provide a road network with strong connections and direct access to public open spaces, activity centres and major transport routes;
- to create an urban structure that encourages a more walkable neighbourhood;
- to incorporate best urban water management practices;
- to have regard for the planning context, both in terms of existing development, and the broader strategic planning of the surrounding area;
- to achieve a robust design that responds to the desire for maximum landholder independence, housing variety, and which strengthens the areas local character; and
- protection of remnant vegetation with appropriate bushfire management.

The ODP indicates a potential increase in density from 31 lots to 428 lots with densities varying from R5 to R 30. The ODP proposes that future subdivision will provide full urban services . Achieving the proposed density increases will be subject to further detailed site investigations

At the Ordinary Council meeting on 24 September 2013 the City of Albany resolved to adopt the ODP subject to modifications (**Attachment 3**) .

GOVERNMENT AND CORPORATE IMPLICATIONS:

Implications for the State government include:

- extension of the existing reticulated sewerage network to service approximately 264 lots;
- developer provided reticulated sewerage to the currently un-serviced section of the ODP, including the possible construction of a sewerage pump station, to service approximately 164 lots;
- additional population to attend the new school to be provided within the suburb of McKail located directly to the north of the site.;

CONSULTATION:

The ODP was advertised for a period of 21 days closing on the 2 May 2013.

Ten submissions were received; three public submissions and seven government agency submissions.

There were no objections to the ODP. A summary of responses is provided below with full responses to the submissions contained in **Attachment 4**.

The Department of Water recommended that an Urban Water Management Plan (UWMP) be prepared prior to the finalisation of the ODP given the large number of lots in separate ownership.

Department of Parks and Wildlife recommended that a targeted flora and fauna survey be undertaken within vegetated lots prior to finalisation of subdivision design and also recommended minor modification to wording for accuracy and clarity.

Department of Education noted that the anticipated yield from the development could be accommodated within the proposed McKail primary school site.

Main Roads WA recommended that access to South Coast Highway be removed and that access be created via internal subdivision roads.

The Water Corporation (WC) advised that:

- the ODP area is covered by two separate sewer catchments (**Attachment 5**).
- provision of a reticulated sewer system to the southern catchment requires the construction of a sewer pump station within the Water Corporation owned lot in the south east corner of the ODP area (Lot 87 Balston Road), and that the pump station is not anticipated to be installed in the short term however should significant urbanisation occur within the catchment WC would be prepared to review the timeframe for installation;
- alternatively connection to a gravity sewer line east of the ODP area on Cuming Road is an option. This option connects to a trunk sewer that connects to a pump station in the existing industrial area south of Lower Denmark Road. WC advise that no planning studies or modelling for the second option have been undertaken and if a developer wished to pursue the second option they would need to bear the cost of undertaking such modelling.
- either option would be cost prohibitive to a single lot developer and would be more cost effective if undertaken by a developer aiming to achieve multiple lot yields as indicated within the mix of densities within the ODP.

Public submissions were related to queries on access to reticulated sewerage, retention of reserves, indicative lot layout over lots, drainage issues, and concern regarding the impact from adjoining Light Industrial zone to the south.

OFFICER'S COMMENTS:

City of Albany Local Planning Scheme No.1 (LPS1)

The land is zoned Future Urban in the newly gazetted LPS1.

The objectives of the Future Urban zone include:

- preservation of individual land parcels with their maximum area, so that the land will not be prematurely fragmented and future development options compromised;
- permit limited development which is compatible with the likely future use of the land for urban or other purposes following the preparation of a Structure Plan; and
- provide for structure planning to guide and coordinate land use and infrastructure provision where multiple ownerships or larger parcels of land requiring the staging of development is involved so that:
 - i. future urban land is not fragmented or developed in such a way as to make urban development more costly or difficult; and
 - ii. there is equitable sharing of the costs of infrastructure between owners and to ensure that cost contributions are only required towards such infrastructure as is reasonably required as a result of the subdivision and development of land.

The ODP requires modification to achieve some of the objectives of the Scheme.

Separating the ODP into two distinct ODPs

The ODP as presented was prepared by two separate consultants and as a consequence two separate reports with separate plans and provisions were submitted within the one ODP document. The format is confusing and has the potential for readers to refer to the wrong subdivision and development provisions and plans. It is recommended that the two consultants reports be separated to make two separate yet compatible ODPs and be renamed '*East Gledhow Small Landholdings Northern Catchment ODP*' and '*East Gledhow Southern Catchment ODP*' for clarity.

East Gledhow Small Landholdings Northern Catchment ODP

The ODP provides for fully serviced urban residential development with densities of either R20 or R30.

The ODP as submitted also proposes continuation of the existing accesses onto South Coast Highway.

Main Roads WA advised within their submission that:

1. No access to the South Coast Highway shall be granted to lots bordering the Highway;
2. All lots shall access local government roads for vehicular traffic;

3. Control of access shall be imposed on the South Coast Highway from Balston to Bottlebrush Road.

Main Roads WA has consistently provided the same advice for previous subdivision and development proposals that front South Coast Highway, including the Modified McKail Local Structure Plan (located directly north of the East Gledhow ODP area) and related subdivisions (WAPC 141361, 141316, 139294, 133455).

The road layout as submitted retained access onto South Coast Highway via dual accessways, and proposed a temporary laneway onto South Coast Highway (**Attachment 6**).

The dual accessways are contrary to MRWA policy and advice and would increase vehicle movements from multiple conflict points onto the highway.

The consultants have argued against removal of access to South Coast Highway at subdivision and development stage on the basis that:

- lots fronting the Highway currently have existing access; and
- houses and carports are located facing the Highway.

Removal of access to the highway is recommended as the restriction:

- is a standard condition of subdivision and development along the South Coast Highway;
- is reiterated within Main Roads WA's submission;
- is necessary to ensure any increase in traffic entering or exiting the highway as a result of increased density within the ODP area is channelled to intersections that contain turning pockets and thus minimises impacts to highway traffic flow;
- is necessary to ensure that planned upgrades to the highway, including road widening, construction of double lanes and assembly of a centre island, will not be compromised;
- will ensure that ceding and construction of internal subdivision roads is triggered by (a) applications such as grouped dwelling or built strata developments and (b) all subdivision proposals, including those that do not aim to achieve the anticipated density of the lot;
- will ensure equitable cost sharing for internal road construction.

The consultants raised issues with surveillance of existing homes from the internal road. They were advised that the Schedule of Modifications recommends design provisions requiring that fences be permeable to ensure passive surveillance. The applicants were advised that the lots fronting the highway had the potential to achieve further subdivision subject to demolition of the existing houses. At the time of such subdivision, the orientation of homes would be addressed by purchasers and thus current orientation was not a long term planning consideration that should affect the outcome of the ODP.

Following this advice the consultants provided a draft layout plan which showed the location of an internal road whereby all access to the highway is removed (**Attachment 6**).

It is recommended that the modification requiring restriction of access to South Coast Highway be retained. The above plan (subject to modifications discussed below) shall then be incorporated into the ODPs.

The original plan (**Attachment 6**) proposes a temporary laneway providing access to Lot 8. No justification for the laneway has been included in the ODP, however it appears to be for the purpose of enabling subdivision of Lot 8 into potentially five lots prior to construction of internal roads on adjoining lots. A second plan (**Attachment 8**) provided by the applicant reflects the modified internal road layout, which is supported, but shows three temporary Right-of-Ways (ROWs), which are not supported.

The propose laneways/ROWs are problematic for the following reasons:

- Prior to local connections becoming available, the laneway could be providing the only vehicle and pedestrian access for up to 14 lots (existing Lots 7, 8 & 9) or approximately 126 vehicle movements per day.
- Although indicated as temporary, it is unknown how long this arrangement could be in place. There is no indication from Lots 3, 4, 7 or 9 that they are planning on subdividing their land.
- 6 m width is insufficient to provide appropriate street lighting and pedestrian facilities that are separate from vehicle movements.
- South Coast Highway is currently constructed as a two-lane undivided road. It is a Primary Distributor, and a Primary Freight Route, currently carrying approximately 6000 vehicles per day, with approximately 6% being Heavy Vehicles. Semi-trailers up to 27.5m in length are permitted on the Highway.
- No deceleration or acceleration lanes are proposed. As South Coast Hwy is currently a 2-lane undivided road, this will make truck turning movements difficult and unsafe. MRWA have advised that meeting the standard requirements for an intersection here would require extensive additional land to provide an appropriate turning path for a standard design vehicle (19.0m truck), and is therefore impractical.
- Potential issues with the provision of services in a 6m laneway have not been addressed.
- The laneway will create an additional opening that will allow transport noise to affect other dwellings not directly abutting the highway.
- Additional conflict points will increase the risk to pedestrians and cyclists using the existing Principle Shared Path on South Coast Highway.
- There are seven other lots fronting South Coast Highway which will also require the construction of internal roads by adjoining landholders prior to subdivision. The logic of providing a temporary laneway to Lot 8 could also be argued for each of these lots and if supported would bring several additional vehicle conflict points to the highway and compromise the cost recovery of constructing internal roads.

It is not unusual and is indeed commonplace where a structure plan is prepared for land in fragmented ownership for some landowners to be reliant on others for future road access. In these situations, for example East Landsdale, landowners coordinate or stage their subdivisions until full road access is available. It is recommended the indicative temporary laneway/ROWs serving Lot 8 be removed from the ODP.

Another laneway is also indicated on the ODP map at the rear of Lots 12,13,14,15 and 16 South Coast Highway (**Attachment 6**). Liveable Neighbourhoods indicates that laneways are typically 6m to 6.4m in width. The local government has indicated that they do not support road construction to a laneway standard and instead require all internal roads be Access Street standard with a minimum width of 14.2m. This will enable street parking, assist manoeuvring of rubbish collection trucks and allow sufficient road reserve for services. It is recommended the ODP be modified to require all internal roads to be Access Street standard.

It is also recommended that this road reserve at the rear of Lots 12,13,14,15 and 16 South Coast Highway be relocated to directly behind the curtilage of existing houses to enable alternative road frontage and for highway access to be removed at the time of subdivision (**Attachment 6**).

Other subdivision and development provisions have been poorly addressed within the Northern Catchment ODP. The local government has recommended provisions in respect to the preparation of Urban Water Management Plan (UWMP), POS contributions, access restrictions to South Coast Highway, a flora survey, bushfire assessment, and preparation of Local Development Plans for R30 lots. These recommendations are supported.

East Gledhow Southern Catchment ODP

The ODP will provide for fully serviced urban residential development with densities ranging from R5 (fully serviced) to R30.

The southern portion of the southern catchment is the only part of the ODP area that does not have access to existing reticulated sewerage. Eight larger lots are located in this area. To provide for existing owners to retain their existing house while not prejudicing the achievement of the ODP in the future it is proposed that existing lots which do not have access to reticulated water and sewer may be considered for subdivision to create one additional lot only where the subdivision is for the excision of a single house which existed on the lot at the time of endorsement of the ODP by the WAPC. The proposed subdivision must not compromise the future road and lot layout of the ODP, the existing dwelling must have access to sufficient potable water, the new lot must have access to reticulated water and both lots must be suitable for appropriate effluent disposal. Notifications on title on both lots are recommended to alert landowners to the provisions of the ODP.

A Single House is to be a discretionary use in the ODP to ensure that the future road layout and development opportunities are not compromised by the development of these larger lots prior to their development as urban lots.

Lots 85 and 86 Balston Road currently have restricted access to Balston Road due to a steep embankment. Indicative lot layouts propose access down the embankment which is not feasible. It is recommended that an internal subdivision road be provided parallel to Balston Road at this location enabling internal road frontage (**Attachment 7**).

An internal road is indicated within Lot 25 Cuming Road on the western boundary of a proposed POS area. Lot 25 contains mature stands of vegetation in this road

location. It is recommended that in order to facilitate the retention of the vegetation, the POS area be relocated further west incorporating the existing trees, and the internal road be relocated on the eastern boundary of the POS in an existing cleared area within Lot 86 Balston Road (**Attachment 7**).

Other minor textual and graphic modifications are recommended within both ODP areas as shown in the Schedule of Modifications (**Attachments 6 and 7**). The modifications include provisions to deal with school site contributions, construction management plans, land use permissibilities, buffering to the sewerage pump station, infrastructure, hydrology, flora and fauna protection, landscaping, ceding of land, fire management, movement systems, a developer contribution plan, modifications to the LWMP and implementation of the UWMP, transport impact assessments, and AS3959 construction standards. These modifications will clarify provisions, provide consistency and accuracy throughout the document and respond to agency and public submissions.

Infrastructure Contributions

State Planning Policy 3.6 (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas. It notes that land developers are responsible for the provision of standard infrastructure, including but not limited to, drainage, roads, paths, community infrastructure, public open space and primary school sites.

The scope of these types of contributions was first defined in a WAPC Planning Bulletin 18 which was adopted in 1997 and subsequently replaced by SPP 3.6 upon its gazettal on 20 November 2009. The policy notes that in areas of fragmented ownership such as the Northern Catchment ODP, development contributions are required to ensure cost sharing arrangements are correctly apportioned to parent lots based on the net lot yield.

The endorsed City of Albany Local Planning Strategy (2010) supports this position, with clear provisions regarding the need for structure planning, infrastructure provision and developer contributions in Future Urban areas.

During negotiations with the consultants who prepared the Northern Catchment ODP it was queried why landholders in this catchment should be required to make financial development contributions for infrastructure works across the whole of the ODP area. The consultants were advised that development contributions are a standard provision and is guided by both WAPC and local government policy and practice.

Based on a clear policy position by both WAPC and the City of Albany the modification retaining contributions is recommended to be retained.

The Department of Planning has liaised with the City of Albany and reached agreement on the Schedule of Modifications (**Attachment 1**) which recommend the inclusion of additional provisions within the ODP to ensure that the intentions for subdivision and development of the area are clearly articulated.

CONCLUSION:

The ODP is in accordance with local and State government strategies and policies regarding residential expansion in Future Urban zoned areas. It is therefore recommended that, subject to modification, the ODPs be endorsed by the Commission.

ITEM NO: 10.1

State Planning Policy No 2.6 State Coastal Planning Policy – Coastal Hazard Risk Management & Adaptation Planning Guidelines

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Director, Policy & Research
AUTHORISING OFFICER: Executive Director Infrastructure, Projects, Policy & Research
AGENDA PART: A
FILE NO: N/A
DATE: DP/10/00904/3
REPORT CATEGORY: Policy
ATTACHMENT(S): 1. Coastal Hazard Risk Management & Adaptation Planning Guidelines

RECOMMENDATION:

That the Statutory Planning Committee resolves to recommend that the Western Australian Planning Commission:

- 1. adopt the State Planning Policy 2.6 Coastal Hazard Risk Management & Adaptation Planning Guidelines;***
- 2. approve release of the Guidelines.***

SUMMARY:

- A key feature of the 2013 gazetted *State Planning Policy 2.6: State Coastal Planning Policy* (SPP2.6) is the introduction of coastal hazard risk management and adaptation planning (CHRMAP). SPP2.6 requires CHRMAP to be undertaken where existing or proposed development is in an area at risk of being affected by coastal hazards over the planning timeframe.
- Step by step guidance for undertaking CHRMAP has been produced to support the implementation of SPP2.6.
- The CHRMAP Guidelines are adapted from the risk management and vulnerability assessment processes identified in Australian Standard: *Risk management – Principles and guidelines* (2009), Australian Standard: *Climate change adaptation for settlement and infrastructure – A risk based approach*

(2013), Australian Standard *Environmental risk management – Principles and Processes* (2006), *Climate Change Impacts & Risk Management: A Guide for Business and Government* (2007), and *Climate Change Risk Vulnerability: Promoting an efficient adaptation response in Australia, Report to the Australian Greenhouse Office* (2005).

- The CHRMAP Guidelines will assist planners and managers in developing and implementing effective CHRMAP.

BACKGROUND:

SPP2.6 is a long standing planning policy, originally gazetted in 2003, having built on *Development Control Policy 6.1: Country Coastal Planning*, adopted in 1989.

A key feature of the current SPP2.6, gazetted July 2013, is the introduction of CHRMAP. CHRMAP is to be undertaken where, for historic or other reasons; existing or proposed development is in an area at risk of being subject to erosion or inundation within the 100 year planning timeframe.

It ensures an appropriate risk assessment and management planning framework for coastal hazards is incorporated into decision-making.

This practice ensures safety to lives and property, promotes the development of long-term adaptive capacity for managing coastal hazard risk, and minimises transfer of risk and adaptation costs to the public purse.

The CHRMAP Guidelines have been produced to support the implementation of SPP2.6 in assisting decision-makers in developing and implementing effective CHRMAP.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning & Development Act 2005

*S14 ...(d) to provide advice and assistance to any body or person on land use planning and land development and in particular to local governments in relation to local planning schemes and their planning and development functions; and
(e) to undertake research and develop planning methods and models relating to land use planning, land development and associated matters...*

Strategic Plan

Strategic Goal:

Planning

Outcomes:

State-wide integrated policy frameworks

Strategies:

Develop state and regional frameworks

Policy

Number and / or Name:

State Planning Policy No. 2: Environment and Natural Resources Policy
State Planning Policy No. 2.6: State Coastal Planning Policy

DETAILS:

The CHRMAP Guidelines have been adapted from the risk management and vulnerability assessment processes identified in Australian Standard: *Risk management – Principles and guidelines* (2009), Australian Standard: *Climate change adaptation for settlement and infrastructure – A risk based approach* (2013), Australian Standard *Environmental risk management – Principles and Processes* (2006), *Climate Change Impacts & Risk Management: A Guide for Business and Government* (2007), and *Climate Change Risk Vulnerability: Promoting an efficient adaptation response in Australia, Report to the Australian Greenhouse Office* (2005).

The CHRMAP Guidelines provide an overview and explanation of the process including:

- the process for undertaking CHRMAP;
- determining appropriate content for the CHRMAP; and
- assessing options for appropriate management and adaptation to risk.

It is designed to assist decision-makers:

- a) consider coastal hazards and to evaluate their likelihood and consequence to specific assets;
- b) identify realistic and effective management and adaptation responses to those risks; and
- c) prioritise the management and adaptation responses.

The CHRMAP Guidelines include the following elements:

- (i) Establish the context
- (ii) Coastal hazard risk identification/vulnerability assessment
- (iii) Coastal hazard risk analysis
- (iv) Coastal hazard risk evaluation
- (v) Coastal hazard risk adaptation planning
- (vi) Monitor and review

GOVERNMENT AND CORPORATE IMPLICATIONS:

CHRMAP provides decision-makers with a better understanding of coastal hazards as part of decision-making for land use and development within the coastal zone; and thereby help to build resilient coastal communities within Western Australia.

SPP2.6 guides decisions when undertaking urban, regional, or statutory planning and/or application processes that influence the use and development of land on or adjacent to the coast in Western Australia.

The CHRMAP Guidelines support the implementation of SPP2.6 by assisting decision-makers to develop and implement effective CHRMAP.

CONSULTATION:

The CHRMAP Guidelines are a technical document, grounded in Australian and New Zealand Standards for risk assessment and management. Preparation has been informed through an independent expert review process. The following practitioners have been consulted and provided input:

- Department of Transport - Fangjun Li, Manager Coastal Management; Karl Ilich, Project Manager, Coastal Infrastructure;
- Oceanica Consulting - Dr Bruce Hegge, Co-Managing Director, Coastal Geomorphologist;
- Town of Cottesloe - Geoff Trigg, Manager Engineering Services;
- Cockburn Sound Coastal Alliance, City of Cockburn - Chiara Danese, Coastal Projects Coordinator;
- City of Cockburn – Doug Vickery, Manager Infrastructure Services;
- Department of Environment Regulation - James Duggie, Principal Policy Officer, Adaptation Climate Change Unit; and
- Peron Naturaliste Partnership, City of Mandurah – Craig Perry.

DOP COMMENTS:

The CHRMAP Guidelines are a technical document that supports implementation of SPP2.6. The CHRMAP Guidelines also an important complement to the WAPC's Coastal Management Plan Assistance Program (CMPAP). CMPAP provides support (cash and/or in-kind) to rural and regional coastal managers to develop coastal strategies, management plans or CHRMAP for coastal areas that are, or predicted to become, under pressure from a variety of threats including the impacts of climate change. There is well established practice for preparing the first two plan types. CHRMAP is new and the practice of its preparation is still emerging. Publication of these Guidelines provides an important explanatory function, in addition to providing a consistent framework.

CHRMAP will provide better understanding and guidance for decision-makers in considering coastal hazards as part of decision-making for land use and development within the coastal zone. Having an adopted framework for CHRMAP promotes consistency in approach along WA's long and varied coastline for considering risk, its management and adaptation.