



Statutory Planning Committee

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

**Tuesday 10 March 2015
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)	31/12/2015
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	31/12/2015
Mayor Russell AUBREY	Local government representative Schedule 2 clause 4(2)(f)	23/09/2016
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	04/12/2016
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2015
Mr Ray GLICKMAN	WAPC appointee Schedule 2 clause 4(2)(g)	23/09/2016
Mr Stephen HILLER	WAPC appointee Schedule 2 clause 4(2)(g)	23/09/2016

Quorum: 5

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

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

Role:

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

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

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

Delegated Authority (Del 2009/05)

Planning and Development Act 2005 Section 16(1)

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

- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
 - (i) Part 5 of the Act;
 - (ii) *Town Planning Regulations 1967*

as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

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

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

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

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

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

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

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

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

Disclosure of representations

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

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

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes**
- 9. Statutory items for decision**
- 10. Policy items for discussion/decision**
- 11. Confidential items (Statutory & Policy)**
- 12. Stakeholder engagement & site visits**
- 13. Urgent business**
- 14. Items for consideration at a future meeting**
- 15. Closure**

Statutory Planning Committee

Minutes
of ordinary meeting 7517
held on Tuesday, 24 February 2015

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Mayor Russell Aubrey	Local government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Martin Clifford	Regional Minister's nominee (Deputy)
Mr Ray Glickman	WAPC appointee
Mr Stephen Hiller	WAPC appointee
Mr Ian Holloway	Professions representative
Ms Gail McGowan	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Kim Colquhoun	Office of the Director General
Mr Paul Ellenbroek	Planning Manager; Infrastructure, Projects, Policy and Research
Ms Marion Thompson	Urban Development Co-ordinator; Office of Land and Housing Supply

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7517.1 Declaration of Opening

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

7517.2 Apologies

Nil.

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7517.3 Members on Leave of Absence and Applications for Leave of Absence

The Committee noted that members Ms Bartle, Ms Burrows and Mr Hiller would be submitting a leave of absence for meetings in May 2015.

Mayor Aubrey entered the meeting at 9.01 am.

7517.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Mr Ray Glickman	7517.11.2	5	Impartiality

Resolved

Unanimous agreement from Members

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Mr Glickman, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on item 7517.11.2 - Amendment to State Planning Policy 3.1 Residential Design Codes – Multiple Dwellings, Parking and other Incidental Changes.

The motion was put and carried.

7517.5 Declaration of Due Consideration

No declarations were made.

7517.6 Deputations and Presentations

Nil.

7517.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman announced that proposed extensions to the terms of reference will be circulated to members for comment and input.

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7517.8 Confirmation of Minutes

7517.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 10 February 2015

The minutes from the Statutory Planning Committee of Tuesday, 10 February 2015 were not available at time of agenda preparation.

These minutes will be confirmed out of session.

7517.9 Statutory Items for Decision

7517.9.1 Request for Clearance of Condition 12 and Endorsement of Deposited Plan 69273, Lot 9067 The Broadway, Aveley

File 142459
Report Number SPC/784
Agenda Part G
Reporting Officer Planning Manager: Metropolitan
Planning North East

Members agreed to include supplementary advice notes to note the background issues arising and that the City of Swan consider a reserve development.

Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. clear Condition 12, endorse Deposited Plan 69273 for Lot 9067 The Broadway, Aveley and return it to Landgate;
2. advise the City of Swan to initiate a modification to Vale Development Plan 2 to identify Lot 8020 'Reserve for Drainage' on Deposited Plan 69273 as a 'Drainage' reserve as opposed to a 'Local Open Space' reserve.

Resolved

Moved by Mr Hiller, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

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1. *clear Condition 12, endorse Deposited Plan 69273 for Lot 9067 The Broadway, Aveley and return it to Landgate;*
2. *advise the City of Swan to initiate a modification to Vale Development Plan 2 to identify Lot 8020 'Reserve for Drainage' on Deposited Plan 69273 as a 'Drainage' reserve as opposed to a 'Local Open Space' reserve.*

Advice:

1. *That Committee members be advised of the background to the issue arising;*
2. *That the City of Swan be requested to consider the development of a reserve not withstanding drainage issues.*

The motion was put and carried.

7517.10 Policy Items for Discussion/Decision

Nil.

7517.11 Confidential Reports

7517.11.1 Residential Design Codes Standards for Medium Density Single House Development in Structure Plan Areas

File	DP/15/00045/1
Report Number	SPC/785
Agenda Part	A
Reporting Officer	Planning Manager, Urban Policy & Urban Development Coordinator, OL&HS

THIS ITEM IS CONFIDENTIAL

Ms Bartle left the meeting at 10.02 am and returned at 10.04 am

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7517.11.2 Amendment to State Planning Policy 3.1 Residential Design Codes – Multiple Dwellings, Parking and other Incidental Changes

File DP/14/00301/1
Report Number SPC/786
Agenda Part A
Reporting Officer Planning Manager, Urban Policy

Mr Glickman disclosed an interest, took part in discussion but did not vote on the item.

Member	Nature of Interest
Mr Glickman	Impartiality

THIS ITEM IS CONFIDENTIAL

Ms McGowan left the meeting at 10.30 am and did not return.

7517.11.3 MRS Amendment 1266/57 – Rosehill Golf Course Redevelopment, Report on Submissions

File RLS/0395/2
Report Number N/A
Agenda Part B
Reporting Officer Senior Planning Officer

ITEM WITHDRAWN FROM THE AGENDA

7517.11.4 Proposed MRS (Minor) Amendment - Lot 821 Armadale Road, Banjup and Surrounds (City of Cockburn) Rural - Groundwater Protection Zone to Urban Zone and Primary Regional Roads Reservation (and Water Catchments Reservation)

File RLS/0378/1
Report Number N/A
Agenda Part B
Reporting Officer Director, Schemes and Amendments

ITEM WITHDRAWN FROM THE AGENDA

7517.12 Stakeholder Engagement & Site Visits

Members agreed at an earlier meeting that a site visit to the Swan Valley policy area would be held in the near future.

7517.13 Urgent Business

Nil.

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7517.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required
7510.7	Legal Services' review of delegations	Report to be presented to the Committee	TBA
7515.14.1	DAP report	Establishment report to be presented to the Committee	TBA
7517.14.1	Building Codes	To be discussed at a future meeting of the Committee	TBA
7517.14.2	Sub-Regional Planning Frameworks	A presentation to be made to the Committee at a future meeting	TBA

7517.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 10 March 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.59 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	STATUTORY ITEMS FOR DECISION
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9.2	Endorsement of Outline Development Plan Madora Bay North
<i>G</i>	<i>DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA</i>
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9.4	Subdivision: to Create 2 Lots for Rural Residential Purpose - Lot 458 Jellicoe Road, Glen Forrest
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11.4	Shire of Broomehill Tambellup Local Planning Strategy - Endorse as Modified
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- 11.6 Shire of Kondinin Consolidation of Local Planning Scheme No.1
- 11.7 City of Mandurah Town Planning Scheme No. 3 Amendment 129
- for Final Approval

ITEM NO: 9.1

Modifications to the 'Halls Head Town Centre Precinct Plan', City of Mandurah

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager - Peel
AUTHORISING OFFICER:	Planning Director - Peel
AGENDA PART:	C
FILE NO:	SPN/0635
DATE:	20 February 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Endorse 2. Advise
ATTACHMENT(S):	1 - Location plan 2 - Endorsed Hall Head Town Centre Precinct Plan 3 - Modified Hall Head Town Centre Precinct Plan 4 - Schedule of Submissions
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Mandurah
LOCAL SCHEME ZONING:	Precinct Development
LGA	Adopt, subject to modification
RECOMMENDATION(S):	
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	5 November 2014
PROCESS DAYS:	97
APPLICATION TYPE:	Structure Plan
CADASTRAL REFERENCE:	Lot 505 Hungerford Avenue, Halls Head

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. ***endorse the modifications to the Halls Head Town Centre Precinct Plan stamp date 5 November 2014, subject to the following modifications;***
 - a) ***Provision 2.2.3(b) of the Halls Head Town Centre Precinct Plan to read as follows:***

'Where a split density is shown on the Precinct Plan, a Residential Density Code Plan is to be submitted consistent with any residential density shown on the Precinct Plan. The Residential Density Code Plan requires the approval of the WAPC as a minor modification to

the Precinct Plan prior to the subdivision application being determined.

The Residential Density Code Plan shall thereafter form part of the Precinct Plan.';

- b) Table 1 - Land Use Table of the Halls Head Town Centre Precinct Plan shall be modified by linking specific zones in Town Planning Scheme No 3 to the precinct plan zones in the row 'Other Uses'.*
- c) Modifying Figure 2 - Simplified Zoning Plan to ensure the sub-precinct zones legend is consistent with zones identified on the zoning plan.*

SUMMARY:

In February 2015, the Statutory Planning Committee deferred consideration of the proposed HHPP modification in order to obtain more information on the submissions and issues relating to traffic. Accordingly, this report contains additional information in relation to traffic issues under the sub-heading 'Transport Considerations and Pedestrian Access'. The balance of this report is otherwise unchanged from the report presented to SPC in February 2015.

The key points relating to this report are as follows:

- The City of Mandurah requests the Western Australian Planning Commission's (WAPC) approval for modifications to the Halls Head Town Centre Precinct Plan (HHPP);
- The endorsed HHPP comprises approximately 24 hectares of developed and undeveloped urban land between Old Coast Road and Hungerford Avenue (**Attachment 1**- Location Plan, **Attachment 2** - Endorsed HHPP);
- The proposed modifications seek to facilitate the introduction of a mixed business zone for the development of bulky good retail and updating the HHPP to reflect recent planning approval granted for stage 2 of the shopping centre (**Attachment 3** - Modified HHPP);
- 57 of the 68 submissions received during the advertising period opposed the modifications. Matters raised generally relate to amenity, traffic impacts and impacts on existing businesses;
- This report is being presented to Committee for determination due to the large degree of community opposition to the proposed HHPP; and
- It is recommended that the HHPP modifications be endorsed by the WAPC.

BACKGROUND:

In February 2010, the HHPP was endorsed by the WAPC.

In July 2014, the Council adopted the subject modification to the HHPP for the purposes of advertising.

In August 2014, the Peel Joint Development Assessment (JDAP) granted planning approval to stage 2 of the Halls Head shopping centre on Lot 504 Guava Way.

In September 2014, the WAPC endorsed a modification to the HHPP. The modification was linked with a local planning scheme amendment and resulted in four lots with a total area of 3,441m² being incorporated into the Precinct Development zone and HHPP.

In October 2014, Council adopted the latest modifications to the HHPP for approval. The complete HHPP document can be provided to SPC members upon request.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
City of Mandurah Town Planning Scheme No 3
Section: Clause 4.14 - Precinct Development Zone

Strategic Plan

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

Policy

Number and / or Name: State Planning Policy 4.2
Halls Head Town Centre Precinct Plan

DETAILS:

The HHPP area is identified in State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2) as a district level town centre.

The HHPP area is located approximately 2 kilometres south-west of the Mandurah town centre and covers an area of approximately 24 hectares. The proposed modifications to the HHPP primarily relate to two lots, being Lot 505 Hungerford Avenue and Lot 504 Guava Way, Halls Head.

The following modifications to the HHPP are proposed:

1. Introduction of a 'Mixed Business' site on Lot 505 abutting the service area of the core retail precinct, which is intended to accommodate a Bunnings retail outlet with an area of approximately 12,000m²;
2. Reconfiguration of the residential precinct in the north of Lot 505 with residential densities between R40 and R100 as well as reconfigured public open space;
3. Modified key internal roads, including:

- i) the proposed link road between Old Coast Road and Peelwood Parade has been realigned to facilitate access to the proposed bulky goods site;
 - ii) the intersection of the proposed link road and Old Coast road has been relocated southwards;
 - iii) the planned extension of Guava Way to Glencoe Parade has been redesigned to have a more-direct north-south alignment; and
 - iv) the southern vehicular access point from Guava Way area has been reprioritised as the primary vehicular access point to the core retail area;
4. Updated HHPP text and Indicative Development Plan notations to reflect the introduction of the Mixed Business zone and related land use controls. The text modifications also relate to the retail core, including deletion of references to a town square, which is no longer a component of precinct plan; and
 5. Modified layout of the retail core on Lot 504 to reflect the planning approval issued by the Peel JDAP in August 2014.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Approval of the ODP may lead to subdivision and development applications being lodged over the site. Appropriate staff resources would need to be allocated to the processing of such applications.

CONSULTATION:

The modifications to the HHPP were advertised for 28 days in accordance with the requirements of Town Planning Scheme 3 (TPS3). 68 submissions were received including 57 opposed and 9 in support of the modification. Three petitions, opposing the modifications, were also received during the consultation period containing a total of 1,342 signatures.

The matters raised in the submissions are summarised in Attachment 4 together with Council's and the Department of Planning's comments. Key issues raised include increased traffic, loss of vegetation, compatibility with surrounding development, economic impacts and non-compliance with *State Planning Policy 4.2 - Activity Centres for Perth and Peel*.

Two letters were sent to the Minister for Planning regarding the proposed modifications to the HHPP, both of which opposed the modifications.

In response to submissions regarding concerns with pedestrian access to the town centre, the City added notation 12 to the HHPP indicative development plan to identify that further detailed traffic assessment was required prior to the subdivision of Lot 505 to ensure the safe integration of the existing and proposed road network.

OFFICER'S COMMENTS:

Mixed Business Site

Although the proposed mixed business site is located within a 400 metre walk of the district centre, this aspect of the ODP is supported for the following reasons:

- i) the mixed business site is located outside of the core activity precinct of the district centre;
- ii) the intended pairing of service areas between the shopping centre and future Bunnings development is a logical urban design outcome and is preferable to having residential development backing onto the rear of the shopping centre as proposed in the current endorsed HHPP;
- iii) the location of the mixed business site does not create a barrier for pedestrian access to the retail core. Given the orientation of the shopping centre there is limited pedestrian access from the immediate east;
- iv) the proposed mixed business site has good access to Primary and Other Regional Roads and is capable of absorbing the anticipated traffic; and
- v) the proposed mixed business site does not encroach into existing residential areas and will be buffered by proposed residential development.

In terms of broader planning considerations, the proposed mixed business site has the potential to provide the southern suburbs of Mandurah with better access to bulky goods retail. In addition, the introduction of a bulky goods component will improve the mix of land uses available in the district centre.

Residential Density

The modified residential layout over Lot 505 is estimated to yield approximately 170 residential lots, which represents a gross residential density of approximately 17.2 dwellings per gross hectare of urban land, which is less than the target range of 20-30 dwellings per hectare as set out in SPP4.2.

However, if the land intended to be developed for bulky goods were deducted, the residential density would increase to 25.3 dwellings per gross hectare. If the bushland conservation area required as a result of an assessment under the *Environmental Protection and Biodiversity Conservation Act 1999* were also deducted, residential density would increase to 29.3 dwellings per gross hectare. Therefore it is considered that sufficient residential density can be achieved on Lot 505.

The precinct plan text requires a residential density plan to be submitted with any subdivision application over land where a density range is shown. The need for the residential density plan to be formally approved as a modification to the HHPP should be more clearly stated in the precinct plan text.

Transport Considerations and Pedestrian Access

The key traffic-related issues that that were raised in the submissions are discussed below and include:

- a) Impact on local road network;

A transport assessment submitted in support of the proposed modifications to the HHPP indicates development on Lot 505 will generate a maximum of 477, 608 and 998 two-way vehicle trips during peak hour in the morning, evening and on Saturday respectively. The assessment identifies that Old Coast Road will act as the primary access route to the mixed business development on Lot

505 Hungerford Avenue, carrying approximately 85% to 90% of the traffic associated with the development.

Given the majority of traffic associated with the proposed mixed business development would utilise Old Coast Road, it is concluded that the proposed modifications to the HHPP will not result in a substantial increase in traffic through the existing residential road network.

b) Potential traffic congestion on Old Coast Road;

The transport assessment identifies that the development facilitated by the modifications to the HHPP will increase the traffic at the Mandurah Road/Old Coast Road intersection by a maximum of 20% which occurs during Saturday peak periods.

The City of Mandurah has previously identified a desire to upgrade the Mandurah Road/Old Coast Road intersection to a signalised intersection. The HHPP (related text document) includes a requirement for the owner of Lot 505 Hungerford Avenue to make a contribution toward the upgrade and signalisation of the subject intersection as a condition of subdivision or development which provides a basis for such a condition to be imposed.

The HHPP identifies, indicatively, a roundabout at the T-junction intersection created by Old Coast Road and the neighbourhood connector A road that will facilitate access to the proposed mixed business site. This roundabout will assist traffic flow associated with Mandurah/Old Coast Road intersection and reduced the use of local roads to access the district centre and mixed business site. As a result, it is considered that the flow of traffic on Old Coast Road will not be significantly compromised by the proposed modifications to the HHPP.

c) Impact on pedestrian/cyclist access to the town centre and safety due to increased traffic and changes to the road network;

The proposed HHPP Indicative Development Plan (**Attachment 3**) identifies a shared path network to provide pedestrian access to the retail core of the district centre. In addition, Notation 12 on the HHPP requires further detailed traffic assessment to be undertaken to ensure the safe integration of the existing and proposed road network, with particular regard to pedestrian and vehicle movement along Hungerford Avenue and Glencoe Parade.

Shared paths for the benefit of pedestrians and cyclists already exist on Hungerford Avenue (south side) and Glencoe Parade (both sides), and these paths will remain in the event that development occurs in accordance with the proposed HHPP.

The proposed modifications to the HHPP do not reduce the existing level of permeability to the district centre for pedestrians or cyclists. Although there will be some increase in the current traffic levels of existing roads such as Hungerford Avenue and Glencoe Parade, these roads have sufficient capacity to safely accommodate the predicted level of additional traffic.

Notation 12 is not expected to result in any major changes to the road network shown on the HHPP. Rather, it is intended to highlight the need to carefully examine any proposed new roads and intersections at the subdivision stage and may assist the City's engineers in their efforts to pursue some refinements to the indicative street layouts shown on the HHPP at the subdivision stage.

It is considered that the proposed modifications to the HHPP will not adversely affect the safe and convenient movement of pedestrians and cyclists.

Other Considerations

The HHPP includes a land use table to provide land use permissibility to the various precinct plan zones. The land use table links the precinct plan zones to the existing land use tables in TPS3. It is recommended that the 'Other Uses' row in the land use table specifically refer to which TPS3 zone applies to each precinct plan zone.

The HHPP text includes a simplified zoning plan (Figure 2) to identify the extent of the precinct plan zones. The legend of the Figure 2 is inconsistent with the zones identified on the plan and should be modified to reflect the precinct plan map.

CONCLUSION:

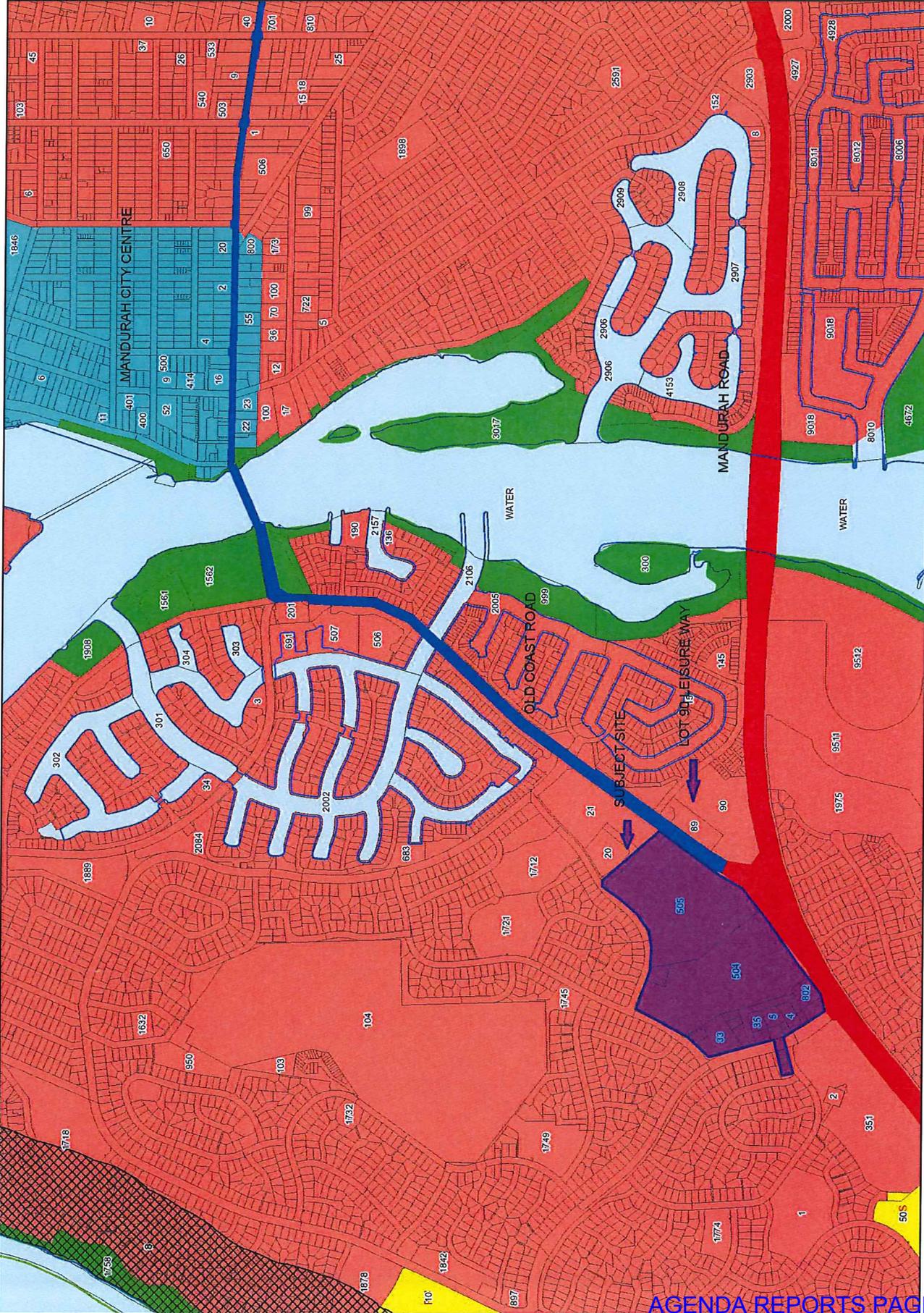
It is recommended that the proposed modifications to the HHPP be approved, subject to modifications.



- Legend**
- Local Government Area
 - Cadastre (view 1)
 - Cadastre (view 2)
 - Cadastre (view 3)
 - Cadastre (view 4)
 - W.A. Coastline
 - PRS - Boundary
 - PRS - Clause 21
 - PRS - Zones and Reserves
 - other regional roads
 - primary regional roads
 - regional centre
 - regional open space
 - urban
 - waterways

Notes:
 The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. Information is stored in the relevant layers of the map. For these reasons the map should not be distributed outside of the Department.
 Map was produced using DoP's PlanView/VA.

Produced by: FUNCTIONALITY TO COME
 Date produced: 14-Jan-2015



0 0.33 0.7 Kilometres

1: 13,153
 at A3

Protection: WGS 1984 Web Mercator Auxiliary Sphere

Location Plan

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to website](#)

ITEM NO: 9.2

Endorsement of Outline Development Plan Madora Bay North

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager - Peel
AUTHORISING OFFICER:	Planning Director - Peel
AGENDA PART:	C
FILE NO:	SPN/0628
DATE:	19 February 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Endorse 2. Advise
ATTACHMENT(S):	1. Location Plan 2. Advertised Outline Development Plan 3. Adopted Outline Development Plan 4. Alternative (Community) Outline Development Plan 5. Outline Development Plan - as modified by proponent 6. Concept Plan - Green Linkage Street 7. Schedule of Modifications 8. Schedule of Submissions
REGION SCHEME ZONING:	Urban, Regional Open Space
LOCAL GOVERNMENT:	City of Mandurah
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	18 November 2014
PROCESS DAYS:	94 days
APPLICATION TYPE:	Outline Development Plan
CADASTRAL REFERENCE:	Lot 101 Mandurah Road, Madora Bay

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse the outline development plan for Madora Bay North, subject to the schedule of modifications (Attachment 7).

SUMMARY:

The Madora Bay North Outline Development Plan (ODP) covers an area of approximately 143 hectares and seeks to facilitate the development of the site for 1,500 residential lots (**Attachment 1** - Location Plan, **Attachment 3** - Adopted ODP).

The ODP is being presented to the Committee as the recommendation is not consistent with the Council's decision in relation to the provision of public open space (POS) which includes a vegetation buffer/corridor along the northern boundary of the site.

It is recommended that the ODP adopted by Council (**Attachment 3**) be approved, subject to modifications (**Attachment 7** - Schedule of Modifications). The recommended modifications require, inter alia, that the POS proposals be modified to reflect the proponent's latest proposed POS proposals (**Attachment 5** - ODP as modified by proponent).

BACKGROUND:

On the 8 May 2013, the Minister for Planning approved *Peel Region Scheme Amendment 035/57: Madora Bay (North)* (PRS Amendment 035/57) which transferred about 57 hectares of land from the Rural zone to the Urban zone under the Peel Region Scheme.

In its advice on PRS Amendment 035/57, the Environmental Protection Authority (EPA) advised that an east-west vegetation linkage should be considered and the highest dune at the northern end of the site and remaining good vegetation should be retained in POS. The Office of Environmental Protection Authority has subsequently advised that the advertised ODP (**Attachment 2** - Advertised ODP) addresses the advice it provided on the PRS amendment.

On the 13 May 2014, the City of Mandurah Council adopted the ODP (**Attachment 2**) for advertising purposes.

On 28 October 2014, the City of Mandurah Council considered the submissions and adopted a modified version of the ODP (**Attachment 3**). The key changes in the adopted ODP included the width of the central POS area being reduced in width from 110 metres to 50 metres, as well as POS and 'Ecological Transect' linkage streets being reallocated to the northern part of the site to create a vegetation linkage along its northern boundary.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>City of Mandurah Town Planning Scheme No. 3</i>
Part:	IV Specific Zone Requirements
Section:	4.9 Urban Development Zone
Clause:	4.9.2 Permitted Uses and Development Standards

Legislation	<i>City of Mandurah Town Planning Scheme No. 3</i>
Part:	VII Use and Development of Land
Section:	7.11 Outline Development Plans

Clause: 7.11.3 Adoption Procedure

Strategic Plan

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

Policy

Number and / or Name: State Planning Policy 3: Urban Growth and Settlement
State Planning Policy 5.4: Road and Rail Transport
Noise and Freight Considerations in Land Use Planning

DETAILS:

The site is 147.2 hectares in area, and is bound by Singleton to the north, Mandurah Road to the east, the existing Madora Bay townsite and Madora Beach Road to the south and the Indian Ocean to the west (**Attachment 1**).

The site has been used for grazing and most of the vegetation is in a degraded condition.

Key features of the adopted ODP include:

- residential land ranging from R25-R40;
- a foreshore reserve ranging in width from 145 to 240 metres;
- a primary school site;
- a commercial R60 node designed to accommodate a local activity centre;
- a linear POS area located in the centre of the ODP area, approximately 450 metres long by 50 metres wide and various POS areas along the northern boundary of the subject land intended to provide an east-west ecological link; and
- a requirement for the preparation of local development plans (LDPs) for new lots adjacent to existing residential development in Madora Bay and Singleton.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The WAPC will be required to assess and determine future subdivision applications.

CONSULTATION:

During the advertising period 72 submissions were received. Six of these were from government agencies/local government, three from community groups, one from a State politician and 62 were received from the public. These submissions are summarised in (**Attachment 8** - Schedule of Submissions), together with Council's and the Department of Planning's comments.

Key issues raised in the submissions include:

- (a) distribution of public open space and the need for a POS buffer between Madora Bay and Singleton;
- (b) impact of additional traffic upon existing residential roads and neighbourhoods;
- (c) orientation of future commercial development at the beach-front; and

- (d) interface between existing and proposed residential areas in terms of lot level differences and privacy impacts.

One submission was received from a community group that prepared an alternative ODP (**Attachment 4** - Alternative ODP). The alternative ODP suggested a number of modifications to the ODP, including:

- replacing the central POS area with a smaller landscape feature park and establishing an 'ecological transect and landscape buffer' along the northern boundary of the site;
- creation of a central landscape boulevard from Mandurah Road to the Coastal Village;
- replacing the proposed village centre with a larger coastal village orientated towards the foreshore reserve; and
- the inclusion of a requirement stating that the ground levels and lot sizes of new residential development abutting existing residential areas should match existing ground levels and lot sizes.

In response to issues raised in the submissions, the proponent prepared a modified ODP (**Attachment 5** - ODP as modified by proponent). The key modifications to this version of the ODP were the inclusion of mixed use zones, 'Ecological Transect' linkage streets and transitional density codings to existing residential areas in Madora Bay and Singleton.

Neither the alternative ODP prepared by the community nor the modified ODP prepared by the proponent were accepted by Council. Instead, the Council held a workshop to review the ODP and an outcome of the workshop was the preparation of a revised version of the ODP, which was then adopted by Council (**Attachment 3**).

OFFICER'S COMMENTS:

Environmental Considerations

The site is identified as a Peel Regionally Significant Natural Area in *Environmental Protection Bulletin: Swan Bioplan - Peel Regionally Significant Natural Areas* (Swan Bioplan). However, detailed vegetation surveys and analysis have found that the vegetation on site is generally degraded and have not identified any regionally significant remnant vegetation areas within the proposed residential areas shown on the proposed ODP. Also, the Office of Environmental Protection Authority has not raised any objections to the ODP.

The landscape assessment undertaken by the proponent for the subject land concludes that from publicly accessible viewpoints the features of the site are not of a scale and nature that contribute significantly to the district landscape character. Notwithstanding this, it is proposed to retain a prominent sand dune in the north-eastern corner of the site in POS, which is considered to be of local landscape significance.

The City of Mandurah requested that the WAPC consider the recommendations of the *City of Mandurah Biodiversity Strategy* (MBS) in its assessment of the ODP. The MBS was adopted by Council in November 2013 and forms part of the City of

Mandurah's proposed Local Planning Strategy, but has not yet been considered by the WAPC.

Although the MBS recommends a biodiversity target of 9.0 hectares for the site, this is not a statutory requirement. The ODP as adopted by Council does propose to protect an area of vegetation in good condition in the north western portion of the site by including it within POS. However, this reduces the amount of POS that can be effectively developed to function as useable POS. Notwithstanding this, the proposed ODP, with the recommended modifications, provides for a reasonable degree of biodiversity to be maintained as a result of the proponent's commitment to cede the foreshore reserve (21.2 ha) free of cost, retain a prominent dune situated in the north-eastern corner of the site within POS (3.34 ha) and provide a vegetated buffer along Mandurah Road (2.8 ha).

Public Open Space

Under the proposed ODP, a total of 13.75 ha or 12% of POS is proposed to be provided as POS. This does not include the proposed 20m wide landscape buffer strip along Mandurah Road and the proposed foreshore reserve of 21.2ha, which the proponents will also be ceding free of cost.

The advertised ODP proposed a central area of POS of approximately 4.93 hectares, with dimensions of approximately 450 metres long by 110 metres wide. The reduced width (50 metres) of the central POS in the endorsed ODP is not supported on the basis that the reduced width would reduce its overall functionality for passive and active recreation purposes and reduce the strong visual and physical link between the beach node in the foreshore reserve and residential areas to the east.

The provision of an 'ecological transect and landscape buffer' along the northern boundary of the site, as proposed in the alternative ODP (**Attachment 4**) and reflected to a lesser degree in the ODP adopted by Council, is not supported for the following reasons:

- a more even distribution of public open space can be provided throughout the site if there is no east-west corridor along the northern edge of the site;
- although there is an opportunity to retain some good quality vegetation in an east-west corridor, most of the vegetation along the northern edge of the site is predominantly mapped as 'degraded' or 'completely degraded';
- the east-west corridor along the northern boundary of the site would terminate at Mandurah Road, which provides a significant barrier to wildlife movement beyond the subject land;
- a relatively narrow east-west corridor along the full length of the northern boundary of the subject land does not provide a significant visual break between the Metropolitan and Peel Regions when viewed from Mandurah Road;
- a more significant visual break between urban areas is provided by the land reserved Parks and Recreation and zoned Rural under the Metropolitan Region Scheme, located further to the north in Port Kennedy and Karnup; and
- retention of the prominent sand dune in the north-eastern corner of the site in public open space can be achieved via a smaller area of public open space.

It is recommended that the adopted ODP be modified so that:

- the central POS has the same dimensions and area as originally proposed in the advertised ODP (**Attachment 2**); and
- other POS areas are located as shown in the modified ODP prepared by the proponent (**Attachment 5**) in order to reallocate POS from the north-western corner of the ODP area to the central POS.

Interface between existing and proposed residential areas

Some of the submissions called for the ODP to be modified to include a requirement for matching ground levels and lots sizes between existing and proposed residential lots.

The City of Mandurah did not support modifying the ODP to include a requirement for proposed lots to match the ground levels and lot areas of abutting existing residential lots. Instead, the adopted ODP was modified to include:

- transitional strips of Residential R20 land adjacent to existing residential areas in Singleton and Madora Bay to ensure an appropriate transition of density; and
- a requirement for local development plans (LDP) to be prepared at the subdivision stage for all lots adjacent to existing residential lots in Singleton, at the western [sic] end of Ariel, Gambia and Hyacinth Places, Madora Bay and Lot 510 Madora Beach Road, Madora Beach.

The abovementioned modifications are supported, subject to a typographical correction of the word 'western' to 'eastern'.

'Ecological Transect' Linkage Streets

The adopted ODP includes two 'Ecological Transect' linkage streets in the northern part of the site. The intent of these linkage streets is to provide a vegetation linkage between POS areas along the northern part of the site to create an east-west vegetation linkage.

If the ODP is modified to reinstate the extent of the central POS, as recommended in this report, the 'Ecological Transect' linkage streets would need to be relocated to provide a link between the central POS and the POS in the north-eastern corner of the site.

It is considered more appropriate for one wider 'Ecological Transect' linkage street to be provided, as it could be designed to provide a median strip landscaped with street trees. This would reinforce the street's function as a vegetation linkage. A concept plan prepared by the proponent (**Attachment 6** - Concept Plan) indicates how the street could be designed to provide a landscaped median strip and street verges. This is considered to be a good outcome as trees located in a median strip are more likely to be retained than trees within street verges.

The naming of the 'Ecological Transect' linkage street should also be modified to better reflect its intended purpose, which is to provide a vegetation linkage rather

than an ecological linkage. On this basis, it is recommended that this street be called a Green Linkage Street.

Traffic impacts on existing roads

A transport assessment has identified that development proposed by the ODP would increase traffic volumes along existing local roads in Madora Bay and Singleton, but not exceed the indicative traffic volumes for these roads as detailed in *Liveable Neighbourhoods*. The ODP includes a requirement which highlights the potential need to upgrade existing intersections, such as the intersection of Angalore and Madora Beach Roads, at the subdivision stage.

It is recommended that the statutory section of the ODP report be modified to more clearly set out the proponent's obligations regarding the existing intersection of Madora Beach Road and Mandurah Road and the proposed new signalised intersection at Mandurah Road.

Other Considerations

It is noted that the southern boundary of the ODP incorporates some land already zoned Residential under the local planning scheme. The boundary of the ODP should be amended so that it only involves land zoned Urban Development under the local planning scheme.

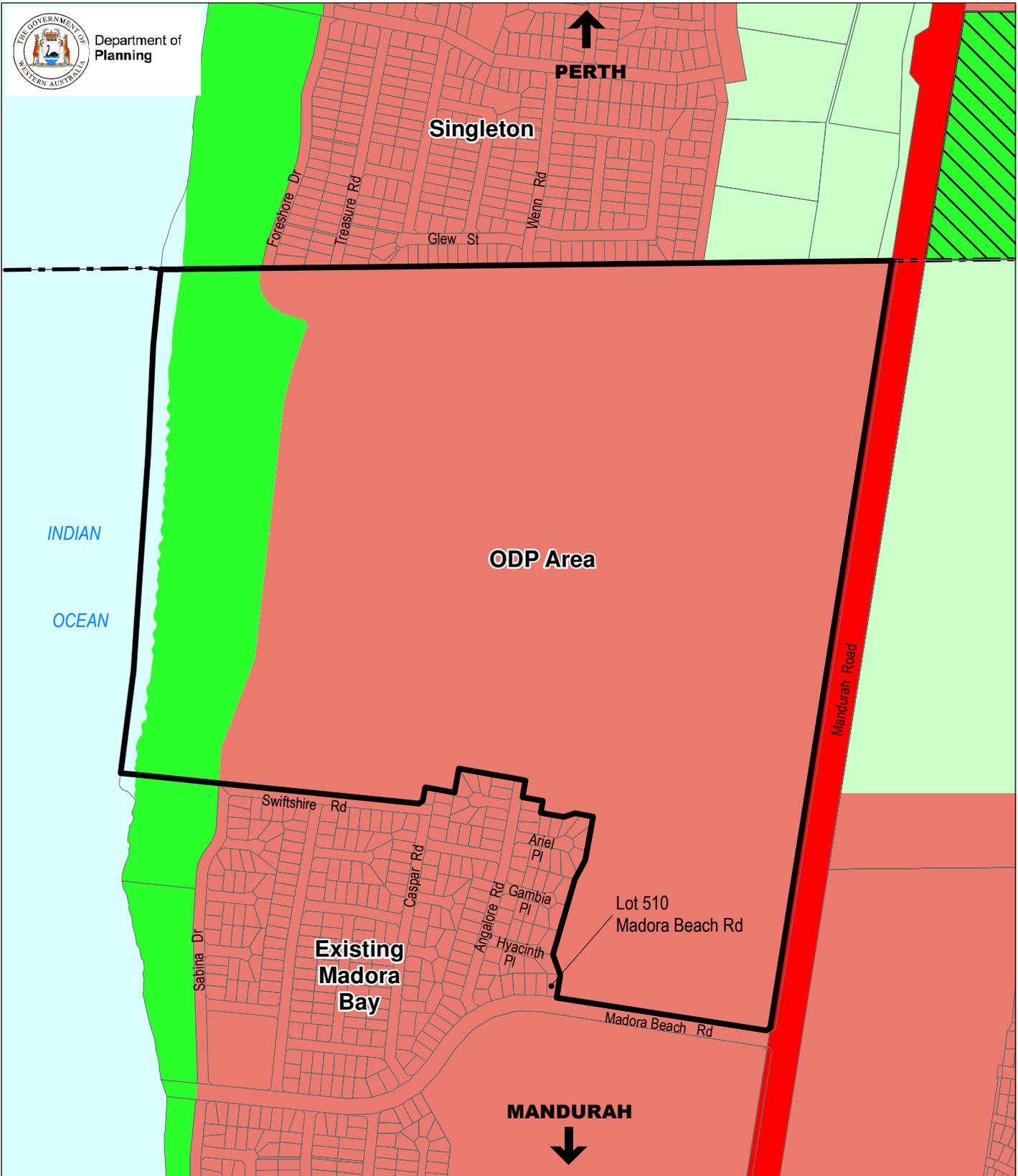
It is recommended the ODP requirements are removed from the ODP map and included in the statutory section of the ODP report. Attachment 7 includes the recommended text to be contained in the Statutory section of the ODP (Part 1) in tracked changes format. In particular, the statutory section has been modified to:

- (a) include standard sub-sections as per the template in the WAPC's *Structure Plan Preparation Guidelines* (i.e. sections 1 to 4 have been added);
- (b) remove ambiguity between the ODP map and the related report (i.e. delete reference to R12.5/20 which is not provided for in the ODP map);
- (c) revise section 5.5 of the statutory section in order to clarify the circumstances requiring Local Development Plans and the requirements relating to road improvements and transport noise attenuation; and
- (d) include a section on Local Development Plans in order to provide guidance on the consultation process to be followed.

CONCLUSION:

It is recommended that the ODP be endorsed, subject to modifications. The modifications aim to:

- (a) improve the distribution and functionality of public open spaces;
- (b) provide for an appropriate transition to established residential areas;
- (c) clarify the developer's obligations in relation to existing and future intersections involving Mandurah Road; and
- (d) address various matters of an administrative nature.



Department of Planning

INDIAN OCEAN

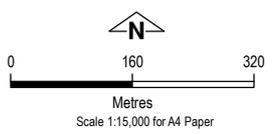
PERTH

Singleton

ODP Area

Existing Madora Bay

MANDURAH



Legend

-  Boundary of Madora Bay Outline Development Plan
-  Urban
-  Urban Deferred
-  Rural

-  Parks and Recreation
-  Parks and Recreation (restricted)
-  MRS - Bush Forever Sites
-  Primary Regional Roads

Produced by:
GeoSpatial Planning Support
Department of Planning, WA
On behalf of:
Western Australian Planning Commission
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\\:\MaGSP\ProjectWorkspace\Layout\Peel
\LocationMaps\Various\Working Files\
MadoraBay_ODP.mxd

Base information supplied by:
Western Australian Land Information Authority
LI 646-2014-3

ITEM NO: 9.3

Application to Construct Three (3) Two Storey Grouped Dwellings at Lot 32 (No. 409) Orrong Road, Kewdale

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central, Perth and Peel
AUTHORISING OFFICER: Planning Director, Metropolitan Central, Perth and Peel.
AGENDA PART: G
FILE NO: 15-50127-1
DATE: 26 February 2015
REPORT CATEGORY: Statutory / Policy
RECOMMENDATION OUTCOME: 1. Approve
ATTACHMENT(S): Attachment 1 - Aerial Photograph;
Attachment 2 - TPS Zoning and Location Plan ;
Attachment 3 - Development Plans;
Attachment 4 - Vehicle Access Plan; and
Attachment 5 - MRWA Concept Plan.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for the construction three (3) two storey grouped dwellings at Lot 32 (no.409) Orrong Road, Kewdale as shown on the plans date stamped 09 January 2015, subject to the following conditions and advice:

CONDITIONS

1. *The proposed development is to comply in all respects with the submitted plans received on the 09 January 2015 and stamped accordingly.*
2. *All existing buildings and structures on the lots, including soakwells, leach drains septic tanks and waste water disposal systems, shall be removed and the land levelled to the specification to the City of Belmont to the satisfaction of the Western Australian Planning Commission.*
3. *Prior to occupation or use of the development, the external face of the walls built on the boundary shall be finished in either:*
 - (a) *face brick;*
 - (b) *painted render; or*
 - (c) *painted brick work.*

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

- 4. A landscaping and irrigation plan being prepared and approved prior to commencement of site works to the specification of the City of Belmont and to the satisfaction of the Western Australian Planning Commission. Once approved, the Landscape and Irrigation Plan is to be implemented in its entirety.***
- 5. Prior to occupation or use of the development, the existing street tree on Orrong Road shall be removed and replaced to the specification of the City of Belmont and to the satisfaction of the Western Australian Planning Commission.***
- 6. A 3m wide access easement (with 2.58m truncation) along the north eastern boundary and north western boundary shall be provided to the specification of the City of Belmont and to the satisfaction of the Western Australian Planning Commission.***
- 7. Prior to the occupation of the development, the part of Lot 32 the subject of any access easement shall be paved, kerbed and drained to the specification of the City of Belmont to the satisfaction of the Western Australian Planning Commission.***
- 8. Prior to occupation of the development, the owner/applicant shall construct a vehicle crossover to the specification of the City of Belmont and to the satisfaction of the Western Australian Planning Commission.***
- 9. Prior to occupation of the development, the redundant crossover(s) to Lot 32, shall be removed and the verge, footpath and kerb reinstated to the specification of the City of Belmont and to the satisfaction of the Western Australian Planning Commission.***
- 10. All stormwater from roofed and paved areas shall be collected and disposed of on-site to the specification of the City of Belmont and to the satisfaction of the Western Australian Planning Commission.***

ADVICE

- 1. In regard to Condition 6, the applicant is advised that the access easement is to provide vehicular access in accordance with the Vehicle Access Plan (VAP) adopted by the City of Belmont on the 25 October 2011. The applicant is further advised that the easement documentation is to be prepared by the City's solicitors at the applicant/owner's full expense and registered on the certificate of title for the land prior lodgement of an application for a building permit, unless otherwise agreed in writing by the City.***

2. ***In regard to Condition 7, any construction and maintenance costs are to be borne by the owner. The maintenance obligation is to be stated in the grant of easement documentation.***
3. ***The applicant is advised that the crossover permitted onto Orrong Road is for a temporary period until the access easement (Vehicle Access Plan) is fully constructed and operational. Once the access easement is constructed and operational the crossover to Orrong Road will be redundant and shall be removed and the verge, footpath and kerb reinstated to the specification of the City of Belmont.***
4. ***No walls, fences or letterboxes above 0.75 metres in height are to be constructed within 1.5 metres of where walls or fences adjoin vehicular access points to the site, a driveway meets a public street or two streets intersect, unless the further approval of the Western Australian Planning Commission is obtained.***
5. ***Solid fences within the street setback area in excess of 1.2 metres in height are not permitted unless they comply with the Residential Design Codes.***
6. ***No earthworks to encroach into the Orrong Road reserve.***
7. ***Construction work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and public holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.***
8. ***No services, such as air conditioners or water heaters shall be visible from the street.***

ADVICE TO MAIN ROADS WA:

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

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

SUMMARY:

- The City of Belmont (the City) has referred a development application for three (3) two-storey grouped dwellings to the Western Australian Planning Commission's (WAPC) for determination.
- The City recommends conditional support for the proposal as it complies with the City's Local Planning Scheme No.15 (LPS 15) and the Residential Design Codes (R-Codes).
- Main Roads Western Australia (MRWA) objects to the application on the basis that future road requirements for Orrong Road suggests that the entire lot will be required.
- The widening is partially in response to the aspirations from MRWA and the Minister for Transport to upgrade Orrong Road to a high level and high frequency strategic transport route between Graham Farmer Freeway and Leach Highway.
- The application is referred to the WAPC under the Instrument of Delegation (gazetted 13 August 2010) as the recommendation provided by MRWA is not acceptable to the City and has been elevated to the Statutory Planning Committee as the development has the potential to impact on the future plans for Orrong Road.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Section 10

Strategic Plan

Strategic Goal:

Strategic Goal 2. Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

Number and / or Name

WAPC Policy No. DC1.2 Development Control - General Principles.

INTRODUCTION:

The subject site comprises Lot 32 (No. 409) Orrong Road and falls under the jurisdiction of the City of Belmont. The site has a total area of 799m² and is predominantly surrounded by existing residential development. An industrial area is present on the opposite side of Orrong Road, (**Attachment 1 - Aerial Photograph**). The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential' with a density coding of R20/60 under LPS 15, (**Attachment 2 - Location & Zoning Plan**).

The application proposes the construction of three (3) two-storey, grouped dwellings. All proposed dwellings will achieve vehicle access temporarily via an existing crossover on Orrong Road, (**Attachment 3 - Development Plans**).

CONSULTATION:

The City referred the application to MRWA as the subject site abuts Orrong Road which is classified as an 'Other Regional Road' under the MRS and falls under the jurisdiction of MRWA. MRWA advise that they do not support the application for the following reasons:

- Upgrading of Orrong Road is proposed in the future, although not within a four (4) year estimated construction programme;
- Proposed concept for the layout of the Orrong Road and President Street intersection would prevent any future access to the subject lot; and
- Due to the future land requirements needed to upgrade Orrong Road the whole of Lot 32 will most likely have to be acquired.

PLANNING ASSESSMENT

Background

On 06 May 2014, an application for three (3) grouped dwellings was referred by the City to MRWA for comment. Responding to the referral, MRWA advised that the plans were unacceptable as future plans to upgrade Orrong Road would require a large proportion of the subject lot to be acquired by MRWA. MRWA advised that the widening of MRWA was not in its 4 year plan.

On the 15 October 2014, the City received amended plans. Based on these amendments, the City is satisfied that the application complies with the LPS and the R-Codes 2013, and accordingly recommended that the application be conditionally approved. However, since the City and MRWA cannot come to an agreement, the application has been forwarded to the WAPC for determination in accordance with the Notice of Delegation (DEL2011/02 Powers of Local Governments (MRS))

In this regard, the Notice of Delegation states the following:

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

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

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

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

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

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

Residential Design Codes

The City has assessed the proposal against the R-Codes and is satisfied that the proposal is in accordance with them.

Traffic Assessment & Road Widening Requirements

Vehicle Access Plan

In accordance with clause 5.7.1 of LPS 15, coordinated access should be provided through an adopted Vehicle Access Plan (VAP) for all residential development, other than single dwellings, abutting regional roads. To this extent, it is noted that a vehicle access plan for the subject site was adopted by Council after consultation with MRWA on 26 July 2005, **Attachment 4 - Vehicle Access Plan**. The VAP shows a 6.0 metre wide Right of Way (ROW) along the northern and western boundaries of the site. It is noted that the proposed plans acknowledge the ROW with no development being proposed in this area. Eventually, it is proposed that all access to the proposed dwellings will be taken via the ROW which is accessed off the perpendicular street (President Street). As an interim measure, the proposed dwellings will continue to use the existing crossover of Orrong Road.

MRWA Concept Plan

The current preliminary concept plan for Orrong Road, depicts a 4.0 metre to 12.0m widening of the Orrong Road reserve where it abuts the subject land. This is over and above the current ORR reserve. (**Attachment 5 - Preliminary Concept Plan**).

Comment

The subject site is zoned 'Urban' under the MRS. No part of the site is reserved for ORR, rather the lot merely abuts it. In and use terms the construction of three (3) grouped dwellings on the subject site is acceptable in principle.

While there is an acknowledgement of the aspirations of MRWA, in terms of future road planning, the fact that the current plan is a concept (with limited statutory weight), it is difficult to formulate a sound planning decision (which is defensible in an appeal situation) based on it.

Any additional widening requirement put by MRWA cannot be considered as a seriously entertained planning proposal until:

- i. An amendment to the MRS is initiated (and approved);or
- ii. A Planning Control Area is put in place.

CONCLUSION:

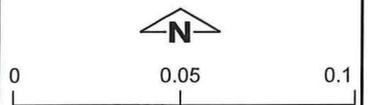
It is considered that the proposal represents appropriate residential development for the 'Urban' zone under the MRS and satisfactorily meets the requirements of LPS 15, the R-Codes and the City's adopted vehicle access strategy. The application should be assessed against the current zoning of the land together with any applicable statutory requirements. The future road planning being undertaken by MRWA for the section of Orrong Road abutting the subject site has not reached a stage where it can be considered a seriously entertained planning document. On this basis, it is not accepted as a reasonable basis to determine the application. It is therefore recommended that this application be approved subject to conditions.



Legend

-  Local Government Area
-  Cadastre (view 1)

ATTACHMENT 1



1: 2,303
at A4

Projection:
WGS 1984 Web Mercator Auxiliary Sphe

Notes:

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ITEM NO: 9.4

Subdivision: to Create 2 Lots for Rural Residential Purpose - Lot 458 Jellicoe Road, Glen Forrest

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning North East, Perth and Peel Planning
AUTHORISING OFFICER:	Director, North East , Perth and Peel Planning
AGENDA PART:	G
FILE NO:	150857
DATE:	12 February 2015
ATTACHMENT(S):	1. Location Plan 2. Proposed Plan of Subdivision 3. Special Control Area Map
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	Shire of Mundaring
LOCAL SCHEME ZONING:	Rural Residential 1
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Glen Forrest
RECEIPT DATE:	27 October 2014
PROCESS DAYS:	88
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 458 Jellicoe Road, Glen Forrest.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 458 Jellicoe Road, Glen Forrest as shown on the plan date-stamped 27 October 2014. This decision is valid for three years subject to the following conditions and advice:

CONDITIONS:

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)***
- 2. Prior to commencement of subdivisional works, a detailed plan identifying building envelope on Lot 2 on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the***

appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)

3. *Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government).*
4. *A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Department of Fire and Emergency Services. (Local Government)*
5. *A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'The lot is subject to a fire management plan.'

(Local Government)

6. *Satisfactory arrangements being made with the local government for the partial cost of upgrading of Holbrook Road where it abuts the application area to the specifications of the local government. (Local Government)*
7. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's DC 1.7 General Road Planning.(Local Government)*
8. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'A mains potable water supply is not available to the lot.'

(Local Government)

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

'A reticulated sewerage service is not available to the lot.'

(Local Government)

10. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the*

provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)

ADVICE:

- 1. In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.***
- 2. With regard to Condition 6, the required upgrading consists of widening the constructed trafficable surface of the road reserve abutting the application area to 6 metres in accordance with the access requirements of the Planning for Bush Fire Protection Guidelines (Edition 2).***
- 3. In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.***

SUMMARY:

The application proposes the subdivision of an existing lot to create two new lots on land reserved 'Water Catchment' under the Metropolitan Region Scheme. The proposed lots do not meet the lot size requirements applicable to the Priority 2 designation of the Public Drinking Water Source Area or under the local planning scheme. The proposed lots are, however, a round off of an existing pattern of subdivision where there is no further potential for subdivision within the locality. Impacts of the proposed subdivision are able to be suitably managed and the application is, therefore, recommended for approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
Number and / or Name: *State Planning Policy 2.7 - Public Drinking Water Source Policy*

INTRODUCTION:

The application proposes the subdivision of a 1.983 ha lot to create two lots equal sized lots with areas of 9915m² each. There is an existing dwelling on proposed Lot 1 (**Attachment 2** - Proposed Subdivision Plan).

The subject land is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Rural Residential RR1' under the Shire of Mundaring Local Planning Scheme No.4

(Attachment 1 - Location Plan). The subject land is also reserved 'Water Catchment' under the MRS.

CONSULTATION:

The Shire of Mundaring has recommended that the application be refused on the following grounds:

- The proposal does not meet the minimum lot size requirement of 1 ha applicable to the 'RR1' zone.
- The subject land is affected by a Protection category Local Natural Area (LNA). It is unlikely that bushfire risk could be reduced to an acceptable level without an unacceptable impact on vegetation within the LNA.

The Shire has provided conditions it recommends to be imposed in the event that the Western Australian Planning Commission determines to approve the application.

The Department of Water does not support the proposal as the application area is within a Priority 2 (P2) Public Drinking Water Source Area (PDWSA) for which there is a minimum lot size requirement of 2 ha.

The Department of Health and Western Power raise no objections to the proposal.

The Water Corporation has recommended a standard condition requiring a reticulated water supply being provided to the proposed lots. However, the nearest reticulated water connection is located within the Glen Forrest Road reservation which is approximately 330 metres from the application area. The Water Corporation has confirmed this and advises that a rough estimate of \$350 per metre could be applied to extend the connection, which equates to a cost of approximately \$115,500 to provide the service. Given that Proposed Lot 1 is already developed, this cost is considerable and likely to be prohibitive for a subdivision creating only one extra lot. The Water Corporation has advised it would not object to the condition being omitted. Accordingly, the condition should not be applied and a notification should be required advising that a mains potable water supply is not available to the lots.

PLANNING ASSESSMENT

Shire of Mundaring Local Planning Scheme No.4 (LPS No.4)

The objectives of the 'Rural Residential' zone are stated as:

- To provide for residential use in a rural setting, in suitable and appropriate locations in reasonable proximity to services.*
- To conserve the natural environment as far as possible for the enjoyment of residents as well as the maintenance of ecological and landscape values, particularly by the protection of native vegetation (trees and understorey) and by water-sensitive development.*

(c) To provide for other uses compatible with and complementary to rural living, subject to appropriate land capability and suitability and protection of residential amenity.

(d) To ensure conservation of soil, watercourses and other water resources and the protection of ecological and landscape values.

The Shire's LPS No.4 applies a minimum lot size requirement of 1 ha to the 'RR1' zone. The proposed lots do not achieve this lot size as each is 9915m² (0.9915 ha) in area, representing a variation of 0.85%.

The subject land is within one of two street blocks zoned 'RR1' which have been completely subdivided (**Attachment 1**). The prevailing pattern of subdivision consists of lots with areas ranging from 9459.5m² to 9889.5m², all of which are smaller than the proposed lots. Accordingly, the application does not propose a reduction in lot sizes within the locality and is consistent with the existing pattern of subdivision.

The current application represents a 'rounding off' of the existing pattern of subdivision of the locality and would create only one additional lot. As it would be the last lot to be created in a locality which is distinctly defined by both the zoning and the prevailing lot and road pattern, it would not create a precedent for any further subdivision in the surrounding locality in conflict with the requirements of the local planning scheme. Additionally, each lot will be provided with direct road frontage.

In view of the above points, the minor variation to the minimum lot size requirement of the 'RR1' zone should not be grounds for refusal of the application.

Middle Helena Public Drinking Water Source Area & State Planning Policy 2.7 - Public Drinking Water Source Policy (SPP 2.7)

WAPC's SPP 2.7 aims to ensure that land use and development within PDWSAs is compatible with the protection and long term management of water resources for public water supply. SPP 2.7 cites the Department of Water's Water Quality Protection Note: *Land use compatibility in Public Drinking Water Source Areas* (WQPN) and states that decisions on development within PDWSAs should have regard to adopted policies on public drinking water supply.

The application area is within a P2 area of the Middle Helena PDWSA. The protection of PDWSAs is based upon three levels of classification areas (P1-P3). P2 areas are managed to ensure there is no increased risk of water source contamination/pollution with the guiding principle being risk minimisation. The WQPN advises which forms of development and land use are considered 'Acceptable', 'Compatible with conditions' or 'Incompatible' within P2 areas. The WQPN states that subdivision of less than 2 ha is incompatible in P2 areas. It is acknowledged that the proposed lots do not achieve the 2 ha lot size considered compatible for P2 areas and that the proposal would be reasonably expected result in an additional dwelling being constructed on the land. However, as stated earlier, the proposal represents a rounding off of an existing pattern of subdivision within a locality which has no further subdivision potential beyond the current application. The risk associated with the development of a single additional dwelling is limited and considered acceptable in this instance.

It is noted that due to the reservation of the land, any development would require a separate approval under the MRS which affords additional planning controls to ensure any impacts to the PDWSA are appropriately managed.

Bushfire Planning

The application area is identified by the Shire of Mundaring as having a moderate to extreme bushfire hazard. The Planning for Bush Fire Protection Guidelines (Edition 2) (the guidelines) require development to achieve a 100 metre hazard separation distance from moderate to extreme bushfire hazard. Where development cannot achieve a 100 metre separation distance, the separation distance may be reduced where the subject development is constructed to the corresponding requirements of Australian Standard 3959 (AS 3959) which is the construction standard for homes in bushfire prone areas, subject to a 20 metre building exclusion zone being retained.

The Shire of Mundaring introduced the Bush Fire Hazard Special Control Area over its scheme area as part of LPS No.4 which formally designates areas which have been identified as having a moderate to extreme bushfire hazard as bushfire prone (**Attachment 3** - Special Control Area map). Section 6.5 - *Bush Fire Hazard* of LPS No.4 requires planning approval for any single house or addition to a single house within the special control area. The construction of any dwelling within the special control area is subject to the construction standards as required by AS 3959.

In light of the above, a reduction in the hazard separation distance may be considered for the application as the construction of any new dwelling will be subject to the requirements of AS 3959. As proposed Lot 1 contains an existing dwelling, it is not subject to the guidelines. Proposed Lot 2 is of sufficient area to accommodate a building envelope which achieves the minimum 20 metre building exclusion zone. The creation of an additional lot is consistent with the siting requirements of the guidelines, subject to construction in accordance with AS 3959. The proposal complies with the access and servicing requirements of the guidelines. A Bushfire Management Plan is recommended to be imposed as a condition of subdivision to assist in mitigating bushfire risk. In view of this, the application is considered acceptable in the context of bushfire hazard.

Local Natural Area

The application area is identified in the Shire's Local Biodiversity Strategy and Planning Strategy as being within a Priority 1 Local Natural Area (LNA) with a protection level listed as 'Protection'. As a result of the hazard separation requirements of the *Planning for Bush Fire Protection Guidelines*, proposed Lot 2 will require the clearing of some vegetation.

Under the Shire's Local Biodiversity Strategy, Priority 1 LNA's are intended to be conserved or protected and receive active management. LPS No.4 also states that there should be a strong presumption against the clearing of vegetation with 'Protection' areas.

Section 5.7.13 of LPS No.4 states that where clearing of vegetation in a LNA would be a consequence of a subdivision, the Shire may require or recommend that the subdivider prepare a Native Fauna and Flora Report. The applicant has provided a

Botanical Assessment, prepared by Bennet Environmental Consulting. The assessment found that no Threatened Ecological Communities, which includes habitat types for critically endangered, endangered or vulnerable species were located on the land. The assessment also found that no threatened or priority flora species located within the application area. Accordingly, the impact to vegetation likely to occur to allow for a building envelope is considered acceptable. A condition should be imposed, however, for any vegetation worthy of retention being identified in order to minimise the impact to vegetation on the site, in accordance with the objectives of the zone.

CONCLUSION:

The proposal does not meet the lot size requirements of the local planning scheme or the Water Catchment reservation under the Metropolitan Region Scheme, however, the proposed lots represent the finalisation of an existing pattern of subdivision within a discrete locality. The development implications of the proposal are extremely limited and do not create precedent for further subdivision or development in conflict with the zoning and reservation of the land. Nevertheless, the lot size variations are negligible and vary less than existing lots in the locality. The proposal is considered acceptable and generally consistent with State Planning Policy 2.7 - *Public Drinking Water Source Policy* and the objectives of the Shire of Mundaring Local Planning Scheme No.4. It is recommended that the application be approved subject to conditions.

