



Statutory Planning Committee

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

Tuesday 24 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**

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Minutes
of ordinary meeting 7518
held on Tuesday, 10 March 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 Natalie Cox	Planning Manager; Perth and Peel Planning
Mr Robert Cull	Senior Planning Officer; Perth and Peel Planning
Mr Scott Haine	Planning Manager; Perth and Peel Planning

Presenters

Mr Chris O'Neill	Madora Bay – Singleton Community Group (6.1 for item 9.2)
Mr Craig Salt	Madora Bay – Singleton Community Group (6.1 for item 9.2)
Mr Tony Free	City of Mandurah (6.2 for item 9.2)
Hon. Cr Fred Riebeling JP	City of Mandurah (6.2 for item 9.2)
Mr Tony Lambert	CLE Town Planning and Design (6.3 for item 9.2)
Mr Howard Mitchell	EPCAD Landscape and Design (6.3 for item 9.2)
Mr Bernadette van der Wiele	End Plan Environmental (6.3 for item 9.2)
Mr Ron Iannello	Landowner (6.4 for item 11.2)

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7518.1 Declaration of Opening

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

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7518.2 Apologies

Nil.

7518.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7518.4 Disclosure of Interests

Nil.

7518.5 Declaration of Due Consideration

No declarations were made.

7518.6 Deputations and Presentations

7518.6.1 Endorsement of Outline Development Plan Madora Bay North

Presenter Mr Chris O'Neill and Mr Craig Salt, Madora Bay - Singleton Community Group

Mr O'Neill and Mr Salt made a PowerPoint presentation to the Committee and answered questions from members.

A copy has been placed on file.

7518.6.2 Endorsement of Outline Development Plan Madora Bay North

Presenter Mr Tony Free, City of Mandurah

Mr Free made a presentation to the Committee and answered questions from members.

7518.6.3 Endorsement of Outline Development Plan Madora Bay North

Presenter Mr Tony Lambert, CLE Town Planning and Design

Mr Lambert made a visual presentation to the Committee and answered questions from members.

A copy has been placed on file.

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**7518.6.4 Serpentine Jarrahdale - Town Planning Scheme
Amendment No. 179 - for Final Approval**
Presenter Mr Ron Iannello, landowner

Mr Iannello made a presentation to the Committee and answered questions from members.

**7518.7 Announcements by the Chairperson of the Board and communication
from the WAPC**

THIS ITEM IS CONFIDENTIAL

7518.8 Confirmation of Minutes

**7518.8.1 Minutes of the Statutory Planning Committee meeting
held on Tuesday, 24 February 2015**

Resolved

Moved by Ms McGowan, seconded by Ms Taylor

- 1. To amend the minutes of item 7517.9.1, advice note 2 to include the words "wetland and a public" between "consider the development of a" and "reserve not withstanding";*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday, 24 February 2015 as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

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7518.9 Statutory Items for Decision

7518.9.1 Modifications to the 'Halls Head Town Centre Precinct Plan', City of Mandurah

File SPN/0635
Report Number SPC/789
Agenda Part C
Reporting Officer Planning Manager - Peel

Members agreed to include three additional advice notes to address traffic management issues.

Officer's 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'.

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- c) Modifying Figure 2 - Simplified Zoning Plan to ensure the sub-precinct zones legend is consistent with zones identified on the zoning plan.

Resolved

Moved by Mr Hiller, seconded by Mr Holloway

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.*

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Advice:

1. *To upgrade Old Coast Road to a signalised intersection in accordance with the City of Mandurah's proposal and to the satisfaction of the RWA.*
2. *The construction of a roundabout at the T – junction intersection with Old Coast Road;*
3. *The pedestrian/cycle paths on both sides on Hungerford Avenue and Glencoe Parade to be retained.*

The motion was put and carried.

7518.9.2

Endorsement of Outline Development Plan Madora Bay North

File SPN/0628
Report Number SPC/790
Agenda Part C
Reporting Officer Planning Manager - Peel

Officer's 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).

Resolved

Motion to defer

Moved by Ms Taylor, seconded by Mr Hiller

That the item relating to Endorsement of Outline Development Plan Madora Bay North as detailed in the report is to be deferred to the next meeting of the Statutory Planning Committee to:

1. *clarify the legal position on the Western Australian Planning Commissions ability to modify an Outline Development Plan;*
2. *carry a site visit of the Statutory Planning Committee to examine the key elements of difference between the various plans as presented by the deputations;*

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3. *have a meeting between the Western Australian Planning Commission and the City of Mandurah and its planners to discuss the observations from the site visit;*
4. *to have the matter be brought back to the Western Australian Planning Commission for further consideration following the meeting with the City of Mandurah.*

The motion to defer was put and carried.

7518.9.3

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

File 15-50127-1
Report Number SPC/791
Agenda Part G
Reporting Officer Planning Officer, Metropolitan Central, Perth and Peel

Members agreed to defer the item to clarify access arrangements and to obtain further information

Officer's 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

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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.

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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.

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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.

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Resolved

Motion to defer

Moved by Ms Taylor, seconded by Ms Bartle

That the item relating to Application to Construct Three (3) Two Storey Grouped Dwellings at Lot 32 (No. 409) Orrong Road, Kewdale as detailed in the report is to be deferred to the next meeting of the Statutory Planning Committee to clarify the access arrangements and to obtain further information on the access requirements.

The motion to defer was put and carried.

7518.9.4

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

File 150857
Report Number SPC/792
Agenda Part G
Reporting Officer Planning Manager, Metropolitan
Planning North East, Perth and Peel
Planning

Resolved

Moved by Ms Taylor, seconded by Ms Burrows

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*

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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)*

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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*

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requirements of the Planning for Bush Fire Protection Guidelines (Edition 2).

- In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.*

The motion was put and carried.

7518.10 Policy Items for Discussion/Decision

Nil.

7518.11 Confidential Reports

7518.11.1 Improvement Plan No. 42 - Anketell Strategic Industrial Area - for Final Approval

File DP/14/00347/1
Report Number SPC/793
Agenda Part A
Reporting Officer A/Planning Manager - Northern Regions

THIS ITEM IS CONFIDENTIAL

7518.11.2 Serpentine Jarrahdale - Town Planning Scheme Amendment No. 179 - for Final Approval

File TPS/0854
Report Number SPC/794
Agenda Part B
Reporting Officer Planning Manager - Scheme and Amendments

THIS ITEM IS CONFIDENTIAL

7518.11.3 City of Wanneroo - District Planning Scheme Amendment 130 - for Final Approval

File TPS/1337/1
Report Number SPC/795
Agenda Part B
Reporting Officer Planning Manager- Schemes and Amendments

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7518.11.4 Shire of Broomehill Tambellup Local Planning Strategy - Endorse as Modified

File DP/13/00369
Report Number SPC/796
Agenda Part E
Reporting Officer Planning Manager - Great Southern

THIS ITEM IS CONFIDENTIAL

7518.11.5 Shire of Dumbleyung Consolidation of Local Planning Scheme No.1

File 853/05/08/0001PV3
Report Number SPC/797
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7518.11.6 Shire of Kondinin Consolidation of Local Planning Scheme No.1

File TPS/1332
Report Number SPC/798
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7518.11.7 City of Mandurah Town Planning Scheme No. 3 Amendment 129 - for Final Approval

File TPS/1441
Report Number SPC/799
Agenda Part E
Reporting Officer Planning Manager, Peel

THIS ITEM IS CONFIDENTIAL

7518.12 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.

A site visit to Madora Bay would be scheduled at the Committee's earliest convenience.

7518.13 Urgent Business

Nil.

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7518.14 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

7518.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 24 March 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.10 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	STATUTORY ITEMS FOR DECISION
<i>C</i>	<i>SUBDIVISIONAL / AMALGAMATIONS</i>
9.1	In Principle Support to Lot 9500 Briggs Road Local Structure Plan
<i>F</i>	<i>MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL OR REGIONAL PLANNING SCHEME AMENDMENTS</i>
9.2	City of Greater Geraldton Public Open Space Strategy - Certification
10	POLICY ITEMS FOR DISCUSSION/DECISION
	Nil.
11	CONFIDENTIAL REPORTS
<i>A</i>	<i>POLICY</i>
11.1	Residential Design Codes Standards for Medium Density Single House Development in Structure Plan Areas
<i>C</i>	<i>SUBDIVISIONS / AMALGAMATIONS</i>
11.2	Proposed Amendments 3, 4 and 5 to the Drovers Place Precinct Structure Plan No. 80

ITEM NO: 9.1

In Principle Support to Lot 9500 Briggs Road Local Structure Plan

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Project Planner
AUTHORISING OFFICER:	Planning Director, Metropolitan South
AGENDA PART:	C
FILE NO:	SPN/0329
DATE:	9 March 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Support
ATTACHMENT(S):	1. Location/Context Map 2. Department of Planning Schedule of Modifications 3. LSP Map (June 2013) 4. Indicative LSP Map with WAPC Proposed Modifications 5. Local Government List of Modifications
REGION SCHEME ZONING:	Urban, Urban Deferred and Other Regional Road
LOCAL GOVERNMENT:	Shire of Serpentine Jarrahdale
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Approval subject to modifications
REGION DESCRIPTOR:	Metropolitan South-East
RECEIPT DATE:	15 July 2014
PROCESS DAYS:	252 days
APPLICATION TYPE:	In Principle Support to Local Structure Plan
CADASTRAL REFERENCE:	Multiple Lots bound by Thomas Road to the north, Briggs Road to the east, Eurythmic Road to the south and Malarkey Road to the west.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. provide in principle support to the Lot 9500 Briggs Road Local Structure Plan subject to the schedule of modifications as outlined in Attachment 2 - Schedule of Modifications;***
- 2. provide delegation to the Planning Director - Metropolitan South to determine the Local Structure Plan in accordance with the position of the***

Statutory Planning Committee providing no substantial new issues are raised during the re-advertising of the Local Structure Plan;

3. *advise the State Administrative Tribunal and Shire of Serpentine Jarrahdale of its position accordingly.*

SUMMARY:

The key points relating to the report are as follows:

- The Shire of Serpentine Jarrahdale (the Shire) approved the Lot 9500 Briggs Road Local Structure Plan (Lot 9500 LSP) on 23 June 2014 subject to modifications.
- On the 15 July 2014, the Lot 9500 LSP was referred to the Western Australian Planning Commission (WAPC) for final determination in accordance with Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (the Scheme) at the applicant's request and without the Shire's approved modifications being undertaken (**Attachment 3 - LSP Map dated 5 June 2013 and Attachment 5 - Shire's list of modifications**).
- The major modification required by the Shire concerns the removal of the 1.5 hectare portion of the Neighbourhood Centre at the eastern corner of Thomas Road and Malarkey Road (San Simeon Boulevard) and its replacement with a 5,000m² 'Mixed Use' site.
- The Lot 9500 LSP, and specifically, the location of the 1.5 hectare portion of the Neighbourhood Centre on the eastern corner of Thomas Road and Malarkey Road is consistent with the existing planning framework including the Byford (District) Structure Plan.
- The Lot 9500 LSP, as suggested to be modified by the Department of Planning which includes the retention of the 1.5 hectare portion of Neighbourhood Centre (**Attachment 4**), is currently subject to re-advertising by the Shire in accordance with Clause 5.18.3.14 of the Scheme.
- The applicant/landowner of Lot 9500 Briggs Road has applied to intervene in the State Administrative Tribunal (SAT) proceedings relating to the WAPC's recent refusal of the Redgum Brook North LSP that proposes the Neighbourhood Centre on separate land 700 metres to the west.
- The WAPC's position on the Lot 9500 LSP will assist in informing defence of the refusal of the Redgum North LSP at SAT.
- The WAPC's position will also reduce delays to the determination upon conclusion of the Shire's re-advertising the Lot 9500 LSP.
- In principle support to the Lot 9500 LSP is recommended.

BACKGROUND:

The Byford District Structure Plan (Byford DSP) covers an urban cell expected to accommodate 30,000-40,000 people when fully developed. The Byford DSP identifies a Neighbourhood Centre in the north-west of the urban cell which straddles Malarkey Road, with a portion of the centre within the Lot 9500 LSP area and a portion on the adjacent site to the west of Malarkey Road, being the Redgum Brook North LSP area. Although the DSP does not define the exact allocations of land uses, it has been generally acknowledged that the Neighbourhood Centre at its current approved location is shared at approximately 1/3 to 2/3 split across the two land holdings.

Lot 9500 Briggs Road is situated approximately two kilometres north-west of the Byford Town Centre, and covers 29 hectares of land bound by Thomas Road to the north, Briggs Road to the east, Eurythmic Road to the south and Malarkey Road to the west. The land is predominantly cleared with an existing brick and tile homestead.

The site is zoned 'Urban Development' under the Scheme. Pursuant to the Scheme an LSP is required to be approved prior to subdivision and ahead of significant development.

The Lot 9500 LSP was lodged with the Shire on 5 June 2013 and depicts the following:

- a 1.5 hectare Neighbourhood Centre site at the corner of Malarkey and Thomas Roads,
- the integration of Malarkey Road into San Simeon Boulevard as a neighbourhood connector road,
- indicative road layout and residential lots ranging from densities of R25 to R60,
- Public Open Space (POS) areas including a linear multiple use corridor; and
- a four hectare primary school site.

Redgum Brook North LSP

The land to the western side of Malarkey Road, known as Redgum Brook North, is the subject of an LSP approved in September 2012 which identified a 'Neighbourhood Centre' of approximately 1.14 hectares in area at the western corner of Malarkey and Thomas Roads. A request for a modification to the Redgum Brook North LSP was received by the Shire on 27 September 2013. The modified LSP sought to relocate the approved portion of Neighbourhood Centre to the corner of Kardan Boulevard and Thomas Road approximately 700 metres west of the approved location and increase it to 2.4 hectares in area. The effect of the proposed modification would be the placement of the entire Neighbourhood Centre wholly within the Redgum Brook North LSP area.

Shire of Serpentine Jarrahdale Decisions

In view of the Redgum Brook North application and the Lot 9500 Briggs Road LSP showing conflicting locations for the Neighbourhood Centre, both LSP's were advertised and determined concurrently by the Shire on 23 June 2014.

The Shire approved the modification to **Redgum Brook North LSP** subject to a number of modifications, however, the determination resulted in, amongst other things, a 2.4 hectare Neighbourhood Centre site of 5,000m² commercial floor space comprising 4,900m² on the eastern side of Thomas Road/Kardan Boulevard.

The **Lot 9500 Briggs Road LSP** was approved by the Shire subject to a number of modifications, however, the most significant of these modifications concerned the removal of the Neighbourhood Centre site from the LSP map/area and replacement with 'Mixed Use' site of 5,000m².

WAPC

Both the Redgum Brook North LSP modification and the Lot 9500 Briggs Road LSP were referred (without modifications at the request of the respective applicants) to the WAPC for final approval pursuant to Clause 5.18.3.9 of the Scheme on 15 July 2014.

The WAPC refused the modification to the Redgum Brook North LSP on 9 December 2014. In the intervening period, the Department of Planning (on behalf of the WAPC) has been liaising with the Shire in accordance with Clause 5.18.3.13 regarding proposed modifications to the Lot 9500 LSP pertaining to road and residential lot design. The modifications do not alter the identification and location of the 1.5 hectare Neighbourhood Centre site as originally proposed within the Lot 9500 LSP (dated June 2013). The applicant has provided an indicative LSP Map (dated October 2014) illustrating the Department's suggested modifications (**Attachment 4**).

As previously outlined, the Redgum Brook North LSP modification is currently the subject of an application for review at the SAT. Notwithstanding, the WAPC should continue to assess and progress the Lot 9500 Briggs Road LSP, which is outlined in the sections below.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
Section:	Clause 5.18.3.10

Strategic Plan

Strategic Goal:	By improving the planning system and delivering plans that more efficiently meet changing community demands, we will be supporting the development of effective local communities.
Outcomes:	Planned local communities developing a sense of place.
Strategies:	Develop connected and accessible communities. Improve local planning service capability.

Policy

Number and / or Name: Directions 2031 and Beyond
SPP 3.0 - 'Urban Growth and Settlement'
SPP 4.2 - 'Activity Centres for Perth and Peel'
SPP 5.4 - 'Road and Rail Transport Noise and Freight
Considerations in Land Use Planning'
Liveable Neighbourhoods

GOVERNMENT AND CORPORATE IMPLICATIONS:

Nil.

CONSULTATION:

The Lot 9500 LSP (dated 5 June 2013) was advertised in accordance with Clause 5.18.3.5 of Scheme for a period of 51 days from 11 December 2013 to 31 January 2014. A total of seventy (70) submissions were received, comprising of 23 non-objections/support, 30 submissions providing comment and 17 objections.

Issues raised primarily relate to:

- the proposed Neighbourhood Centre (location),
- local traffic concerns particularly in the proximity of the Byford Trotting Complex,
- loss of semi-rural identity, and
- proposed densities.

An assessment of the LSP and the comments received on the proposal has been undertaken and these are addressed in the report where relevant.

OFFICER'S COMMENTS:

Redgum Brook North LSP

Notwithstanding the status of Redgum Brook North LSP which is currently under review at the SAT, the WAPC has the ability to progress and determine the Lot 9500 LSP irrespective of SAT's consideration of the Redgum Brook North LSP. Advice from the State Solicitors Office in relation to the SAT matter is provided as a separate confidential attachment.

Progressing the Lot 9500 LSP

As previously discussed, the WAPC has been liaising with the applicant for the Lot 9500 LSP and an indicative LSP Map illustrating the Department's suggested modifications has been provided. Pursuant to Clause 5.18.3.13 of the Scheme, the WAPC is required to consult with the Shire prior to approving the Lot 9500 LSP.

The Shire has advised that it considers the Department's suggested modifications to the Lot 9500 LSP, particularly the Neighbourhood Centre and surrounding road network, to be substantial enough to warrant re-advertising in accordance with Clause 5.18.3.14(a) of the Scheme. Whilst the Department disagrees with this view

given the suggested modifications do not alter the identification and location of the Neighbourhood Centre as originally proposed by the proponent (and as initially advertised by the Shire), and are generally in compliance with the broader planning framework including the DSP, the Scheme does not enable the WAPC to proceed with a determination at this time.

Whilst a formal decision on the Lot 9500 LSP cannot be made given the Shire's intention to re-advertise, it is recommended that the WAPC provide an 'in principle' position with regard to the Lot 9500 LSP and suggested modifications and that this be communicated to both the SAT and the Shire. In addition, it is recommended that the WAPC delegate to the Planning Director Metropolitan South the ability to determine the Lot 9500 LSP (providing no new issues are raised during the re-advertising), in order to reduce further delays at the conclusion of the Shire's advertising.

An officer level assessment of the Lot 9500 Briggs Road LSP is summarised below accordingly.

Neighbourhood Centre

The location of the Neighbourhood Centre is main issue of contention with regard to both the Redgum Brook North LSP and the Lot 9500 LSP. Therefore, it is important to reiterate the reasons for the WAPC decision pertaining to the Redgum Brook North LSP, and outline the merits of the location of the Neighbourhood Centre as proposed under the Lot 9500 LSP.

The Byford DSP depicts a Neighbourhood Centre largely within the western adjoining LSP (being Redgum Brook North) adjacent to Malarkey Road but approximately 200 metres south of Thomas Road. The Byford DSP identifies a small portion of the Neighbourhood Centre as falling within the Lot 9500 LSP area. There is inherent difficulty in trying to establish proportions or entitlements based on a DSP map given the document is intended to offer a degree of flexibility for minor variations and not be utilised as a cadastral map.

The Redgum Brook North LSP initiated the original proposal to reposition the Neighbourhood Centre from the location 200 metres south of Thomas Road under the Byford DSP, to a more northerly location at the intersection with Thomas Road via its LSP approved in September 2012. The WAPC supported this modification to the Neighbourhood Centre location on the basis that shift was minor in distance, the centre remained on the same road alignment as predicated under the Byford DSP, and did not alter anticipated traffic volumes in the area in a substantial way. Whilst the Redgum Brook North LSP map did not quantify the size of the Neighbourhood Centre site or each landowners 'proportionate share', the Part 1 (Statutory Provisions) of the LSP required the allocation of retail floorspace to be resolved via a subsequent 'Detailed Area Plan' that spanned the two sites.

A subdivision application for the creation of the Neighbourhood Centre site/lot on the Redgum Brook North site was approved by the WAPC on 30 March 2012. The size of the Neighbourhood Centre under the approved subdivision was 1.14 hectares. Based on the approved Redgum Brook North LSP and conditional subdivision approval, there was a reasonable assumption made by the planning agencies and

the landowner/applicant that approximately 1.36 hectares of commercial land was available on Lot 9500 Briggs Road to 'complete' the Neighbourhood Centre node. The Lot 9500 LSP proposes a slightly larger site for its portion of the Neighbourhood Centre, being 1.5 hectares in area.

The WAPC decision on 9 December 2014 pertaining to the Redgum Brook North LSP rejected the proposed relocation of the (entire) Neighbourhood Centre to the corner of Kardan Boulevard and Thomas Roads, with the planned location at the corner of Malarkey and Thomas Roads being viewed as the superior location. As such, the WAPC endorsed the Neighbourhood Centre at the previously planned location with portions straddling both the Redgum Brook North LSP site and the subject site.

A number of the submissions received in relation to the proposed Neighbourhood Centre misinterpreted that both Neighbourhood Centres (being Kardan Boulevard under the Redgum Brook North LSP proposal and Malarkey Road under the Lot 9500 LSP proposal) could be approved. The Lot 9500 LSP generally maintains the intended location of the centre as depicted under the Byford DSP. Land use permissibility will be resolved via the DAP for the site and subsequent development applications will be submitted to, and determined by, the Shire based on planning framework and merit.

Lot Size / Configuration

The Lot 9500 LSP proposes a variety of codings ranging between R12.5 to R60. The higher coded densities, predominately R40 and R60, are located around the Neighbourhood Centre, adjacent to POS and along the main transport routes. The lower coded densities are located in the south-eastern corner of the LSP area, furthest from the aforementioned amenities and in close proximity to the Byford Trotting Complex.

Whilst a density coding of Residential R12.5 does not meet current density expectations for urban development, this is a design response that is consistent with the surrounding developments, including Redgum Brook North LSP, to provide for an appropriate transition in the 'Urban Deferred' zone between the Urban area and the Byford Trotting Complex and associated rural living areas. The lower density does not impact upon the subject LSP's overall compliance with regard to achieving the target density of 15 dwellings per gross hectare as per *Directions 2031 and Beyond* (D2031).

The Lot 9500 LSP depicts that a number of dwellings are likely to have direct frontage to POS. The creation of such lots does not accord with desired outcomes in Liveable Neighbourhoods (LN), which promotes a public road interface with POS areas. Where both street and public open space frontage is proposed, LN indicates that this outcome is only acceptable where the design of the dwelling achieves surveillance of both the street and park and adequately provides for private open space. The LSP requires these lots to be subject to further planning via the submission of Local Development Plans (LDP's) as part of the subdivision process.

The proposed lot layout as defined on the indicative LSP Map endeavours to be climate responsive and is predominately based on a north-south and east-west regulated street grid layout to maximise solar access in accordance with R18 of LN.

With regard to the submissions which query the relevance and need for density of lots proposed by the Lot 9500 LSP, D2031 envisages that the Byford DSP area will eventually accommodate a population of 30,000-40,000 people. *Liveable Neighbourhoods* (LN) and *State Planning Policy 4.2 - Activity Centres for Perth and Peel* (SPP 4.2) also advocate for increased densities within the walkable catchment of activity centres. The densities proposed by the Lot 9500 LSP are considered suitable to achieve the target densities outlined by D2031, LN, and SPP 4.2.

In response to the perceived loss of semi-rural character in the locality, the subject land is zoned Urban under the MRS and is intended to be development with urban development. The Neighbourhood Centre and primary school in the Lot 9500 LSP area are identified in the Byford DSP. For these reasons, the 30,000-40,000 anticipated landowners and residents within the Byford DSP will require, and expect, access to these services and facilities.

Movement Network

The subject site is adjacent to Thomas Road which is classified as an 'Other Regional Road' (ORR) under the MRS and is also identified as a Primary Freight Route under SPP 5.4. A traffic study was submitted and approved by the Shire as part of the LSP process. Main Roads Western Australia (MRWA), the Department and the Shire are satisfied with the assessment subject to the land being ceded from the subject site in order to achieve a 50 metre road reservation for Thomas Road and this requirement being shown/incorporated into the LSP. The LSP has since been provisionally modified to satisfy this requirement.

The Lot 9500 LSP proposes a series of major neighbourhood connectors supported by local roads. The road layout is generally consistent with the Byford DSP with exception of the slight variation to the alignment of the neighbourhood connector (Malarkey Road/San Simeon Boulevard) which will eventually connect with the Byford District Activity Centre. The modified LSP map depicts the road extending slightly further south than depicted on the Byford DSP (and Shire approved LSP) in order to avoid the Multiple Use Corridor (MUC) and provide an appropriate intersection with Ballawarra Ave to the east.

The new road alignment depicted on the indicative LSP Map addresses several of the Shire's concerns which arose during its assessment and required modification as part of its determination. It is considered that a combination of road treatments including slip lanes and local signage can ensure that road users are aware of how to access the Byford Town Centre and can travel there with minimal restriction or enticement to 'short-cut' through the Byford Trotting Complex area to the south of Eurythmic Road.

In relation to the traffic concerns raised during advertising, the development of the subject site for urban development, as recognised in the planning frameworks for almost a decade, will not remove the Byford Trotting Complex or associated bridle trails. Whilst (different) road users will be required to co-exist in the locality, the local

access roads will be upgraded and/or constructed where necessary and appropriate treatments implemented to encourage traffic to utilise the higher order roads. It is expected that there will be minimal impact on the landholdings to the north of Thomas Road (currently zoned Special Rural) beyond the local residents seeking access to the proposed Neighbourhood Centre for daily convenience goods and services.

Urban Water Management

A Local Water Management Strategy (LWMS) has been prepared for the site and approved by the Department of Water (DoW) and the Shire for the June 2013 LSP. An updated LWMS based on the indicative October 2014 LSP has also been approved by the DoW.

In accordance with the WAPC's *Better Urban Water Management* Guidelines, an Urban Water Management Plan (UWMP) will be submitted and implemented as part of the subsequent subdivision stage/s where deemed necessary.

Public Open Space

LN stipulates that a minimum of 10% of the gross subdivisible area must be given up free of cost by the subdivider for POS. This may comprise a minimum 8% of unrestricted POS for active and passive recreation with the remaining 2% allowable for restricted use public POS, including natural areas/bushland, drainage and wetlands. Utilising the indicative LSP dated October 2014 for greater accuracy, the credited POS in accordance with the LN guidelines is 2 hectares which represents 10.05% of the total land area, of which 30.2 hectares, equal to 9.7%, is unrestricted POS.

The POS depicted on the indicative LSP Map is evenly distributed throughout the LSP relative to its size, and includes an east-west linear multiple use corridor, a small pocket park in the southern portion of the Lot 9500 LSP area. These spaces have been designed to provide for passive recreational needs, and minor active recreational needs, for the community.

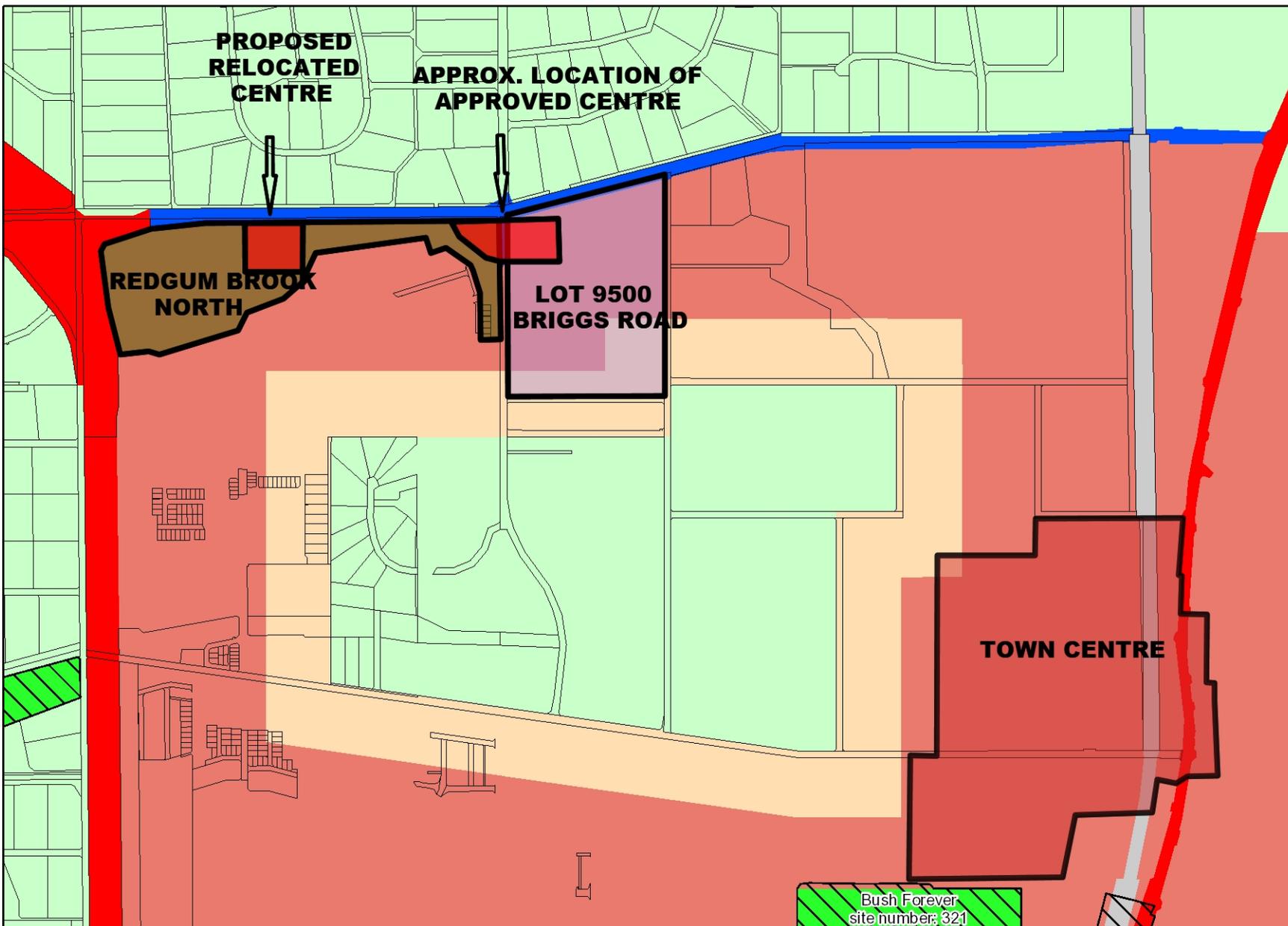
CONCLUSION:

The key points relating to this report are as follows:

- (i) The site is within an area identified for Urban development and is appropriately zoned under the Metropolitan Region Scheme and Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- (ii) In accordance with the provisions of the Town Planning Scheme, a Local Structure Plan (LSP) is required prior to subdivision or development.
- (iii) The Lot 9500 LSP, including the proposed modifications, is consistent with the Byford District Structure Plan and will enable the commencement of urban development in the locality as identified within the WAPC's strategic plans and policies.

- (iv) The Lot 9500 Briggs Road LSP (as suggested to be modified) provides a sufficient level of detail to support further progression to the next level of planning, being subdivision.
- (v) The WAPC is not obliged to defer its consideration of the subject LSP pending the outcome of the SAT proceedings for the Redgum Brook North LSP.
- (vi) The WAPC is required to consult with the Shire regarding proposed modifications to the Lot 9500 LSP. The Shire has advised it is of the view that the LSP warrants readvertising.
- (vi) Notwithstanding the Departments' differing view to the Shire with regard to the readvertising, it is considered reasonable for the WAPC to provide an in principle position on the matter in order to provide its view to the SAT and the Shire, and expedite the application post-advertising.
- (vii) The Lot 9500 LSP (as modified) will conform with the WAPC's Policies, the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, Liveable Neighbourhoods, and the Byford District Structure Plan.

On the basis of the above assessment it is recommended that the Lot 9500 Briggs Road LSP be given in principle support subject to the modifications as outlined in Attachment 2 - Schedule of Modifications.



Legend

- Local Government Area
- Cadastre (view 2)
- Cadastre (view 3)
- Cadastre (view 4)
- MRS - Boundary
- MRS - Bush Forever
- MRS - Zones and Reserves**
 - other regional roads
 - parks and recreation
 - primary regional roads
 - railways
 - rural
 - urban
 - urban deferred

Notes:

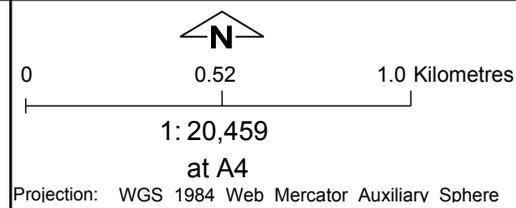
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. This information is stored in the relevant layers metadata. For these reasons the map should not be distributed outside of the Department.

Map was produced using DoP's PlanViewWA.

INDICATIVE LOCATION PLAN (NTS)

INTERNAL USE ONLY

PlanViewWA
[Link to viewer](#)



Produced by: FUNCTIONALITY TO COME
Date produced: 27-Nov-2014

ITEM NO: 9.2

City of Greater Geraldton Public Open Space Strategy - Certification

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Central Regions
AUTHORISING OFFICER:	Executive Director Regional Planning and Strategy
AGENDA PART:	E
FILE NO:	DP/12/00269
DATE:	3 March 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Endorse
ATTACHMENT(S):	Attachment 1 - Copy of Public Open Space Strategy Attachment 2 - Schedule of Submissions Attachment 3 - Schedule of Modifications

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse the City of Greater Geraldton Public Open Space Strategy (date stamped 11 December 2014) as being consistent with Regulation 12A(3) of the Town Planning Regulations 1967 (as amended) subject to the modifications outlined in the attached schedule (Attachment 3) being carried out.

SUMMARY:

The City of Greater Geraldton is seeking final endorsement of the 'City of Greater Geraldton Public Open Space Strategy' (the Strategy). The Strategy contains several variations to WAPC policy which were considered by the WAPC prior to public advertising. A total of 14 submissions were made during advertising of the Strategy and some minor modifications have consequently been recommended. Additional minor modifications are recommended to improve accuracy and operation of the Strategy. It should be noted that the City has recommended modification to allow for cash-in-lieu of public open space contributions for proposals creating less than 3 lots to reflect proposed changes to the *Planning and Development Act 2005*. This is not supported as a minor modification at this time. The local government has been consulted and no objections are raised.

BACKGROUND:

In June 2014 the WAPC certified that subject to minor modifications, the Strategy was consistent with regulation 12A(3) of the *Town Planning Regulations 1967 (as*

amended) and granted consent to advertise. Prior to this the WAPC considered an earlier version of the Strategy and agreed to advertise the following variations to WAPC policy:

1. the City will accept 5% (WAPC policy requires 8%) public open space (POS) for active and passive recreational purposes, with the other 5% able to be allocated for 'restricted use' POS for the preservation of native vegetation (WAPC policy generally limits restricted POS to 2%);
2. the City will request cash-in-lieu to be paid for POS in subdivisions (including strata subdivisions) where 3 or more lots (WAPC policy generally limits such contributions to 5 or more lots) are being created and the City may request that cash-in-lieu funds be expended on the further development of 'activated' regional open space (including 'activated' foreshore areas); and
3. the City will require that new POS is developed and maintained by the subdivider for a 5 year period (WAPC policy specifies a 2 year maintenance period).

The above variations are retained in the current draft of the Strategy. Advertising concluded in September 2014 and WAPC endorsement of the Strategy is now being sought.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 5 - Local Planning Schemes

Legislation

Section:

Town Planning Regulations 1967 (as amended)

12A and 12B

Strategic Goal:

Planning

Outcomes:

Planned local communities developing a sense of place.

Strategies:

Improve local planning service capability

Policy

Number and / or Name:

SPP 1 State Planning Framework Policy

SPP 2.6 State Coastal Planning Policy

SPP 3 Urban Growth and Settlement

DC Policy 1.1 Subdivision of Land – General Principles

DC Policy 1.3 Strata Titles

DC Policy 2.2 Residential Subdivision

DC Policy 2.3 Public Open Space in Residential Areas

DC Policy 2.1 Subdivision of Land

PB 21 Cash-in-Lieu of Public Open Space

PB 52/2009 Process for Seeking Approval Under the Strata Titles Act 1985 (and Planning and Development Act 2005) for Strata Titles and Delegation to Local Government of Built Strata Applications

Liveable Neighbourhoods (2009)

Local Planning Manual (WAPC, DoP 2010)

Geraldton Region Plan (1999)

Greater Geraldton Structure Plan Update (2011)

DETAILS:

The City is seeking endorsement of its POS Strategy as per a Local Planning Strategy prepared in accordance with the *Town Planning Regulations 1967 (as amended)*. The Strategy relates to the urban areas and towns within the Greater Geraldton local government area including the coastal settlement of Geraldton and the smaller inland towns of Mullewa and Walkaway.

The Strategy objectives are summarised below and include:

- establishing a quality open space network;
- establishing a framework for POS provision with regard to hierarchy, services, design and construction and maintenance; and
- upgrading existing and developing new public open spaces.

These broad objectives are supported by locality specific objectives, a detailed account of current POS provision and a brief rationale for an identified series of actions for POS in each locality. POS Locality Maps are also included which identify the spatial aspects of POS provision. These maps include "activated" foreshore reserve areas but in accordance with WAPC policy, are not included in quantity calculations for POS in each locality.

The Strategy document also provides a summary of current POS provision across the local government area, community survey results and a set of basic principles upon which selected portions of POS have been identified for future disposal. These principles include:

- site being too small for sustainable development;
- site being in close proximity to other more preferable public open space areas either within the locality or in an overlapping catchment from an adjacent locality;
- location of the site in established localities which do not reflect community use of public open space;
- excess provision of a certain hierarchy of public open space within a locality;
- financial implications to the local government over the ultimate and best use of the site;
- prioritisation of capital expenditure in localities where higher amenity public open space areas require additional funds for maintenance; and
- site considered unsafe due to anti-social behaviour.

Previously considered variations to WAPC policy, (see Background section of this report) are also outlined and further defined, as is the proposed hierarchy of POS and the standards to which POS at different levels of the hierarchy are to be developed.

The Strategy Background Report includes an overview of relevant policy, local trends, issues and considerations, methodology for preparing the strategy and development of "provision standards." The city wide POS site audit and detailed results of the community survey is also included.

Attachment 1 includes a copy of the Strategy. Details of submissions are included at **Attachment 2**.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The proposed Strategy will provide a framework for the city's management of its POS network and is consistent with DoP corporate strategic goals and outcomes.

CONSULTATION:

A total of 13 submissions were received in response to public notification of the Strategy. Of these, 9 were from State Government agencies or service providers with the remainder being from individuals, community groups or developers. These submissions are detailed at **Attachment 2** which also includes a "submission" by the City of Greater Geraldton itself. Key matters of concern that were raised by submitters are summarised below:

- the potential additional cost to new residential lots arising from variations to WAPC policy regarding, cash-in-lieu contributions for proposals involving 3 or more lots and maintenance timeframes for new POS;
- difficulties for developer's business arrangements arising from extended POS maintenance timeframes;
- the classification of some areas of POS as 'residual' (for future disposal) including Eastbourne Reserve (Sunset Beach) and in other localities where POS provision has been calculated as currently being less than 10% of the gross subdivisible area (ie. residential portion of a locality); and
- development of foreshore recreation areas that are vulnerable to the impacts of coastal erosion.

The City proposes to delete the limitation on the number of lots being proposed before a cash-in-lieu contribution to POS can be sought. This proposal is in response to draft revisions of the *Planning and Development Act 2005* (P&D Act) included in *Planning Makes It Happen: Phase 2* government reforms. This proposal is further discussed in the officer's comments section of this report.

OFFICER'S COMMENTS:

The merit of several variations to WAPC policy were considered prior to advertising of the Strategy. The following considers the matters raised in submissions as outlined above.

Cost Increases

The City's intention to seek cash-in-lieu contributions for proposals involving 3 or more lots was agreed by the WAPC because:

- it is considered likely that urban infill will continue in the future and will increase demand for POS; and
- the intention to seek contributions for small scale subdivision is considered consistent with s153 of the P&D Act.

In this context, it is not considered onerous for developers of 3 or more lots to make a contribution to POS in the local area.

Extended POS Maintenance Timeframes

With regards to extension of the POS maintenance timeframe from 2 to 5 years, it should be noted that this is being sought by the City to:

- ensure consolidation of landscaping/ regeneration works and to ensure plantings are successful;
- if plantings are unsuccessful, allow for a review of plant selections, irrigation efficiencies or maintenance strategies can occur;
- encourage developers to use better quality materials; and
- provide the City with more realistic maintenance costings which will provide for more effective budgeting.

The WAPC agreed with the extended timeframe because:

- the climate of the Greater Geraldton area is considered relatively harsh;
- informal advice suggests the City has already successfully negotiated with some subdividers to extend maintenance to a 5 year period; and
- in some instances it may be in the developer's interest to continue maintenance of the POS, particularly if market uptake is gradual.

In response to submissions on this matter, the City has recommended modifications to the strategy to clarify that the extended timeframes would only apply to neighbourhood and district open space. Modification is also recommended by the City to clarify that an option to bond works during the maintenance period may be an option. This is intended to address concerns surrounding project administration and maintenance of corporate governance by developers (particularly syndicates) for the extended timeframe. This is considered to be a reasonable response and should go toward addressing some of the practicalities in implementation of the Strategy.

Residual POS

As raised in submissions, the Strategy identifies some areas of POS as 'residual' (for future disposal) in localities where POS provision has been calculated as currently being less than 10% of the residential portion of a locality. The 10% figure is used as a 'benchmark' as this is the amount of POS generally required by WAPC policy to be provided for new 'greenfield' subdivision.

Quantity is an important factor in determining the adequacy of POS for an area, however other factors also need to be considered such as quality and distribution. The Strategy also includes consideration of developed recreational areas within foreshore reserves and regional open space. The suitability of each identified 'residual' portion of POS has not been considered in detail by the Department of Planning. Detailed assessment will occur as part of the acquisition (conversion to freehold) and disposal process under the *Land Administration Act 1997*, if and when such proposals are initiated by the City. With regards to the Strategy, it is considered that the proposed POS provision for each locality has been planned in accordance with *Town Planning Regulations 1967* by way of setting out the long term planning directions for the local government, applies State and regional planning policies and provides a rationale for any relevant future scheme provisions.

Development in Erosion Prone Areas

The intended development of foreshore recreation areas that may be vulnerable to erosion was raised as an issue in submissions. It is typical for any development within coastal foreshore reserves to be managed through implementation of coastal management plans. The Strategy recognises this and such plans are considered to be the most relevant tools for addressing coastal erosion issues as they relate to recreational areas within foreshore reserves.

Cash-in-lieu for less than 3 lots

Section 153 of the P & D Act currently restricts the Commission to only being able to require a cash-in-lieu contribution for the creation of 3 or more lots. Recommendation 4.1.2 of *Planning makes it happen: phase two, Review of the Planning and Development Act 2005* proposes to delete this limitation from the P & D Act thereby making it possible for the collection of cash-in-lieu of POS for all subdivisions where a contribution to POS in the locality is considered necessary. In its submission, the City is proposing to modify the Strategy to reflect the proposed change to the P & D Act.

Modification of Section 3.2 of the Strategy to identify the intention of the local government to request cash-in-lieu for subdivisions creating less than 3 lots is not supported at the current time. Whilst the proposed change to the P & D Act allowing for this should be noted, to make the change now would make the Strategy inconsistent with section 153 of the current version of the Act.

CONCLUSION:

The variations to WAPC policy contained within the Strategy were agreed to by the WAPC prior to advertising and the matters raised in submissions are not considered to provide sufficient basis for that resolution to be revisited in detail. Matters raised in submissions were primarily in relation to potential cost increases for developers and therefore prospective purchasers of new lots, the identification of some existing POS areas as 'residual,' and development of recreational facilities in erosion prone areas. Further modification of the Strategy to reflect proposed changes to the P&D Act regarding the collection of cash-in-lieu for all subdivision proposals is not supported at this time. The Strategy is considered to be generally consistent with the *Town Planning Regulations 1967*.