



Statutory Planning Committee

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

Tuesday 28 July 2015
9.00 am

Level 2, Room 2.40
One40 William Street
Perth



Tim Hillyard
WAPC Secretary

Please convey apologies to Olivia Peters on 6551 9688 or email
olivia.peters@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 7525
held on Tuesday, 14 July 2015

Attendance

Members

Mr Eric Lumsden
Mayor Russell Aubrey
Ms Megan Bartle
Ms Sue Burrows
Mr Ray Glickman
Mr Stephen Hiller
Mr Ian Holloway
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)
Local government representative
WAPC appointee
A/Director General, Department of Planning
WAPC appointee
WAPC appointee
Professions representative
Community representative

Officers

Ms Lindsay Baxter
Ms Rebecca Fuller
Mr Scott Haine
Ms Lee O'Donohue
Mr Mat Selby

Department of Planning

A/Executive Director; Perth and Peel Planning
Senior Planning Officer; Schemes and Amendments
Planning Manager; Perth and Peel Planning
Manager; Schemes and Amendments
Planning Director, Metropolitan Central; Perth and Peel
Planning

Presenters

Mr Chris Elliot
Mr Craig Salt

Mr Garry Brandli
Ms Phillida Rodic
Mr Craig Wallace

Mr Tony Free
Cr Caroline Knight

Mr George Arena
Mr Sean Morrison
Ms Karen Wright

Mr Remo Formato
Mr Fraser Henderson
Cr David Lagan

Madora Bay Singleton Community Group (item 6.1 for item 9.3)
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CLE Town Planning & Urban Design (item 6.2 for item 9.3)
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Lavan Legal (item 6.2 for item 9.3)

City of Mandurah (item 6.3 for item 9.3)
City of Mandurah (item 6.3 for item 9.3)

Scentre Group (item 6.4 for item 9.6)
Urbis (item 6.4 for item 9.6)
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City of Stirling (item 6.5 for item 11.2)
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Committee Support

Mr Luke Downes

Committee Support Officer - Department of Planning

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7525.1 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.

7525.2 Apologies

Mr Martin Clifford Regional Minister's nominee (Deputy)

7525.3 Members on Leave of Absence and Applications for Leave of Absence

Ms McGowan had previously submitted a leave of absence for the 14 July 2015 Statutory Planning Committee meeting.

Mr Glickman submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 11 August 2015.

Resolved

Moved by Mr Holloway, seconded Ms Taylor

That the approval for a leave of absence be granted to Mr Glickman for the Statutory Planning Committee meeting to be held on 11 August 2015.

The motion was put and carried.

7525.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Mr Ray Glickman	7525.11.2	15	Impartiality
Ms Elizabeth Taylor	7525.11.5	19	Impartiality

Resolved

Unanimous agreement from all 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 and voting on item 7525.11.2, as the interest is insignificant and is unlikely to influence Mr Glickman's conduct in relation to the matter.

The motion was put and carried.

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Resolved

Unanimous agreement from all members

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Ms Taylor, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on item 7525.11.5, as the interest is insignificant and is unlikely to influence Ms Taylor's conduct in relation to the matter.

The motion was put and carried.

7525.5 Declaration of Due Consideration

No declarations were made.

7525.6 Deputations and Presentations

7525.6.1 Refusal of Outline Development Plan – Madora Bay North

Presenter Mr Craig Salt; Madora Bay Singleton Community Group

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

A copy has been placed on file.

7525.6.2 Refusal of Outline Development Plan – Madora Bay North

Presenter Ms Phillida Rodic; CLE Town Planning & Urban Design

Ms Rodic made a PowerPoint presentation to the Committee and answered questions from members.

A copy has been placed on file.

7525.6.3 Refusal 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.

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7525.6.4 Endorsement Westfield Innaloo Detailed Area Plan Presenter Ms Karen Wright; Urbis

Ms Wright made a PowerPoint presentation to the Committee and answered questions from members.

A copy has been placed on file.

7525.6.5 City of Stirling Local Planning Scheme No. 3 Amendment No. 32 – for Final Approval Presenter Mr Fraser Henderson; City of Stirling

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

A copy has been placed on file.

Mr Holloway left the meeting at 10.27 am and returned at 10.30 am.

7525.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman announced to members the passing of Dr Russell Perry and noted his highly valued contribution to the Executive, Finance and Property Committee and to the Western Australian Planning Commission. A notice would be published in a forthcoming West Australian newspaper.

The Chairman also announced that at the last Western Australian Planning Commission meeting, it was resolved that a review would be carried out to obtain opinions from members regarding the current status of the Commission and its Committees. Copies of the Strategic Plan and Board Charter would be distributed to members.

7525.8 Confirmation of Minutes

7525.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 23 June 2015

Resolved

Moved by Mr Hiller, seconded by Mr Glickman

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 23 June 2015, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

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7525.9 Statutory Items for Decision

7525.9.1 Endorsement of Subdivision Guide Plan - Lot 7 Dunkeld Drive, Herron - City of Mandurah

File SPN/0757
Report Number SPC/852
Agenda Part C
Reporting Officer Planning Manager, Peel

Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. endorse the Subdivision Guide Plan (Plan ID: 7353-SUB-01-D) for Lot 7 Dunkeld Drive, Herron, subject to the following modifications:
 - a) notation 1 on the subdivision guide plan being modified to read:

'This plan shall be updated to incorporate building envelopes prior to subdivision.'
 - b) notation 6 on the subdivision guide plan being modified to read:

'An updated Fire Management Plan shall be approved by the Department of Fire and Emergency Services prior to subdivision.'
 - c) a notation being added to clarify that details on the SGP that relate to Rural zoned land are indicative only.
2. advise the City of Mandurah of its decision accordingly.

Resolved

Motion to defer

Moved by Ms Taylor, seconded by Mr Holloway

That the item relating to Endorsement of Subdivision Guide Plan - Lot 7 Dunkeld Drive, Herron - City of Mandurah as detailed in the

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report dated 23 June 2015 be deferred to the next meeting of the Statutory Planning Committee for further clarification on Amendment 121.

The motion to defer was put and carried.

7525.9.2

Madora Bay East Outline Development Plan - City of Mandurah Town Planning Scheme No. 3

File 25 June 2015
Report Number SPC/853
Agenda Part SPN/0662
Reporting Officer Planning Manager - Peel

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

- 1. endorse the proposed Madora Bay East Outline Development Plan (Drawing No. 2046-101D-01) dated 17 February 2015 (attached) subject to Notations 4 and 6 on the plan being deleted;*
- 2. advise the City of Mandurah of its decision accordingly.*

The motion was put and carried.

7525.9.3

Refusal of Outline Development Plan - Madora Bay North

File SPN/0628
Report Number SPC/854
Agenda Part C
Reporting Officer Planning Manager - Peel

Officer's Recommendation

That the Western Australian Planning Commission resolves to refuse to approve the Madora Bay North Outline Development Plan for the following reasons:

1. the proposed configuration and distribution of POS does not produce the optimum outcome in terms of achieving functional and useable POS;

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2. the provision of a large proportion of public open space along the northern boundary of the site is not adequately justified and provides only limited environmental benefit given that most of the vegetation on this land is mapped as being in a 'degraded' or 'completely degraded' condition;
3. the proposed Mixed Use sites do not correspond with an existing zone under Town Planning Scheme No.3;
4. the proposed variations to the land use permissibility provisions of the Commercial zone under Town Planning Scheme No.3 should be addressed via a proposed town planning scheme amendment rather than via an ODP provisions;
5. the boundary of the ODP extends beyond the Urban Development zone;
6. there is ambiguity between the ODP map and the related report (i.e. there is reference to the R12.5/20 in the ODP report but not on the ODP Map);
7. the statutory section of the ODP report does not adequately set out the proponent's obligations in respect of upgrading the existing intersection of Madora Beach Road and Mandurah Road and constructing a new signalised intersection at Mandurah Road.

Resolved

Moved by Mr Lumsden, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to endorse the Outline Development Plan as adopted by council, subject to the central east-west public open space being increased to a width of 100m as initially proposed by the proponent.

The motion was put and carried.

In accordance with clause 9.1(2) of the Standing Orders 2009, the reason for the decision made being significantly different from that recommended is due to members agreeing to approve the Madora Bay North Outline Development Plan with modification and recognising the provision of TPS No. 3.

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7525.9.4

Modification of Frasers Landing Outline Development Plan

File SPN/0719
Report Number SPC/855
Agenda Part C
Reporting Officer Planning Manager - Peel

Members agreed to remove recommendation 3 as it was deemed unnecessary.

Officer's Recommendation

That the Western Australian Planning Commission resolve to:

1. approve the modified Frasers Landing outline development plan, subject to the attached Schedule of Modifications;
2. advise the City of Mandurah of its decision;
3. advise the City of Mandurah that the WAPC is no longer prepared to approve local structure plans which contain provisions that seek to vary the provisions of the local planning scheme, as this is considered to be inconsistent with the process set out in Part 5 of the Planning and Development Act which relates to preparing and amending a local planning scheme.

Resolved

Moved by Mr Hiller, seconded by Ms Bartle

That the Western Australian Planning Commission resolve to:

1. *approve the modified Frasers Landing outline development plan, subject to the attached Schedule of Modifications;*
2. *advise the City of Mandurah of its decision.*

The motion was put and carried.

The Chairman indicated after the meeting that the above decision be revoked and that the item be deferred to a future meeting pending further information being provided in relation to statutory issues discussed in the officers report.

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7525.9.5

Endorsement Victoria Quay Commercial Precinct Plan and Fremantle Station Precinct Plan

File DP/12/011990/1
Report Number SPC/856
Agenda Part C
Reporting Officer Senior Planner Metropolitan Planning
Central

Officer's Recommendation

That the Western Australian Planning
Commission resolves to:

1. endorse the Victoria Quay Commercial
Precinct Plan and the Fremantle Station
Precinct Plan, subject to the following
modifications:
 - i) A Regulatory Section to be included
within each Precinct Plan to summarise
key development requirements
including urban structure, land use,
public open space, built form
design/building heights, pedestrian and
cycling, public transport, access and
parking and heritage protection, and to
be prepared in consultation with the
Department of Planning and the City of
Fremantle.
 - ii) The Regulatory Section to refer to the
requirements of the Signage and Way
Finding Strategy (endorsed by the
WAPC as part of the Fremantle
Waterfront Project) and the Victoria
Quay Signage Guidelines 2010.
 - iii) The Regulatory Section to stipulate that
traffic studies will be a requirement of
future development applications.
 - iv) The Regulatory Section to stipulate that
the proposed new rail crossing is
subject to the approval of the Office of
Rail Safety.
 - v) The Regulatory Section to stipulate that
future development applications will be
assessed against State Planning Policy

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5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

- vi) The Regulatory Section to stipulate the requirement for an Implementation Plan to be prepared prior to the lodgement of development applications, that addresses staging and the process and responsibilities for delivery of the relevant elements, including funding arrangements, with a key commitment to delivering key public realm infrastructure.
 - vii) The Implementation Plan to address the requirements of Fremantle Ports, Fremantle City Council, the Public Transport Authority and the State Heritage Office.
 - viii) Development can proceed before the preparation of the Implementation Plan, if it can be demonstrated it will not impact on the delivery of the Implementation Plan.
 - ix) Building heights to be consistently referred to in storeys or in metres.
 - x) Discretionary Performance Criteria to reference the need to preserve the Fremantle Ports Administration Building as the landmark building in terms of height and scale, for the waterfront.
2. advise the City of Fremantle and the Fremantle Ports Authority of its decision accordingly.

Resolved

Motion to defer

Moved by Mr Hiller, seconded by Ms Bartle

That the item relating to Endorsement Victoria Quay Commercial Precinct Plan and Fremantle Station Precinct Plan as detailed in the report

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dated 29 June 2015 be deferred to the next meeting of the Statutory Planning Committee to obtain further information and to allow the City of Fremantle to make a presentation on the item.

The motion was put and carried.

7525.9.6

Endorsement Westfield Innaloo Detailed Area Plan

File SPN/0572
Report Number SPC/857
Agenda Part C
Reporting Officer Senior Planner Metro Planning Central

Resolved

Moved by Ms Taylor, seconded by Mr Glickman

That the Statutory Planning Committee resolves to:

- 1. endorse the Westfield Innaloo Detailed Area Plan, subject to the schedule of modifications (in Attachment 12) in consultation with the Department of Planning and the Local Government;*
- 2. advise the City of Stirling of its decision accordingly.*

The motion was put and carried.

7525.9.7

Subdivision to Create Two Lots for Residential Purpose at Lot 450 No. 27 Wrexham Street, Bicton

File 151607
Report Number SPC/858
Agenda Part G
Reporting Officer Planning Officer - Metropolitan Planning Central

Members agreed to refuse the application because it is not consistent with the scheme provisions.

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 450 Wrexham Street as shown on the plan date stamped 18 March 2015 subject to the following conditions and advice:

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CONDITION(S):

1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on proposed lots 1 and 2 at the time of subdivision approval being demolished and materials removed from the lots. (Local Government).
2. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - a) Lots can accommodate their intended development; and
 - b) finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) storm water is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)
3. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision. (Local Government).
4. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lots shown on the approved plan of subdivision. (Western Power).
5. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation).

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6. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation).
7. The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation).

ADVICE:

1. In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.
2. In regard to Condition 4, Western Power provides only one underground point of electricity per freehold lot.
3. In regard to Conditions 5, 6 and 7, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.

Resolved

Moved by Mr Glickman, seconded by Mr Hiller

That the Western Australian Planning Commission resolves to refuse the application for subdivision of Lot 450 Wrexham Street as shown on the plan date stamped 18 March 2015 due to the following reasons:

1. *The proposed subdivision does not comply with the Western Australian Planning*

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Commission's Development Control Policy No. 2.2 'Residential Subdivision', Residential Design Codes 2013 or the City of Melville Community Planning Scheme No. 5 by reason that the proposed lots do not fulfil the minimum and average lot size requirements for the R17.5 density code as specified in Table 1 of the Residential Design Codes;

2. *The proposed subdivision does not comply with the minimum frontage requirements of the Residential Design Codes 2013 for the R17.5 density coding as specified by Table 1 of the Residential Design Codes.*

The motion was put and carried.

The votes were recorded as follows:-

For: Mr Lumsden, Mayor Aubrey, Ms Bartle, Ms Burrows, Mr Glickman, Mr Hiller, Mr Holloway

Against: Ms Taylor

7525.10 Policy Items for Discussion/Decision

Nil.

7525.11 Confidential Reports

7525.11.1 Shire of Murray - Local Planning Scheme No. 4 Amendment 283 - for Final Approval

File TPS/1422
Report Number SPC/859
Agenda Part B
Reporting Officer Planning Manager, Peel Planning

THIS ITEM IS CONFIDENTIAL

Moved to item 11.3.

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**7525.11.2 City of Stirling Local Planning Scheme No. 3
Amendment No. 32 - for Final Approval**

File TPS/0973
Report Number SPC/860
Agenda Part B
Reporting Officer Planning Manager, Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

Mr Glickman left the meeting at 11.13 am and returned at 11.16 am

Moved to item 12.

**7525.11.3 Shire of Murray - Local Planning Scheme Amendment
No. 4 - Amendment 273 - for Consent to Advertise**

File TPS/1480
Report Number SPC/861
Agenda Part E
Reporting Officer Planning Manager - Peel

THIS ITEM IS CONFIDENTIAL

**7525.11.4 Shire of Gingin Local Planning Scheme No. 9
Amendment No. 3 for Final Approval**

File TPS/1340/1
Report Number SPC/862
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

**7525.11.5 Consent to Advertise - Proposed Major Amendment to
the Canning Vale Outline Development Plan**

File SPN/0389M-2
Report Number SPC/863
Agenda Part C
Reporting Officer Manager - Metropolitan South East

THIS ITEM IS CONFIDENTIAL

Moved to item 11.2.

7525.12 Stakeholder Engagements & Site Visits

Nil.

Statutory Planning Committee

Minutes
of ordinary meeting 7525
held on Tuesday, 14 July 2015

7525.13 Urgent Business

7525.13.1 Update on Policy Documents

Ms Burrows advised that an update on policy documents would be provided to members at an upcoming meeting.

7525.14 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	Detailed Area Plan 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

7525.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 28 July 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.48 am.

PRESIDING MEMBER _____

DATE _____

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10	POLICY ITEMS FOR DISCUSSION/DECISION
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11.1	City of Stirling Local Planning Scheme No. 3 Amendment 43 - for Final Approval

ITEM NO: 9.1

Proposed "Lifestyle Village" (Park Home Park) within the Jandakot Groundwater Protection Policy Area

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Manager, Metropolitan South East
AUTHORISING OFFICER: Director, Metropolitan South
AGENDA PART: G
FILE NO: 22-50166-1 and DAP/15/00734
DATE: 19 June 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Refusal
ATTACHMENT(S): 1. Location Plan
2. Development Plans
3. Aerial Plan
4. Well Head Protection Zone
5. Lifestyle Villages in Perth and Peel
REGION SCHEME ZONING: Rural Water Protection
LOCAL GOVERNMENT: City of Armadale
LOCAL SCHEME ZONING: General Rural
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Metropolitan South East
RECEIPT DATE: 13 February 2015
PROCESS DAYS:
APPLICATION TYPE: Development Application
CADASTRAL REFERENCE: Lot 9007 Warton Road, Piara Waters

RECOMMENDATION:

That the Statutory Planning Committee resolves to recommend to the Joint Development Assessment Panel that the application for a Park Home Park at Lot 9007 Warton Road, Piara Waters be refused for the following reasons:

- 1. The proposed Park Home Park is contrary to Clause A1 of State Planning Policy No. 1 'State Planning Framework Policy' as it is proposing urban development in a rural area, ahead of detailed strategic planning or a Metropolitan Region Scheme Amendment or Town Planning Scheme Amendment including associated technical studies and therefore does not achieve the following:***

- "ii. assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;*
 - iv. adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and*
 - v. preventing environmental problems which might arise as a result of siting incompatible land uses close together".*
- 2. The proposed Park Home Park is contrary to State Planning Policy No. 2.3 - 'Jandakot Groundwater Protection Policy' as it proposes an 'incompatible' land use in a Priority 2 area and therefore does not achieve the following objectives:**
 - "i. ensure that all changes to land use within the Policy Area are compatible with long-term protection and maintenance of groundwater for public supply and maintenance of associated ecosystems;*
 - ii. to prevent land uses likely to result in contamination of groundwater through nutrient or contaminant export;*
 - iii. to balance environmental protection with the economic viability of the existing land uses;*
 - iv. to maintain or increase natural vegetation cover over the Policy Area; and*
 - v. to protect groundwater quality and quantity in the Policy Area in order to maintain the ecological integrity of important wetlands hydraulically connected to that groundwater, including wetlands outside the Policy Area.*
 - vi. meet the 2 hectare minimum lot size required by the State Planning Policy".*
- 3. The proposed Park Home Park is contrary to State Planning Policy No. 2.7 - 'Public Drinking Water Source Policy' as it does not comply with the principles of risk minimisation as identified for the Priority 2 area and therefore does not achieve the following objective:**

"The objective of this policy is 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."
- 4. The proposed Park Home Park does not meet the requirements of the City of Armadale Town Planning Scheme No. 4 as it does not comply with the requirements of Part 5B of the Scheme for General Rural zoned land, namely:**
 - i. The proposed Park Home Park does not meet the minimum setback of 15 metres from all lot boundaries.*
 - ii. The proposed development exceeds the maximum building coverage of 500 square metres.*
 - iii. The proposed development does not comply with the minimum lot size of 40 hectares, as it effectively creates leaseholds akin to urban development.*

5. *The proposed Park Home Park would create an undesirable precedent for the further subdivision of P2 Priority area land zoned Rural - Water Protection as it is not in accordance with relevant provisions of Western Australian Planning Commission policy, Department of Water policy and the City of Armadale Town Planning Scheme No. 2.*
6. *Approval of the development is contrary to orderly and proper planning by reason that the density proposed is inconsistent with the existing strategic planning for this locality and may prejudice its future planning and development.*
7. *The land is zoned Rural - Water Protection in the Metropolitan Region Scheme and General Rural in the City of Armadale Town Planning Scheme No. 4. The purpose and intent of this zoning is to preserve the area's current rural use and density of development. The development proposes land use intensification and the introduction of non-rural activity in conflict with the zoning objectives.*
8. *The proposed Park Home Park seeks to create residential scale development in a locality which is zoned Rural in the Metropolitan Region Scheme, which would conflict with the intent and purpose of such zoning.*
9. *The lot is adjacent to a 'moderate' to 'extreme' bush fire rating. The Planning for Bush Fire Protection Guidelines (WAPC 2010) outlines a general presumption against development in areas with an 'extreme' rating. The proposed application has not provided appropriate separation distances between development and the 'extreme' rating.*

SUMMARY:

An application was lodged with the City of Armadale (the City) proposing the construction of a "Lifestyle Village" at Lot 9007 Warton Road, Piara Waters.

Lifestyle Villages are operated under the auspicious of the *Caravan Parks and Camping Grounds Act 1997* and *Residential Parks (long-stay tenants) Act 2006*.

The Lifestyle Village incorporates:

- the potential for 270 dwellings (though it is noted that less dwellings are demonstrated in **Attachment 2** - Development Plan);
- community facilities including a family centre, community centre, lawn bowls, tennis, general exercise area and landscaped park areas including the existing wetland;
- internal road network, caravan and boat parking bays and visitor parking bays; and
- associated infrastructure and servicing to the site and associated facilities.

The application was submitted by a consultant acting on behalf of National Lifestyle Villages (NLV). NLV has an option to purchase the site from the landowner, Zenland Nominees Pty Ltd.

The City of Armadale Town Planning Scheme No. 4 (TPS 4) includes 'Park Home Park' as a definition in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*. The land use Caravan Park / Home Park is an 'A' land use in the General Rural Zone of TPS 4. A Lifestyle Village most aligns with this land use classification.

The application was 'called in' by the Western Australian Planning Commission (WAPC) for determination pursuant to Clause 32 of the Metropolitan Region Scheme, Clause 32 states:

"The Commission may by resolution, a notice of which shall be published in the Government Gazette and a copy served on the responsible authority as soon as practicable after the resolution is passed by the Commission –

- (1) define areas in respect of which the proposals contained in this Scheme which relate to the areas are to be reviewed by the Commission and require that applications for all or certain classes of development on land in those areas shall be referred to the Commission for determination;*
- (2) require that a local authority forward any such particular application or application in respect of a specified class of development on land in the area, to the Commission for its determination."*

On 9 May 2014 an instrument of delegation was published in the *Government Gazette* which requires local governments to refer applications for development to the WAPC for determination where:

"2. Development in the Rural Zone

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the Rural zone in the MRS -

(a) ...

(b) Any other use which in the opinion of the local government or the WAPC may not be consistent with the Rural zone."

The application is being presented to the Statutory Planning Committee (SPC) for consideration because the proposed Park Home Park is not consistent with the Rural zone and fails to address a number of State Planning Policies.

The application will be determined by the Metro East Joint Development Assessment Panel (JDAP) under a dual reporting process with both the local government and the WAPC submitting a report.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005, City of Armadale Town Planning Scheme No. 4, Metropolitan Region Scheme*

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 1 - State Planning Framework Policy (Variation No. 2)
State Planning Policy 2.3 - Jandakot Groundwater Protection Policy
State Planning Policy 2.5 - Land Use Planning in Rural Areas
State Planning Policy 2.9 - Water Resources
State Planning Policy 3 - Urban Growth and Settlement
Environmental Protection Authority Guidance Note 3 - Separation Distances between Industrial and Sensitive Land Uses
Planning Bulletin 83/2013 Planning for Tourism
Planning Bulletin 49 Caravan Parks
Planning for Bushfire Protection (Edition 2) Guidelines

INTRODUCTION:

The subject lot is zoned Rural-Water Protection under the Metropolitan Region Scheme (MRS) and General Rural under TPS 4 (**Attachment 1** - Location Plan).

The application for Lot 9007 Warton Road, Piara Waters was received by the Department of Planning on 13 February 2015 for a potential 270 dwellings, associated community infrastructure, internal road networks and servicing infrastructure. The site contains an existing residential dwelling and associated outbuildings (**Attachment 3** - Aerial Plan).

The proposed development is an 'A' land use, that is, the use is not permitted unless the City of Armadale (the City) has exercised its discretion and advertised the proposal in accordance with Scheme provisions. The proposed Park Home Park is not considered to meet the objectives or the development requirements of the General Rural zone as specified in TPS 4. The application does not sufficiently address relevant State Planning Policy.

CONSULTATION:

Public Consultation

The City of Armadale has undertaken public consultation. During the consultation period, 28 submissions were received, 23 of which objected to the proposed Park Home Park.

The majority of concerns were in relation to:

- the impact of the development on the water mound;
- traffic management including egress and ingress and traffic noises;
- the interface between existing kennel buffers and associated noise impacts and future residents;
- amenity concerns in relation to the scale of development and the visual impacts associated with the proposed noise berm;
- the amount of visitor parking provided not being considered suitable; and
- the lack of public transport options along Warton Road and poor bicycle and pedestrian links.

Consultation with other Agencies or Consultants

The Department and/or City of Armadale also undertook consultation with a number of state agencies; their comments are summarised below.

City of Cockburn

The City of Cockburn objects to the development on the following grounds:

- the proposed land use is incompatible with the Priority 2 protection area as set out in *State Planning Policy 2.3 Jandakot Groundwater Protection* and *State Planning Policy 2.7 Public Drinking Water Source Policy*.
- the proposed land use is not consistent with the objectives and provisions of the City TPS 4 'General Rural' zone and is not supported by *Planning Bulletin No. 71 Residential Leasehold Estates and Developments*.
- the proposed Park Home Park does not adequately address *State Planning Policy 5.3 Jandakot Airport (Noise)* and *State Planning Policy 5.4 Road and Rail Transport Noise*, particularly given that park homes will not be of 'standard' residential dwelling construction. This may create an unacceptable level of amenity for future residents of the park home.
- the proposed Park Home Park does not adequately address potential land use conflicts with the adjacent City of Cockburn's 'Kennel Precinct'. The development does not achieve the separation distance required by the *Environmental Protection Authority's Guidance for the Assessment of Environmental Factors No. 3 Separation Distances between Industrial and Sensitive Land Uses*, and the acoustic report does not adequately address noise impacts.

Public Transport Authority

The Public Transport Authority (PTA) does not support the proposed application and provided the following comments:

- development of an estate of this size in a location that is not currently within the walkable catchment (500m or less) of Transperth rail or bus services, is not supported.
- existing bus routes do not operate along this section of Warton Road. Regardless of development proceeding, the PTA would not realign bus routes or support a permanent deviation of the routes to serve the new estate.

Department of Water

The Department of Water does not support the proposed Park Home Park for the following reasons:

- the land use 'caravan park' is incompatible in a Priority 2 (P2) area in accordance with the *Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas (DoW 2004)*.
- there is the potential for increased water quality and public health risks resulting from the development. The Department advises that the existing integrated land use planning and drinking water source protection program is based on two Parliamentary committee reports (1994 and 2000) which found land use intensification increases water quality risks and public health risks in Public Drinking Water Source Areas.

Water Corporation

The Water Corporation provided the following comments:

- no potable water or sewerage service connection is proposed/planned in this area.

- the site falls within the Jandakot Underground Water Pollution Control Area Gazetted P2 (UWPCA) and is affected by a 300m Well Head Protection Buffer over bores J100 and J105 which are located on the western side of Warton Road. These buffers have been declared to protect the quality of groundwater being extracted for drinking water.

Main Roads

No objection subject to an updated Transport Assessment; noise wall to be constructed in accordance with the acoustic assessment; and notification on title regarding noise impacts and quiet house design.

Western Power

Western Power has identified that overhead power lines and/or underground cables are adjacent to or traverse the property and correspondence with Western Power must be undertaken before any works in proximity to these services are undertaken.

Jandakot Airport

Jandakot Airport Holdings Pty Ltd noted that the site is outside the 25 ANEF contours, however, recommended noise attenuation methods be included as a condition of construction and that all promotional and contractual documentation notify incoming landowners/residents of the proximity of the airport and potential noise impacts.

ATCO Gas

Provided no comments.

The matters raised in these submissions will be further discussed within this report.

COMMENTS:

Metropolitan Region Scheme (MRS)

Pursuant to clause 30 of the MRS, when determining an application for development the WAPC must have regard to:

- the purpose for which the land is zoned or reserved;
- the orderly and proper planning of the locality; and
- the preservation of the amenity of the locality.

The extent of development identified as part of the application is not considered to be consistent with the Rural - Water Protection zoning of the land, given that it is akin to residential development at approximately the R25 density.

The proposed development is not appropriate over the Jandakot public groundwater supply mound as insufficient consideration has been given to water protection.

Given the location of the site above the groundwater supply mound, land use planning in this area needs to consider potential impacts on water quality and public health. Detailed technical justification for the proposed Park Home Park in relation to the capability or capacity of the site to support residential land use at this scale has not been provided, though this information has been requested by the City on a number of occasions.

This proposed Park Home Park does not comply with orderly and proper planning, as detailed information, which would normally be required to be provided as part of a Metropolitan Region Scheme or town planning scheme amendment process to consider this land use, has not been provided.

The applicant states that *"Lifestyle Villages work best at the edge of urban cells because their specific design layout makes them less conducive to conventional connected roads that ordinarily apply in a conventional structure plan layout"...."It is also apparent that in order to provide affordable housing supply, that sites need to be acquired well ahead of the conventional housing front when land rates are cheaper."*

The proposed development would be contrary to the amenity of the locality, which remains rural in nature. While it is noted that the rear of the lot (Southampton Drive) abuts an existing urban area, the broader area to the west is rural.

State Planning Policy

While policy documents provide guidance on land use and development, they are a flexible tool which allows each application to be considered on its merits. In this regard, planning policy can be used to guide and inform, however is not required to be the determining factor. However, where a proposal does not comply with the objectives or provisions of multiple policies, the merits of the proposal need to be clearly justified.

Notwithstanding the policy position as detailed below, the plans as provided as part of this application are not sufficient to enable determination of a development application.

State Planning Policy 1 - State Planning Framework Policy

The site is located above the Jandakot groundwater supply mound. Clause A1 of SPP 1 seeks to protect environmental assets and to require planning to contribute to a more sustainable future by:

- "ii. assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;
- iv. adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and
- v. preventing environmental problems which might arise as a result of siting incompatible land uses close together."

The proposed Park Home Park is a form of urban development. Locating this development on rural land, ahead of detailed technical studies will increase the risk of reduced water quality in the Jandakot groundwater supply mound.

Further, land use conflicts may arise, particularly in relation to noise or odour, by siting urban development within a rural area.

State Planning Policy 2.3 - Jandakot Groundwater Protection Policy Gazetted and Draft and Department of Water Water Quality Protection Note No. 25

The subject lot is zoned Rural - Water Protection under the MRS. The objective of the Rural-Water Protection zone is to ensure there is no increased risk of contamination of the water source. Land use in the Rural-Water Protection Zone is managed in accordance with the principle of risk minimisation and only low-risk land development is compatible. A minimum lot size of two hectares is specified, subject to appropriate zoning and land uses controls in a local planning scheme.

SPP 2.3 (gazetted) does not include 'park home park' or equivalent as a land use in *Table 1 - Land Use Suitability for the Rural - Water Protection zone*. The policy states that land uses not listed should generally not be permitted.

In the revised version of SPP 2.3, endorsed by the WAPC in May 2015, but not yet gazetted, the Department of Water *Land Use Compatibility in Drinking Water Source Areas* lists park home parks / caravan parks / grouped dwellings as 'incompatible' land uses in the Priority 2 area.

In this regard, neither the proposed land use nor the density that will result are supported in the gazetted or revised policy.

It should be noted that the scale of development proposed will result in a significant reduction in permeable ground surfaces. To support this development proposal the applicant has provided a Storm Water Management Strategy, but this has not been endorsed.

The applicant considers that potential impacts to the groundwater mound are better managed through a Park Home Park as opposed to conventional urban development as the land will remain in single ownership which can ensure native gardens and limited pesticides/fertilisers and management of land use and run off.

While the review of SPP 2.3 has been undertaken, it is noted that the WAPC, at its meeting of 26 August 2014, in considering the review of the *State Planning Policy 2.2 Gnamara Groundwater Protection policy*, resolved to support the review and consolidation of all drinking water source protection state planning policies, *State Planning Policy 2.2 Gnamara Groundwater Protection Policy*, *SPP 2.3 Jandakot Groundwater Protection Policy* and *State Planning Policy 2.7 Public Drinking Water Source Protection*.

As the consolidated review of drinking water source protection policies is still in progress, as assessment of the proposal against current, relevant policies has been undertaken.

State Planning Policy 2.7 Public Drinking Water Source Area

SPP 2.7 considers the management of public drinking water source areas, requiring the Rural - Water Protection zoning and the protection of Well Head Protection Zones (WHPZ) which are buffers declared to protect the quality of groundwater being extracted for drinking water (**Attachment 4 - Well Head Protection Zones**).

The applicant has submitted correspondence, including a Storm Water Management Strategy, which considers that the Well Head Protection Zones are not applicable as the relevant bores are either not currently in use (Bore J100) or are a deep abstraction bore, (Bore J105) which abstracts water from the Leederville Aquifer, a confined aquifer.

The Water Corporation, which manages these bores, has advised that the bores may be turned off and on as required and have not been decommissioned.

The Department of Water (DoW) has advised that in accordance with *Water Quality Protection Note No. 25 - Land Use Compatibility in Public Drinking Water Source Areas* (DoW, 2004) the proposed Park Home Park is an incompatible land use in a Priority 2 (P2) Public Drinking Water Source Protection Area (PDWSA). The proposed Park Home Park would likely result in an intensification of land use and activity in a PDWSA, which increases the risk of contamination to the water source, which may compromise treatment processes and the safety of the public drinking water supply.

However, the DoW recognises that state and local government planning decision-makers will consider all relevant factors (not just water quality protection) in making planning decisions and if a planning decision is made that is not consistent with the DoW's water quality protection advice, then the DoW should have early involvement in these proposals to maximise the opportunity to protect the drinking water source.

The DoW considers that the *Piara Waters Lifestyle Village Storm Water Management Strategy*, dated June 2015, is insufficient to demonstrate that there is no unacceptable contamination risk to water quality. The DoW also notes that there has been no strategic level planning decision made to date. For example, the area was not identified in the recent review of the *State Planning Policy 2.3 Jandakot Groundwater Protection*. The DoW is, therefore, unable to support the proposed Park Home Park.

State Planning Policy 2.5 - Land Use Planning in Rural Areas (SPP 2.5)

SPP 2.5 promotes the retention of rural and agricultural land and recommends that conversion of land from priority agriculture to other uses must be appropriately planned in a strategy or scheme and only supported where such conversion is required as a matter of State significance. Furthermore, the SPP discourages the introduction of sensitive or incompatible land uses such as additional housing or accommodation in rural areas as it can sterilise rural land. In the absence of technical studies, buffer distances are to be guided by the Environmental Protection Authority's *Guidance Statement No. 3 – Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*, which recommends a 1000 metre buffer between urban areas and existing dog kennels.

The proposed land use, which is of a scale and intensity akin to a residential estate, has not been appropriately planned for as part of a broader scheme or strategy and is an inappropriate, ad hoc, conversion which may impact on the ability of adjoining rural properties to be utilised for rural purposes.

State Planning Policy 3 - Urban Growth and Settlement (SPP 3)

SPP 3 supports a considered approach to urban development through a scheme amendment and potential structure plan process.

The applicant states that urban zoned land is too expensive to purchase and would present difficulties in providing an affordable housing product. The applicant notes

that the Lifestyle Village model *"requires greater investment upfront and ongoing financial backing to ensure the continued management of systems without significant burden or handover of management to local or state government, as what happens with conventional residential development."*

The applicant states that the lifestyle village model is more sensitive to price shifts as income is derived over a longer period. The current availability of urban land and its competitive price compromises the provision of the proposed development form.

Development Control Policy 3.4 - Subdivision of Rural Land (DC 3.4)

DC 3.4 states that the highest and best use for rural zoned land is a rural land use. Alternate land uses will only be supported where they have been considered as part of a strategy or scheme and zoned accordingly.

The proposed Park Home Park is not considered to be the highest and best use for rural zoned land as it is akin to urban development.

Further, it has not been considered as part of a broader land use and zoning strategy or scheme.

Planning Bulletin No. 49 Caravan Parks

PB 49 considers that where practicable, caravan parks comprising a long-stay component should be located where there is access to urban facilities and amenities.

The PB also states that: *"Caravan parks are regarded as generally incompatible in Priority 1 and Priority 2 water resource protection areas, and are conditional use in Priority 3 areas (must be connected to deep sewerage, except where exemptions apply under the Government Sewerage Policy)."*

Planning Bulletin No. 71 Residential Leasehold Estates and Development

Dependent upon future tenancy arrangements, further guidance with respect to such development may be obtained from the WAPC Planning Bulletin No.71 - *'Residential leasehold estates and developments'*. PB 71 states that in urban release areas, a local structure plan is normally required to provide a context for the arrangement of land uses and development and the subdivision of land and, where necessary, rezoning amendments to local government town planning schemes. For this reason, if the scale of a leasing proposal is such that it raises planning issues, the WAPC may require preparation of a local structure plan prior to consideration or approval of the proposal.

Consideration is required to be given to a number of matters but the PB states the following:

"On land zoned rural under a region or town planning scheme, the WAPC will not ordinarily support a proposal for leases for residential purposes, other than in respect of an existing dwelling."

The review of Planning Bulletin No. 49 in 2014, noted that Planning Bulletin No. 71, may require review once the review of the *Caravan Parks and Camping Grounds Act 1995* and *Regulations 1997* are finalised. This legislation is yet to be finalised and in this regard, a review of PB 71 has not been undertaken.

City of Armadale Town Planning Scheme No. 4

TPS 4 specifies the following objectives for the General Rural zone:

- 4.2.4 (a) To provide for a wide variety of productive farming activities, ranging from broadacre grazing to intensive horticulture, depending on the defined lot sizes, land form and natural resource base.
- (b) To provide for a range of associated compatible activities and development to complement the primary productive use of the land while preserving the rural character and amenity.

The proposed Park Home Park is not consistent with the objectives of the General Rural zone and may impact the operation of existing adjoining rural land uses.

The proposed use aligns with the definition of 'Park Home Park' as outlined in the Model Scheme Text and *Caravan Parks and Camping Grounds Regulations 1997*, as "*a caravan park at which park homes, but not any other caravans or camps, are situated for habitation.*"

'Caravan Park / Home Park' is listed as an 'A' land use within the General Rural zone under TPS 4. In this regard, the City has the discretion to consider the proposed land use in the 'General Rural' zone.

In considering the proposed Park Home Park in relation to the objectives for development in Part 5B Rural Living and General Rural Zone Requirements of TPS 4, the following provisions are not met:

- a minimum setback of 15 metres from all lot boundaries;
a nil setback has been provided to the entire length of the southern lot boundary, the majority of Southampton Drive and a portion of the northern lot boundary. Setbacks proposed to Warton Road are unclear as the site plan submitted does not demonstrate dimensions or setbacks.
- building site coverage not to exceed 500sqm; and
While no dwellings are demonstrated on the site plan and detailed floor plans of the proposed community facilities have not been provided, it is anticipated that site coverage will significantly exceed 500sqm.
- minimum lot size of 40 hectares.
No subdivision of the site from its existing ten hectares is proposed, however, including land allocated for wetland, roads and community facilities, this proposal equates to 373sqm of land being attributed to each of the proposed 270 dwellings.

Clause 6.3 of TPS 4, refers to the management of Public Drinking Water Resource Protection Areas and states that "*The purpose of this designation is to provide a basis for the protection of those resources through the control of land use or development, which has the potential to prejudice the quality of water supplies for public use.*"

In this regard, consideration is to be given to relevant policies and practices protecting this area.

City of Armadale Draft Local Planning Strategy and Perth and Peel at 3.5 million

As part of the development of the City of Armadale draft Local Planning Strategy, the City proposed this area of land along Warton Road as 'Urban Development' however, the Department recommended the removal of this component and the retention of the land as 'Rural' pending the outcomes of the Strategic Environmental Assessment of the Perth and Peel Region.

The Draft South Metropolitan Peel Sub-Regional Planning Framework (the Framework) has identified the land between Warton Road and Southampton Drive, Piara Waters as 'Urban Investigation'.

The draft Framework is not a statutory zoning plan and does not change the existing zonings and/or reservations of land or allow for new uses on any land. The draft Framework is the first step and *"this refinement will continue to be undertaken through the finalisation of the framework as a sub-regional structure plan, MRS/PRS, local planning schemes, structure planning, subdivision and/or development."*

The purpose of the Framework is to guide the strategic future planning of the Perth and Peel area, and does not preclude the need for due process to be followed.

Development Proposal

The proposed development would cater for 270 dwellings as part of a long-stay residential format. The proposal allows residents to purchase the dwelling but to lease the land for an extended period. This development form caters for the over 45 age group.

The development application is seeking approval to 270 dwelling sites but the site plan submitted indicates only 260 proposed dwelling sites.

Concept images of potential community facilities have been submitted, however, floor plans, elevation plans and detailed site plans, demonstrating the location and form of all of the proposed community facilities, landscaping or wetland, amongst other things, have not been provided. In this regard, an assessment of fill levels, development height, and development form and type, cannot be undertaken.

Suitability of Park Home Park

Setting aside the existing planning framework and zoning and insufficient information has been provided to determine the suitability of the development.

To the east of the subject lot is an existing urban area, to the north east, the Erade Village Precinct, incorporating commercial and employment opportunities and local services. In this regard, the proposal could be considered an extension of the existing urban front, providing an alternate residential form.

However, this extension of the urban front is proposed into an area dominated by existing rural land uses, including an extensive kennels area. The noise, and potential outputs of existing development in this area could significantly reduce the amenity of urban development at this location.

If a subdivision application for the adjoining lot was received to facilitate two 5 hectare lots and associated dwellings onsite, in accordance with the existing planning framework, such an application would be likely to be refused. Accordingly, a development application to provide for 270 dwellings, would also be inconsistent with the current planning framework.

Kennel Noise

The City of Cockburn local government area is located on the western side of Warton Road. This area adjacent to the subject site is zoned 'Resource' with an additional land use of 'Cattery and Dog Kennels' under the City of Cockburn Town Planning Scheme No. 3.

The *Environmental Protection Authority Guidance Note 3 - Separation Distances between Industrial and Sensitive Land Uses* recommends (without considering cumulative impacts) a 500 metre buffer to sensitive land uses from kennels in rural zones and a 1000 metre buffer in or near urban areas. The subject lot is within the 500 metre buffer of multiple kennels located in the City of Cockburn, with some dwellings proposed within 50 metres of a kennel.

A Noise Assessment has been undertaken by the applicant, however, the City of Armadale and City of Cockburn have raised concerns regarding how the kennel noise has been measured and consider that the noise implications associated with the kennel are significantly greater than that suggested by the applicant.

It was recommended that the assessment be updated to reflect the noise of dogs when awake (as opposed to at 1-2am when the noise level was measured) and that the cumulative impact of the multiple kennels (greater than 10) be considered.

Road and Movement Network

The application proposes a primary entrance as a left in - left out access onto Warton Road with a 90 metre slip lane on Warton Road to facilitate access. A secondary access is available onto Southampton Drive but the applicant has indicated this will be utilised for caravans and boats exiting the site and service vehicles only.

- *Proposed Access Arrangements*

The Department of Transport (DoT) considers the proposed Park Home Park to be premature ahead of a Metropolitan Region Scheme amendment incorporating a transport study, and subsequent District/Local Structure Plans. The DoT recommends an overall access strategy be developed for this site and adjacent properties to ensure that Warton Road as a major freight route *"not be compromised in future in terms of urban encroachment"* as part of the findings recommended by the WAPC Infrastructure Coordination Committee (February 2011).

The City of Armadale recommends a minimum 120 metre slip lane at Warton Road and a 4 metre widening to Southampton Drive.

- *Proposed Internal Movement Network*

The applicant has identified that the proposed street network will cater for vehicles and pedestrian movements. While this network forms a collection of private streets,

the dominance of cul de sacs is not supported as it reduces connectivity and movement within the complex, particularly pedestrian.

Further, the application as proposed does not allow for the connection of the site with the adjoining lots. While it is noted that the intent of this development form, to be a 'gated community', were this area to be developed as a 'traditional' residential area, the connection of lots, through an appropriate movement and access network would be promoted.

- *Transport Noise*

A noise assessment has been undertaken to address the impacts associated with Warton Road. A 2 metre berm with a 1.8 metre fence is proposed along the frontage of the lot to reduce the noise impacts. In addition to the 3.8 metre noise wall, dwellings in proximity to Warton Road will require additional noise attenuation treatments.

The proposed noise berm may negatively impact the rural amenity of the area, given its height and prominent location abutting Warton Road.

- *Public Transport*

Comments from the PTA indicate that bus services are not available to the site and that bus routes would not be modified to accommodate the proposed Park Home Park. Existing bus services are 500 metres from the subject lot.

The applicant states that a private bus service will be provided to take residents to nearby facilities and services, noting that a proportion of recreation facilities are provided onsite, and the demand for recreation facilities in the broader community is reduced. However, this service will not accommodate people wishing to visit residents of the development.

- *Onsite Parking*

The applicant has indicated that parking for individual dwellings will be provided within their home sites.

The Residential Design Codes stipulate a visitor parking standard for group dwellings or aged and dependent persons dwellings, of one bay per four dwellings. Approximately 67 visitor parking bays would be required onsite. Thirty-two parking bays are currently proposed, this is not sufficient.

Existing Wetland

The site currently contains a permanently inundated area, which is proposed to cater for a large portion of the stormwater from the site as a wetland.

A number of dwelling sites are proposed to directly back onto the wetland area. Details on the interface between the dwellings and wetland have not been provided, however, it is recommended that a road interface be provided around the wetland, to increase the passive surveillance to this area to improve the amenity of the wetland.

Bush Hazard Assessment

The Bushfire Hazard Assessment undertaken as part of this application demonstrates that the subject lot has a 'Low' bushfire hazard level, however, the adjoining lot to the south has a 'Moderate' to 'Extreme' Bushfire Hazard.

The development application depicts lots directly backing onto the adjoining lot to the south, therefore these proposed dwellings would be located within a Building Attack Level (BAL) 40 and BAL FZ area where "Subdivision and development would not normally be approved" in accordance with the *Planning for Bushfire Protection Guidelines, Edition 2*.

Further no setbacks in the form of Hazard Separation Zones (HSZ) or Building Protection Zones (BPZ) have been provided within the subject lot, although the report refers to 'existing and future buildings to comply with specified HSZ and BPZ'. The report also specifies that building construction standards are to comply with AS 3959-2009, however, there is currently no legal mechanism to ensure that this occurs, or whether such development is subject to compliance with this standard.

Servicing

The Water Corporation has identified that forward planning for this area has not been undertaken in relation to reticulated water connection or sewerage. The developer would need to arrange for relevant planning to be undertaken, which may require headwork infrastructure to be provided.

Other Park Home Parks

A brief summary of other similar developments has been provided in **Attachment 5 - Park Home Parks** in Perth and Peel, though this is not an exhaustive list of all Park Home Parks.

Another landowner with a property in the Jandakot Groundwater Protection Area has been in consultation with the Department regarding the development of a lifestyle village on a lot zoned 'Rural - Water Protection' under the MRS and 'Resource' under the City of Cockburn Town Planning Scheme No. 3. If the subject application is approved it would be difficult to refuse other similar proposals.

CONCLUSION:

While it is recognised that Lifestyle Villages provide a form of development that contributes to housing supply, it is not appropriate to abnegate all known and accepted policy considerations to allow them on rural zoned land.

The proposed development does not comply with relevant State Planning Policy nor is it consistent with the objectives of the MRS Rural-Water Protection zone. The application as submitted does not provide sufficient technical justification to support an incompatible land use in the Jandakot Ground Water Protection area and may set an undesirable precedent for similar erosion of such areas if supported.

Where the SPC to consider it appropriate to recommend approval to the JDAP, there are a number of technical reports, additional information and clarification, that would be required to be submitted prior to determination which would inform the capability of the development proposal.

Since this application was first submitted in February 2014, a number of these supporting reports have been requested by the City, however, have not been provided. A complete assessment of this proposal without all of this information is difficult and it is noted that if all of this information were provided, further modifications to the proposal may be required.

These include, but are not limited to:

- An Urban Water Management Strategy.
- An overall access strategy be developed for this site and adjacent properties to ensure that Warton Road as a major freight route *"not be compromised in future in terms of urban encroachment"* as part of the findings recommended by the WAPC Infrastructure Coordination Committee (February 2011).
- Site servicing report providing confirmation that the site can be connected to services including water, sewerage and power. The Water Corporation has advised that this area is not part of its forward works plan and is outside of a planned sewerage district. A servicing report would be required to identify the capability and capacity of the existing network, or the provision and location of any head works and associated buffers, if required.

In addition to the above, the following information is required:

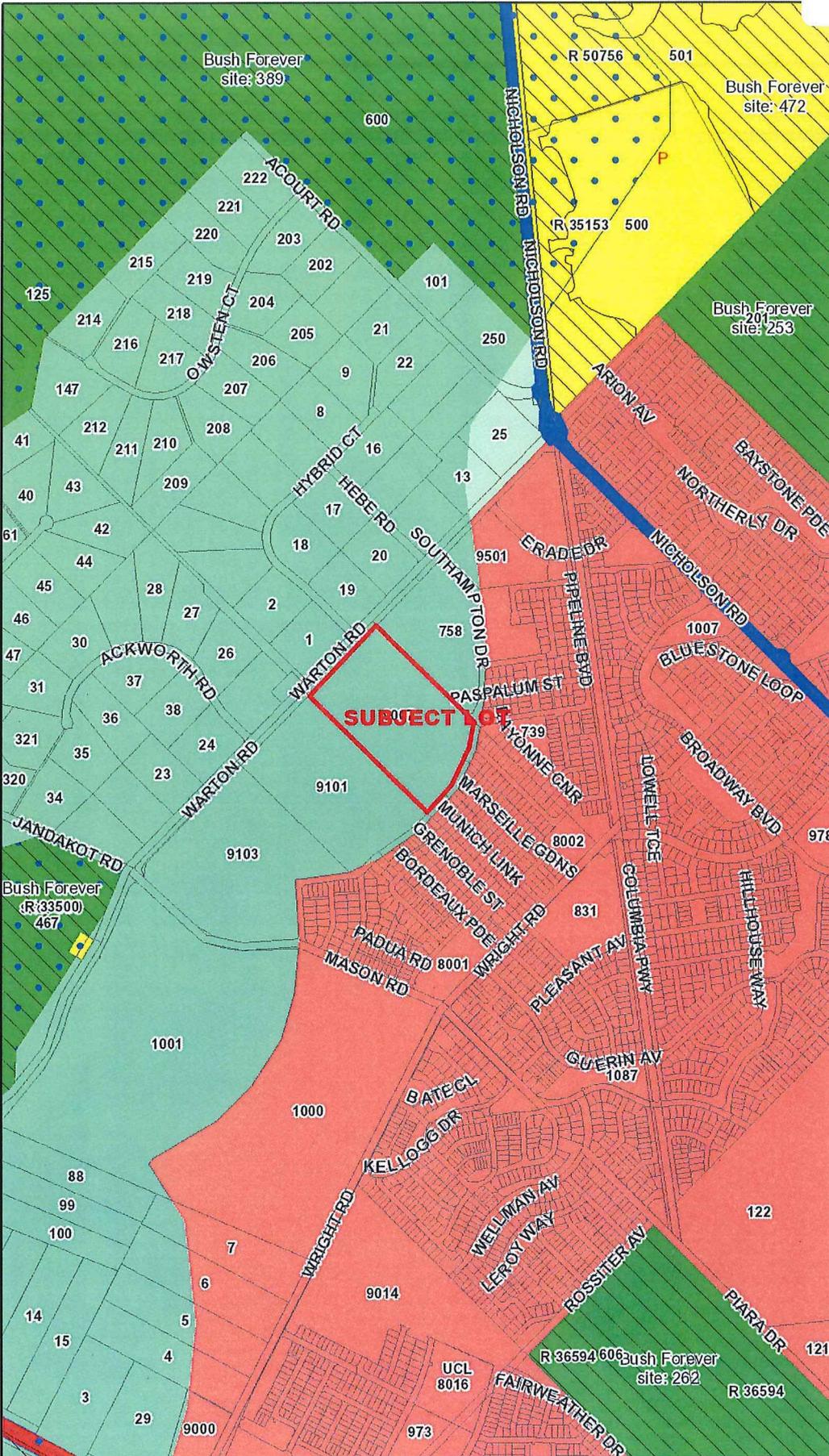
- Detailed plans, elevations and sections of all buildings and development proposed to be erected, including community facilities identified;
- Plans demonstrating location, dimensions and number of home sites proposed;
- Existing and proposed ground levels over the whole of the lot, and the location, height and type of all existing structures and vegetation proposed to be removed;
- Details on the nature and extent of any communal or private open space and landscaping proposed for the site;
- Updated Fire Management Plan (FMP). The submitted FMP was undertaken on a previous site plan and the existing proposal has development directly abutting BAL 40 and BAL FZ areas without appropriate Building Protection Zones or Hazard Separation Zones in place. Confirmation that construction standards of park home units are capable of meeting AS3959-2009 standards in relation to fire should also be provided; and
- An updated noise impact assessment, measuring the level of noise associated with existing kennels in the area (greater than ten) at an appropriate time. Existing study undertaken at 1:00am in the morning, as opposed to at a time when dogs would be active and outside. Further, the cumulative impact of multiple kennels has not been taken into consideration. Details on the proposed construction materials for the noise wall have not been provided. Outcomes of the noise impact assessment, including noise berms, noise walls and Memorials on Title would be required to be detailed on plans and/or implemented as a condition of approval.

In addition to the provision of the above information, which may result in modifications to the site plan, at a minimum, the following modifications to the site plan are recommended:

- Modifications as required in accordance with updated Fire Management Plan.
- A minimum 120 metre slip lane into the development on Warton Road and road widening and slip lane on Southampton Drive.
- Visitor parking bays to be provided in accordance with the Residential Design Codes.
- Proposed noise berm to be located within the lot boundaries, as opposed to within the street verge.
- Private lots discouraged from backing onto wetland development in relation to passive surveillance of the wetland area.
- Cul de sacs discouraged within the development as it reduces permeability and accessibility.

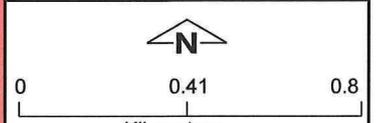


Government of Western Australia
Department of Planning



Legend

- Cadastrre (View 1)
- Road Names
- Region Scheme Boundary
- Bush Forever Areas
- Water Catchments
- Region Scheme Zones and Res**
- Other regional roads
- Parks and recreation
- Primary regional roads
- Public purposes - Water Authority of WA
- Public purposes - prison
- Rural
- Rural - water protection
- Urban



1: 17,630
at A4

Projection:
WGS 1984 Web Mercator Auxiliary Sphe

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

Metropolitan Region Scheme

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to viewer](#)

Produced by:FUNCTIONALITY TO COME

Date produced: 06-Jul-2015

ITEM NO: 10.1

Planning Bulletin 69 – Bush Forever Areas

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Policy Development & Review
AUTHORISING OFFICER:	Director Policy & Research
AGENDA PART:	A
FILE NO:	DP/12/01248
DATE:	13 July 2015
REPORT CATEGORY:	Policy
RECOMMENDATION OUTCOME:	1. Endorse 2. Approve
ATTACHMENT(S):	1. Draft revised Planning Bulletin – <i>Bush Forever</i> areas

RECOMMENDATION:

That the Statutory Planning Committee resolves to:

- 1. endorse the revised Planning Bulletin 69 – Bush Forever areas;***
- 2. approves forwarding the revised Planning Bulletin to the Minister for Planning for noting prior to publication.***

SUMMARY:

The key points relating to this report are as follows:

- This review and update of PB 69 is necessary given changes to the statutory planning measures for *Bush Forever* since 2004, including:
 - MRS Amendment 1082/33 - *Bush Forever* and related lands,
 - *State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region* (SPP 2.8),
 - MRS Amendment 1236/57 – *Bush Forever* area definition clause insertion and removal of Clause 16 (1a) (a) for new similar Clause insertion 16 (la)(a) and (ba) in the Metropolitan Region Scheme Text, and
 - the referral process for *Bush Forever* areas, whereby Local Governments only refer development applications on zoned lands impacting *Bush Forever* areas to the Department of Parks and Wildlife instead of the Department of Planning for comment.
- The general intent of the *Bush Forever* policy measures has not changed.

BACKGROUND:

The *Bush Forever* policy 2000 committed to the preparation of a Special Control Area (SCA) in the MRS to cover *Bush Forever* sites and a complementary State Planning Policy (SPP) to provide a statutory policy and implementation framework for the protection of *Bush Forever* sites. To fulfil this commitment, the following packages of measures were released for public consultation in 2004:

- A draft State Planning Policy No.2.8: Bushland Policy for the Perth Metropolitan Region.
- MRS Amendment 1082/33 – *Bush Forever* and Related Lands, which sought to create a Special Control Area (*Bush Forever* Protection Area) in the MRS map and relevant provisions in the MRS Text, and also reserve a number of *Bush Forever* sites for Parks and Recreation.
- Planning Bulletin 69 to introduce and explain the above measures.

At the same time as the MRS amendment was released for public comment, the *Environment Protection Act 1986* (EP Act) legislated clearing controls. This provided statutory protection for native vegetation from clearing generally but allowed for clearing exemptions related to development for which planning approval from the Western Australian Planning Commission (WAPC) or local authorities had been obtained.

The MRS Amendment 1082/33 Report and Submissions and the final draft State Planning Policy 2.8 were presented to the WAPC for endorsement on 28 March 2006.

Given that the native vegetation was now protected by legislation and that the WAPC sought to keep the MRS as simple, broad and general as possible, the WAPC resolved to adopt MRS Amendment 1082/33 Report on Submissions subject to modifications including:

- removing the SCA provisions from the MRS text and including these in the Notice of Delegation to local governments;
- renaming *Bush Forever* Protection Areas to *Bush Forever* areas, and retaining the *Bush Forever* areas on the MRS map as a geographical notation to alert landowners to bushland protection considerations.

It is considered that the change to the process of referrals, and the adoption by the WAPC of SPP 2.8, adequately complements the EP Act's clearing control provisions by setting in place additional planning mechanisms to minimise clearing for development and subdivision in *Bush Forever* areas that are exempt from clearing permits under the EP Act. This achieves the original objectives of the SCA provisions outlined in the MRS amendment.

The current Planning Bulletin 69 was endorsed in July 2004. Since this time, SPP 2.8 was gazetted on 22 June 2010, and MRS Amendment 1082/33 passed through both Houses of Parliament with no disallowance, with an effective date of 15 September 2010. MRS Text Amendment 1236/57, to define the *Bush Forever* layer on the MRS

maps (which were introduced through MRS 1082/33) was approved by the Minister of Planning on the 20 May 2014.

Planning Bulletin 69 needs to be amended to reflect these changes.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005

Strategic Plan

Strategic Goal:

Simplify Planning: Simplify and reform the planning system and processes.

Effective Planning: Ensure the effectiveness of the planning system to support Western Australia's ongoing development.

Outcomes:

PO16 – Improved effectiveness of the planning system

Strategies:

6.1 Ensure policies and plans are effective and efficient for Government and proponents.

7.3 Build relationships and alliances with State and Commonwealth partners, local government and the private sector.

Policy

Name:

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region

DETAILS:

The proposed changes to the Planning Bulletin are relatively minor, and include the following:

- The referral process has been changed so Local Governments are required to refer development applications on zoned land affecting *Bush Forever* to the Department of Parks and Wildlife only, and not to DoP for additional comment. This is to avoid duplication of work.
- The title of the PB has been changed from *Proposed Bush Forever Protection Areas* to *Bush Forever Areas* so it is consistent with terminology in SPP 2.8.
- The PB provides an update since 2004 of what has occurred for *Bush Forever*, including the changes from *Bush Forever Protection Areas* to *Bush Forever Areas* and the removal of Special Control Areas.
- Figure 1 which illustrated the package of statutory measures, and Table 1 which show the outstanding negotiated planning solutions have been removed from the draft revised PB as they are no longer required.
- Additional sections have been included in the draft revised PB being:
 - Section 3. Planning Instruments
 - Section 4. Referral Process for clarity
 - Section 5. Legislative Context – Clearing Provisions

- Out of date references, such as *Statement of Planning Policy* and the *Town Planning and Development Act 1928* have been amended.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The proposed changes to the referral process will have implications for the Department of Parks and Wildlife (DPaW). This has been relayed to the Director General at DPaW who has acknowledged this.

CONSULTATION:

Internal DoP staff have been consulted on the proposed changes to the Planning Bulletin. Consultation has also occurred with DPaW, Department of Environment Regulation (DER), and the Office of Environmental Protection Agency (OEPA), and their input has been added to the revised Planning Bulletin where appropriate.

OFFICER'S COMMENTS:

This ensures up to date information is available and clarifies referral procedures by local government on BFA matters.