



## Statutory Planning Committee

Notice is hereby given that meeting 7537 of the  
Statutory Planning Committee will be held on:

**Tuesday, 15 December 2015**  
**9:00 am**

**Level 3, Room 3.23, 140 William Street Perth**

This meeting is not open to members of the public



**Kerrine Blenkinsop**  
**WAPC Secretary**

**Committee  
Secretary:**

Melanie Dawson  
6551 9085  
[committees@planning.wa.gov.au](mailto:committees@planning.wa.gov.au)

**Attendance by  
Department of  
Planning officers:**

Only Assistant Director Generals and committee support staff to be present unless attendance of others is specifically requested or approved by the Chair or Director General. Assistant Director Generals and Commission support staff will be responsible for providing feedback on items to staff.

# Statutory Planning Committee

Tuesday, 15 December 2015, 9:00 am

ITEM	ORDER OF BUSINESS	
1.	Declaration of opening	
2.	Apologies	
3.	Members on leave of absence and applications for leave of absence <i>Ian Holloway – until 5 January 2016</i>	
4.	Disclosure of interests	
5.	Declaration of due consideration	
6.	Announcements by the Chairperson without discussion	
7.	<b>MINUTES</b>	
	Nil.	
8.	<b>DEPUTATIONS AND PRESENTATIONS</b>	
9.	<b>STATUTORY ITEMS FOR DECISION</b>	<b>Officer Attending</b>
9.1	Adoption of the Onslow Townsite Expansion Structure Plan	Nick Welch <i>Principal Planning Officer, Pilbara Planning</i>
9.2	Consideration of Canning Bridge Structure Plan	Mathew Selby <i>Planning Director, Metro Planning Central</i>
9.3	State Administrative Tribunal Review – Section 31 Reconsideration of Decision: Madora Bay North Outline Development Plan	Jason Gordon <i>Senior Planning Officer, Planning Appeals</i>
9.4	Proposed Variation to Swan Valley Planning Committee Recommendation for Rural Shed - Lot 2912 (No. 35) Herne Street, Herne Hill	Kym Petani <i>Planning Director, Metro Planning North East</i>
9.5	Subdivision to Create 6 Survey Strata Lots – Lots 3 & 4 Anzac Road, Mount Hawthorn	Mathew Selby <i>Planning Director, Metro Planning Central</i>
10.	<b>POLICY ITEMS FOR DISCUSSION / DECISION</b>	
	Nil.	
11.	<b>CONFIDENTIAL ITEMS</b>	<b>Officer Attending</b>
11.1	Variation to Average Lot Size Requirements for Subdivision of Land Within Metropolitan Planning Central Area	Mathew Selby <i>Planning Director, Metro Planning Central</i>
11.2	City of Karratha – Town Planning Scheme No. 8 Amendment 38 – for Final Approval	June Wang <i>Senior Planning Officer, Pilbara Planning</i>
11.3	City of Melville – Local Planning Strategy and Local Planning Scheme No. 6 – For Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>
11.4	Shire of Kalamunda – Local Planning Scheme No. 3 Amendment No. 14 – For Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>

11.5	Town of Port Hedland – Local Planning Scheme Amendment No. 73 – For Final Approval	Peter Wood <i>Senior Planning Officer, Pilbara Planning</i>
11.6	Shire of Ashburton – Local Planning Scheme Amendment No. 22 – for Final Approval	Nick Welch <i>Principal Planning Officer, Pilbara Planning</i>
11.7	State Administrative Tribunal Review – Section 31 Reconsideration of Decision: Survey Strata Subdivision – City of Wanneroo – Lot 9000 (78) Boranup Avenue, Clarkson	Kym Petani <i>Planning Director, Metro Planning North East</i>
11.8	Subdivision Application – Lot 16 Osborne Road, East Fremantle	Mathew Selby <i>Planning Director, Metro Planning Central</i>
11.9	City of Nedlands – Draft Local Planning Strategy	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>
11.10	City of Stirling – Local Planning Strategy – Submitted for Consent to Advertise	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>
11.11	Shire of Esperance – Local Planning Scheme No. 23 Amendment No. 17 – For Approval	Johan Gildenhuys <i>Planning Manager, Central Regions</i>
11.12	Shire of Esperance – Local Planning Scheme No. 23 Amendment No. 18 – for Final Approval	Johan Gildenhuys <i>Planning Manager, Central Regions</i>
11.13	Shire of Esperance – Local Planning Strategy Amendment 1 – Certification to Advertise	Johan Gildenhuys <i>Planning Manager, Central Regions</i>
11.14	Shire of Gingin – Local Planning Scheme No.9 Amendment 4 – for Final Approval	Pam Baskind <i>Planning Manager, Wheatbelt Region</i>
11.15	Shire of Halls Creek – Local Planning Strategy – for Final Approval	Phillip Woodward <i>Planning Director, Northern Regions</i> Jackie Holm <i>Planning Manager, Kimberley Region</i>
11.16	Shire of Murray – Local Planning Scheme Amendment 280 – For Final Approval	Cameron Bulstrode <i>Planning Director, Peel Planning</i>
11.17	Town of Port Hedland – Local Planning Scheme Amendment 75 – For Final Approval	Peter Wood <i>Senior Planning Officer, Pilbara Planning</i>
11.18	City of Rockingham – Town Planning Scheme No. 2 – Amendment No. 144 – For Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>
11.19	State Administrative Tribunal Review – Section 31 Reconsideration of Decision: Development Proposed Food and Beverage Production – Lot 35 Coast Road, West Swan	Kym Petani <i>Planning Director, Metro Planning North East</i>
<b>CORPORATE MATTERS</b>		

12.	Stakeholder engagement and site visits			
13.	Urgent or other business			
14.	<b>ITEMS FOR CONSIDERATION AT A FUTURE MEETING</b>			
	<b>Item No</b>	<b>Report</b>	<b>Request</b>	<b>Due date</b>
	<b>7515.14.1 (20 Jan 2015)</b>	Detailed Area Plan Report	Establishment report to be presented to the Committee.	TBA
	<b>7517.14.1 (24 Feb 2015)</b>	Codes to Support Increased Density Workshop	To be discussed at a future meeting of the Committee.	David MacLennan February 2016
	<b>7517.14.2 (24 Feb 2015)</b>	Sub-Regional Planning Frameworks	A presentation to be made to the Committee at a future meeting.	Nicole Lucas-Smith 15 December 2015
	<b>7527.9.1 (28 Jul 2015)</b>	Proposed "Lifestyle Village" (Park Home Park) Within the Jandakot Groundwater Protection Policy Area	Report to be presented to the Committee on 'retirement villages' and the DOP's policy setting in regard to land use and the policy/ merit discussion.  Members agreed that they were specifically looking at park home lifestyle villages which fall under the caravan park legislation, not the retirement villages legislation.	9 February 2016
	<b>7531.14.1 (22 Sep 2015)</b>	SAT Applications	The current exercise of delegated authority is to be reconsidered at the next Committee's Policy meeting.	8 March 2016
	<b>7533.13.3 (27 Oct 2015)</b>	Report Templates	Members discussed the report templates and agreed that they need to be revised.	March 2016
	<b>7534.8.5 (10 Nov 2015)</b>	Deputation by City of Vincent	City of Vincent to make a presentation to the Committee on new commercial and infill applications similar to the presentation given to the WALGA inner suburbs presentation made at the City of Vincent.	February 2016

	<b>7534.11.11 (10 Nov 2015)</b>	Current State Administrative Tribunal Applications	<p>Members requested information on:</p> <ol style="list-style-type: none"> <li>1. Current applications before SAT and requests for reconsideration.</li> <li>2. Decisions that have been overturned by SAT.</li> <li>3. Why the decision was overturned.</li> <li>4. Who made the original decision (officer, committee etc).</li> <li>5. Matters that have been referred back for reconsideration by SAT – need to identify if a pattern is emerging.</li> </ol> <p>Members requested a quarterly report be provided.</p>	8 March 2016
<b>15.</b>	Meeting Closure – next meeting Tuesday 19 January 2016 at 9:00 am			

# Information for SPC Members

## 2016 Meeting Dates - Tuesday 9am

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• 9 February</li> <li>• 23 February</li> <li>• 8 March*</li> <li>• 22 March</li> <li>• 12 April</li> <li>• 26 April*</li> <li>• 10 May</li> <li>• 24 May</li> <li>• 14 June*</li> <li>• 28 June</li> <li>• 12 July</li> </ul> | <ul style="list-style-type: none"> <li>• 26 July*</li> <li>• 9 August</li> <li>• 23 August</li> <li>• 13 September*</li> <li>• 27 September</li> <li>• 11 October</li> <li>• 25 October*</li> <li>• 8 November</li> <li>• 22 November</li> <li>• 13 December*</li> </ul> |
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\* Policy Meetings

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
VACANT	Nominee of the Regional Minister Schedule 2 clause 4(3)	
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) *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - (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) *Planning and Development (Local Planning Schemes) Regulations 2015*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.**



## 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.

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9.2	Consideration of Canning Bridge Structure Plan
9.3	State Administrative Tribunal Review – Section 31 Reconsideration of Decision: Madora Bay North Outline Development Plan
<i>G</i>	<i>DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA</i>
9.4	Proposed Variation to Swan Valley Planning Committee Recommendation for Rural Shed - Lot 2912 (No. 35) Herne Street, Herne Hill
9.5	Subdivision to Create 6 Survey Strata Lots – Lots 3 & 4 Anzac Road, Mount Hawthorn
<b>10</b>	<b>POLICY ITEMS FOR DISCUSSION/DECISION</b>
	Nil.
<b>11</b>	<b>CONFIDENTIAL REPORTS</b>
<i>A</i>	<i>POLICY</i>
11.1	Variation to Average Lot Size Requirements for Subdivision of Land Within Metropolitan Planning Central Area
<i>B</i>	<i>LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS</i>
11.2	City of Karratha – Town Planning Scheme No. 8 Amendment 38 – for Final Approval
11.3	City of Melville – Local Planning Strategy and Local Planning Scheme No. 6 – for Final Approval
11.4	Shire of Kalamunda - Local Planning Scheme No. 3, Amendment No. 14 - for Final Approval

- 11.5 Town of Port Hedland – Local Planning Scheme Amendment No. 73 – for Final Approval

*C SUBDIVISIONS / AMALGAMATIONS*

- 11.6 Shire of Ashburton – Local Planning Scheme Amendment No. 22 – for Final Approval
- 11.7 State Administrative Tribunal Review – Section 31 Reconsideration of Decision: Survey Strata Subdivision – City of Wanneroo – Lot 9000 (78) Boranup Avenue, Clarkson
- 11.8 Subdivision Application – Lot 16 Osborne Road, East Fremantle

*D GENERAL ITEMS / OTHER MATTERS*

- 11.9 City of Nedlands – Draft Local Planning Strategy

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

- 11.10 City of Stirling Local Planning Strategy – Submitted for Consent to Advertise
- 11.11 Shire of Esperance – Local Planning Scheme No. 23 Amendment No. 17 – For Approval
- 11.12 Shire of Esperance – Local Planning Scheme No. 23 Amendment No. 18 – for Final Approval
- 11.13 Shire of Esperance – Local Planning Strategy Amendment 1 – Certification to Advertise
- 11.14 Shire of Gingin – Local Planning Scheme No.9 Amendment 4 – for Final Approval
- 11.15 Shire of Halls Creek – Local Planning Strategy – for Final Approval
- 11.16 Shire of Murray – Local Planning Scheme Amendment 280 – for Final Approval
- 11.17 Town of Port Hedland – Local Planning Scheme Amendment 75 – for Final Approval

*F MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL OR REGIONAL PLANNING SCHEME AMENDMENTS*

- 11.18 City of Rockingham – Town Planning Scheme No. 2 – Amendment No. 144 – for Final Approval

*G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA*

11.19 State Administrative Tribunal Review – Section 31  
Reconsideration of Decision: Development Proposed Food and  
Beverage Production – Lot 35 Coast Road, West Swan

## ITEM NO: 9.1

### Adoption of the Onslow Townsite Expansion Structure Plan

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Planning Manager - Pilbara
AUTHORISING OFFICER:	Director – Northern Regions
AGENDA PART:	C
FILE NO:	SPN/0772
DATE:	23 November 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Note 2. Adopt 3. Advise
ATTACHMENTS:	1. OTESP: Stage 1 2. Overall OTESP 3. Location plan 4. Use class table and definitions 5. POS plan and schedule 6. Onslow Storm Surge Special Control Area 7. Schedule of submissions 8. Schedule of modifications
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	Shire of Ashburton
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Adopt
REGION DESCRIPTOR:	Pilbara
RECEIPT DATE:	7/1/15
APPLICATION TYPE:	Structure plan

#### RECOMMENDATION:

***That the Statutory Planning Committee resolves to:***

- 1. adopt the Onslow Townsite Expansion Structure Plan subject to the schedule of modifications; and***
- 2. advise the Shire of Ashburton of its decision accordingly.***

#### SUMMARY:

- The Onslow Townsite Expansion Structure Plan (OTESP) covers the land area identified as the Onslow Townsite Expansion Area (OTEA).

- The OTEA has been identified in a number of strategic planning documents that have sought to provide direction for development of Onslow given on-going development of the Ashburton North Strategic Industrial Area (ANSIA).
- Previously, the WAPC adopted a structure plan over a portion of the OTEA (referred to as Stage 1). The objectives identified for the Stage 1 Structure Plan are the same for this plan (OTESP).
- The site covered by the OTESP is zoned 'Urban Development'.
- Amendment 22 to LPS7 proposes to amend the scheme by modifying the land use permissibility currently listed for the Urban Development zone and replacing these with a blank column to be read as 'D' and inserting a reference to the OTESP as a document to guide decision making.
- The OTESP was publically advertised in 2011. Since this time there have been significant delays in progressing the plan, including: consistent staffing changes at the Shire of Ashburton; the relocation of Chevron's identified workforce accommodation site out to the ANSIA; and the commencement of the new Planning and Development (Local Schemes) Regulations 2015, which have significant implications for the advertised draft.
- The Shire of Ashburton has requested that the Western Australian Planning Commission (WAPC) adopt the OTESP in line with the provisions of LPS7.
- The OTESP is consistent with the both strategic and statutory policy frameworks that have been established for Onslow.
- Adoption of the OTESP, subject to modifications, is recommended.

## **BACKGROUND:**

### Pilbara Planning and Infrastructure Framework

The Pilbara Planning and Infrastructure Framework (PPIF) sets out a settlement-focused regional development structure for the region and provides a framework for public and private sector investment, as well as context for the preparation of local planning strategies and local planning schemes by local authorities. The PPIF indicates:

*"Onslow's future is largely dependent on the construction of processing facilities for off-shore hydrocarbons at the proposed Ashburton North Strategic Industrial Area. While a permanent workforce in Onslow is encouraged, growth will be largely dependent on the proportion of fly-in fly-out workers during the construction and operations phases. Onslow will continue to depend on Karratha for higher order community and commercial facilities."*

### Onslow Townsite Expansion Structure Plan - Stage 1

An initial expansion stage – OTESP: Stage 1 – was identified to cater for immediate anticipated growth pressures created by the construction phases associated with Chevron's Wheatstone Project and BHPB's Macedon Project at the Ashburton North



Strategic Industrial Area (ANSIA). The OTESP: Stage 1 facilitated the development of up to 223 residential lots, including a number of grouped housing sites (**Attachment 1 – OTESP: Stage 1**).

At its Council Meeting of 18 July 2012, the Shire of Ashburton resolved to adopt the OTESP: Stage 1, subject to modifications, and forwarded it to the WAPC for determination pursuant to Clause 6.4.6 of Town Planning Scheme No. 7 (TPS 7). The plan was adopted by the WAPC in 2012. The Shire has now forwarded the remaining (overall) plan to the WAPC for adoption (**Attachment 2 – Overall OTESP**).

The Overall OTESP was prepared concurrently with LPS Amendment 21 and LPS Amendment 22.

#### LPS Amendment 21

Amendment 21 to LPS7 rezoned various land parcels in the OTEA to 'Urban Development'. This amendment was granted final approval by the Minister for Planning in November 2015.

#### LPS Amendment 22

Amendment 22 to LPS7 proposed to introduce various provisions into LPS7 to facilitate the preparation and adoption of a structure plan to guide future activity in the OTEA, including: the setting of land use permissibility; designating R-Codes; and (arguably) zoning without assessment by the EPA or the Minister for Planning. A report concerning Amendment 22 is also on the agenda for this SPC meeting (15 December 2015).

### **LEGISLATION / STRATEGIC PLAN / POLICY:**

#### **Legislation**

Section: *Planning and Development Act 2005*  
Subdivision / Development Approval / Reconsiderations -  
Part 10 of the P&D Act 2005

#### **Strategic Plan**

Strategic Goal: Strategic Goal 2: Planning  
Outcomes: Effective Delivery of Integrated Plans  
Strategies: Research and develop economic, environment and community strategic responses based on international research, trends and growth demands  
Develop integrated infrastructure and land use plans for the State  
Build infrastructure capacity and integration  
Implement State and Regional Planning priorities

#### **Policy**

Number and / or Name: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

## DETAILS:

### *Subject land*

The area subject to the OTESP is comprised of Unallocated Crown Land (UCL) lots or reserves with a combined area of approximately 190ha (**Attachment 3 – Location plan**). The plan identifies a number of land use precincts that are considered necessary to respond to demand as part of town site expansion. In summary, these are:

- Residential;
- Wheatstone Operations Village;
- Large Live Work Lots;
- Schools;
- POS and drainage; and
- Areas subject to further investigation.

The OTESP defines land use permissibility within each precinct and provides development standards, including: density (R-Codes), built form and construction, POS provisions, landscaping and drainage (**Attachment 4 – Use class table and definitions**).

### *Detailed area plans*

The OTESP identifies several land parcels for which Detailed Area Plans (DAP) are required. These DAPs shall be prepared (by the developer, an owner of the land or the Shire) and adopted by Council prior to any subdivision and/or substantial development. DAPs will address:

- building envelopes;
- setbacks;
- interfaces with public open space and drainage areas;
- distribution of land uses within a lot (Large Residential Lifestyle lots);
- vehicular access and parking;
- loading and unloading areas, storage yards and rubbish collection closures;
- location, orientation and design of buildings and the space between buildings; and
- other information considered relevant by the Shire of Ashburton.

### *Wheatstone Operations Village*

A site for Chevron's proposed Wheatstone Operations Village was identified in the OTESP: Stage 1 to provide operational staff with an area for medium-density, resort-style accommodation that is integrated with the surrounding urban area. The original policy settings for the project included a requirement for the company to locate 100 operational workers (and their families) within Onslow.

The use of the identified site for this purpose has, however, changed following reconsideration of the proposal – the workforce accommodation for the Wheatstone project will now be located in the ANSIA. Since this decision, the WAPC has embarked on the preparation of an Improvement Plan, which will contain the necessary provisions to accommodate the workers camp in the ANSIA. Despite this significant change, Chevron and LandCorp have entered into ongoing dialogue about opportunities for future use of the site.

### *Technical information*

The information contained in the OTESP report is supplemented by a series of technical appendices that provide detailed analyses to determining feasibility of the proposal, including:

- Onslow Transportation Assessment
- Onslow Sustainability Framework
- Flora and Fauna Studies
- Environmental Due Diligence
- Onslow Salt Acoustic Assessment
- Onslow Landscape Design Strategy
- Coastal Vulnerability Investigations
- Local Water Management Strategy
- Engineering Report

### *Infrastructure*

One key feature of the proposed town site expansion is the need to address infrastructure particularly service networks. Prior to the negotiations with key resource proponents and the establishment of the ANSIA, the town's infrastructure networks were considered to be substandard – i.e. regular power outages; no capacity to permit additional connections to water (constraining) further development and a WWTP situated in a location that prevented expansion. Accommodating resource proponents, particularly locally based workforces, requires this situation to be addressed. In response, the State's negotiations around commencement of the Wheatstone Project identified a raft of strategies and works to improve infrastructure capacity, for example:

- water and wastewater: a new desalination plant will be constructed to provide additional water capacity to service the OTESP area. Similarly, a new and expanded WWTP will be commissioned to provide greater waste water capacity.
- electricity: construction of a new gas-fired power generator and transmission network to augment electricity supply in the town site.
- landfill: the Shire of Ashburton has identified the need to close and relocate the existing landfill site which is likely to constrain future town site expansion. An alternative site is being investigated.

- traffic: the plan contains a comprehensive traffic assessment that LandCorp developed in consultation with the Shire of Ashburton. DoP traffic engineers have evaluated the proposed network and considered to be appropriate for the expected volumes of traffic.

#### *Aboriginal heritage*

The OTESP acknowledges Aboriginal heritage within the Onslow town site by identifying and setting aside land.

#### *Public open space*

The intent of the Public Open Space Precinct is to provide passive and active recreation opportunities while facilitating stormwater disposal. Three areas of public open space were identified in the OTESP – Stage 1: two local parks in the centre of the residential area and one area to the south of the operations village (**Attachment 5 – POS plan and schedule**).

#### *Coastal vulnerability*

Onslow is located within the cyclone prone area that is identified by SPP2.6. The coastline around Onslow is relatively exposed with only a few small islands located offshore so it is expected to bear the majority of the force from an approaching cyclone. Cyclonic activity contributes significantly to storm surges that create increased water levels. Coastal erosion is also a significant factor.

MP Rogers & Associates (MP Rogers) was commissioned by LandCorp to undertake an assessment of storm surge, erosion risk and climate change and determine appropriate setbacks to account for the actions of physical coastal processes in line with the State Coastal Planning Policy (SPP2.6). This included modelling and mapping 1:100 year surge events. In summary the results of the modelling are:

- given the proximity of the Onslow townsite and proposed development areas to the coastline it is expected that these areas would experience the full coastal inundation water levels and therefore an inundation level of +5m AHD was used for the study. Based on the modelling by MP Rogers', a substantial area of the Onslow townsite and its surrounds could be inundated under the +5m AHD design event water level; and
- it is recommended that the finished floor levels (FFL) for development should include a freeboard (or factor of safety) above the identified inundation level to minimise the risk of inundation during extreme events. Therefore, the FFL for residential and non-emergency response infrastructure was 6.4m AHD while for critical infrastructure the recommended FFL is 7.4m AHD.

**(refer to Attachment 6 – Onslow Storm Surge Special Control Area)**

#### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The proposal will not generate costs for the WAPC or DoP.

There are no policy implications.

## CONSULTATION:

The OTESP was advertised for a period of 21 days. Eleven submissions were received in total (ten from government agencies and one from Chevron). No objections to the proposal were received. A summary of issues raised in the submissions is provided below and in **Attachment 7 – Schedule of submissions**.

### Wastewater treatment plant odour buffer

The Water Corporation advised that it does not support non-compatible residential development within the buffer area for the Onslow WWTP. Almost all of the OTESP area falls outside the buffer except for two small areas that have been identified as:

- area subject to investigation (non-residential); and
- utilities site (Water Corporation).

In considering this submission, the Shire of Ashburton required modification to the OTESP to include reference to the odour buffer. The Shire's response to the submission also recommended the consideration of a memorial on any new titles advising that the odour buffer is in close proximity.

### Public health considerations

The Department of Health provided comments on sewerage disposal, notification of mosquito hazards and the integration of public health planning. The Shire's response to the submission included the following:

- all development will be provided with reticulated sewerage, in accordance with the draft Country Sewerage Policy;
- the Shire is active in preventive measures for mosquito-borne disease control and a memorial on any new title will be recommended; and
- the OTESP integration public health measures as identified through consultation with stakeholders.

In considering this submission, the Council required modification to the plan to include the advice provided by the Department of Health on sewerage disposal and mosquito notification.

### Wheatstone operations village and service infrastructure

Chevron Australia Pty. Ltd. provided comments on the Wheatstone Operations Village and the provision of service infrastructure. The purpose of these comments was to request minor modifications to wording to more accurately refer to details of the State Development Agreement. The Department of State Development also provided a submission advising that the modifications proposed by Chevron are supported. In considering these submissions, the Council required modification to the structure plan to reflect Chevron's requested changes.

Chevron also requested changes to the Statutory Planning section of the OTESP report. These changes proposed the lessening of the requirement for the operation

village to be seamlessly integrated into the surrounding urban area. The Shire of Ashburton's Council did not support these requested changes.

#### Acid sulphate soils

The Department of Environment and Conservation advises that there is a moderate to high risk of acid sulphate soils (ASS) occurring within the subject area, and that an ASS assessment is required. The Shire of Ashburton's Council required a modification to include this advice in the OTESP.

#### Urban water management

The Department of Water advised that LandCorp engaged a consultant to prepare a Local Water Management Strategy. This strategy has been presented to and approved by the Department of Water.

#### Status of OTESP

Chevron states in its submission that a structure plan can only be adopted as a policy statement and, therefore, is not a statutory document. This comment is correct and the OTESP has been modified to reflect the correct status of the plan.

#### Land use permissibility

Chevron's submission questioned whether group dwellings and single dwellings should be 'P' or 'D' uses. The new regulations indicate that the correct permissibility is 'P'. The OTESP will be changed to reflect this.

#### Designation of R-Codes

Chevron's submission requested that a plan designating R-Codes across the OTESP be included in the final version of the plan. The final version of the OTESP includes the required content (Attachment 2).

#### Noise

Chevron's submission recommended that advice previously received from the OEPA regarding noise from Onslow Salt be included in the OTESP. As such, the Shire of Ashburton has indicated it favours inclusion of a 1km and 500m line on the plan.

The anticipated traffic volumes on the new Onslow Ring Road are considered insufficient to generate noise to a level requiring specific noise mitigation strategies for residential development. This situation should, however, be subject to ongoing monitoring and strategies as/when appropriate.

Activity at the airport is not considered likely to generate significant noise given that the runway realignment that is required to facilitate passenger aircraft will be away from the town site.



### Intersection costs

Main Roads WA has indicated the preference for a cost contribution scheme between MRWA, LandCorp and the Shire of Ashburton to cover the costs of intersection upgrades of roads joining the new Ring Road. This is not supported as the road and intersections were funded by Chevron as part of the SDA for the Wheatstone project.

### Evolution of the plan

Considerable time has elapsed since the advertising of Amendment 21, Amendment 22 and the OTESP. As a consequence, there are various modification that are now required to the plan to ensure its currency, including:

1. changing the way that Chevron's Operations Camp is represented on the OTESP map - it should be recoloured and named the 'Watson Drive Precinct';
2. changing the way the large lot on Back Beach Road is designated – it should be shown as 'Subject to Further Investigation'; and
3. updating road designations to reflect changes to the traffic network due to the construction of the Onslow Ring Road.

A number of additional minor modifications have also been identified in the Schedule of Modifications (**Attachment 8 – Schedule of modifications**).

### **OFFICER'S COMMENTS:**

The gazettal of the new *Planning and Development (Local Planning Schemes) Regulations 2015* has implications for the status of the OTESP. Previously, Amendment 22 to LPS7 proposed to introduce provisions to give structure plans statutory powers. This approach is considered to be undesirable as it affords structure plans a status they are not intended to have in the State's planning framework. Specifically, the new regulations aim to ensure that structure plans are consistent with local planning schemes (not the other way around). Further, structure plans are considered to be policy documents rather than statutory instruments. As such, the OTESP needs to be amended to modify content where references (whether implied or direct) are made to the plan having 'force and effect' of LPS7. The schedule of modifications addresses various instances throughout the document text where this occurs and provides amendments to ensure consistency with the new regulations.

### LPS Amendment 22

Amendment 22 proposes to introduce various provisions into LPS7 to facilitate the preparation and adoption of a structure plan (the OTESP) to guide future activity in the OTEA by setting land use permissibility; designating R-Codes and zoning of land. The content of this amendment needs be assessed to ensure alignment and consistency with the new *Planning and Development (Local Planning Schemes) Regulations 2015*. A report concerning Amendment 22 is also on the agenda for this SPC meeting (15 December 2015).

**CONCLUSION:**

The OTESP will provide planning direction for the townsite, which is expected to experience growth attributable to the development ANSIA. The adoption of the OTESP is supported.

## ITEM NO: 9.2

### Consideration of Canning Bridge Structure Plan

**COMMITTEE:****Statutory Planning Committee**

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer
AUTHORISING OFFICER:	Director
AGENDA PART:	C
FILE NO:	SPN/0754
DATE:	27 November 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Require
	2. Advise
ATTACHMENTS:	3. Canning Bridge Structure Plan (report)
	4. Canning Bridge Structure Plan (plan)
	5. Canning Bridge Structure Plan Quarters
	6. Canning Bridge Structure Plan Zones
	7. MRS Zoning
	8. Lot 2 (No. 54) Manning Road request
	9. Modifications
REGION SCHEME ZONING:	Urban, Parks and Recreation Reserve, Primary Regional Road Reserve
LOCAL GOVERNMENT:	City of Melville and City of South Perth
LOCAL SCHEME ZONING:	District Centre, Commercial Centre Frame, Highway Commercial; Residential
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	16 April 2015
PROCESS DAYS:	225
APPLICATION TYPE:	Structure Plan
CADASTRAL REFERENCE:	Canning Bridge, Melville, South Perth

**RECOMMENDATION:**

***That the Statutory Planning Committee resolves to:***

***1. require the City of Melville and the City of South Perth to:***

***i. modify the Canning Bridge Structure Plan (Activity Centre Plan) as detailed in the attached Schedule of Modifications; and***

***ii. resubmit the modified plan to the Commission for approval.***

**2. advise the landowners of Lot 2 (No. 54) Manning Road of its decision with respect to Modification 2, accordingly.**

**SUMMARY:**

The *Canning Bridge Structure Plan* (CBSP) is an activity centre plan for a district activity centre that straddles the City of Melville and the City of South Perth. The plan is centred on Canning Bridge, the train station, the Kwinana freeway/Canning Highway intersection and the Canning River.

A structure plan was recommended by the *Canning Bridge Precinct Vision* (the Vision), which was endorsed by both local governments and the Western Australian Planning Commission (WAPC), and released by the Minister for Planning in 2011, to guide future planning and encourage good quality, sustainable, transport oriented development (and subdivision) within the precinct.

WAPC approval of the CBSP is recommended as it meets the WAPC policy framework and objectives, particularly with regard to metropolitan urban consolidation and activity centres.

Whilst at the time of adoption, the planning framework allowed the CBSP to be operational without WAPC approval, the framework has changed with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) now requiring WAPC approval of new plans and amendments to existing plans. WAPC approval would confirm the role of the CBSP within the planning framework as a basis upon for future decisions such as local and region scheme amendments.

**BACKGROUND:**

Canning Bridge Precinct Vision

In 2008, the City of South Perth, the City of Melville and the Department of Planning (the Department) on behalf of the WAPC, jointly prepared the Vision to recognise the strategic status of the area as a district activity centre under *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP 4.2) and consistent with *Directions 2031 and Beyond* (D2031). The Vision was endorsed by the WAPC on 23 November 2010 as a long-term, non-binding "*guide for further more detailed planning*" following a formal advertising period and consideration of submissions. It was released by the Minister for Planning (the Minister) on 30 June 2011.

The Vision identifies significant opportunity for additional employment, increased housing density and diversity and addressed issues such as traffic, built form, open space, parking, safety and accessibility. It provided potential to develop a centre over a 50+ year period with significant increases in commercial and retail floor space, employment, dwellings and population. Key proposals within the Vision included:

- Long term infrastructure concept proposals to improve the area as a transport hub including future provision of new bridge, new bus station/rail interchange, potential for a future ferry station, Kwinana Freeway/Canning bridge/Manning Road intersection modifications; and, improvements to station access.
- Expansion of river foreshore areas for recreation and community facilities.

- The western portion of the Precinct within the City of Melville to include a core area with built form guidelines to encourage a mixed use area up to 20 storeys in height surrounded by a frame area of up to 10 storeys and a residential 'transition' area with heights up to 5 storeys.
- The eastern portion of the Precinct within the City of South Perth to include a future commercial/mixed use area near the rail station with built form guidelines to encourage a maximum 10 storeys surrounded by residential area with 3-6 storeys building heights. Two commercial/mixed use opportunities on sites along Manning Road are also identified.

The Vision recommended the preparation of an activity centre (structure) plan in line with SPP 4.2 to achieve the Vision.

#### Canning Bridge Precinct Structure Plan (Activity Centre Plan)

A collaborative State and local government working/reference group guided preparation of the CBSP by consultants (GHD Consultants) with joint funding. Following adoption by the City of Melville and the City of South Perth, the draft CBSP was advertised in late 2014.

The City of Melville adopted the final CBSP as a policy on 17 March 2015 (**Attachment 1 - Canning Bridge Structure Plan (report)**) and resolved to "forward" it to the WAPC and *notify* WAPC that it *"has been adopted as a Structure Plan under the Part 10 of Community Planning Scheme No. 5 upon gazettal of Scheme Amendment 67."* Amendment No. 67 was subsequently gazetted 22 May 2015 and clause 10.3 (5) provides:

*"Where a proposed structure plan is submitted to the City before the gazettal of Part 10 to the Scheme, and the procedures described under Part 10 are followed, it may be endorsed by the City as an operational structure plan upon gazettal of Part 10 to the Scheme without the requirement to further undertake the process described in Part 10."*

The City of Melville advises that the CBSP is forwarded to the WAPC:

1. to notify the WAPC that the CBSP *"has been adopted as a Structure plan under Part 10 of CPS5 upon gazettal of Scheme Amendment 67;*
2. *due to the unique location and character of the District activity centre, especially in relation to the proximity to the Canning Bridge Rail station and the important focus the centre has on the rail and high frequency bus networks;*
3. *because of the nature of the partnerships in developing the structure plan;*
4. *to advise the Infrastructure Coordination Committee of the proposed growth in the area."*

The City of Melville also resolved to amend its Community Planning Scheme No. 5 (CPS5) on 17 March 2015 (Amendment No. 78) to implement the CBSP.

The City of South Perth adopted the CBSP on 26 May 2015, subject to amendments and resolved to "notify" the WAPC that the CBSP "will take effect in place of existing provisions in the City's Town Planning Scheme No.6 upon gazettal of Scheme Amendment No. 47".

On 26 May 2015, the City of South Perth also resolved to adopt Amendment No. 47 with modification. One of the modifications is to exclude the site at Lot 2 (No. 54) Manning Road from the area covered by the amendment subsequent to a submission from the landowners requesting the exclusion. The CBSP was modified by the City of Melville and the City of South Perth to incorporate the City of South Perth modifications, including the boundary change to exclude Lot 2 (No. 54) Manning Road.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** *Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*

Section: Part 5 Local Planning Schemes; and  
Schedule 2, Part 5 - Activity Centre Plans (respectively)

### **Strategic Plan**

Objectives: Planning  
Performance Outcomes: Effective Delivery of Integrated Plans  
Strategic Imperatives: Implement State and Regional Planning priorities

### **Policy**

Number and / or Name: Perth and Peel@3.5million; SPP 2.10 Swan-Canning River System; SPP 3.1 Residential Design Codes; SPP 4.2 Activity Centres In Perth and Peel; SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning; DC 1.6 Planning to Support Transit Use and Transit Oriented Development

## **DETAILS:**

The CBSP has two parts:

- Part One includes activity centre plan maps (importantly the structure plan and zoning plan) and Design Guidelines; and
- Part Two provides explanatory background information.

The main objective of the CBSP is to provide a planning framework to guide the creation of a unique, vibrant community focus area with a mix of residential, office, retail, recreational and cultural uses. The CBSP provides for mixed use areas along Canning Highway and Manning Road surrounded by residential, centred by riverside public recreation, with a new rail/bus interchange located on northeast side of Canning Bridge. Refer to **Attachment 2 - Canning Bridge Structure Plan (plan)**.

The CBSP area is divided into six quarters (**Attachment 3 - Canning Bridge Structure Plan Quarters**) and five land use/built form zones (although not all zones



are present in each quarter) (**Attachment 4 - Canning Bridge Structure Plan Zones**):

Quarters:

- Q1 The Kintail Quarter;
- Q2 The Ogilvie Quarter;
- Q3 The Cassie Quarter;
- Q4 The Davilak Quarter;
- Q5 The Mt Henry Quarter; and
- Q6 The Station Quarter

Zones:

- Mixed use - up to 15 storeys (M15);
- Mixed use - up to 10 storeys (M10);
- Residential 6-8 storeys (H8);
- Residential up to 4 storeys (H4); and
- Foreshore Development area.

### **Characteristics of Quarters**

Q1 and Q2 are within the City of Melville and Q1 is expected to include most of the retail in the CBSP area whereas Q2 will be the business quarter. Built form and development is to be of a higher scale in the centre of these combined quarters with development becoming less intense on its edges.

Q3, Q4, Q5 and Q6 are in the City of South Perth and Q3 and Q4 are predominantly residential with mixed use along Canning Highway and a higher scale area nearest the train station. Q3 is expected to be the "*centre of riverfront activity*" and will have "*visual connections*" to the river while Q4 will provide a rejuvenated area, main street at Robert/Davilak Streets and diverse housing opportunities. Q5 will be largely residential with local mixed use area at Manning Road.

**Attachment 4** illustrates the distribution of the land use/built form zones and reflects the expected intensity of development being greater in the "core" mixed use areas around Canning Highway in Q1-4 and two "*book-end*" nodes along Manning Road within Q5, surrounded by lower scale residential. Q6, currently neglected open space, is proposed to be the site of a new bus/rail interchange and develop into a vibrant transport hub.

### **Design Guidelines**

The Design Guidelines include *Desired Outcomes* and *Requirements* which apply either to the whole CBSP area or to specific zones within each quarter and are structured under five design elements:

- Land Use;
- Site Planning and Built Form (including height limits relating to the zones);
- Public Spaces;
- Parking and Servicing; and
- Safety and Security.

In addition, development that meets all design outcomes, is of "*exemplary design*" (in the opinion of a Design Advisory Group) and provides a "*significant community benefit*", may be allowed additional building height if specific *Bonus Provisions* are met.

## **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The CBSP was adopted by the City of Melville and City South Perth under SPP 4.2, prior to the LPS Regulations being gazetted or operational. At the time only local government adoption was considered to be required under SPP 4.2 as the shop/retail nett lettable area (nla) was less than 20,000m<sup>2</sup> within each of the local government areas.

However, there is now an expectation that WAPC approval is required for a number of reasons:

- WAPC's role in preparing and endorsing the Vision and release by the Minister;
- the Department's and other State government departments (eg Transport, MRWA, PTA) membership of the CBSP working group;
- the future (long-term) total shop/retail nla across both local government areas is expected to be 25 771m<sup>2</sup>;
- LPS Regulations now require WAPC approval of any activity centre plans that may be required (this overrides SPP4.2); and
- the CBSP states that it will be operational upon endorsement by each of local governments and the WAPC (page 9). This statement was part of the public advertising process.

The CBSP will be implemented through the City of Melville and City of South Perth local planning schemes and these processes will involve further consideration by the WAPC and approval by the Minister. This is discussed in further detail under the *Planning Framework* heading below.

There are potential implications for future state government spending and the development of Crown land reserved for public recreation including:

- future public transport interchange and access to it;
- general use of public recreation reserves;
- changes to the Kwinana Fwy/Canning Highway interchange;
- road widening of Canning Highway and need for a planning control area; and
- infrastructure upgrades, including sewerage and pump station.

## **CONSULTATION:**

Consultation included community engagement workshops with residents, landowners and other stakeholders and surveys. The CBSP was advertised for public comment for 45 days from 28 October 2014 until 12 December 2014 and 49 submissions were received: 31 in support seven neutral, four in opposition and seven from government with technical advice (rather than support/objection). Issues that were identified by the CBSP included:

- implement the structure plan soon;
- increase or decrease development height/scale;

- modify various requirements: reducing minimum lot size, side setbacks, podium height, bicycle parking, landscaping and sustainability requirements; increasing parking requirements; and include development bonuses and transfer of development rights between sites;
- amenity concerns eg privacy and solar access; and
- concern with developer contributions.

Some minor amendments to the draft CBSP were made in response to the submissions. Both the Councils of the City of Melville and the City of South Perth resolved further amendments upon adoption as outlined under Background above.

## **PLANNING FRAMEWORK**

### **LPS Regulations**

The LPS Regulations were gazetted on 25 August 2015 and became operational on 19 October 2015. The preparation, public advertising and local government' adoption of the CBSP pre-date the LPS Regulations.

The LPS Regulations include deemed provisions that set out approval processes for structure plans and activity centre plans which includes requirement for WAPC approval to any activity centre plans that may be required by a SPP or that the WAPC considers is required for the purposes of orderly and proper planning. The deemed provisions of the LPS Regulations apply to all local planning schemes (LPSs)

Deemed provision 32 requires that activity centre plans be prepared in a manner and form approved by the WAPC and includes a list of information that should be included, that is relating to zoning and land use, future population and coordination of infrastructure.

The deemed provisions include regard to the effect of activity centre plans and deemed provision 43 states:

*"(1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by an activity centre plan that has been approved by the Commission is to have due regard to, but is not bound by, the activity centre plan when deciding the application".*

This will affect how the CBSP would be implemented (to be discussed further under *Officer Comments* below).

Also of relevance are provisions regarding how developer contribution plans and areas should be dealt with. The LPS Regulations requires that a development contribution area must be shown as a special control area in a LPS.

### **Structure Plan Framework**

The Structure Plan Framework constitutes the manner and form in which a structure plan and activity centre plan is to be prepared, pursuant to the LPS Regulations. It

requires that activity centre plans be read as standalone documents and include an endorsement page. The Framework requires Part 1 of a structure plan to include the implementation section while Part 2 comprises the explanatory section and technical appendices. The Framework also refers to requirements under SPP 4.2 for activity centre plans.

A draft structure plan prepared in accordance with the Structure Plan Preparation Guidelines (August 2012), does not need to be converted to the new format; however, provisions relating to the structure plan having the 'force and effect' of the scheme should be removed as they are inconsistent with the LPS Regulations.

### **Draft Perth and Peel@3.5million and Central sub-regional planning framework**

Perth and Peel@3.5million and the draft Central sub-regional planning framework (the Central framework) focus on achieving higher infill and densities of residential and employment development within the existing built environment by making better use of established infrastructure.

The Central framework advocates greater use of activity centres, transport corridors and station precincts to support a diversity of higher-density accommodation that is close to jobs and amenities, while ensuring urban development does not encroach on existing industrial centres and the green network.

The CBSP comprehensively addresses this regional framework and will significantly contribute to urban consolidation and facilitates a viable future public transport hub in a regionally strategic location.

### **SPP 4.2**

SPP 4.2 guides a planned network of activity centres within Perth and Peel regions consistent with D2031. The area surrounding Canning Bridge is identified within SPP 4.2 as a *district centre* which will provide local services, facilities and employment for a population catchment of 20,000 – 50,000 persons and a focal point for public transport.

SPP 4.2 (clause 6.4.1) requires WAPC approval only where the shop/retail nla exceeds 20,000 m<sup>2</sup>. Only about 18,000 m<sup>2</sup> is expected in the City of Melville and the balance in the City of South Perth and as retailing is expected to be a minor component of the activity centre, only local government approval was considered necessary. However as mentioned previously, the LPS Regulations stipulate that the WAPC is now the determining authority for all activity centre plans.

Activity centre plans need to demonstrate how the development of a centre meets requirements and performance indicators, under SPP 4.2, the Model Centre Framework and *Table 7: Activity centre plan contents and performance indicators*. These indicators relate to land use diversity, housing targets, employment, public transport access, built form, street interface and resource conservation.

The CBSP comprehensively addresses SPP 4.2 requirements as it plans for a centre with a diverse mix of land uses and an intensity of development that will build a strong local population and employment base. This strategically located centre can

evolve further as a destination rather than just a point of departure, which will support current and future public transport infrastructure.

## **Metropolitan Region Scheme**

Most of the land within the activity centre plan area is zoned *Urban* under the Metropolitan Region Scheme (MRS). A significant portion is occupied by Kwinana Freeway, the existing Canning Bridge train station and Canning Highway which is reserved for *Primary Regional Road*. Foreshore areas are reserved for *Parks and Recreation*. **(Attachment 5 - MRS Zoning)**

These foreshore areas are also within the Swan River Trust (SRT) *Development Control Area and Riverpark*. Any future development proposed on land that is wholly within the *Development Control Area*, would require sole approval by the Minister for Environment on advice by the SRT. The SRT would provide advice to the WAPC on development that is on land partially in the *Development Control Area* or abutting it.

## **SPP 3.1 Residential Design Codes (R-Codes)**

The R-Codes are read into all LPSs for the assessment of residential development. The R-Codes provide for its deemed-to-comply provisions to be amended or replaced as follows:

- Various provisions of the R-Codes defer to an activity centre (structure) plan or local planning policy (LPP);
- Clause 2.5.5 of the R-Codes allow a structure plan or LPP to be a relevant consideration when making decisions (on residential development) where specifically sanctioned by a provision of the R-Codes and consistent with the objectives and design principles of the R-Codes;
- Clause 7.3.1 allows a an activity centre (structure) plan or LPP to amend or replace various specified deemed-to-comply provisions of the R-Codes (consistent with design principles); and
- Clause 7.3.2 allows amendment to any other deemed-to-comply provision with WAPC approval where warranted by specific local need, consistent with the objectives and design principles of the R-Codes and can be properly implemented by the decision-maker.

The CBSP Design Guidelines have been developed so that the R-Codes would "*not apply in part or in whole to the CBSP area*". The *Desired Outcomes* of the Design guidelines are consistent with the R-Codes objectives and design principles (with one exception - to be discussed under *Officer Comments* below).

## **SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning**

This policy aims to protect people from unreasonable levels of transport noise; protect major transport corridors and freight operations from incompatible urban encroachment; encourage best-practice design and construction standards for adjacent development; and facilitate the development and operation of an efficient freight network.

Canning Highway is a freight route under SPP 5.4 and the CBSP design guidelines satisfactorily address this by requiring noise attenuation to be incorporated in building design.

## **SPP 2.10 Swan-Canning River System**

This policy provides a regional framework to guide and ensure that activities, land use and development maintain and enhance the health, amenity and landscape values of the river, including its recreational and scenic values. Of particular application to the CBSP area are the policy's objectives to protect views from public places, particularly from Canning Bridge; and the visual amenity and conservation value of the natural landscape and places of cultural significance (such as Canning Bridge and surrounds);

## **Development Control Policy 1.6 (DC 1.6) Planning to Support Transit Use and Transit Oriented Development (TOD)**

DC 1.6 aims to enhance community accessibility to services, facilities, and employment and ensure that opportunities for development that support transit facilities are realised by creating places that are destinations as well as points of departure. This is fostered by a "*compact urban form, mixed uses, higher development densities and activity levels*".

The Vision and CBSP were prepared following the principles of TOD under DC 1.6.

## **City of Melville Community Planning Scheme No 5 (CPS5)**

Under CPS5 land adjacent to Canning Highway is zoned *District Centre* and coded R60 while the surrounding area is within the *Commercial Centre Frame* and coded R50.

To facilitate the CBSP, the City of Melville resolved to amend CPS5 on 17 March 2015 (Amendment No. 78) to replace existing zoning with a district centre precinct in the core area surrounded by a living area precinct each with an R-AC0 code requiring development in accordance with the CBSP.

Amendment No. 78 was advertised between 9 June 2015 and 24 July 2015. Only four submissions were received being neutral comments from public utilities. Council granted final adoption 18 August 2015 and submitted to the WAPC 17 September 2015.

## **City of Melville draft Local Planning Scheme No 6 (LPS6)**

The City of Melville adopted a proposed draft scheme to replace CPS5 on 12 May 2015. LPS6, proposes a core area with a mixed use zone and a surrounding area corresponding with the CBSP area as residential, both with a R-AC0 code. LPS6 may obviate the need for Amendment No. 78.

The LPS6 Local Planning Strategy classifies the Canning Bridge precinct as a *Strategic Development Area* recognising the work of the Vision and CBSP and



recognises its strategic location in proximity to the CBD, Kwinana freeway and public transport interchange.

LPS6 is currently under assessment by the Department on behalf of the WAPC prior to recommendation to the Minister regarding its determination. Determining how the CBSP design guidelines are implemented by the LPS is part of this process. LPS6 is in its final stages and includes the CBSP thereby Amendment No. 78 will be redundant.

### **City of South Perth Town Planning Scheme No 6 (TPS6)**

The structure plan area within the City of South Perth is largely zoned *Residential* with R-Codes ranging from R20 - R60 with small pockets of *Highway Commercial* R80 under TPS6.

#### Amendment No. 47

The City of South Perth resolved to amend TPS6 on 25 November 2014 (Amendment No. 47) to introduce a Development Zone over the CBSP area with development in accordance with the plan. Amendment No. 47 was advertised between 3 February and 20 March 2015 and 17 submissions were received: five in support, three opposing and five neutral and four comments from public authorities. Council granted final adoption 26 May 2015 and submitted to the WAPC 9 June 2015. The amendment is currently under assessment by the Department.

A site at Lot 2 (No. 54) Manning Road was included within the Canning Bridge precinct under the Vision and subsequently also included in the CBSP that was advertised. It was removed from Amendment 47 in response to a submission from the landowners as it was the subject of a separate Amendment 34 to TPS 6 - refer to following extract from Schedule of Submissions:

COMMENT CONTAINED IN SUBMISSION	COUNCIL'S COMMENTS AND RECOMMENDATION
<p>(b) Sub-topic [1 submission]</p> <p>Submitter acting for owners of 54 Manning Road (Former Telstra site):</p> <p>The CBSP nominates this site as being a M10 mixed use site.</p> <p>The site has been subject to specific scheme amendment No. 34, and final gazettal is imminent. The development controls contained in Amendment No. 34, including land use, car parking, setbacks and building height have been developed following extensive consultation with stakeholders and specifically address the context and characteristics of the subject site.</p> <p>The draft CBSP has a long way to go before it is finally adopted by the WAPC and therefore the final development standards for the site are unknown.</p> <p>Adoption of Amendment 47 and therefore the draft CBSP would result in the imposition of development controls which have not been sighted or supported by the landowners and which do not respond to the context of the site. The development controls contained in the draft CBSP, reduce the maximum height in the central area of the lot, changes permissible land uses and have setback implications which will restrict the design for the subject site, compared to what was proposed in Amendment 34.</p> <p>Amendment No. 34 provides development controls for the redevelopment of the subject site, providing clarity and certainty. The proposed controls have been thoroughly tested during the Amendment No. 34. There is no reason to replace this certainty with uncertainty now.</p> <p>It is requested that PT Lot 2 (54) Manning Road be excluded from the Amendment 47 area as all relevant development controls have been established via Amendment No. 34.</p>	<p>Planning for the Canning Bridge District Centre and 54 Manning Road (Former Telstra site) has occurred in parallel over the last 5 to 10 years. During this time there has been a substantial amount of community consultation and detailed investigations into the future of the area, including traffic and environmental report.</p> <p>54 Manning Road was included in the draft CBSP area due to its proximity to the Canning Bridge railway station, its size which makes it an important strategic site in the locality and gives it the ability to act as a gateway/landmark for the precinct. While the site has been included in the draft CBSP, the landowners and their consultants have progressed their own detailed studies and initiated Scheme Amendment No. 34 for the site in 2012.</p> <p>Following a lengthy process, Scheme Amendment No. 34, was gazetted in March 2015. The amendment contains development controls for the site which deal with issues such as building height, setbacks, plot ratio and car parking. The development controls will allow the site to be developed in a manner which will ensure it will act as a landmark development for the precinct.</p> <p>Given the rigorous process which amendment No. 34 has been through, including extensive neighbour consultation and detailed site planning by the consultants, and its recent adoption it is not considered appropriate to replace this with a development zone. The development zone will allow the site to be developed in accordance with the draft CBSP provisions which may not respond as well to its specific characteristics.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the related submission be <b>UPHELD</b>; and</p> <p>(b) Amendment No. 47 be modified in this regard.</p>

### Amendment No 34

Amendment No. 34 was determined by the Minister in January 2015 and gazetted 20 March 2015. It reclassified the site 'Local Reserve - Public Purposes' to 'Highway Commercial' and 'Residential' with a density code of R160 and introduced site specific development provisions relating to design criteria, building heights, setbacks, car parking and plot ratio area.

The amendment was contentious in the community; it was initiated following the Minister issuing a section 76 (under the *Planning and Development Act 2005* (the Act)) and a total of 152 submissions were received during the advertising period, including 138 of objection and also three petitions were received of 75, 185 and 217 signatories.

The main issues raised in the submissions relate to the proposed density, building bulk and scale, potential for traffic congestion and loss of amenity to nearby residential properties.

### Request to include Amendment No. 34 area in CBSP

The WAPC has received correspondence from a consultant representing the owners of Lot 2 (No. 54) Manning Road requesting that the site be reconsidered for inclusion in the CBSP and the Amendment No. 47 area "to ensure the possible development outcome...in line with the State's strategic objectives for the land and the wider area" - **Attachment 6 - Lot 2 Manning Road.**

The initial request to be excluded from Amendment No. 47 was due to concern regarding the timing of adoption of the CBSP and perceived lack of certainty around the development standards. Based on new advice, they now believe *"the flexibility provided by the CBSP enables a more contemporary and nuanced approach"*.

The CBSP would allow a development of greater intensity (due to no plot ratio) than Amendment No. 34 and the potential for a height bonus.

#### **OFFICER'S COMMENTS:**

The CBSP is generally consistent with the Vision particularly with regard to strategy and built form and works towards many of the key actions recommended by the Vision. It facilitates or guides future longer term actions that would require separate and future processes such as the preparation of development contribution plans.

The CBSP comprehensively addresses, and is consistent with, regional policies and objectives regarding regional development and urban consolidation, including Perth and Peel@3.5million, Central Planning framework, SPP 4.2, SPP 5.4 and DC 1.6. It provides for the development of an activity centre that addresses its local and regional context and that encourages and facilitates:

- a diversity of uses;
- potential for employment self-sufficiency;
- intensity of activity;
- housing density and diversity suitable to a strategically located centre;
- public transport priority;
- sustainable development; and
- urban and built form that prioritises pedestrians.

The key issues concerning the CBSP relate to built form, statutory implementation, future infrastructure requirements and boundary.

#### **Built Form**

Built form under the CBSP should address the SPP 4.2 Model Centre Framework (MCF), SPP 5.4 and also the R-Codes (with respect to multiple dwellings).

The MCF requires activity centre plans to *define design controls* that:

- *"...allocate maximum (and minimum) building heights and setbacks to safeguard an attractive and appropriate scale to streets and public spaces, and solar access;*
- *...to optimise building densities within the centre boundary, subject to other built form and environmental objectives;*
- *...minimise environmental impacts of development including: minimum standards to safeguard occupant amenity including segregation of incompatible uses and protection against potential nuisances;*

- ...provide for active uses (e.g. retail, service, hospitality) at ground floor and maximise building articulation, including the use of glazing and entrances to animate spaces and minimise blank facades/inactivity;
- Provide weather protection using awnings, eaves, or street trees
- ...Identify opportunities to enhance legibility such as creating new/improving old links, and defining new landmarks."

Provisions under the CBSP Design Guidelines comprehensively address these requirements, in addition to noise attenuation measures under SPP 5.4.

### R-Codes' design principles

The Design Guidelines include area specific, built form based, design controls (as required by SPP 4.2) and while they not apply the R-Codes they are consistent with the R-Codes' design principles, with one exception. A statement (highlighted below) under Design Outcome (DO5), regarding side and rear setbacks, conflicts with visual privacy and solar access design principles (clauses 6.4.1-2):

*"Developers should minimise overlooking and overshadowing of adjacent and adjoining properties through appropriate design response, supported by the setback provisions of this Element. However overlooking and overshadowing provisions are not explicitly assessed as the intent of the CBSP is to establish a high density urban area which brings with it the associated urban amenity."*  
(emphasis added)

The design principles of the R-Codes should be respected even though the intent is to create an urban environment and therefore solar access should still be a consideration. In addition this last sentence under DO5 (as highlighted) also conflicts with its preceding sentence. It is therefore recommended that this sentence be removed (it could be included in the explanatory section (Part 2) of the CBSP.

### City of South Perth modifications

The City of South Perth, in adopting the CBSP, resolved to modify some of the Design Guideline provisions:

1. Under the heading of "Bonus Provisions", the following words shall be inserted at the end of the paragraph:  

*"In the M10 quarters of Davilak and Cassey (those within the City of South Perth), the maximum bonus height is 5 additional storeys."*
2. Requirement 18.1 of Element 18 of the Design Guidelines be amended to read as follows:  

*"In the M10 and M15 Zones in the quarters of Mt Henry, Davilak and Cassey (those within the City of South Perth), all parking areas other than for visitors or commercial deliveries shall be preferably provided in a basement or if not, then at least concealed within the building behind residential or non-residential floor space."*
3. With respect to setbacks, in the quarters of Mt Henry, Davilak and Cassey (those within the City of South Perth) that M10 zone be required to have a 3M

*minimum and 5m maximum front setback (except on the "linking pathways"); and H8 zone and H4 zone be required to have 4M minimum and 6 m maximum front setback.*

4. *The maximum car parking limit in Element 18 and referred to in Element 22 shall not apply to the part of the CBSP area within the City of South Perth.*
5. *Given the special opportunities and features of the Mt Henry Tavern site that is within the Mt Henry Quarter, that special consideration be given to any proposal for this site when assessed under Element 21 and 22 of the development bonus provisions of the Structure Plan."*

These changes are appropriate to local circumstances.

## **Statutory implementation**

### Approval

As discussed under *Government and Corporate Implications*, the local governments approved the CBSP under SPP 4.2 (in March and May 2015) and have not specifically requested WAPC approval as the shop/retail nla is proposed at less than 20,000m<sup>2</sup> within each local government area. The Council did however refer the CBSP to the WAPC and the WAPC acknowledgement letter to the City of Melville does infer that the WAPC would make a decision on the structure plan.

The LPS Regulations, which became operational on 19 October 2015, would require WAPC approval to the CBSP if it was submitted now. Any future amendments of the CBSP would require WAPC approval under the LPS Regulations. The City of South Perth, in adopting the CBSP, resolved that the CBSP *"will be reviewed and updated after a year of operation to address any issues that may arise"* which is likely to result in amendments in the very near future.

The CBSP was approved by the local governments prior to the LPS Regulations and has been assessed by the Department on the cusp of these process changes. Given that WAPC was a partner in the CBSP preparation, and other expectations regarding WAPC approval (discussed previously in this report), it is considered appropriate for the WAPC to approve the CBSP.

### Local Planning Schemes (LPS)

The Structure plan framework allows that Part 1 of a structure plan *"outlines the requirements that will be applied when assessing subdivision and development applications over the land to which the structure plan relates."* However these are to align with local planning scheme and relevant WAPC policy requirements and *"cannot override or introduce new scheme provisions. The introduction of any new zones or scheme provisions will need to be undertaken via an amendment to the scheme"*.

The City of Melville LPS will need to give effect to the zones proposed by the CBSP. Until such time as this occurs, there are some inconsistencies where the existing LPS prevails. The LPS Regulations however require decision-makers to have *"due regard"* to the CBSP.



Once the required new scheme/LPS amendments are gazetted, the LPS Regulations continue to require decision-makers to have due regard to the CBSP.

### Decisions

The City of Melville adopted the CBSP as a LPP and also considered that its Scheme Amendment No. 67 (provisions for the approval of structure plans) provided a statutory basis to also adopt it as a structure plan under CPS5. It has subsequently considered a development application under the CBSP and on 27 October 2015, the Joint Development Assessment Panel (JDAP) approved a proposal for two, 20 storey mixed use buildings on Ogilvie and Kishorn Streets, Mt Pleasant (includes a bonus five storeys by applying the bonus provisions under the CBSP design guidelines).

Deemed provision 43(2) allows decision-makers to approve a development application for an area where no activity centre plan has been approved by the WAPC if satisfied the proposal *"does not conflict with the principles of orderly and proper planning; and would not prejudice the overall development potential of the area"*.

While the City of South Perth adopted the CBSP in May 2015, it does not consider it to be operational until Amendment No. 47 is gazetted.

The LPS Regulations deemed provisions now include such provisions but these require WAPC approval of an activity centre plan (regardless of shop/retail n/a) and do not include a clause such as in Amendment No. 67 to the City of Melville CPS5.

WAPC approval of the CBSP would enable the City of South Perth to adopt the CSBP under TPS6 allowing the CBSP to be operational (albeit subject to inconsistencies between TPS6 and the CBSP) prior to Amendment No. 47 being finalised.

### Statutory provisions

In accordance with the LPS Regulations and as advised by associated Frequently Asked Questions (FAQ) 81, references to statutory provisions and the structure plan having the *force and effect* of the scheme should be removed from the CBSP:

- Page 6: reference to Part 1 being a *statutory section* including *statutory provisions*. Part 1 is the implementation section.
- Page 10 last sentence: *"At that time, to the extent that any inconsistencies arise between the relevant Scheme and the CBSP, the CBSP shall prevail"*. Statutorily, a scheme prevails.
- Page 12 fourth paragraph: *The Guidelines are statutory provisions and apply to the entirety of the area...*The Guidelines are not statutory provisions as such.
- Page 16 second paragraph, last sentence: *"Upon finalisation of the necessary scheme amendments the CBSP will form part of the relevant local planning scheme"*. This will need to be determined as part of the scheme approval /amendment process.

## Definitions

The CBSP includes a number of definitions, of which only a few are unique to the CBSP. Many are reproduced from the R-Codes and some from TPS6 and CPS5.

It is unnecessary to reproduce definitions that are common to both CPS5, TPS6 or the R-Codes given that a structure plan is made under a LPS (which includes the deemed provisions under the LPS Regulations) and the R-Codes are read into an LPS.

Of most concern are those definitions that conflict with CPS5, TPS6 or R-Codes. Definitions in the CBSP should be restricted to those specific to the CBSP only and not included in other statutory documents.

One significant definition is the meaning of *storey*. As it now reads, this defines any basement car park (with more than 3 vehicles) as a storey, whereas the height limits also refer to height in metres (eg 4 storeys or 16m above natural ground level) which suggest that this was not the intention. A common definition in LPSs for storey do not include a basement car park that is 50% below natural ground level. It is recommended that the definition be amended accordingly to remove this anomaly.

## **Future Infrastructure**

In addition to providing Design Guidelines, the CBSP includes a number of proposals relating to improvements to public domain and future infrastructure.

The plan does not give approval to these proposals but provides a vision, point of reference and foundation for future decisions; WAPC policy encourages an activity centre plan to provide such a framework. Various government departments that would advise the government on these matters were involved in the working group for the CBSP including the Public Transport Authority (PTA), Main Roads WA (MRWA) and the Department of Transport (DoT). Matter of regional interest include:

- The widening of Canning Highway which will require future amendment to the MRS; the CBSP recommends a planning control area in the interim, so that new development does not restrict the implementation of widening and broader use of Canning Highway. The Minister recently approved the declaration of Planning Control Area 117 (PCA117).
- The DoT expressed concern regarding traffic and parking issues in its submission to the CBSP (during public advertising). In its subsequent submission to Amendment No. 78 of City of Melville CPS5, it advised of major studies examining modelling of Canning Highway and detailed analysis regarding the CBSP area which may affect its proposals and that this analysis be completed and the findings incorporated into the rezoning prior to finalisation. The CBSP may need to be amended depending on the extent of any changes recommended by these studies.
- A new bus/train interchange in Q6 is proposed on public recreation reserves on the north-east side of Canning Bridge and access will need to be facilitated, likely through changes to regional road reserves. This will require the cooperation of the relevant government departments. It is an appropriate



longer term proposal for the CBSP to include and the plan could be amended to reflect any future changes in detail that may arise by future study.

- In its submission to the CBSP the DoT noted that the Cassey Street link to a new interchange had not been confirmed at that stage. Also the City of South Perth is not supportive of using Cassey Street; in adopting the CBSP they resolved: "the City does not support the Cassey Street route for buses leaving the proposed bus station and requests that further work be undertaken to establish a more suitable route". It is an appropriate longer term proposal for the CBSP to include and could be amended to reflect any future agreed alternate access.

## **Boundary of CBSP**

While Lot 2 (No. 54) Manning Road was included in the Vision, the advertised CSBP and the advertised Amendment No. 47 to the City of South Perth TPS6, the future development of the site was considered at a detailed level within the scheme amendment planning process of Amendment No 34.

Site specific zoning and development parameters that define a building envelope were included in TPS6 following this amendment process initiated under Section 76 of the Act and was subject to extensive community objection. To include the site back into the CBSP and this point in time, would dismiss this process which included a determination by the Minister.

Also, as Amendment 34 was gazetted following the initiation of Amendment No. 47, the development requirements now within TPS6 concerning the site are not addressed by Amendment No. 47. This presents inconsistencies between the CBSP and TPS6 which would require extensive modification to Amendment No. 47.

Overall it is recommended that the boundary of the CBSP not include Lot 2 (No. 54) Manning Road at this time.

## **CONCLUSION:**

The CBSP has been prepared to guide the future redevelopment of the Canning Bridge Precinct further to the preparation in 2011 of the Canning Bridge Precinct Vision. It will promote the evolution of the centre into a true Activity Centre and TOD with a vibrant mix of uses, intense development and population and public transport hub. This presents a unique opportunity to deliver tangible community benefits and high quality, sustainable development that aligns with local and regional (WAPC) objectives.

It is recommended that the structure plan be modified as discussed under *Officer comments* above as follows and as included in **Attachment 7 - Modifications**:

- a. the Canning Bridge Structure Plan is to be referred to as an Activity Centre Plan;
- b. the eastern boundary of the Activity Centre Plan, between Davilak Street and the Manning Road/Wooltana Street intersection, is Ley Street;

- c. the Activity Centre Plan to include a version control table that includes reference to Version 1, adopted March 2015 and Version 2, adopted May 2105. The table is to facilitate recording future amendments;
- d. the sentence under Design Outcome 5 that reads:

*"However overlooking and overshadowing provisions are not explicitly assessed as the intent of the CBSP is to establish a high density urban area which brings with it the associated urban amenity."*

is to be removed from Part 1 of the Activity Centre Plan as it conflicts with its preceding sentence and R-Code design principles regarding overlooking and overshadowing;
- e. definitions under Part 1 of the Activity Centre Plan are to include only those definitions not otherwise included in the City of Melville or the City of South Perth local planning schemes or Residential Design Codes;
- f. the definition of storey is to be reviewed to be consistent with height limits;
- g. references to the Activity Centre Plan including statutory provisions be removed (pages 6, 10, 12 and 16) because under the Planning and Development (Local Planning Schemes) Regulations 2015, Activity Centre Plans are not to include statutory provisions and do not prevail over a local planning scheme; and
- h. the Activity Centre Plan to include an endorsement page as per Appendix 2 of the WAPC Structure Plan Framework.

## ITEM NO: 9.3

### State Administrative Tribunal Review – Section 31 Reconsideration of Decision: Madora Bay North Outline Development Plan

**COMMITTEE:****Statutory Planning Committee**

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer - Planning Appeals
AUTHORISING OFFICER:	Manager - Planning Appeals
AGENDA PART:	C
FILE NO:	SPN/0628
DATE:	30 November 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Reconsider and Approve 2. Advise
ATTACHMENTS:	1. Location Plan 2. Approved Outline Development Plan 3. Amended Outline Development Plan 4. Alternative (Community) Outline Development Plan
REGION SCHEME ZONING:	Urban, Regional Open Space
LOCAL GOVERNMENT:	City of Mandurah
LOCAL SCHEME ZONING:	Urban Development, Residential R12.5/25
LGA RECOMMENDATION(S):	Affirm decision of 14 July 2015
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	18 November 2014
PROCESS DAYS:	374 days
APPLICATION TYPE:	Outline Development Plan/Local Structure Plan
CADASTRAL REFERENCE:	Lot 101 Mandurah Road, Madora Bay

**RECOMMENDATION:*****That the Statutory Planning Committee resolves:***

- 1. pursuant to section 31 of the State Administrative Tribunal Act 2004 to reconsider its decision dated 14 July 2015 to endorse the Outline Development Plan (WAPC SPN/0628, DR 254 of 2015) and to substitute the endorsed Outline Development Plan with the amended Madora Bay North Local Structure Plan dated 18 November 2015 and amended Local Structure Plan text dated October 2015; and***
- 2. to advise the City of Mandurah of its decision accordingly.***

## SUMMARY:

On 14 July 2015, the WAPC approved the Madora Bay North Outline Development Plan (ODP) subject to the central east-west public open space (POS) being widened from 50 metres to 100 metres (refer to **Attachment 2 - Approved ODP**).

The applicant sought review of the decision from the State Administrative Tribunal (SAT) on the basis that widening the central POS area would result in an excessive POS contribution. Following SAT mediation the applicant submitted an amended ODP (refer to **Attachment 3 - Amended ODP**) which increases the central POS area to 100 metres wide and reduces other POS areas to maintain the total POS contribution to that previously proposed (12%). The City objects to the amended ODP.

The amended ODP achieves the outcome sought by the WAPC and satisfies policy objectives. The SAT has invited the WAPC to reconsider its decision pursuant to section 31 of the *State Administrative Tribunal Act 2004*.

## BACKGROUND:

The ODP area is approximately 143 hectares and is bound by Singleton to the north (within the City of Rockingham), Mandurah Road to the east, the existing Madora Bay townsite to the south and the Indian Ocean to the west (refer to **Attachment 1 - Location Plan**). The site has previously been used for grazing and most of the vegetation is in a degraded condition.

The Madora Bay North ODP seeks to facilitate the development of approximately 1,500 residential lots (refer to **Attachment 2**).

On 4 July 2015, the WAPC resolved:

*...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 100 metres as initially proposed by the proponent.*

On 30 July 2015 the applicant applied to SAT for review of the WAPC's decision. The Applicant contends the WAPC's decision:

- *will result in the total POS contribution increasing from approximately 12% to 14%, resulting in an oversupply of public open space; and*
- *places an unwarranted emphasis on protecting areas near the northern boundary from being developed for residential purposes.*

A SAT mediation has taken place involving the Department, applicant, City of Mandurah (City) and two community representatives.

## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section:

*State Administrative Tribunal Act 2004*

s.31

*Planning and Development (Local Planning Schemes) Regulations 2015 - 10(4)*

### Strategic Plan

Objectives:	Planning
Performance Outcomes:	Planning Local Communities with a sense of place
Strategic Imperatives:	Encourage innovation in the design of our communities

### Policy

Number and / or Name:	Liveable Neighbourhoods - Element 1 (Community Design) and Element 4 (Public parkland)
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### DETAILS:

Following SAT mediation the Applicant submitted an amended ODP which increases the width of the central POS area to 100 metres wide and reduces and redistributes the remaining POS to maintain the total POS contribution for the ODP area at 12% (refer to **Attachment 3**). In summary, the modifications include:

- reduction in area of the POS in the north-west of the ODP area from 2.3 hectares to 0.8 hectares;
- narrowing the vegetated buffer to Mandurah Road from 20 metres to 10 metres wide;
- minor area reduction to POS area 'E';
- minor area increase to POS areas 'D', 'F', 'I' and 'J';
- consolidation of 'green linkage streets' and increase to the length of the green linkage street to the foreshore reserve;; and
- minor text changes to the ODP text to reflect administrative and process changes as a result of the *Planning and Development (Local Planning Scheme) Regulations 2015*, becoming operational.

### GOVERNMENT AND CORPORATE IMPLICATIONS:

Not applicable.

### CONSULTATION:

On 10 November 2015 the City of Mandurah Council objected to the amended ODP because:

- *it represents a substantial change to the Outline Development Plan submitted to the WAPC by the Council and which was subsequently approved by the WAPC in July 2015 subject to modifications; and*
- *it does not incorporate the principal elements of the Outline Development Plan previously adopted by the Council, in particular the ecological transect between Madora Bay North and Singleton.*

The City requests the ODP be determined by the SAT at a substantive hearing.

During the original advertising period, 72 submissions were received with a number raising concerns regarding:

- distribution of POS and the need for a POS buffer and ecological corridor between Madora Bay and Singleton; and
- the need to delineate the boundary between Singleton and Madora Bay, which also happens to be the boundary between the City of Mandurah and City of Rockingham and the Metropolitan Region Scheme and Peel Region Scheme.

During the original advertising period, a submission from a community group included an alternative ODP (refer to **Attachment 4 - Alternative (Community) ODP**) which replaced the central POS area with smaller landscape feature park, and established an 'ecological transect and landscape buffer' along the northern boundary.

This was not entirely supported by the City or WAPC, however elements are reflected in the approved and amended ODP, including a 'green linkage street', transitional density coding, mixed use R60 zone and village centre.

### **OFFICER'S COMMENTS:**

#### Public Open Space:

Liveable Neighbourhoods is the relevant policy to guide the distribution of POS within greenfield structure plan sites, and provides for a minimum contribution of 10% of gross subdivisible area.

The WAPC's previous decision results in POS increasing from approximately 12% to approximately 14% (refer to **Attachment 2**). This does not include the landscape buffer strip along Mandurah Road or the foreshore reserve of 21.2 hectares, which will be ceded free of cost by the applicant through the subdivision process.

The widening of the central POS area from 50 metres to 100 metres as required by the WAPC is supported by the Applicant, as its central location provides accessibility benefits and the increased width allows for formal active recreation purposes (such as a soccer, rugby or hockey field).

The proposed reduction to POS in the north-west of the ODP area is 1.45 hectares (2.3 hectares to 0.85 hectares) and is not considered to compromise the intent of the ODP as:

- the majority of the vegetation in the north-west of the ODP area is in a degraded condition and not identified as regionally significant by the Office of Environmental Protection Authority;
- it is not necessary to delineate between the suburbs of Singleton and Madora Bay with POS or vegetated buffers;
- there is no requirement to provide a buffer between the existing residential development of Singleton from that proposed by the ODP as the proposed densities are comparable (R20 and R25); and
- the total area of POS provided in the northern half of the ODP area is significantly greater than that in the southern half.

The applicant's amended ODP is recommended for support as it achieves the WAPC's desired outcome for the 100 metre wide central POS area and still provides 12% POS, which is in excess of the 10% policy requirement.

Reduction in width of Mandurah Road vegetated buffer:

The proposed 10 metre wide buffer is consistent with the buffer to Mandurah Road for parts of Madora Bay to the south of the ODP area and Bridgewater North in Erskine.

In reducing the width of the buffer the applicant has extended POS areas adjacent to Mandurah Road to allow for the retention of additional vegetation.

Green Linkage Street:

The two northern 'green linkage streets' shown on the approved ODP (refer to **Attachment 2**) are proposed to be consolidated to a single longer 'green linkage street' which will provide a complete east-west green link from the foreshore reserve to the north-east of the ODP area (refer to **Attachment 3**).

The extension to the 'green linkage street' is a modification made to the amended ODP after consideration by the City, but is based on advice from City officers.

Minor Text Amendments:

The amended ODP includes minor text amendments to reflect the Planning and Development (Local Planning Scheme) Regulations 2015, which came into effect since the WAPC's initial consideration of this matter, and include:

- renaming the ODP to a Local Structure Plan;
- moving the ODP requirements previously on the plan to Part One of the text; and
- rewording administrative provisions to reflect the new regulations.

Conclusion:

The Applicant's amended ODP provides for an accessible and usable central POS area and achieves a 12% POS contribution in excess of the 10% policy requirement. This achieves the intent of the WAPC's previous decision, and is recommended for support.

It is expected that if approved, the amended ODP will conclude the SAT proceedings in this matter.



## ITEM NO: 9.4

### **Proposed Variation to Swan Valley Planning Committee Recommendation for Rural Shed – Lot 2912 (No. 35) Herne Street, Herne Hill**

**WAPC OR COMMITTEE:** **Statutory Planning Committee**

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer
AUTHORISING OFFICER:	A/Director - Metropolitan Planning North East
AGENDA PART:	G
FILE NO:	21-50463-1
DATE:	28th November 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENTS:	1. Site Plan 2. Aerial Photo 3. Location Zoning Plan 4. Elevations 5. Floor Plan
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Swan Valley Rural
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	N/A
RECEIPT DATE:	17 August 2015
PROCESS DAYS:	50
APPLICATION TYPE:	Development Application
CADASTRAL REFERENCE:	Lot 2912 (No. 35) Herne Street, Herne Hill

#### **RECOMMENDATION:**

***That the Statutory Planning Committee resolves to approve the application for development, subject to the following conditions:***

- 1. *Development must be in accordance with the following plan:***
  - a) *Site Plan, Plan 1 of 3, date stamped 18/11/2015;***
  - b) *Floor Plan, Plan 2 of 3, date stamped 17/08/2015; and***
  - c) *Elevation Plan, Plan 3 of 3, date stamped 17/08/2015.***



*Swan Valley Planning Act 1995* and adjoins the Swan River Special Control Area. The land is used for the growing of grapes.

The application seeks planning approval for a 54m<sup>2</sup> shed with a proposed front setback of 17.6 metres. The shed is proposed to be located behind the front setback line of two dwellings. The applicant has advised that the main purpose of constructing the lean-to is to provide shelter for his machinery and other equipment associated with producing grapes, in addition to the general upkeep of the property.

The application has been referred to the WAPC for determination, pursuant to Clause 26 (3) and 30B (5) of the Metropolitan Region Scheme, as the City has not accepted the advice of the SVPC.

### **CONSULTATION:**

The application was referred to the SVPC on the 7th September 2015, which recommended the application be approved subject to the proposed development being set back 20 metres from the front property boundary. The City of Swan's Council then resolved to approve the modified proposal with a setback of 17.6 metres on the 4th November 2015.

All referral agencies, including the Department of Water and Department of Parks and Wildlife advised they had no concerns or objections to the proposal.

### **COMMENTS:**

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

The property is zoned 'Swan Valley Rural' under LPS 17. The objectives of the Swan Valley Rural zone is to ensure that prime agricultural land remains intact and that proposed development and land uses do not conflict with the objectives of the Swan Valley Planning Act. The proposal is considered to be in accordance with the objectives of the 'Swan Valley Rural' zone. The application is supported by the City of Swan who has determined that the development is consistent with the Scheme.

#### Swan Valley Interim Planning Policy

The Interim Policy was endorsed by the SVPC and the WAPC in July 2014 for the purpose of assisting authorities in interpreting the objectives of the Swan Valley Planning Act 1995. The Interim Policy is to be used by the WAPC when considering subdivision and development applications within the area covered under the Act.

In regards to sheds and outbuildings, the Interim Policy acknowledges that they are an integral part of rural and agricultural operations and provide for the storage of farm goods, vehicles and machinery. It requires such development to be designed, sited and sized to minimise visual impact, subordinate and ancillary to the predominant land use on the property. The Interim Policy sets out a number of criteria that need to be met and the proposal is considered to be consistent with these.

The landowner has conveyed that the shed is necessary to protect various equipment and farming machinery from the weather. This machinery is associated with the growing of grapes and the general upkeep of the property.

### Visual Impact

The location and alignment of the shed minimises the visual impact onto Herne Street. Being clustered with and setback behind the existing buildings will negate any intrusion onto the landscape. Furthermore, its perpendicular configuration with its shortest wall length facing the street minimises the amount of wall area being visible (**Attachment 4 - Elevations**). The proposal also proves beneficial in minimising the amount of agricultural land that is taken up by development.

### **CONCLUSION:**

It is considered that the proposal is consistent with the objectives of LPS 17, the *Swan Valley Planning Act 1995* and the Swan Valley Interim Planning Policy. Conditional approval is recommended.

## ITEM NO: 9.5

### Subdivision to Create 6 Survey Strata Lots – Lots 3 & 4 Anzac Road, Mount Hawthorn

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager, Metropolitan Central
AUTHORISING OFFICER:	Director, Metropolitan Central
AGENDA PART:	G
FILE NO:	921-15
DATE:	24 November 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENTS:	1. Location and Zoning Plan 2. Plan of Subdivision 3. Concept Plan 4. Context Analysis 5. Indicative Development Plan 6. Aerial Photograph
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Vincent
LOCAL SCHEME ZONING:	Residential – R30
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Metropolitan Central
RECEIPT DATE:	31 July 2015
PROCESS DAYS:	116
APPLICATION TYPE:	Survey-Strata
CADASTRAL REFERENCE:	Lots 3 and 4, Anzac Road, Mount Hawthorn

#### RECOMMENDATION:

***The Statutory Planning Committee resolves to approve the survey strata application to create 6 lots at Lots 3 and 4 Anzac Road, Mount Hawthorn, subject to the following conditions:***

- 1. The plan of subdivision is to be modified so that:**
  - i. no lot is less than 260m<sup>2</sup> in area;***
  - ii. the central shared driveway from Anzac Road is shown as common property;***
  - iii. the common property driveway is extended east and west to reach proposed lots 3 and 6 by way of a 0.5m leg of common property area;***

- iv. *proposed lots 4 and 5 include a Pedestrian and Services Easement in favour of proposed lots 3 and 6 respectively, of 0.5m across the extent of their northern boundaries;*
  - v. *proposed lots 1 and 2 include a 1.0m wide Vehicle and Pedestrian Easement in favour of proposed lots 1, 2, 3, 4, 5 and 6 along the northernmost 6.0m of their boundary which abuts the central common property driveway. (Local Government)*
2. *All dwelling(s) being constructed to plate height prior to the submission of the diagram or plan of survey (deposited plan). (Local Government)*
  3. *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 lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
    - c. *stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)*
  4. *Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)*
  5. *The right-of-way adjoining proposed lots 3, 4, 5, and 6 being widened 0.5 metres by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening the right of way. (Local Government)*
  6. *The section of right-of-way widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant. (Local Government)*
  7. *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)*
  8. *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)*
  9. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*
  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 electricity supply to the survey-strata lots shown on the approved plan of subdivision, which may include the provision of*

***necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)***

- 11. The transfer of land for the purpose of electricity supply infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without payment of compensation. (Western Power)***

#### **Advice**

- 1. In regard to Condition 1, the required modifications are reflected on the 'concept plan' prepared by Giudice Surveys date-stamped 23 November 2015 (attached).***
- 2. In regard to Condition/s 7, 8 and 9, 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.***
- 3. In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.***
- 4. The City of Vincent advise that the subdivision falls within a low point in the right-of-way and flooding reports have been received during severe weather events, and suggest that levels should be considered in this regard.***

#### **SUMMARY:**

The application proposes survey strata subdivision of two residential lots into six, with common property. The proposal varies the average site area requirement by 8.1% and therefore is considered under the Interim Practice. The application is to be considered by the Statutory Planning Committee as the proposed lots form a configuration not previously approved under the Interim Practice.

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	<i>Planning and Development Act 2005</i>
Section:	Part 2, Section 135

<b>Strategic Plan</b>	
Objectives:	Manage Growth
Performance Outcomes:	P01, P02, P03, P04
Strategic Imperatives:	1.1, 1.2



## Policy

Number and / or Name: State Planning Policy 3.1 – Residential Design Codes  
Development Control Policy No. 2.2 ‘Residential  
Subdivision’

## INTRODUCTION:

The subject land is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Residential – R30’ under the City of Vincent Town Planning Scheme No. 1 (TPS 1) (**Attachment 1 – Location and Zoning Plan**).

The application proposes to survey-strata subdivide two 827m<sup>2</sup> lots into six single dwelling lots of between 270m<sup>2</sup> and 279m<sup>2</sup> with reciprocal access over Lots 1 and 2. Each parent lot currently contains an existing dwelling and these are to be demolished. The originally submitted plan is included at **Attachment 2 – Plan of Subdivision**.

However, during the course of the assessment of the application, as a result of discussions with the City of Vincent (City) and Department of Planning (Department), the applicant has subsequently provided a ‘concept plan’ which shows how suggested modifications to the design could be incorporated. This plan is included at **Attachment 3 – Concept Plan** and reflects the creation of six lots of 260m<sup>2</sup> each, including a 96m<sup>2</sup> area of common property area.

The recommended conditions above, specifically condition 1, would alter the original *Plan of Subdivision* (**Attachment 2**) to reflect the changes shown in the *Concept Plan* (**Attachment 3**). Therefore, it is suggested that for the purposes of this report, the *Concept Plan* shown at **Attachment 3** is referred to and assessed, as this most accurately represents the dimensions and layout of the proposal as it would be following the changes reflected in the recommended conditions.

Vehicular access for proposed lots 1 and 2 is from Anzac Road, whilst proposed lots 3, 4, 5 and 6 obtain vehicular access via the right-of-way.

## CONSULTATION:

The City does not support the application as the proposal does not comply with the average lot size requirement of the Residential Design Codes (R-Codes) for lots coded R30. The City also cite their policy *Residential Design Elements* and identify that the proposed lot configuration and subdivision pattern does not reflect the existing lot configuration along Anzac Road. Additional comment was sought from the City regarding the potential future built outcome on the proposed lots. The City considers that the proposed lot layout and variation proposed to the average lot area requirement would result in ‘an overdevelopment of the site’ and that ‘excessive discretion will be sought in terms of open space, setbacks and privacy’. Notwithstanding these objections, the City has recommended conditions should the WAPC approve the application.

The Water Corporation and Western Power raise no objection to the application subject to conditions.

The Department of Fire and Emergency Services has no objection to the application.

## **COMMENTS:**

### *Interim Practice*

The application is consistent with the minimum (260m<sup>2</sup> required, 260m<sup>2</sup> provided) but not average site area requirements of the R-Codes (300m<sup>2</sup> required, 275.7m<sup>2</sup> provided).

The application proposes an average site area variation of 8.1% in lieu of a maximum of 5% as prescribed under the R-Codes and the WAPC Development Control Policy No. 2.2 'Residential Subdivision' (DC2.2).

On 9 December 2014, the Statutory Planning Committee (SPC) endorsed an interim practice which grants delegation to authorised officers to approve subdivision applications with variations to the average lot area greater than that permitted by DC2.2 and the R-Codes where the following criteria are met:

- a. the application is for land located within the Metropolitan Central Planning area; and*
- b. the proposed lots meet the minimum lot area requirements as prescribed in Table 1 of the R-Codes, without variation; and*
- c. the proposal is for a corner site, a side by side lot configuration, or for land that has dual frontage to a dedicated road or right-of-way; and*
- d. the proposal is not for a battle-axe lot configuration; and*
- e. the proposed lots are of a regular shape; and*
- f. the subdivision site is fully serviced; and*
- g. the proposed lots meet the minimum frontage as prescribed in Table 1 of the R-Codes.*

The proposal is consistent with the above criteria, although it is an unusual configuration in that the lots are neither technically battle-axe nor side-by-side, but is for land that has dual frontage to a road and a right-of-way. One other application also considered under the interim policy has previously been approved, for one lot fronting the street and one lot behind it, taking access from the right-of-way (WAPC Reference 589-15). The rest of the applications considered under the interim practice have been for corner sites or simple side by side lot configurations. This is the first application under the interim practice that proposes a configuration of this nature.

In addition to the above criteria, it is relevant to assess the context of the application site, to ensure the density of an area is not changed by way of the application of the above interim practice. If a large number of lots were able to be subdivided by way of application of the interim practice, then it is not considered appropriate to apply the interim practice, as the density of an area could effectively be altered without the Local Government having the ability to consult with the community. Therefore, a context analysis has been carried out (**Attachment 4 – Context Analysis**).

The majority of the surrounding area comprises residential lots with a density coding of R30. There are a number of residential lots to the south and east of the site which have a density coding of R60. The majority of the residential lots in the area have the potential to be subdivided into at least two lots, in a manner which would require a variation of less than 5% to the average site area requirements, complying with the requirements under DC 2.2.

The context analysis shows that of those residential lots within a radius of approximately 200 metres of the subject site, there are approximately 38 lots that could be assessed against the interim practice (under the current criteria) as they would require a variation greater than 5% to the average site area requirement. In all instances the minimum site area requirement would be met. These properties are identified as 1-38 on **Attachment 4 – Context Analysis**.

Lots which would not be able to be practically subdivided have not been included in the analysis. In this case, the ability to subdivide is taken to be: (a) of a developable width (assuming a minimum 6 metre width per proposed lot); and (b) accessed via either street frontage or access to a right-of-way. For instance, in the R60 coded areas, there are some lots which by their area could create 4 lots, however unless they are a corner lot or have both street frontage and access to a right-of-way, would not be able to be subdivided under the interim practice, for instance in a side by side configuration, as the lots would be too narrow. In addition, lots which have already been developed as multiple dwellings / apartments have not been included as it is unlikely that these lots would now be subdivided.

When contemplating the 38 lots with the potential to be able to be subdivided due to consideration under the interim practice, it could be said that this is not a large number of lots within the area, however it is not negligible either. When taken as a percentage of total residential lots within the area, it is approximately 10.1%. However, a number of lots and land within the area is commercially zoned (along Oxford Street) and schools (Aranmore Catholic Primary School and Aranmore Catholic College). If these lots were included and the potentially additional subdivisible land was examined more along the lines of the total land area, it would be approximately 9.5% of the local area.

The area currently has a range of R30 lots containing single houses, strata and multiple dwelling developments, as well as commercial and higher density R60 areas. Given that the majority of lots in the area could be subdivided without application of the interim practice, application of the interim practice in this case would not create a situation where the overall density of the area is increased without consultation of the community. As application of the practice will not result in a large number of lots being able to be similarly subdivided and will not result in a substantial change to the nature of the locality, it is considered appropriate to apply the interim practice in this case.

## Access

The City has advised that Anzac Road is a District Distributor (B) local road which carries a significant volume of traffic. Therefore, vehicles are not permitted to reverse onto Anzac Road and must enter in forward gear. The applicant is aware that sufficient space must be provided in the design of the dwellings and garages / carports for proposed lots 1 and 2 and has advised that this can be accommodated, and has shown on the Indicative Development Plan (**Attachment 5**) that this can occur within the common property and easement areas.

The City has requested that the shared driveway to Anzac Road be a minimum of 5.0 metres for the first 6.0 metres to ensure that vehicles can pass within the internal driveway and this also ensures that a vehicle is not required to stand on Anzac Road, waiting for a second vehicle to exit the driveway. The applicant is willing to accommodate a 6.0 metre wide driveway for the first 6.0 metres into the design (by way of the common property driveway and additional one metre easement dimension for proposed lots 1 and 2, as shown on the Indicative Development Plan at **Attachment 5**). Appropriate conditions have been included to ensure these dimensions.

The rear lots will take vehicle access from the right-of-way (owned by the City of Vincent), and will also have use of the common property shared driveway for pedestrian access, as well as for postal, visitor, rubbish collection and public utilities. The common property will extend to Lots 3 and 6 via a 0.5 metre path, and this will be increased to a 1.0 metre dimension by way of a Pedestrian and Services Easement, as shown on the attached Plan (**Attachment 3 – Concept Plan**). In accordance with *Planning Bulletin No. 33 – Rights-of-Way or Laneways in Established Areas*, generally a 1.5 metre width is favoured as providing sufficient space for services and to avoid visually unattractive narrow alleyways. However, given the proposed design whereby the common property area will provide a wide corridor within which pedestrian access can take place and services can be located, and that the 1.0 metre wide section of the pedestrian access leg is less than 5.0 metres in length, in this case the proposal is considered acceptable.

## Right-of-Way

The City recommend a condition requiring road widening by 0.5 metres of the right-of-way adjoining proposed lots 3, 4, 5, and 6. This is considered to be appropriate given that the current width of the right-of-way is approximately 5.0 metres and these proposed lots will take vehicle access solely from the right-of-way.

## Levels

The City advises that the subdivision falls within a low point in the right-of-way and that flooding reports have been received during severe weather events. The City suggests that the rear lots may need to set minimum levels to take this into account. It is considered that recommended Condition D4 which relates to filling, draining, stabilising and grading land for infill sites will appropriately deal with this issue and a non-standard advice note is also recommended advising the owner of this identified issue.

### *Plate Height Condition*

The City of Vincent has requested a plate height condition, which requires development approval to be obtained from the local government, and construction to reach full wall height at the perimeter of the dwellings, before the lots can be created. The City has cited that given the narrow rear lots and their concern that the lots can be appropriately developed in keeping with the R-Codes, this condition is reasonable in this case. The condition is considered appropriate in this case given that:

- i. proposed lots 3, 4, 5 and 6 are of a narrow width being 6.81 metres; and
- ii. proposed lot 6 is additionally constrained along its length by a Water Corporation sewer easement.

The imposition of this condition ensures that before the lots are created, it must be demonstrated that the lots can be legally developed.

The applicant has advised that the owner is intending to develop all six lots.

### *Additional Comments / Planning Merit*

The subject site is located approximately 100m from Oxford Street and 400m from Scarborough Beach Road, which both have high frequency bus routes, shops, services and other amenities.

The pattern of subdivision and development in the local area is a mix of single houses, subdivided battle-axe lots, small strata developments and larger apartment complexes.

Proposed lots 1 and 2 which address Anzac Road have 11.72 metre frontages, which are consistent with other lots in the area and therefore will not substantially alter the Anzac Road streetscape.

Of the lots in the local area which connect to the same right-of-way as this proposal, a number of these have been either subdivided or built upon and now have dwellings oriented to the right-of-way or have their vehicle access from the right-of-way. Therefore, whilst the proposed lots addressing the right-of-way are narrow, they are generally consistent with existing development in the area.

### *Conditions*

Condition 1 is a non-standard condition and relates to the changes required to the submitted plan of subdivision as requested by the WAPC.

### **CONCLUSION:**

The proposal meets the minimum site area requirement of the R30 coding and despite the proposal representing a departure from the requirements of Clause 3.2.3 of DC 2.2 (as it proposes a variation greater than 5% to the average site area requirement) the proposed subdivision is considered to have a number of beneficial outcomes as follows:

- i. will allow for the creation of lots that meet the minimum lots size required by the R-Codes, without variation, and achieves direct access to a constructed public road and right-of-way;
- ii. assists with using residential land to its best advantage by enabling an additional lot to be created (from each parent lot, so a total of two additional lots) than would be allowed if the variation to the average site area was not permitted;
- iii. provides a wider choice of residential lot sizes in the locality;
- iv. makes good use of existing infrastructure and services located in close proximity to the site;
- v. will contribute towards the dwelling targets of the draft Central Metropolitan Sub-regional Strategy and Directions 2031 which specifies an additional draft housing target of 5,000 dwellings within the Vincent municipality by 2031.

Although the proposal does not reflect a standard configuration, the proposal is consistent with the criteria for the interim practice position approved by the SPC in December 2014 which allows approval of subdivisions proposing a variation to the average lot area greater than 5%.

The subdivision of the subject lots will have a number of beneficial outcomes as outlined above, is consistent with proper and orderly planning principles and statutory requirements, and therefore, on balance, is recommended for conditional approval.