



Statutory Planning Committee

Out of Session Item

5 May 2016



Kerrine Blenkinsop
WAPC Secretary

Committee
Secretary:

Irene Obales
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ITEM NO: 1

Consideration of Lot 601 Old Pinjarra Road, Greenfields Structure Plan

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager, Peel Planning
AUTHORISING OFFICER: Director, Peel Planning
AGENDA PART: G
FILE NO: SPN/0779
DATE: 10 May 2016
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Require modifications before final approval
ATTACHMENT(S): 1. Location Plan
2. Lot 601 Local Structure Plan (Outline Development Plan)
3. Schedule of Submissions
4. Annotated Local Structure Plan
5. Schedule of Modifications

REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: Mandurah
LOCAL SCHEME ZONING: Urban Development
LGA RECOMMENDATION(S): Adopt subject to modification
REGION DESCRIPTOR: Peel
RECEIPT DATE: 8 December 2015
PROCESS DAYS: 148 Days (8/12/2015 to 10/5/2016)
APPLICATION TYPE: Structure Plan
CADASTRAL REFERENCE: Lot 601 Old Pinjarra Road, Greenfields

RECOMMENDATION:

That the Statutory Planning Committee resolves to:

- 1. require the Lot 601, Old Pinjarra Road, Greenfields Structure Plan, date stamped 8 December 2015, be modified in accordance with the schedule of modifications appended as Attachments 4 and 5 before final approval is given; and*
- 2. advise the City of Mandurah of its decision accordingly.*

SUMMARY:

In February 2016, the Statutory Planning Committee deferred consideration of the proposed Lot 601 Old Pinjarra Road Structure Plan (Structure Plan) to provide the proponent with an opportunity to prepare a Bushfire Management Plan (BMP). The BMP has been submitted to support the Structure Plan. Accordingly, this report contains additional information under the heading 'Bushfire Considerations'.

The City of Mandurah (the City) has forwarded the proposed Structure Plan to the Western Australian Planning Commission (WAPC) for its approval.

The Structure Plan is being submitted to the Statutory Planning Committee for its consideration as the recommendation of this report does not fully accord with Council's determination.

It is recommended that the WAPC require a number of modifications to be made to the Structure Plan. Some of the modifications relate to addressing bushfire risk management matters, in response to the recently prepared BMP.

BACKGROUND:

The proposed Structure Plan relates to Lot 601 Old Pinjarra Road, Mandurah. The site has an area of approximately 1.54 hectares and is located approximately two kilometres east of the Mandurah Forum shopping centre and 300 metres west of the Serpentine River (**Attachment 1** – Location Plan).

The Structure Plan area is bounded by an existing over 55's development to the north and west. To the south is Old Pinjarra Road and to the east is a single dwelling on a 4.1 hectare property which is also zoned Urban under the PRS.

The northern third of the property has been substantially cleared with some mature vegetation located on the front two thirds of the site. The southern two thirds of the site are relatively low lying and is identified as being in the flood fringe associated with the Serpentine River.

In November, 2015 the Council recommended that the Structure Plan be approved subject to modifications. The modifications recommended by Council include a reduction in density to R35, a requirement for a Vegetation Retention Management Plan to be prepared and implemented and a notation being added to the Structure Plan stating that a minimum of 10 per cent of the total site area shall be provided as public open space should the site be subdivided. These modifications have not been made to the version of the Structure Plan forwarded to the WAPC in December 2015.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

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

Section:

Schedule 2, Part 4

Strategic Plan

Objectives:	Planning
Performance Outcomes:	Effective Delivery of Integrated Plans
Strategic Imperatives:	Develop integrated infrastructure and land use plans for the State

Policy

Number and / or Name:	Liveable Neighbourhoods State Planning Policy 3.7 – Planning in Bushfire Prone Areas
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DETAILS:

The structure plan consists of three parts, Part One 'Statutory Section', Part Two 'Explanatory Section', and Part Three 'Technical Appendices' section. The Structure Plan map is provided as **Attachment 2**.

The proposed Structure Plan provides a framework to facilitate residential subdivision/development and includes the following:

- development of the site at a density of R35 and a maximum a yield of 60 dwellings;
- an area of communal private open space;
- two access points onto Old Pinjarra Road linked by an internal access way; and
- a number of structure plan requirements including development standards, maximum heights and requirement for the preparation and implementation of management plans.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The WAPC will be required to determine any subdivision application on the subject site.

CONSULTATION:

The Structure Plan was advertised for public comment by the City for a period of 28 days from 3 to 31 July 2015. Six submissions were received during the advertising period including three objections. The key issue raised in the submissions related to concerns with the impact of proposed development density on the amenity of adjoining dwellings. In response to the concerns raised regarding the potential impact on amenity, the City made the following modifications to the structure plan:

- i. the residential density was decreased from R60 to R35 and a maximum development yield of 60 dwellings was imposed;
- ii. the Structure Plan was divided into six stages and a table was added to the Structure Plan to identify the approximate dwelling yields for each stage;
- iii. development provisions were inserted to limit development height to two storeys along the eastern and northern boundaries and a maximum plot ratio of 0.7 across the site; and
- iv. indicative lot boundaries were added to the plan.

The submissions are summarised, together with Council's and the Department of Planning's comments and recommendations, in the Schedule of Submissions. (**Attachment 3** – Schedule of Submissions).

The proponent has requested that the R60 density coding be reinstated by the WAPC.

OFFICER'S COMMENTS:

City of Mandurah Modifications

The modifications made to the Structure Plan by Council as part of their recommendation to the WAPC sought to limit the development of the site via decreasing the density and the introduction of various statutory provisions.

The development of at least part of the site at a density of R60 is considered appropriate as the site is only two kilometres east of the Mandurah Forum shopping centre and is in close proximity to Pinjarra Road which is proposed as a transit priority route in the draft South Metropolitan Peel Planning Framework. The R60 density will allow flexibility in the subdivision and/or dwelling design and will add to the variety of housing stock available in the locality.

To address the concerns raised during the consultation period it is recommended that the portion of the Structure Plan along the northern boundary be designated R40 with the balance of the site being designated R60. These density codes are similar to what was advertised, but the introduction of the R40 density will reduce the number of new lots along the northern boundary by approximately half and act as a transition between the existing development to the north and the R60 density in the centre of the site. A transitional density of R40 is favoured over the R35 density recommended by Council. The R40 code provides greater flexibility for the development of the site by facilitating multiple dwellings based on site requirements rather than minimum lot area requirements. The R40 coding has lower plot ratio and maximum height requirements for multiple dwellings compared to the R60 coding. The R40 density proposed for the northern boundary will provide an appropriate transition from the existing development and maintain the flexibility necessary for the site to be development appropriately.

State Planning Policy 3.1 – Residential Design Codes (the R-codes) provides a basis for the control of residential development. The R-codes includes provisions regarding development height, boundary setbacks and setbacks for privacy and is suitable to support development that has regard to the amenity of adjoining residents. Therefore the Structure Plan should use R-code density to control subdivision and development rather than various development provisions.

Council recommended that a provision be added to the Structure Plan to address the need for 10 per cent of the total site area to be provided as public open space should the site be subdivided. It is understood that the proponent intends to develop a portion of the site as a built strata development. It is recommended that a more general statement be included in the structure plan text regarding the need for public open space to be provided in accordance with WAPC policy, as set out in Attachment 4. This will provide some flexibility when determining the exact amount of open space to be provided.

Bushfire Considerations

The vegetated southern half of the site has been designated as bushfire prone. The proponent has prepared a Bushfire Management Plan (BMP) in accordance with the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas to support the Structure Plan. The BMP has not yet been endorsed by the local government and the Department of Fire and Emergency Services (DFES).

The BMP identifies that the risk of fire is created by the remnant vegetation on the lot on the southern side of Old Pinjarra Road (Lot 10 Old Pinjarra Road). The BMP includes a bushfire attack level (BAL) assessment which identifies that the maximum BAL in areas identified for residential development by the Structure Plan will be BAL-12.5. BAL-12.5 is considered to be a moderate risk by the Guidelines for Planning in Bushfire Prone Areas (the Guidelines). The assessment of the vegetated land to the south of the site and the recommendations contained in the BMP are supported.

The BMP identifies the vegetation on Lot 201 to the east of the site as “managed grassland” that can be excluded from BAL calculations. This position is not supported by the DFES. DFES have advised that the vegetation on the neighbouring lot should form part of the BAL assessment. It is recommended that the Structure Plan be modified in accordance with **Attachment 4** which requires that no development or subdivision occurs within the identified asset protection zone (APZ) until the land to the east is developed and it is demonstrated that the APZ is no longer required. The APZ identified on Attachment 4 plus the proposed abutting internal road will facilitate a minimum separation of 25 metres between dwellings and the vegetation on the eastern lot. This separation is sufficient for the vegetation type on Lot 201.

It is also recommended that the Structure Plan be modified to identify a requirement for the BMP be endorsed prior to subdivision, rather than as a condition of subdivision approval.

Other Considerations

The Structure Plan was prepared, lodged with and advertised by the City prior to the gazettal of the 2015 Regulations. In recognition of this, the Structure Plan format should be updated, as far as it is considered practical and reasonable to do so, as set out in the Schedule of Modifications (**Attachment 5** – Schedule of Modifications).

In terms of formatting considerations, the key recommended modifications relating to the Structure Plan Map include:

- a) the ‘Outline Development Plan Requirements’ text box being deleted;
- b) photo images and associated text being deleted;
- c) indicative lot boundaries, building foot prints and stage numbers being deleted from the plan and legend;
- d) residential R40 and R60 areas being designated on the plan as discussed above; and
- e) references to ‘outline development plan’ being modified to ‘Structure Plan’.

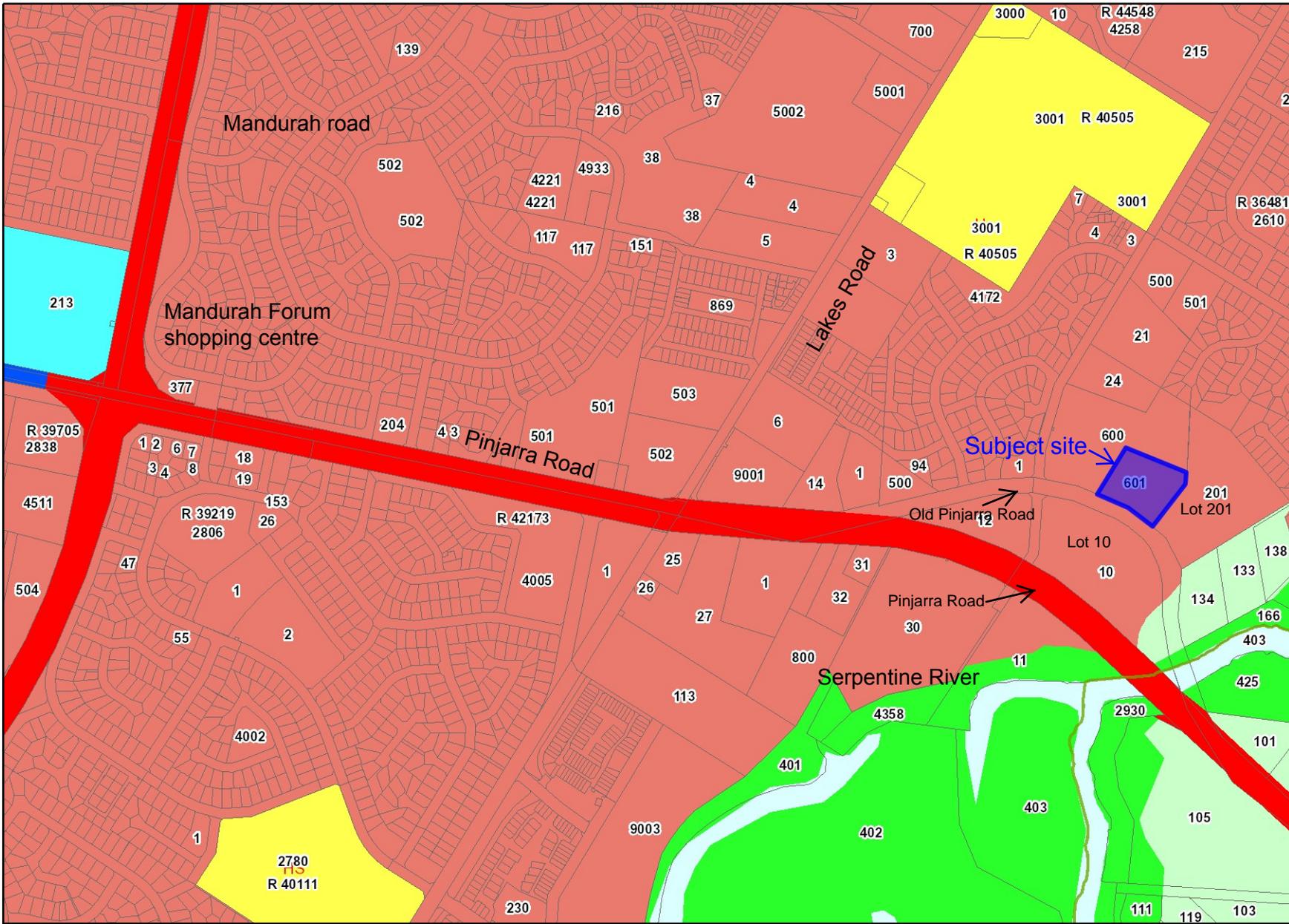
The key recommended formatting modifications relating to the Structure Plan text (Part One) include:

-
- a) delete 'Clause 2 - Interpretation and Relationship with the Scheme', as it is inconsistent with the Structure Plan Framework;
 - b) modify clause '4.2 - Report/Strategies Required Prior to Subdivision' to include a table identifying the required management plans to increase the consistency with the Structure Plan Framework. However, it is recommended that the Vegetation Retention Management Plan not be included in this list as it is a matter that can be satisfactorily addressed via a standard subdivision condition.

The remaining modifications are primarily of an administrative nature and are not discussed in detail.

Conclusion

The Structure Plan, as modified, is considered to be satisfactory as a framework to facilitate the future development of the site. It is recommended that the WAPC require the Structure Plan to be modified in accordance with Attachments 4 and 5 before final approval is given.



Legend

- Local Government Area
- Cadastre (View 1)
- Region Scheme Boundary
- Region Scheme Zones and Res**
- Other regional roads
- Primary regional roads
- Public purposes - high school
- Public purposes - hospital
- Regional centre
- Regional open space
- Rural
- Urban
- Waterways

Notes:

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

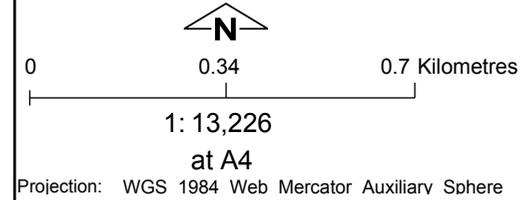
Map was produced using DoP's PlanViewWA.

Produced by: **FUNCTIONALITY TO COME**
Date produced: **05-Feb-2016**

PlanViewWA Map

INTERNAL USE ONLY

PlanViewWA
[Link to viewer](#)



Attachment 1

Legend

- Site Boundary.....1.54ha
- Residential
- Access and Landscaping
- Communal Open Space
- Vegetation to be retained
- Proposed Access Road
- Existing Road
- Indicative Building Footprint
- Indicative Lots

Disclaimer - The contents of this plan are conceptual only, for discussion purposes. All areas and dimensions are approximate only subject to relevant studies, Survey, Engineering and Council approval.



Stage 4 and 6
Illustrative image: Single storey grouped dwelling units - 2 bed x 2 bath Av. 200m² (65m² living)



Stage 1-3 and 5
Illustrative image: Two storey walk-up multiple dwelling units. Rear loaded with balconies fronting communal open space

Outline Development Plan Requirements

1. This Outline Development Plan provides a framework for future subdivision and development of the subject site. Actual subdivision may vary from the Outline Development Plan, and will require approval from the WAPC.
2. Residential development shall be in accordance with the Residential Design Code provisions, including side and rear setbacks in accordance with tables 2a and 2b and a maximum plot ratio of 0.7.
3. Significant vegetation shall be identified and retained through detailed design and survey.
4. Maximum building height along the eastern and northern boundaries of Lot 601 shall be limited to two storeys.
5. Residential development yields shall be in accordance with the table below, unless as varied and approved by the City of Mandurah.
6. The developer shall contribute towards the provision of a footpath to link the site with the existing footpath at Terance Mews.
7. The preparation and implementation of the following management plans may be a requirement of subdivision and/or development approval, if granted:
 - Stormwater management plan
 - Acid sulfate soil investigation/management plan
 - Urban water management plan
 - Mosquito management plan (the plan to focus specifically on the built form and measures taken to minimise the impact of mosquitos, and may take the form of a Local Development Plan)
 - Fauna management plan

Stages	Maximum Development Yields
1	14 units
2	18 units
3	18 units
4	14 units
5	16 units
6	17 units

DEPARTMENT OF PLANNING
MANDURAH OFFICE
08 DEC 2015
SPN/0779



Lot 601, Old Pinjarra Road, Greenfields
Outline Development Plan



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Schedule of Submissions
Structure Plan - Lot 601, No 22 Old Pinjarra Road, Greenfields

No	Submitter	Summary of Submission	Council Response and Recommendation <i>(Comment in italics have been inserted by the Department of Planning)</i>	Department of Planning Response and Recommendation
1	D Reed	Objects to the density of the buildings proposed.	<p>Upheld. The proposed density is in keeping with the City's Urban Form and Housing Strategy, and is considered to contribute to dwelling targets set by the State Government. The Structure Plan limits building height to two storeys, rather than the three storeys generally permitted for R60 lots.</p> <p><i>The residential density of R60 was reduced to R35 and a maximum dwelling yield of 60 dwelling was introduced as part of the Council's recommendation to support the Structure Plan. These modifications were imposed in addition to the development provisions added to the Structure Plan by City officers following the completion of the advertising period.</i></p>	<p>Upheld in part. The subject site is capable of supporting residential development at a density of R60.</p> <p>The R-codes provide sufficient guidance for the design and construction of dwellings to maintain amenity to adjoining dwellings.</p> <p>The Structure Plan Framework does not support the inclusion of R-code variations or statutory provisions in structure plans. Therefore the development height limits imposed by the City are not appropriate to be included in the structure plan.</p> <p>It is recommended that the northern portion of the site be designated R40 to provide a transition between existing dwellings and proposed R60 portion of the site.</p>
2	<p>J Lever (on behalf of Teranca Mews Residents Association)</p> <p>140 Teranca Road MANDURAH WA</p>	<p>Residents are not opposed to development, however raise the following concerns:</p> <p>a) Density – the proposed density of R60 is far above the density of other developments in the area of R30.</p>	<p>a) Upheld in part. The proposed density is in keeping with the City's Urban Form and Housing Strategy, and is considered to contribute to dwelling targets set by the State Government.</p> <p><i>The residential density of R60 was reduced to R35 and a maximum dwelling yield of 60 dwelling was introduced as part of the Council's recommendation to support the Structure Plan. These modifications were imposed in addition to the development</i></p>	<p>a) Upheld in part. Refer to point 1 above.</p>

		<p>b) Height – concerned of two storeys adjoining our residences, occupants have privacy concerns. There are no activity hubs within 800m of the site, and the train station is 3km away, which is inconsistent with State Government comments.</p> <p>c) Security & Noise – potential loss of security and increase in noise.</p> <p>d) Traffic – increase in residents could add further pressure to roads.</p> <p>e) Street Parking – does not seem to be adequate parking facilities onsite, may be an impact on adjoining streets.</p>	<p><i>provisions added to the Structure Plan by City officers following the completion of the advertising period.</i></p> <p>b) Upheld. The Structure Plan limits building height to two storeys, rather than the three storeys generally permitted for R60 lots. The Residential Design Codes provide standard setback requirements to protect adjoining landowner amenity. Whilst the site is not located within close proximity to an existing activity centre, the proposed activity centre at the corner of Pinjarra Road and Wanjeep Street is located 700m away.</p> <p>c) Noted. The City acknowledges these concerns, however security and noise are covered by existing Regulations.</p> <p>d) Dismiss. The increase in vehicles utilising local roads, as a result of the proposed future development, is deemed to be minor.</p> <p>e) Dismiss. Future development is required to satisfy the relevant planning framework (i.e. Residential Design Codes), including the provision of necessary parking on-site. Furthermore, any illegal parking within local streets shall be dealt with as a compliance matter (i.e. Rangers).</p>	<p>b) Dismiss. Refer to point 1 above.</p> <p>c) Noted. Agree with Council's comments.</p> <p>d) Dismiss. Agree with Council's comments.</p> <p>e) Dismiss. Agree with Council comments.</p>
3	G L Houston 3301/16 Dolphin Drive MANDURAH WA	<p>a) Concerned that the sense of safety and security may be diminished for residents, if there inappropriate development nearby.</p> <p>b) Concerned that R60 is too far from the town centre and R30 would be more appropriate.</p>	<p>a) Dismiss. The City acknowledges these concerns, however existing laws are in place to protect residents safety.</p> <p>b) Upheld in part. The proposed density is in keeping with the City's Urban Form and Housing Strategy, and is considered to contribute to dwelling targets set by the State Government. Whilst the site is not located within close proximity to an existing activity centre, the proposed activity centre at the corner of Pinjarra Road and Wanjeep</p>	<p>a) Dismiss. Agree with Council's comments.</p> <p>b) Upheld in part. Refer to point 1.</p>

			<p>Street is located 700m away.</p> <p><i>The residential density of R60 was reduced to R35 and a maximum dwelling yield of 60 dwelling was introduced as part of the Council's recommendation to support the Structure Plan. These modifications were imposed in addition to the development provisions added to the Structure Plan by City officers following the completion of the advertising period.</i></p>	
4	Water Corporation	<p>a) Development has been included in the current water and wastewater planning.</p> <p>b) Development may require upgrading existing water and wastewater reticulation.</p> <p>c) Urban Water Management Plan required.</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Noted.</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Noted.</p>
5	Department of Environment Regulation	<p>a) Not been classified or reported to DER as a known or suspected contaminated site.</p> <p>b) The site is located within a class 1 and 2 acid sulfate soil risk area.</p> <p>c) No conditions recommended at structure plan stage.</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Noted.</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Noted.</p>
6	Department of Aboriginal Affairs	<p>DAA 3338 (Taranga Road) is an Aboriginal heritage place that overlaps with the area of the Structure Plan.</p> <p>Recommended that the developer contact DAA to discuss further prior to project implementation.</p> <p>The Structure Plan overlaps with DAA 3582 (Serpentine River) which has been intentionally enlarged to mask its actual location.</p> <p>DAA has released Cultural Heritage Due Diligence Guidelines to assist developers.</p>	<p>These comments are noted and details are to be provided to the developer.</p> <p>It is the landowners responsibility to ensure that in undertaken any works they are not disturbing any sites of Aboriginal Heritage without the necessary approvals required under the relevant Aboriginal Heritage legislation.</p>	<p>Noted.</p>

Legend

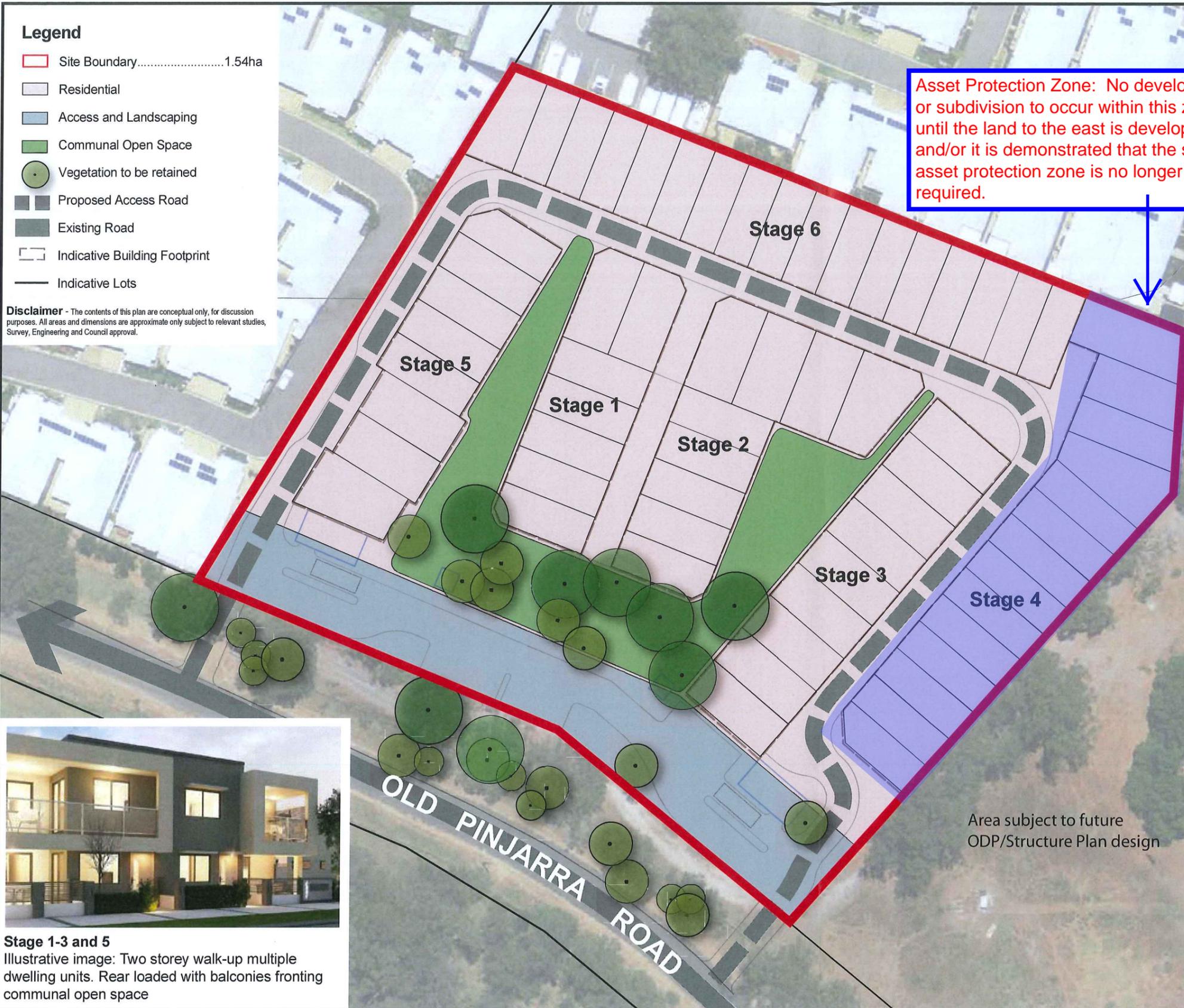
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Asset Protection Zone: No development or subdivision to occur within this zone until the land to the east is developed and/or it is demonstrated that the subject asset protection zone is no longer required.



Stage 4 and 6
Illustrative image: Single storey grouped dwelling units - 2 bed x 2 bath Av. 200m² (65m² living)



Stage 1-3 and 5
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2. Residential development shall be in accordance with the Residential Design Code provisions, including side and rear setbacks in accordance with tables 2a and 2b and a maximum plot ratio of 0.7.
3. Significant vegetation shall be identified and retained through detailed design and survey.
4. Maximum building height along the eastern and northern boundaries of Lot 601 shall be limited to two storeys.
5. Residential development yields shall be in accordance with the table below, unless as varied and approved by the City of Mandurah.
6. The developer shall contribute towards the provision of a footpath to link the site with the existing footpath at Terance Mews.
7. The preparation and implementation of the following management plans may be a requirement of subdivision and/or development approval, if granted:
 - Stormwater management plan
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DEPARTMENT OF PLANNING
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Lot 601, Old Pinjarra Road, Greenfields
Outline Development Plan



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Schedule of Modifications

Lot 601 Old Pinjarra Road Structure Plan

1. Plan 1 – Outline Development Plan being modified as follows:
 - a) the 'Outline Development Plan Requirements' text box being deleted;
 - b) photo images and associated text being deleted;
 - c) indicative lot boundaries, building foot prints and stage numbers being deleted from the plan and legend;
 - d) the northern portion of the site abutting Lot 600 Teranca Rd being designated R40 and the balance of the being designated R60;
 - e) references to 'outline development plan' being modified to 'Structure Plan'; and
 - f) depict notations relating to the Asset Protection Zone, as shown on Attachment 4.
2. All references to 'Part One – Statutory Section' to be modified to 'Part One – Implementation'.
3. All references to 'Outline Development Plan' to be modified to 'Structure Plan'.
4. Modify the 'Table of Changes' to a 'Tables of Amendments' page based on the following template:

Amendment No.	Summary of the Amendment	Amendment type	Date approved by WAPC

5. Delete Clause 2 'Interpretation and Relationship with the Scheme'.
6. Modify '4.2 – Report/Strategies Required Prior to Subdivision' to 'Clause 5 – Additional Information'.
7. In Clause 5 include an item which states "Bushfire Matters – No development or subdivision shall occur within the identified Asset Protection Zone identified on the Structure Plan along the eastern boundary until the land to the east is developed for urban purposes and/or it is demonstrated that the Asset Protection Zone is no longer required on Lot 601 Old Pinjarra Road."
8. Clause 5 'Additional Information' to be modified by inserting the following table:

Additional Information	Approval Stage	Consultation Required
Bushfire Attack Level Assessment	As part of Subdivision or Development Application	Department of Fire and Emergency Services/City of Mandurah
Bushfire Management Plan	Prior to Subdivision or Development Application	Department of Fire and Emergency Services/City of Mandurah
Acid Sulfate Soils Management Plan	Subdivision or Development Application	City of Mandurah
Urban Water Management Plan	Subdivision Application	City of Mandurah/Department of Water
Mosquito Management	Subdivision or development application	City of Mandurah
Fauna Relocation/Management Plan	As a condition of subdivision or development approval	City of Mandurah

9. Renumber the clauses of part one as necessary.