



Statutory Planning Committee

Agenda Attachments

Tuesday 13 September 2016



ITEM NO: 9.1

Proposed Amendment to Port Coogee Local Structure Plan (Stages 3A, 5 and 6)



REPORT TO: 9.1	Statutory Planning Committee		
Meeting date	23 August 2016	File number	SPN/0803M
Subject	Proposed Amendment to Port Coogee Local Structure Plan (Stages 3A, 5 and 6)		
Purpose	Requires WAPC decision		
Agenda Part for Non-Confidential Reports (SPC, SWRPC & PRPC – Published on website) SPC/SWRPC/PRPC - C - Subdivisions/Amalgamations (inc Structure Plans & Outline Development Plans)			
SITE-SPECIFIC DETAILS			
Region/s	Perth		
Local government/s	City of Cockburn		
Landowner/Consultant	Fraser's Property Australia / Taylor Burrell Barnett		
Statutory Planning Committee - SMART/Structure Plans only			
Region scheme zoning	Urban		
Local Scheme Zoning	Development		
Council's recommendations	Council resolved at its 12 November 2015 meeting to recommend to the WAPC that the amendment be refused		
Receipt date	6 January 2016	Process days	230 days on 23 August 2016
Property Address	Various Lots - North Coogee		
SUMMARY			
<p>The proposed amendment to the Port Coogee Local Structure Plan (the amendment) details a number of design changes which will result in an increase in density in the northern residential precinct, as well as on the southernmost island.</p> <p>The amendment proposal has implications for transport and traffic, height, and built form.</p> <p>The City of Cockburn (the City) received a large number of objections following advertisement of the proposed amendment, and the City recommended that the application be refused.</p> <p>The Statutory Planning Committee (SPC) gave consideration to the amendment at its meeting of 24 May 2016 when it resolved to defer consideration of the matter to enable further consultation between the Department of Planning (DoP), the City of Cockburn and the applicant, in relation to the issues raised within the Officer's report and issues raised by the deputations.</p> <p>The further consultation has resulted in an amended proposal which is directed towards addressing impact on character and amenity, traffic and parking, and road design. It is recommended that the SPC require modifications to be made to the amended proposal.</p>			
DETAILS OF PROPOSAL			
<p>The amendment considered by the SPC on 24 May 2016 sought to change the development provisions applicable to three undeveloped planning precincts, in order to afford different levels of development potential.</p>			

The three precincts are:

- Land bound by Medina Parade to the west, Caledonia Loop to the north and south and a yet to be constructed road reserve for Orsino Boulevard with an approximate area of 3.7 hectares and presently afforded a classification of Residential R25 and R35 (Stage 6);
- Land bound by Medina Parade, Scout Turn and Chance Way with an approximate area of 0.55 hectares and presently afforded a classification of R30 and R50 (Stage 3A); and
- Land positioned on an island with an approximate area of 2.2 hectares presently afforded a classification of Residential R60 (Stage 5). (**Attachment 1** - Locality Plan).

The amendment would result in an increase in the potential density in the northern residential precinct (Stages 6 and 3A), as well as on the southernmost island (Stage 5), by the addition of 182 dwellings, being a combination of single and multiple dwellings.

Key elements of the proposed design changes are as follows:

- Increased density in Stage 6 and Stage 3A from Residential R25 and R35 to Residential R60 and R80 to allow for smaller, more diverse proposed lots.
- Increased density in Stage 5 from Residential R60 to Residential R80 and an increase in permitted height from 13.6 metres to 17.3 metres to allow for a potential multiple dwelling development.
- Deletion of the northern portion of Orsino Boulevard road reserve and replacement with Public Open Space to provide improved amenity.
- Removal of Stage 3A and Stage 5 indicative lot design to allow these details to be determined as a component of either the detailed subdivision design and / or development applications to increase dwelling diversity. (**Attachment 2** - Comparison Plan: Existing and Proposed Local Structure Plans (Original)).

Following the SPC's decision to defer consideration of the amendment, an amended proposal has been formulated as follows:

- Increased density in Stage 6 and Stage 3A from Residential R25 and R35 to Residential R60 and R80 to allow for smaller, more diverse proposed lots.
- Deletion of the northern portion of Orsino Boulevard road reserve in Stage 6 and replacement with Public Open Space to provide improved amenity.
- Widening of Central Road in Stage 6 to 17.9 metres, and the provision of a 7 metre laneway along the north-south linear public open space.
- Increased density in Stage 5 from Residential R60 to Residential R80 and an increase in permitted height from 13.6 metres to 17.3 metres to allow for a potential multiple dwelling development, with the upper level set back 5 metres from the northern edge (facing Seaspray island) and 7 metres along the eastern edge (facing the beach).
- Provision of Stage 5 marina car parking to be integrated into the built form, with this indicated through notations emphasising key locational principles.
- Provision of a pedestrian access way connecting the boat pens in the south western corner of (Stage 5) to the public road providing access to the Island.
- Removal of Stage 3A and Stage 5 indicative lot design to allow these details to be determined as a component of either the detailed subdivision design and / or development applications to increase dwelling diversity. (**Attachment 3** - Comparison Plan: Existing and Proposed Local Structure Plans (Amended)).

BACKGROUND

The Port Coogee Local Structure Plan was originally adopted by the City in March 2004, and on 3 May 2005 it was endorsed by the WAPC.

The total Structure Plan area is 83.1 hectares. The land is zoned Urban under the Metropolitan

Region Scheme (MRS) and Development under the City's Town Planning Scheme No. 3.

The Structure Plan originally envisaged approximately 1,468 residential dwellings within the marina precinct. There have been a number of amendments to the Structure Plan since its initial adoption, providing for different levels of development potential in different precincts, with the result that the plan area currently provides for approximately 2,346 single and multiple dwellings.

The SPC first gave consideration to the amendment at its meeting of 24 May 2016, this being the first amendment considered by the WAPC under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The SPC resolved to defer consideration of the amendment.

KEY ISSUES

<p>Consistency with WAPC Policies & Planning Framework</p>	<p>Planning and Development Act 2005 and Planning and Development Act (Local Planning Schemes) Regulations 2015; Directions 2031; Liveable Neighbourhoods</p>	<p>Broadly consistent, some discretion required</p>
<p>Consultation</p>	<p>One hundred and nine (109) submissions were received in response to the advertised amendment, the majority of which were objections. The City also received a petition with seventy (70) signatures objecting to the proposal.</p> <p>The issues raised in the objections related to: negative impact on character and amenity; increase in traffic; insufficient parking to support higher densities; impact on views; decrease in property values; overshadowing of the beach through increased building heights; inadequate public open space / public amenities; negative environmental impacts; increase in crime / anti-social behaviour; and inadequate infrastructure.</p> <p>Council resolved at its 12 November 2015 meeting to recommend to the WAPC that the amendment be refused.</p>	

PLANNING ASSESSMENT

Planning Assessment and Recommendation Considered by the SPC on 24 May 2016

The planning assessment responded to the range of concerns expressed in the submissions received by the City. The assessment concluded that the proposed amended Structure Plan be modified in a manner that would make it suitable for approval. The recommended modifications were as follows:

- The building heights on the Island (Stage 5) to be retained as 13.6 metres on the northern and eastern sides of the Island, and that the Structure Plan include a concept plan demonstrating how the requirement of a 13.6 metre height restriction on the northern and eastern sides of the Island will transition to a maximum height of 17.3 metres on the remainder of the Island;
- A concept plan to be included showing how public parking will be provided on the Island (Stage 5), including the extent and location of parking, as well as linkages to the public road providing access to the Island. In calculating parking bay requirements, the Department of Transport's standard of 0.5 parking bays per boat pen is to be used, and a minimum of 90 boat pens is to be designated on the concept plan;
- The pedestrian access way connecting to the boat pens in the south western corner of the

Island (Stage 5) to be shown as linking to the public road providing access to the Island;

- The road design of the Stage 6 precinct to be redesigned in order to satisfy the 17.9 metre road reserve guideline set out in Liveable Neighbourhoods for residential densities of R60 – R80, and for the design to enable safe waste vehicle movement; and
- All of the above modifications to be undertaken in consultation with the Department of Planning and the City.

SPC Decision of 24 May 2016 to Defer Determination of the Amendment

Although the SPC expressed in-principle support for an up-coding and increase in height in Stage 5, and up-coding in Stages 3A and 6, it resolved to defer determination of the application to enable further consultation between the Department of Planning (DoP), the City and the applicant, in relation to the issues raised within the Officer's report and issues raised by the deputations.

The SPC noted the need for the proposed amended Structure Plan to respond to the likely impact of the intended development (facilitated by the amendment) on the character and amenity, beach overshadowing, visual amenity, traffic and parking, and road design. Furthermore, the SPC indicated that direction should be taken from the conclusion in the Officer's report which set out the four recommended modifications.

Consultation between Applicant, and Officers of the Department of Planning and City of Cockburn

Meetings were held on 9 June and 20 July 2016 between the applicant and officers of the Department of Planning and the City, with a view to reaching agreement on an amended proposal to be submitted to the SPC for consideration.

The further consultation resulted in the amended proposal.

Assessment of Amended Proposal

The amended proposal reflects changes made in response to the four recommended modifications. The assessment reviews the changes made in response to these modifications.

Proposed Modification 1: Building Height

The building heights on the Island (Stage 5) to be retained as 13.6 metres on the northern and eastern sides of the Island, and that the Structure Plan include a concept plan demonstrating how the requirement of a 13.6 metre height restriction on the northern and eastern sides of the Island will transition to a maximum height of 17.3 metres on the remainder of the Island.

Response and Assessment:

- Sectional sketches were prepared to identify the extent to which an upper level would need to be set back in order not to be visible from pre-determined viewpoints. A small portion of the upper level will remain visible, but the approach is to seek a balance between minimising visibility of the upper level, while ensuring that the setback makes sense from a design and structural perspective.
- In order to achieve the balance sought, it is proposed that that the upper level be set back 5 metres from the northern edge (facing Seaspray) and 7 metres along the eastern edge (facing the beach).
- To reflect these outcomes, a revised Heights Plan has been prepared for inclusion in

the Structure Plan. The Heights Plan proposes a building height of 17.3 metres (maximum) for the majority of stage 5 and maintains the current building height of 13.6 metres (maximum) within the northern and eastern setback areas.

- Although the City is concerned that lifting the height will create an incompatible bulk and scale of development, and maintains the position that the upper level should be completely invisible, invisibility was not a requirement stipulated by the SPC. The upper level proposed setbacks of 7 and 5 metres are estimated to result in no more than 1.1 metres of the upper level being visible above a balustrade, at a distance of 60 metres from Seaspray and 90 metres from the beach. The proposed setbacks are an appropriate means of managing the northern and eastern interfaces, and on this basis the visual impact of additional building bulk and height will be mostly insignificant.
- **Attachment 4** - View Assessment: Proposed Stage 5 Building Height) and **Attachment 5** - Photographs of Stage 5 depicts the anticipated view / visual outcomes.

Proposed Modification 2: Marina Parking

A concept plan to be included showing how public parking will be provided on the Island (Stage 5), including the extent and location of parking, as well as linkages to the public road providing access to the Island. In calculating parking bay requirements, the Department of Transport's standard of 0.5 parking bays per boat pen is to be used, and a minimum of 90 boat pens is to be designated on the concept plan.

Response and Assessment:

- Rather than preparing a concept plan, there is merit in a more flexible approach that recognises that the parking will be integrated into the built form and that this will be guided by locational principles. In order to emphasise the key locational principles associated with the public marina parking for Stage 5, it is proposed to include the following notations on the Structure Plan.
 - Marina Car Parking bays to be located in close proximity to the public boat pens.
 - Universal access to be provided from the Marina Car Parking to the public access ways and Marina jetties in accordance with current industry standards
- The parking bay requirements associated with the 90 public boat pens in Stage 5 have been revisited, and since the proposed amendment does not affect the number of boat pens, it is considered that the existing provisions in the Structure Plan are applicable. The Structure plan stipulates a parking ratio of 1 bay per 4 boat pens (23 bays), and this will continue to apply.

Proposed Modification 3: Pedestrian Access Way

The pedestrian access way connecting to the boat pens in the south western corner of the Island (Stage 5) to be shown as linking to the public road providing access to the Island.

Response and Assessment:

- The need for the pedestrian access way to link to the public road providing access to the Island is recognised and accepted.

Proposed Modification 4: Stage 6 Road Design

The road design of the Stage 6 precinct to be redesigned in order to satisfy the 17.9 metre road reserve guideline set out in Liveable Neighbourhoods for residential densities of R60 – R80, and for the design to enable safe waste vehicle movement.

Response and Assessment:

- It is agreed to widen the Central Road to 17.9 metres, and this will be addressed at subdivision stage. No other road widening proposals are included.
- In order to address the concerns associated with the movement of waste vehicles in the 'H' Laneway, a 7 metre laneway along the north-south liner Public Open Space is to be provided.
- Discussion has centred on providing a design that will enable safe and efficient waste truck movement in the north-eastern sector. This is to be managed by requiring that garages be setback 1.0 metre from the laneway to effectively create an 8.0 metre wide laneway that would provide for sightlines and avoidance of any obstacles. It is also suggested that parking of vehicles in the laneway should be discouraged or prohibited.
- The road configuration in this area is not ideal considering the proposed increase in density, and a redesign of the Stage 6 precinct is warranted. This would best be achieved by replacing the Stage 6 lot design with a more indicative approach, retaining the proposed Central Road, and indicating the spatial distribution of the up-coding proposals. In this way the design details of stage 6 can be determined as a component of either the detailed subdivision design and / or development applications aimed at increasing dwelling diversity.

Conclusion

The amended proposal responds substantially to the direction provided by the SPC, and proposed modifications 1, 2, and 3 have been suitably addressed. The issues raised under Modification 4 necessitate further consideration of the preferred road / lot design and arrangements.

It is recommended that the proposed amended Structure Plan be modified in a manner that would make it suitable for approval. The modifications are directed towards ensuring improved road design, traffic management, and parking provision in Stage 6, as well as ensuring that all other elements of the amended proposal are reflected in all relevant sections of the Port Coogee Structure Plan document inclusive of text and plans. To this end a revised document containing all of these changes needs to be resubmitted for approval consistent with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2, Part 4 - Structure plans, Clause 22(1)(b) Decision of Commission.

RECOMMENDATION

That the Statutory Planning Committee resolves to:

- 1. Require the Port Coogee Local Structure Plan to be modified in accordance with the attached schedule of modifications and for the modified plan to be resubmitted to the WAPC for approval; and***
- 2. Advise the City of Cockburn of its decision accordingly.***

ATTACHMENTS

Attachment 1 - Location Plan

Attachment 2 - Comparison Plan: Existing and Proposed Local Structure Plans (Original)

Attachment 3 - Comparison Plan: Existing and Proposed Local Structure Plans (Amended)

Attachment 4 - View Assessment: Proposed Stage 5 Building Height

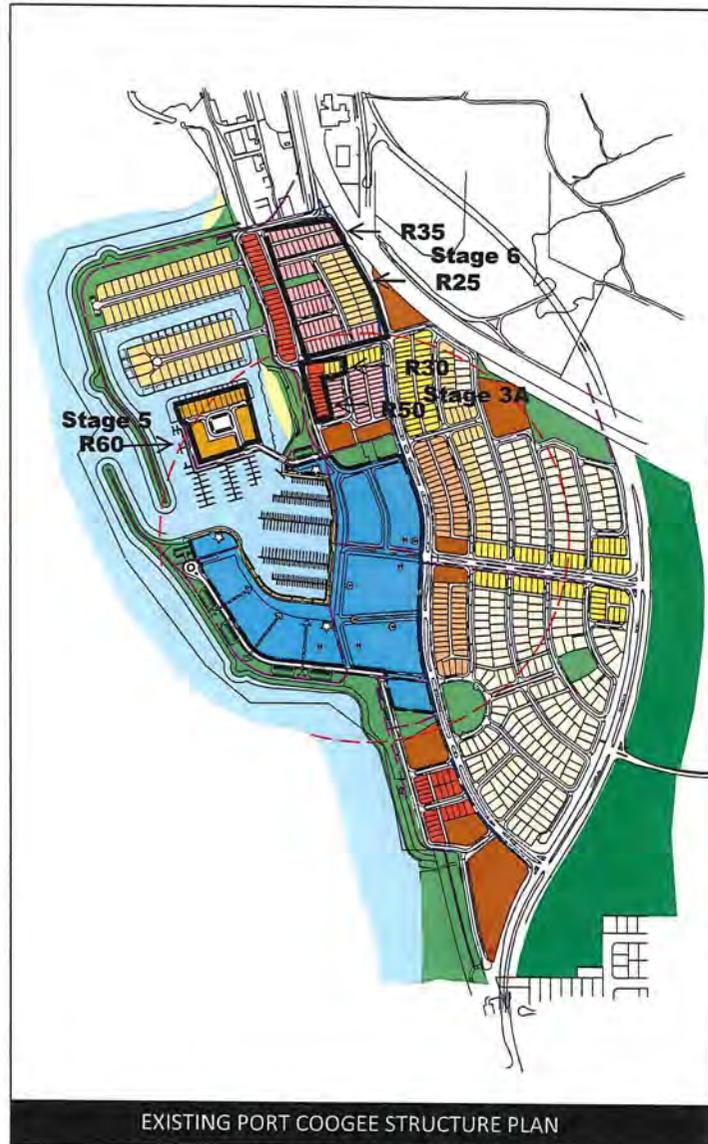
Attachment 5 - Photographs of Stage 5

Attachment 6 - Schedule of Modifications



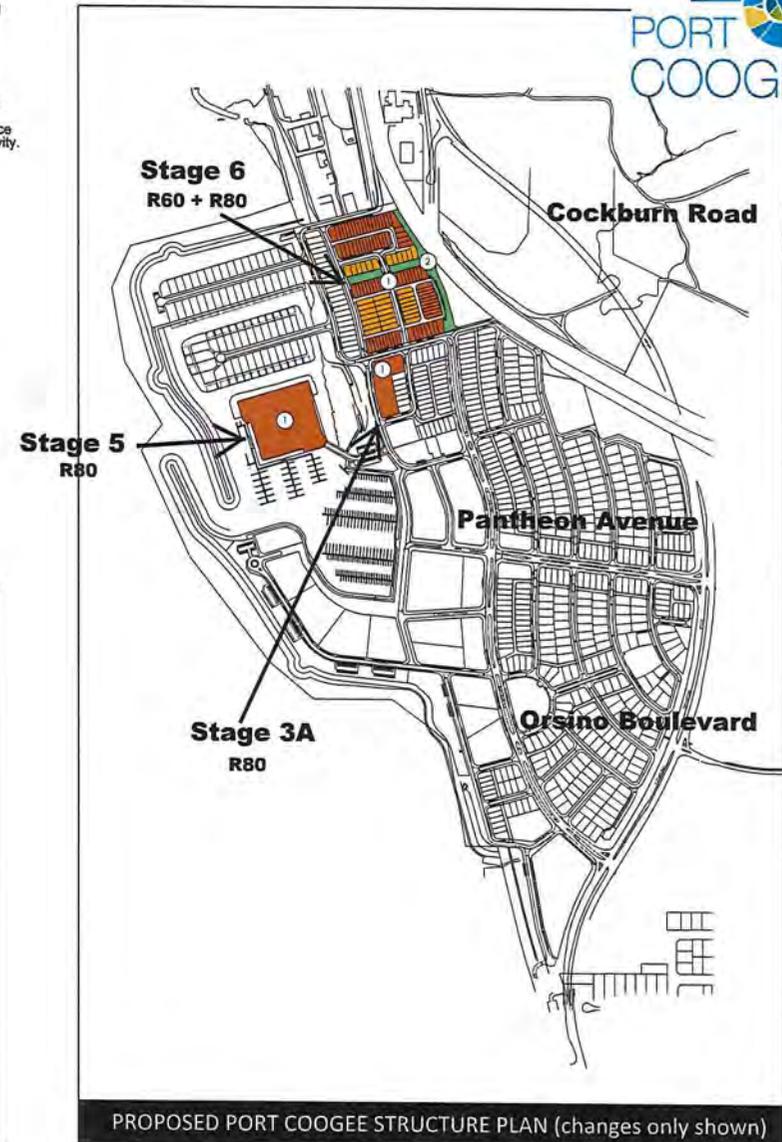
LOCATION PLAN

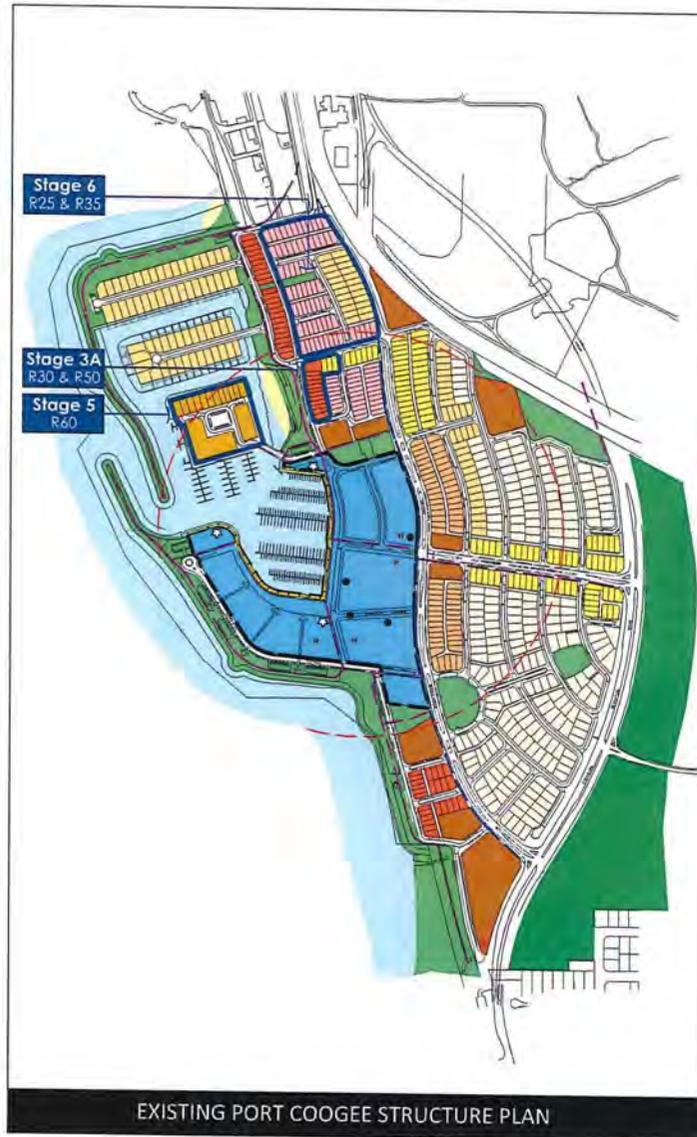
PORT COOGEE STRUCTURE PLAN AMENDMENT



1. **RECODING OF LOTS AND RECONFIGURATION OF ACCESS ROADS**
Resulting in increased density and diversity of housing product.
2. **REMOVAL OF ORSINO BOULEVARD/ADDITION OF PUBLIC OPEN SPACE**
Replacement of road reserve with linear open space to enhance local amenity and pedestrian connectivity.

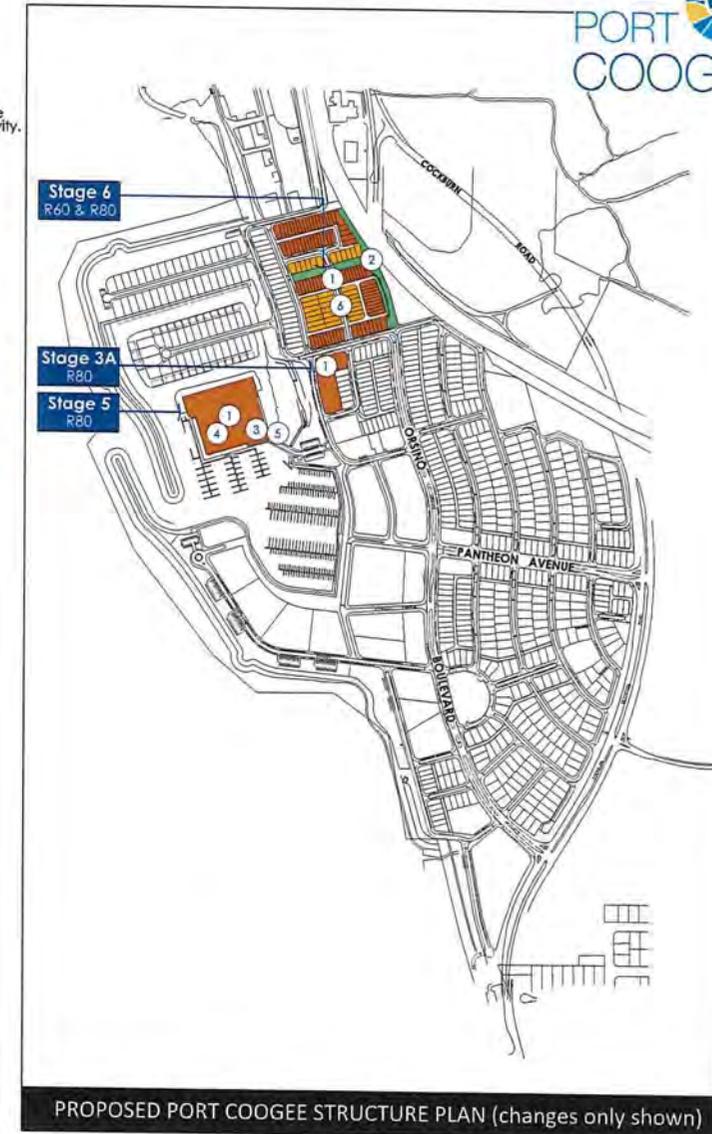
LEGEND	
TPS NO.3 ZONES	
[Yellow box]	RESIDENTIAL R20
[Light Yellow box]	RESIDENTIAL R25
[Light Orange box]	RESIDENTIAL R30
[Orange box]	RESIDENTIAL R35
[Dark Orange box]	RESIDENTIAL R40
[Red box]	RESIDENTIAL R50
[Dark Red box]	RESIDENTIAL R60
[Brown box]	RESIDENTIAL R80
[Blue box]	MARINA VILLAGE (Local Centre)
TPS NO.3 RESERVES	
[Green box]	PARKS AND RECREATION
[Dark Green box]	MRS RESERVES
[Dark Green box]	PARKS AND RECREATION
[Blue dashed line]	DUP FOR REGIONAL PEDESTRIANS / CYCLISTS
[Red dashed line]	DUP
[Yellow dashed line]	BOARDWALK
[Red dashed line]	400m WALKABLE CATCHMENT
[Red star]	ADDITIONAL USE SITE
[Circle with 'C']	POTENTIAL SITE FOR REQUIRED COMMUNITY PURPOSE SPACE (to a maximum of 1000m ² floorpace)
[Star]	ICON BUILDING
[Star]	HOTEL - ALTERNATIVE LOCATION
[Arrow]	PUBLIC ACCESS LINKS (form and location to be agreed with City of Cockburn)





- ① RECODING OF LOTS AND RECONFIGURATION OF ACCESS ROADS
Resulting in increased density and diversity of housing product.
- ② REMOVAL OF ORSINO BOULEVARD/ADDITION OF PUBLIC OPEN SPACE
Replacement of road reserve with linear open space to enhance local amenity and pedestrian connectivity.
- ③ INCLUDE NOTATIONS TO THE LSP REGARDING:
 - Location of marina car parking bays in close proximity to public boat pens.
 - Provision of universal access from marina car parking to public access ways and marina jetties.
- ④ MODIFICATIONS TO PROPOSED HEIGHT INCREASES AND APPLICATION OF SETBACK AT THE UPPER LEVEL
- ⑤ PAW TO LINK TO PUBLIC ROAD
- ⑥ INCREASE IN ROAD RESERVE WIDTH OF CENTRAL ROAD TO 17.9m

LEGEND	
TPS NO.3 ZONES	
[White box]	RESIDENTIAL R20
[Yellow box]	RESIDENTIAL R25
[Light blue box]	RESIDENTIAL R30
[Light green box]	RESIDENTIAL R35
[Light orange box]	RESIDENTIAL R40
[Orange box]	RESIDENTIAL R50
[Dark orange box]	RESIDENTIAL R60
[Red box]	RESIDENTIAL R80
[Blue box]	MARINA VILLAGE (Local Centre)
TPS NO.3 RESERVES	
[Green box]	PARKS AND RECREATION
[Light green box]	MRS RESERVES
[Dark green box]	PARKS AND RECREATION
[Blue dashed line]	DUP FOR REGIONAL PEDESTRIANS / CYCLISTS
[Blue solid line]	DUP
[Yellow dashed line]	BOARDWALK
[Green dashed line]	ACCESSIBLE TO PUBLIC
[Red dashed line]	400m WALKABLE CATCHMENT
[Red star]	ADDITIONAL USE SITE
[Black circle]	POTENTIAL SITE FOR REQUIRED COMMUNITY PURPOSE SPACE (to a maximum of 1000m ² floorpace)
[Star icon]	ICON BUILDING
[Star icon]	HOTEL - ALTERNATIVE LOCATION
[Blue arrow]	PUBLIC ACCESS LINKS (form and location to be agreed with City of Cockburn)



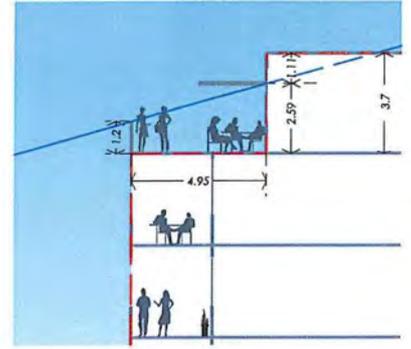
Comparison Plan - Existing and Proposed Local Structure Plans

(Amended)

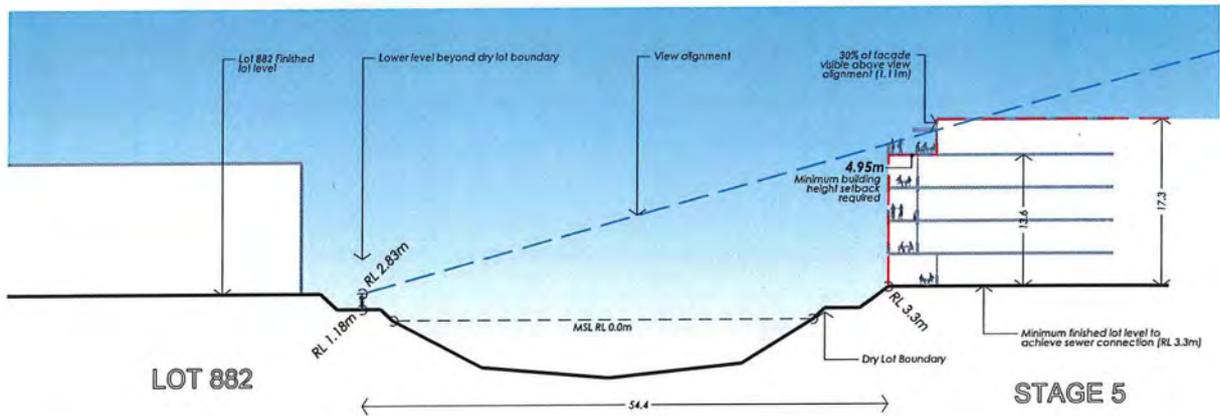
APPENDIX 1



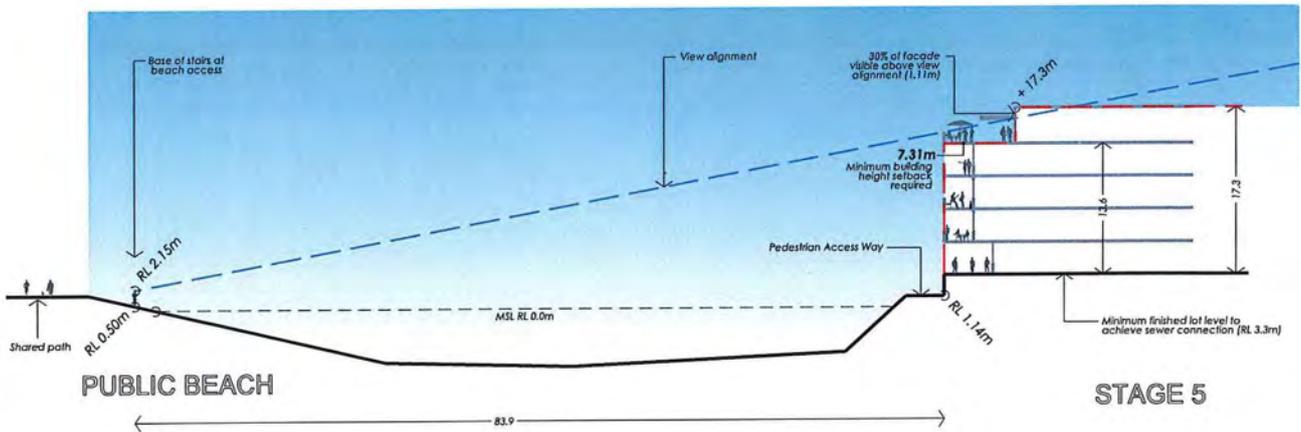
View Reference : Location



Balcony Cameo



View Reference 1



View Reference 2

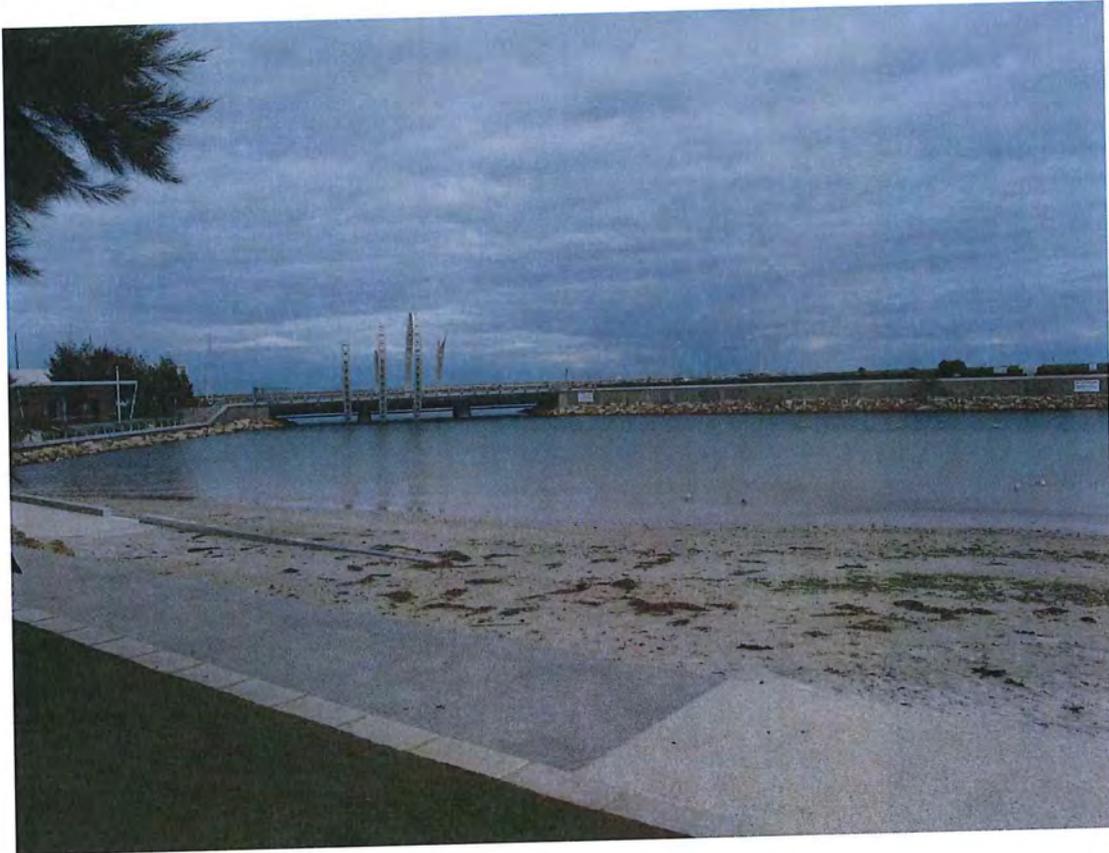




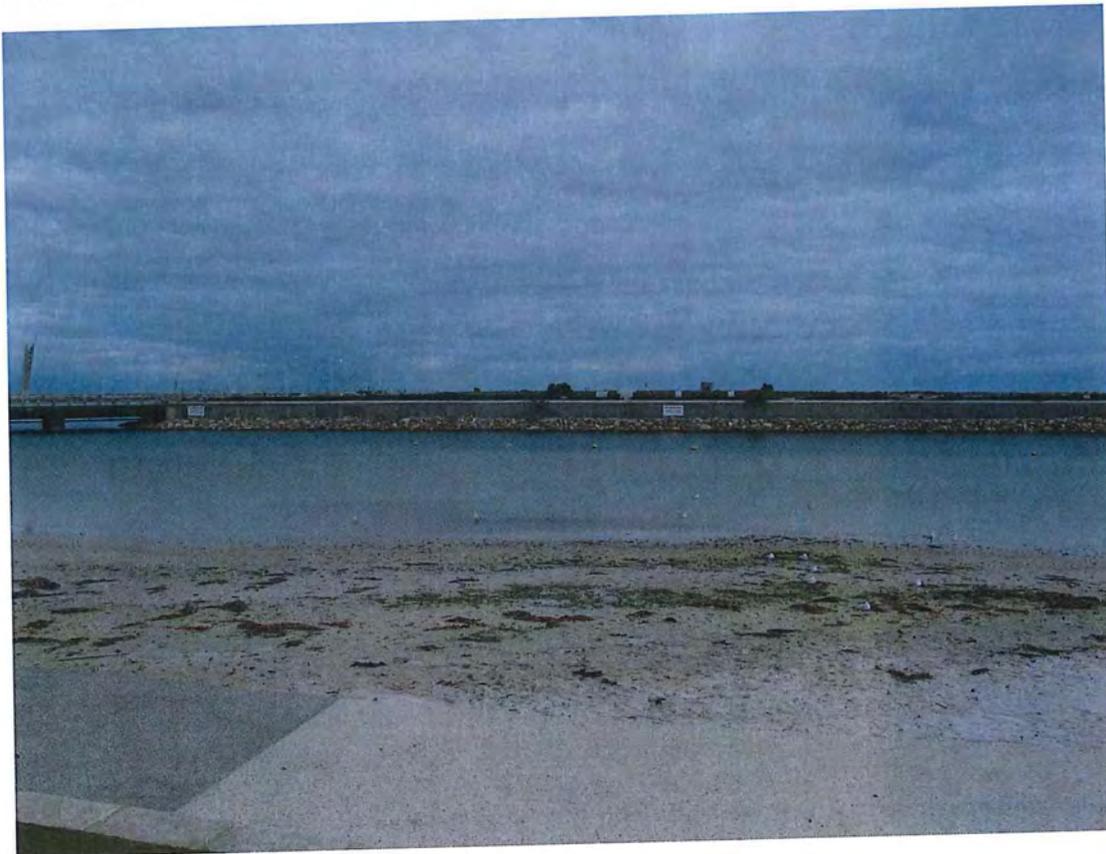
Photographs of Stage 5

ATTACHMENT 5

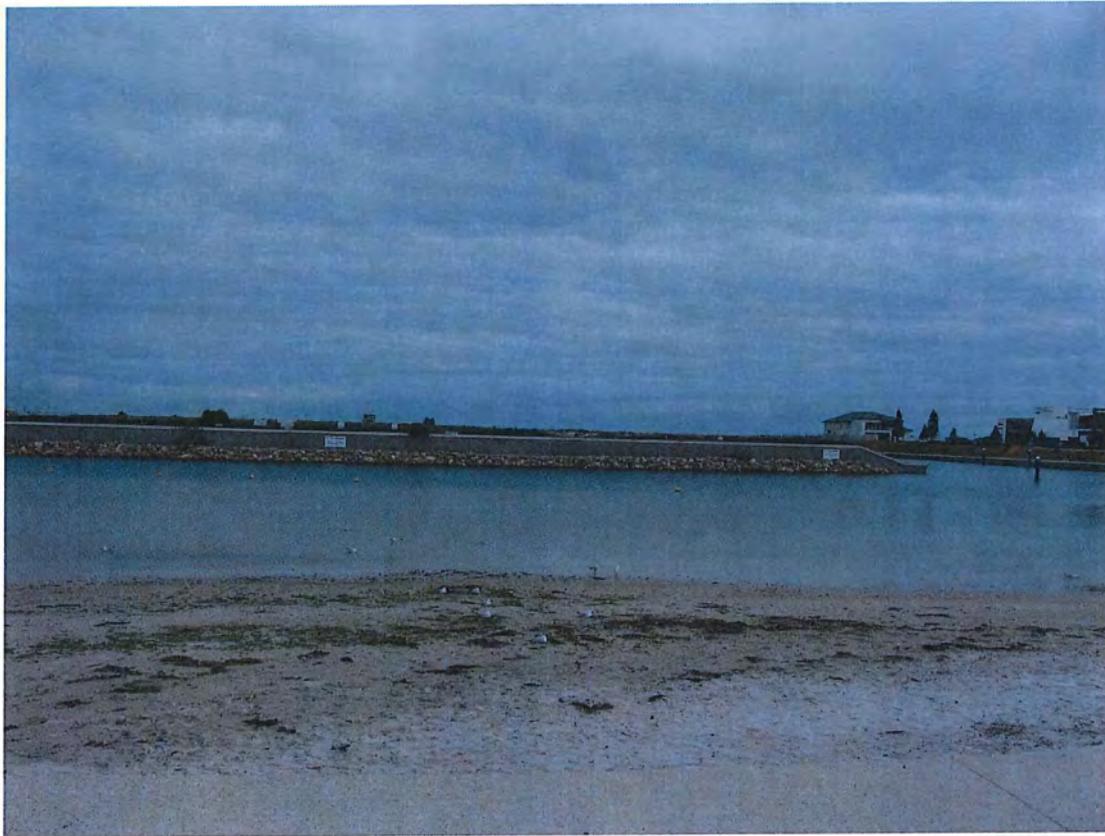
View 1 - South-west from Public Beach to Island (Stage 5)



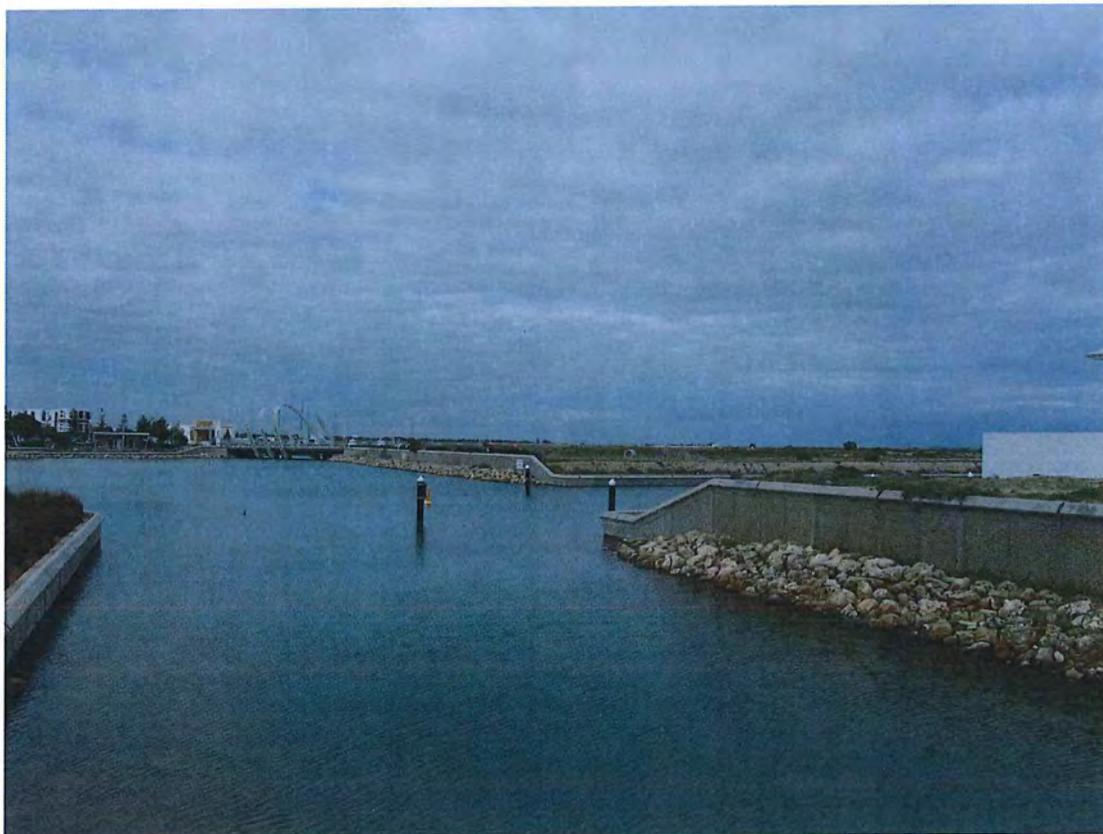
View 2 - West from Public Beach to Island (Stage 5)



View 3 - North-West from Public Beach to Island (Stage 5) and Seaspray Island



View 4 - South from link bridge to Seaspray Island to Island (Stage 5)



View 5 - South-east from Seaspray Island to Island (Stage 5)



View 6 - South from Seaspray Island to Island (Stage 5)



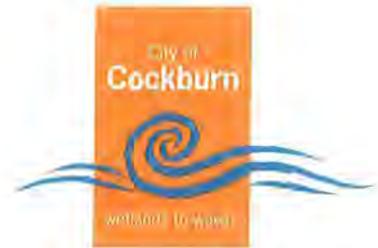
View 7 - South-east from Breakwater to Seaspray Island and Island (Stage 5)



Proposed Amendment to Port Coogee Local Structure Plan (Stages 3A, 5 & 6)

Schedule of Modifications

1. The Stage 6 precinct is to be redesigned by replacing the Stage 6 lot design with a more indicative approach. In doing so, the proposed Central Road is to be retained, as is the proposed public open space, and the spatial location of the proposed Residential R60 and Residential R80 areas is to be represented.
2. The amended proposal (as referenced in the Department of Planning report), including the modifications to the Stage 6 precinct, is to be reflected in all relevant sections of the Port Coogee Structure Plan document inclusive of text and plans in a manner that will allow the document to be approved by the WAPC once resubmitted.



Direct Indial: (Ph: 9411 3571)
 Our Ref: 110/023
 :

29 July 2016

Western Australian Planning
 Commission
 Locked Bag 2506
 PERTH WA 6001



Attention: Neil Fox

PROPOSED STRUCTURE PLAN – PORT COOGEE

Further to the comments and proposed modifications provided by Taylor Burrell Barnett on behalf of Frasers Property (dated 6 July 2016) and the subsequent meeting of 20 July 2016, the City provides the following response to the Western Australian Planning Commission:

Building Heights

To reiterate the City's concerns, development on 'The Island', to the west of the town beach, will have a significant impact on the visual amenity and outlook from the beach, which is a key public space. Intensification of development on 'The Island', in particular an increase to building heights, will increase the visual impact of the built form when viewed from the beach, and will diminish the amenity of the beach as a place of recreation.

While it is accepted that development will be visible from the beach, the proposed additional building height, in conjunction with additional building bulk as a result of proposed increased residential densities, will result in development that is more visually prominent and intrusive. Such contravenes the objectives that underpinned the creation of the community beach, in that it would be an enduring community asset created as a result of the developer getting access to public coast.

It is also considered important that the additional building height on 'The Island' does not detract from the prominence of the Marina Village which is to be the community centrepiece of Port Coogee (clause 6.4.1 of the Structure Plan), and the localities focal point.

Currently the Structure Plan includes a range of building heights from 17.3m to 32.0m within the Marina Village Precinct. All other areas outside the Marina Village currently have a maximum building height of between 10m and 13.6m. Therefore the proposed change in building heights on 'The Island' from 13.6m to 17.3m puts the height of built form into that only seen in the Marina Village. This has the potential to detract from the Marina Village and reduce its prominence in the area.

The marginal reduction in height on the northern and eastern sides of 'The Island' proposed by the proponent is inadequate to address these concerns, and will do little

to provide any visual relief or reduce the apparent bulk of the building. As demonstrated in the Visual Assessment included in their letter dated 6 July 2016, the upper floor will still be visible from the beach. In addition, balustrading and the use of the balcony area, including possible 'shade cover' will effectively result in the building appearing 17.3m in height. This is not considered any degree of a compromise.

The City therefore seeks a more substantial setback to the upper floor that ensures the entire upper floor and the useable balcony area is also not visible from the public viewing areas so that the buildings heights genuinely appear to be 13.6m as shown on the adopted Structure Plan.

This will ensure an appropriate interface with the R25 area to the north, and will minimise the impact of greater building heights and bulk on the outlook from the town beach. This will also ensure that building heights on 'The Island' do not detract from the prominence of the Marina Village. A setback of at least 10m would facilitate this.

It is important to note that through the 2010 State Administrative Tribunal process, whereby substantial height increases were granted, assurances were given to Council by the developer that there would be no increase to building heights without public support.

Given the large number of objections received, it is clear that this support does not exist. Therefore while the City is prepared to consider an increase to density and building heights on 'The Island', it is considered paramount that the concerns of the community be taken into consideration, particularly in light of this previous commitment.

In this respect, it is considered appropriate that building heights appear no greater than under the current Structure Plan when viewed from the public beach and properties on Othello Quays. As outlined above, the proposed modifications do not achieve this and therefore cannot be supported by the City.

2. 'The Island' Public Access and Parking (Stage 5)

The current endorsed Structure Plan shows 'The Island' being accessible by a public road with a central parking area for visitors and boat pen licence holders (Figure 1). There are 8.0m wide pedestrian access ways included on the south, east and western sides, which are connected by a public road. This facilitates connectivity for pedestrians by creating a 'loop'. It also creates a sense of permeability and openness through the inclusion of public roads, which is considered to be in the spirit of the intent of the structure plan.

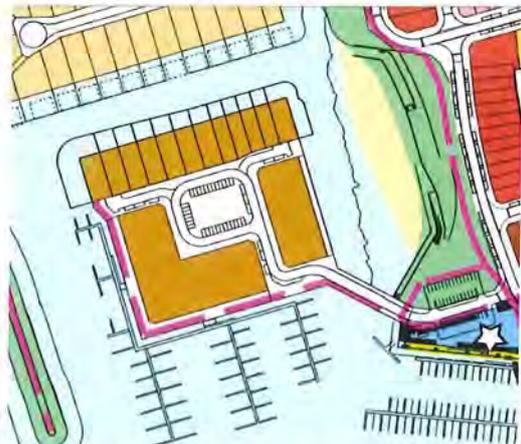


Figure 1. Current Structure Plan - R60 with maximum height of 13.6m, and public road access



Figure 2. Proposed Structure Plan - R80 with a maximum height of 17.3m, public road access not shown

In comparison the current proposal includes only public access via a PAW on the southern and partially the eastern sides which does not provide pedestrians with a circuit.

Pedestrians will arrive to the north west of the area and be required to turn around and return the way they came. This is considered to create an uninteresting and undesirable route for pedestrians, also reducing the level of openness and public accessibility that has always characterised 'The Island', and the Structure Plan as a whole. This philosophy is demonstrated in Figure 3 'Marina Village Illustration' from the Structure Plan report, which reflects a permeable and open public road network.



Figure 3. Extract from 'Marina Village Illustration' from Structure Plan report (Figure 12) - demonstrates the permeable road network and openness that was envisaged for 'The Island'.

As outlined in the Structure Plan report, (clause 6.11.17) it has been made clear at both local and State Government levels that continuing support for the project is dependent on the proposal clearly demonstrating net community gain in terms of Public Equity.

Clause 6.8.2 of the Structure Plan report states that for the recreational dual use path system the emphasis is to provide the user with an attractive route for riding or walking, taking the maximum advantage of the variety of visual and recreational experiences available throughout the estate, in particular the waterfront facilities, including boardwalks, promenades, developed parklands, the Marina Village, etc. Figure 3 demonstrates the openness and permeable road network that was envisaged for The Island.

The proposed variation restricts public access to a greater extent than the current structure plan, and negatively impacts the ability of residents of Port Coogee and the broader public to enjoy the area for walking and passive recreation - this is considered to be at odds with the original intent of the Structure Plan.

To ensure this fundamental principal of public accessibility remains the City therefore recommends that the Structure Plan be modified to include public access in a 'circuit' to create an interesting and inviting pedestrian route, whether this is designed as a public access way and or public road.

It is also recommended that annotations be included on the Structure Plan clearly stipulating the requirement for accessible and convenient public parking on 'The Island' for the boat pens in line with this philosophy.

Stage 5 Road Design

Since inception, the Port Coogee Structure Plan has always been characterised by a highly permeable, legible and connected road network. This is demonstrated in Figure 4 which depicts a 2003 version of the Structure Plan, showing an interconnected, open, grid system with ample opportunities for street trees. While the Structure Plan has changed and evolved since this plan, figure 7 demonstrates

that subdivision that has occurred to date has remained consistent with this philosophy. This should continue for the remaining portion of the Structure Plan.



Figure 4. 2003 Version of Port Coogee Structure Plan showing an interconnected road network



Figure 5. Current roads and cadastre showing an interconnected road network consistent with original vision - should be continued through final stages of the Structure Plan

The L-shaped laneway and road connection (figure 6) creates an undesirable waste vehicle movement scenario whereby if a car is parked in the laneway, the waste vehicle must reverse around a corner. This is a situation that increases the likelihood of property/fence damage, and puts pedestrians in the laneway at risk.

The City's email dated 10 April 2015 attached and referred to in the proponents letter referred to a specific revised concept plan for the southern portion of Stage 5 (Attachment 1 to this letter), whereby a pre-lodgement meeting and discussions were had regarding this southern section of the proposed Structure Plan only which was considered to be fatally flawed. Therefore the assertion that the City has supported this laneway design in the northern area is false.

Moreover, the road configuration in the north-eastern portion of the Structure Plan is considered dysfunctional in a way that will not just be problematic for waste vehicles. Proposed bin-pads on the opposite side of the adjacent road as shown in some of the sketches (Proponent sketch ii Detail D) approximately 50m away from the lots is a reflection of poor design that will create an undesirable situation for future residents of Lots 24-27 (as annotated on Sketch ii).

It is unclear where visitors will park in this area (lots outlined in Figure 7), and the City foresees ongoing problems with parking compliance should the Structure Plan be approved as proposed.

Imposing fines on unauthorised parking is highly undesirable where viable and convenient alternatives within a reasonable distance have not been provided; and

this approach is not considered to be an appropriate solution given that the opportunity exists to design out the problem.

Creating a road environment that requires a specific regime of parking compliance over and above what would normally be required or expected is considered to place an onerous burden on the City, and is not in the best interest of future residents and visitors. In the first instance a well-designed, legible road network with good access and safe and convenient on-street parking options should always be the first option, rather than creating parking problems and then mitigating them.

Therefore in addition to widening this northern laneway and including a 1m setback as proposed by the proponent to improve waste vehicle access, the City recommends that the road and lot configuration in the north-western section be re-designed. For example, a better outcome would be grouped or multiple dwelling site(s) for this area which can incorporate dedicated visitor parking and provide more flexibility to achieve the best design outcome.

The City supports the proposal for front loaded lots to include a 6m setback to facilitate additional on-site parking, given these lots remove opportunities for on-street parking. It is also recommended that the number of on-street parking bays be increased wherever possible to prevent future parking problems in the area.



Figure 6 L-shaped laneway unsuitable for waste vehicles

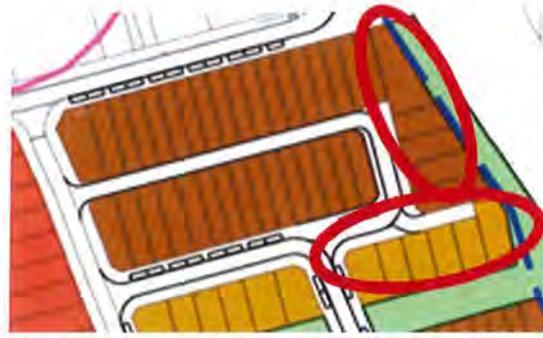


Figure 7. Lots with no on-street parking for visitors within a reasonable distance

We trust this information assists with consideration of the proposed Structure Plan, and should you require any further clarification please do not hesitate to contact Donna Di Renzo on 9411-3573.

Yours faithfully

Daniel Arndt
DIRECTOR PLANNING AND DEVELOPMENT

Attachment 1 Pre-lodgement Concept Plan

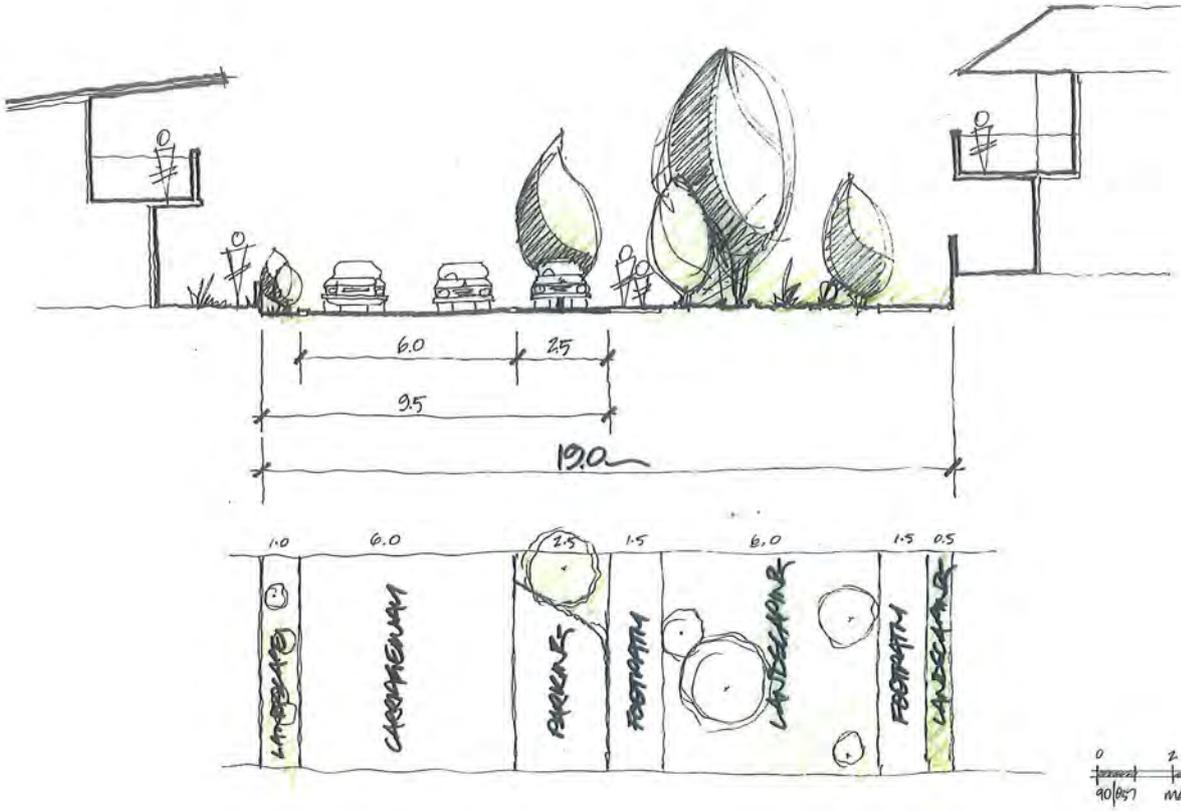
LIFESTYLE DIVERSITY
ADJACENT LANDSCAPED
AMENITY.

- FEATURES:
- LINEAR FOS LANDSCAPED CORRIDOR
 - HIGH PEDESTRIAN PERMEABILITY
 - AMENITY OUTLOOK TO DUNELINKS
 - URBAN VILLAGE CHARACTER
 - GENEROUS VISITOR PARKING
 - PATH NETWORK INTERCONNECTED WITH COAST & MARINA VILLAGE
 - UNIQUE SENSE OF PLACE AND CHARACTER



ATTACHMENT 1 - REVISED CONCEPT
PLAN

PROPOSED SECTION.



Our Ref: 90/057 KS:

2 September 2016

187 Roberts Road Subiaco PO Box 8186 Subiaco East Western Australia 6008

Attention: Neil Fox

Department of Planning
Locked Bag 2506
PERTH WA 6001

Telephone (08) 9382 2911 Facsimile (08) 9382 4586 admin@tbbplanning.com.au

Dear Neil

**PROPOSED AMENDMENT TO PORT COOGEE LOCAL STRUCTURE PLAN (STAGES 3A, 5 AND 6) –
RESPONSE TO CITY OF COCKBURN**

We refer to correspondence received from the City of Cockburn dated 29 July 2016 in response to proposed additional modifications to the Port Coogee Local Structure Plan (LSP) as outlined in our original letter dated 6 July 2016.

As you are aware, the modifications proposed to the Port Coogee LSP have come about as a result of extensive consultation with the City of Cockburn and ultimately Department of Planning officers and numerous rounds of modifications to respond to the City's concerns. These negotiations have taken place over a number of months and the amendment as currently proposed has been as result of extensive negotiations outcome between all parties.

The amendment was considered by the SPC on 24 May 2016, with Department of Planning officer's recommending approval subject to modifications. The SPC resolved to defer consideration of the matter to enable further consultation between the City, Department and applicant. This consultation occurred at meetings held on 9 June and 20 July 2016, which resulted in an amended proposal being presented to the Department proposing additional modifications to address potential minor impacts of building height increases, traffic, parking and road design. At this juncture, it is considered that all parties understood the status of the modifications, and the form it would take when next considered by the SPC.

Further to this, the amendment was subsequently considered again by the SPC on 23 August 2016 where it is understood that the item was deferred once again, despite Officer recommendation to approve (subject to modifications) to allow for further negotiation between all parties. We consider that further negotiation and discussion would not occur and would not yield further changes to the amendment.

In light of this background and in response to the comments provided by the City, we provide the following response for consideration by the Department and Statutory Planning Committee (SPC).

BUILDING HEIGHTS

In order to address the City's concerns in relation to the perceived impacts of the proposed building heights on amenity and character, an amended proposal was submitted as per the building heights plans included with the report to the SPC for consideration at the 23 August 2016 meeting. The amended proposal sought a setback of 5m and 7m to the northern and eastern boundaries respectively to provide for a maximum building height of 17.3m. This substantially mitigates any imposition or building bulk to the façade and softens any potential impacts through articulation of the building/façade. These modifications have been informed by thorough testing and analysis at the request of the City of Cockburn. The cross section analysis was submitted as evidence to adequately demonstrate that the impact on public areas to the north and east of the Island are negligible.

The City's comment that a setback of at least 10m would satisfy the City's concerns has not been informed by any assessment of bulk and scale and sufficient level of analysis, and therefore does not reflect an accurate and reasonable compromise.



'THE ISLAND' PUBLIC ACCESS AND PARKING (STAGE 5)

The current LSP illustrates PAWs adjoining the waterway on the east, south and west of the Island, with private direct waterfront access remaining to the north. The intent of the PAWs on the original LSP was to provide public access to boat pens. Furthermore, the current road reserve within the northern portion of the Island does not contribute to a 'sense of openness' as it is screened by private development. As such, the proposed amendment upholds the intent of the public access arrangements of the current LSP.

STAGE 6 ROAD DESIGN

The movement network within the Port Coogee estate has been designed, and will continue, to develop around a high level of permeability. However, it should be noted that the proposed road design within the Stage 6 area has been largely influenced by ground levels and therefore there is a need to deviate from the provision of a more direct movement system to that evident within the remainder of the estate.

It must also be recognised that the modification to the road pattern relating to the discontinuation of Orsino Boulevard at Caledonia Loop, which came about as a requirement of the MRWA and City of Cockburn in the 2010 amendment to the LSP. This modification is a clear demonstration of the downgrading of direct north-south movement. The proposed road design clearly respects the overall intent of the current movement system of the operational version of the LSP.

In response to the City's concerns regarding the availability of on-street parking within the north-eastern portion of Stage 6, the proponent has committed to providing a more than adequate visitor parking ratio of 1 bay per 1.5 dwellings. At present, the parking provision of 1 bay per 1.8 dwellings is already over and above the normal standard of 1 bay per 4 dwellings. The proposal significantly exceeds the standard requirement for on-street parking and sufficiently addresses concerns relating to parking accessibility in the northern sector.

CONCLUSION

As discussed, the proposal has been a result of extensive negotiation between the City of Cockburn and Department of Planning which has resulted in an amended proposal being presented to the SPC. It must also be reiterated that in consideration of the LSP amendment by Council in May 2016 that a positive recommendation (recommending approval with modifications) was put forward by the City's officers.

We trust that the above provides a sufficient response to the matters raised by the City of Cockburn in their correspondence dated 29 July 2016 and trust the above will be taken into consideration by the Commission. Please do not hesitate to contact the undersigned should you wish to discuss this matter further.

Yours faithfully
TAYLOR BURRELL BARNETT

LEX BARNETT
MANAGING DIRECTOR

CC: City of Cockburn: Mr Daniel Arndt
Fraser's Property Australia: Mr Clay Thomas

Proposed Amendment to Port Coogee Local Structure Plan (Stages 3A, 5 & 6)

Schedule of Modifications

1. The Stage 6 precinct is to be redesigned by representing that portion north of the proposed public open space by means of an indicative approach. In doing so, the spatial location of the proposed Residential R60 and Residential R80 areas is to be represented. The lot design of the portion south of the proposed public open space is to be retained. The proposed Central Road is to be retained, as is the proposed public open space.
2. The amended proposal (as referenced in the Department of Planning report), including the modifications to the Stage 6 precinct, is to be reflected in all relevant sections of the Port Coogee Structure Plan document inclusive of text and plans in a manner that will allow the document to be approved by the WAPC once resubmitted.



ITEM NO: 9.2

**Structure Plan – Lots 512, 1444 1732 and Portion of Lot 556
Athol Street, Port Hedland – Request for Final Approval**



LEGEND

STRUCTURE PLAN BOUNDARY

LOCAL SCHEME RESERVES

OTHER PUBLIC PURPOSES
WDT WASTE DISPOSAL AND TREATMENT

PARKS AND RECREATION

ZONES

RESIDENTIAL

COMMERCIAL

OTHER

R CODES

NEIGHBOURHOOD CONNECTOR

STRATEGIC DRAINAGE ROUTES

Plan 1: Structure Plan

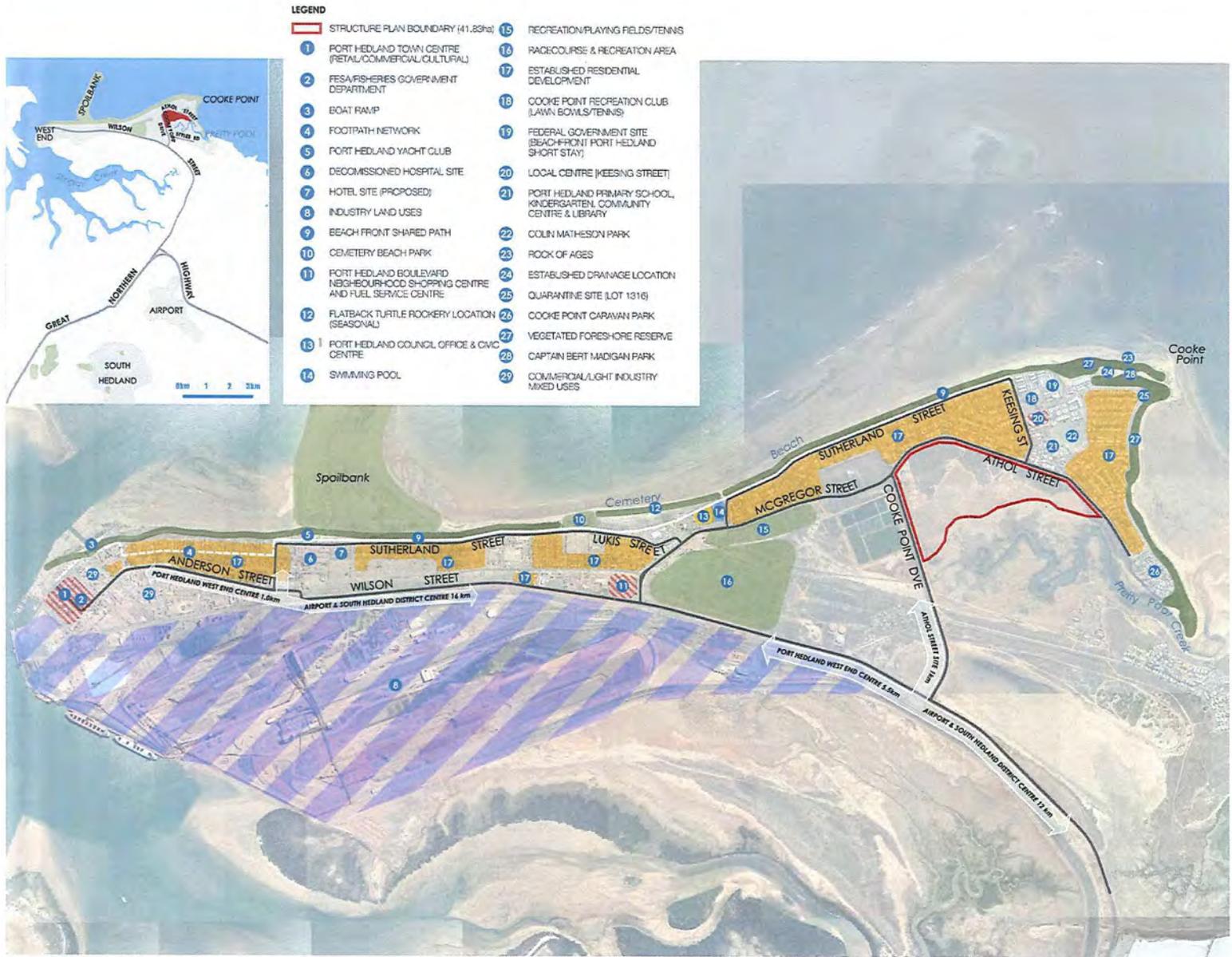


Figure 2: Location Plan

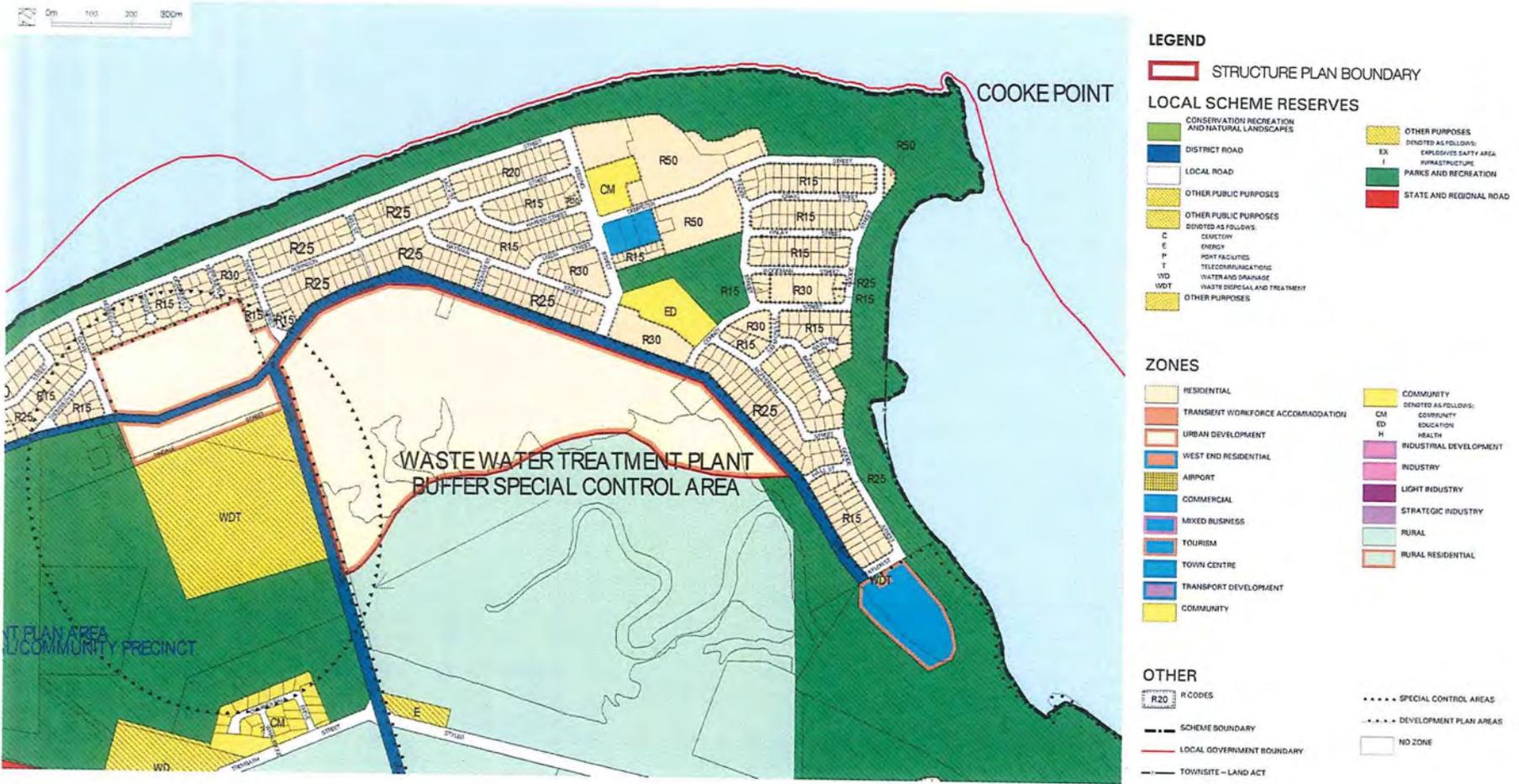
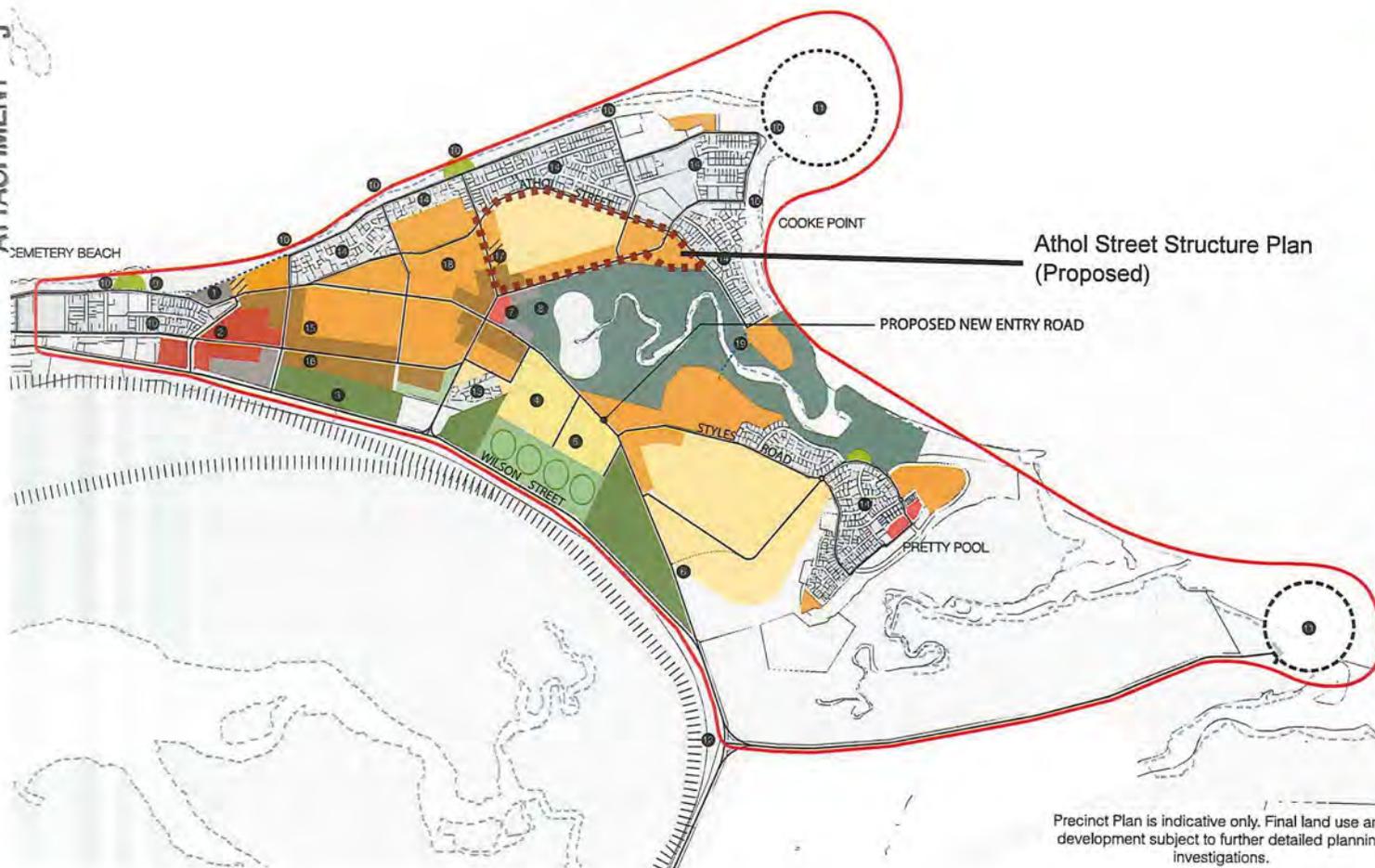


Figure 3: TPS5 Zoning Plan

Precinct Highlights

1. Mixed use/short stay iconic development site.
2. Neighbourhood centre providing primary Port Hedland mixed use/retail opportunities.
3. Setback to rail corridor subject to detail investigation, incorporating district recreation.
4. High School.
5. Primary School.
6. New entry road with direct connection to coastal drive.
7. Local convenience shopping/cafe/restaurant with 'mangrove experience'.
8. Short-stay accommodation next to mangrove environs.
9. Coastal drive (slow speed environment).
10. Coast park/lookout.
11. East End coastal access opportunities (subject to detailed investigations of public safety and impacts on coastal environment, in consultation with industry, environmental agencies and local stakeholders).
12. Upgraded access to/from Wilson Street.
13. Existing community retained and integrated with surrounding residential development.
14. Opportunities for density increases.
15. Development to recognise historic past through links to racecourse and former airfield.
16. Future relocation of racecourse to facilitate development.
17. Future waste water pumping station site.
18. Existing Waste Water Treatment (WWTP) site to be decommissioned (no residential occupation within 500m until decommissioned).
19. Potential pedestrian/cycle link



Athol Street Structure Plan (Proposed)

RESIDENTIAL

- Residential - High Density (R80 - R120: Apartment Living)
- West End Residential (Residential R80 with design controls consistent with TPS 5)
- Residential - Medium Density (R40 - R60: Apartment, townhouse, villa residential)
- Residential - Low Density (R15 - R30: Traditional Single Residential)

COMMERCIAL

- City Centre (Civic, Cultural, Major Retail, Commercial, Mixed Use Residential and Entertainment)
- Commercial/Cultural Centre (Retail, Commercial, Office, Short Stay Accommodation, Research & Education, Cultural and Entertainment)
- Neighbourhood Centre (Retail, Commercial, Residential Mixed Use)
- Local Centre (Convenience retail, Mixed Use, Short Stay Accommodation)
- Highway Commercial (Bulk Goods, Motor Vehicle/Boat Sales, Show Room, Warehouse Commercial)
- Short Stay Accommodation
- Community (Community, Education & Health)
- West End Mixed Use

INDUSTRIAL

- Light Industry
- General Industry / Transport and Logistics
- Strategic / Heavy Industry
- Strategic / Heavy Industry Buffer

RECREATION AND CONSERVATION

- Coastal Lookout
- Local Open Space / Recreation
- Landscape Buffer
- Natural Landscape / Conservation

RURAL

- Rural Residential
- Rural Industry

OTHER

- Public Purposes (Wastewater Treatment, Water, Cemetery, Energy)
- Airport Operations
- Future Expansion - Urban (Medium-Long Term)
- Future Expansion - Urban / Rural Residential (Long Term - Beyond 50,000)
- Potential Boating Facility Site

Precinct Plan is indicative only. Final land use and development subject to further detailed planning investigations.

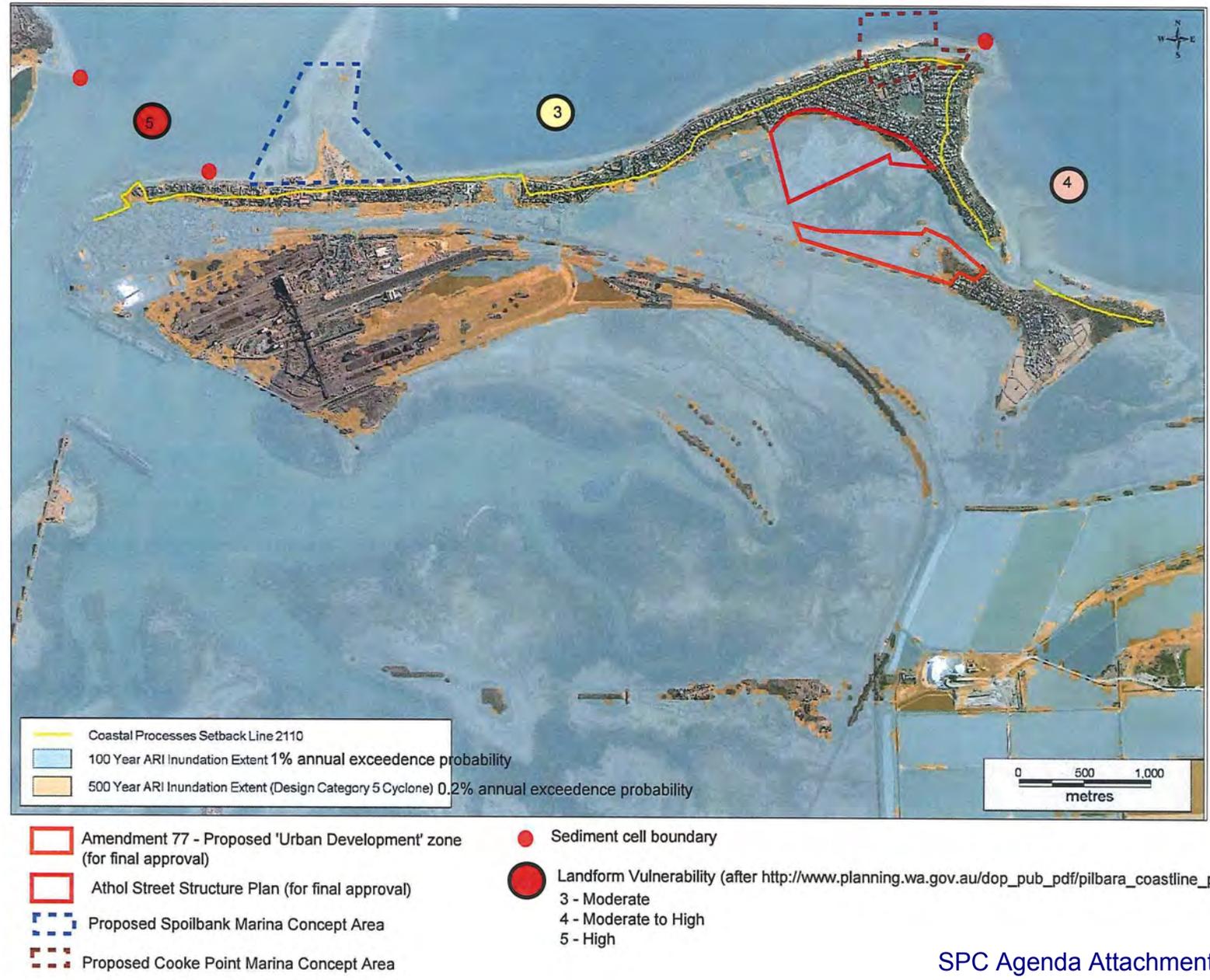


Figure D.6.3: Port Hedland Coastal Processes Setback - 100 year Planning Horizon (2110).

**Schedule of Submissions - Town of Port Hedland TPS No.5
Athol Street Structure Plan**

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
17/02/16	Dept. of Health	<p>No objection. The following comments were provided:</p> <p>1. Water supply and wastewater Disposal</p> <p>For the densities proposed, all developments are to be connected to scheme water and reticulated sewerage in order to comply with the draft Country Sewerage Policy.</p> <p>Any water management plans including the utilisation of any waste water recycling is to comply with DOH guidelines and requirements.</p>	Noted.	All separation distances in accordance with the EPA Environmental Assessment Guideline (EAG) 3 'Guidance for the Assessment of Environmental Factors No. 3 - Separation Distances between Industrial and Sensitive Land Uses' have been complied with.	The Department notes and supports the recommendation made by the Town.
		<p>2. Potential Public Health Impacts</p> <p>DOH has a document on 'Evidence supporting the creation of environments that encourage healthy active living' which may assist you with planning elements related to this structure plan.</p> <p>The structure plan is to acknowledge and incorporate appropriate separation distances in accordance with the EPA Environmental Assessment Guideline (EAG) 3 'Guidance for the Assessment of Environmental Factors No. 3 - Separation Distances between Industrial and Sensitive Land Uses'. This is particularly relevant in regards to the waste water treatment facility.</p> <p>The Town of Port Hedland (the Town) should also use this opportunity to minimise potential negative impacts of the increased density development such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage.</p> <p>To minimise adverse impacts on the residential component, the Town could consider incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.</p>	Noted. The former adjoining waste water treatment plant has been removed and no longer poses any restriction to development of the site in accordance with EAG3. The wastewater facility identified within the structure plan area is a pump station only, whose buffers are contained entirely within its own site.	The waste water treatment facility has been decommissioned. The remainder of concerns will be addressed at the subdivision stage.	
		<p>3. Medical Entomology</p> <p>Mosquito surveillance in the vicinity of Pretty Pool in the Town has demonstrated this locality experiences severe mosquito problems under certain environmental conditions with up to 4500 mosquitoes collected per trap. The primary mosquito</p>	Noted.		

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p>species collected were Culex annulirostris, a known vector of Ross River virus (RRV) and the potentially fatal Murray Valley encephalitis (MVE), and Aedes vigilax which is a major nuisance species and also an RRV vector.</p> <p>Furthermore, considerable numbers of human cases of RRV disease have been reported from the region in some years (e.g. 55 cases in 2008/09 and 42 cases in 2013/14 from the Town) in addition to MVE cases occurring in Port Hedland in 2009 and 2011, indicating that mosquito activity is of public health concern in the region under certain environmental conditions.</p> <p>The proposed structure plan is within mosquito dispersal distance from extensive low lying areas that can become productive mosquito breeding habitats when inundated by wet season flooding and some high tide conditions. The species of mosquito that breed in these sites are capable of dispersing several kilometres from the breeding sites and pose both nuisance and health risks to future residents as discussed above.</p> <p>DOH notes that the environmental assessment summary states on page viii that 'A Mosquito Management Plan in consultation with the Town of Port Hedland and the Department of Health will be prepared and implemented.' And that the report acknowledges that there is a severe mosquito issue at this locality.</p> <p>The Town must also ensure that sufficient resources are also available for the significant mosquito control activities that will be required if the scheme amendment is approved.</p>			

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • An integrated mosquito management plan to manage mosquitoes and other nuisance insects to reduce the risk of exposure for future residents be implemented. This should comprise, but not necessarily be limited to, the following: <ul style="list-style-type: none"> ○ Appropriate location, design and maintenance of project infrastructure to prevent mosquito breeding (e.g. wastewater, stormwater infrastructure) ○ Source reduction (removal or modification of mosquito breeding habitat) ○ Monitoring of larval and adult mosquitoes in and around the proposed infrastructure to inform the location and timing of control measures ○ Control (chemical, physical, biological and/or cultural) of larval and adult mosquitoes in man-made and natural breeding sites in close proximity to residential areas ○ Ensuring mosquito management strategies comply with all Federal and State legislative requirements ○ Provision of advice and seasonal warnings to protect residents including dissemination of information on: <ul style="list-style-type: none"> • Insect screening of accommodation and enclosed workspaces • Personal repellents • Appropriate advice to reduce their exposure to biting insects. • New residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on any newly created property titles. • The Town ensures they have sufficient resources for mosquito management to protect future residents from mosquito-borne diseases. 	<p>Agreed</p> <p>The final detail of the management plan can be determined as a condition of subdivision approval.</p> <p>Agreed</p> <p>A requirement for Memorials on Titles is anticipated as a subsequent condition of subdivision approval.</p>		
17/02/16	Telstra	No objection.	Noted.	Noted.	Noted.
17/02/16	Dept. of Water	Consistent with Better Urban Water Management (BUWM) (WAPC, 2008) and policy measures outlined in State Planning Policy 2.9, the proposed Structure Plan (SP) should be supported by an approved Local Water Management Strategy	Acknowledged. The proponent is accepting of the need to update the LWMS to address the requirements of		Noted. It is recommended that the LWMS be amended to address the concerns from the

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p>(LWMS) prior to finalising and supporting the SP.</p> <p>The DoW has reviewed the Athol Street Cooke Point, Port Hedland Local Water Management Strategy (RPS, 2015) and amendments are required. It is recommended that the SP should not be finalised in the absence of a LWMS approved by the Town of Port Hedland and the Department. DoW is yet to receive an amended LWMS and the appendix to the SP on the Town's website does not contain a revised strategy.</p>	<p>DoW, but was awaiting input from the Town's Engineers to ensure the document is updated in a comprehensive manner to the satisfaction of both agencies.</p>		<p>Department of Water with regard to the post-development monitoring program for Pretty Pool Creek and other matters (i.e. erosion control and cross section of the drains).</p>
		<p>The DoW has reviewed the Local Water Management Strategy (LWMS) and offers the following comments.</p> <ul style="list-style-type: none"> • The Pretty Pool Creek is an environmental asset located at the downstream end of the proposed development site. The DoW recommends an appropriate post-development monitoring program is undertaken for the creek. The monitoring program should include: <ul style="list-style-type: none"> o visual inspections and regular maintenance of the stormwater management infrastructure during or immediately after the rainfall events; o surface water quality monitoring during small to medium rainfall events; and o visual inspection of the foreshore of Pretty Pool Creek for maintaining its post development environmental values. 	<p>The post-development monitoring program requirements are acknowledged, accepted and will be itemised in the updated LWMS</p>	<p>It is recommended that the Structure Plan is modified prior to approval.</p>	<p>Investigation and preparation of an Acid Sulphate Risk Management Plan will be required as part of the subdivision process.</p> <p>The flooding issue will be further reviewed as part of the future coastal hazard risk management and adaptation planning (CHRMAP).</p>
		<ul style="list-style-type: none"> • Please be advised that proposed monitoring program should be conducted consistent with the DoW's Water monitoring guidelines for better urban water management strategies and plans October 2012 (page ii). The monitoring programme should identify any excessive sediments from the development area (including pollutants) to the Pretty Pool Creek receiving environment. • The LWMS should include evidence from the Water Service provider (Water Corporation) that a potable water supply, as well as wastewater servicing will be available for the proposed development area. • The LWMS discusses potential use of treated wastewater from the Water Corporation's Waste Water Treatment Plant 	<p><u>Not Supported</u></p> <p>The Water Corporation have previously advised that the necessary services can be advanced to accommodate the development of this site, and have not objected to the proposal on this basis.</p> <p>Confirmation has been received from the Corporation</p>	<p>The remainder of concerns will be addressed at the subdivision stage.</p>	

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p>(WWTP) for non-potable (irrigation) use. If this is the case, at the LWMS stage, evidence of correspondence between the proponent and service provider should be included with the LWMS.</p> <ul style="list-style-type: none"> It appears that the southern portion of the proposed development area has a high to moderate risk of acid sulphate soils. Appropriate investigation and preparation of an Acid Sulphate Risk Management Plan is required pending investigations. (Figure 6). It is advised that appropriate erosion control measures (such as rock protection works or rock chutes) are designed for each drain outfall location (Appendix 3, figure 3-5). The design should ensure that first flush resulting from the small events is lost within the drainage system and overland flow path, and not directly discharged to the Pretty Pool Creek. Conceptual designs of these features should be included in the LWMS. <ul style="list-style-type: none"> While the L-section of the various drains are provided, the LWMS should also include cross-sections at critical locations showing, 1 and 100 year ARI event flood levels, discharges and velocities (Appendix 3). 	<p>and has been forwarded to the Town for its information. A copy will be attached to the updated LWMS.</p> <p>Acknowledged.</p> <p>The amended LWMS will provide more conceptual designs of the drainage outfalls and will include structures such as rock chutes and rock armouring over which the discharging water will cascade. It is anticipated that the first flush event will be lost within the drainage system and overland flow path to the Pretty Pool Creek.</p> <p>Additional cross-sections can be provided and will be included as appendices to the amended LWMS.</p>		
		<p>Flooding</p> <ul style="list-style-type: none"> The LWMS proposes to provide up to 3.5m fill to protect the proposed development area from major flood event (terrestrial) combined with coastal storm surges. This might cause increase in the flood level to adjacent lands. The general modelling approach of the hydrodynamic study undertaken for the Athol Street Precinct DWMS was previously considered acceptable by the DoW, however it was recommended that the Athol Precinct development needs to be considered within the broader East Port Hedland Development. Currently the only modelling of the entire East Port Hedland area which DoW are aware of is part of the Port Hedland Coastal Vulnerability Study (PHCVS). This modelling was based on the conservative assumption that the entire East 	<p><u>Not Supported</u></p> <p>Sufficient modelling was included in the Cardno Report - Port Hedland Coastal Vulnerability Study (PHCVS) that was included in and supported the pre-ceding TPS Amendment.</p>		

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		Port Hedland area is filled.			
		<ul style="list-style-type: none"> Based on the PHCVS modelling, an afflux (increase in flood level) of approximately 0.4m is expected to the south-east of the development area. This modelling also showed an afflux of 1.1m in the mouth of Pretty Pool Creek. These affluxes are greater than our normal recommended maximum allowable afflux. Consequently, further modelling of the entire East Port Hedland Development with a more realistic final development filling scenario may be required to better assess its impact on flood levels in the area. 	The LSP is based on a lesser amount of fill being brought in to the site, meaning that the impact of water displacement will be less than that previously accepted through the conservative modelling included in the preceding TPS Amendment process.		
17/02/16	Dept. of Education	<p>No objection. The following comments were provided:</p> <ul style="list-style-type: none"> The proposed development is anticipated to generate approximately 111 students which currently would be accommodated at the nearest local primary school. The Department had been liaising with Landcorp in 2008 regarding the Pretty Pool development. The Department has interest in identifying an additional education site for a school in Port Hedland. It is understood that as planning develops in the area development in the Styles Road vicinity may incorporate a future education site. 	Noted.	Noted.	Noted.
17/02/16	Water Corporation	<p>No objection. The following comments were provided:</p> <ul style="list-style-type: none"> The Water Corporation has included the subject area in its adopted long term water and wastewater planning. At a time closer to development of the land, the proponent should contact the Water Corporation so that the area is included in a future review of infrastructure planning that reflects any changes to land use planning. As mentioned in the 'Summary of Issues & Opportunities' of the structure plan, determining the appropriate interface with the existing sewer pump station for odour buffer purposes will be required. 	Noted.	The required buffer sewer pump station is 50m and is contained within the pump station boundary.	The Department notes and supports the recommendation made by the Town.
17/02/16	Planning Solutions	<p>No objection. The following comments were provided:</p> <p>We consider the southwestern-most portion of the subject site may be affected by noise resulting from major industrial transport routes, including BHP Billiton's Nelson Point Railway and Wilson Street. Whilst our client does not oppose the proposed development of the subject site, we recommended that design</p>	<p>Not Supported</p> <p>BHP has recently prepared a detailed Acoustic Report which deals with ultimate capacity. We are not aware of any factors that would give rise to</p>		The Department notes the recommendation made by the Town.

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p>controls be introduced over any residential development on the affected land so that residents are not disturbed by noise</p> <p>Specifically, Part One - Implementation of the Structure Plan should be modified to make specific reference to consideration of the disturbance impact of single bypass noise on future residents in the subject site.</p>	<p>conditions changing that would necessitate a review of the earlier Herring Storer work.</p>	<p>A noise assessment was carried out by Herring Storer Acoustics in 2011 to determine the extent of impacts Wilson Street, train movements and salt harvesters.</p> <p>The assessment determined noise within the site will not exceed the appropriate noise target outlined in State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning, therefore no further analysis is required.</p>	
		<p>INTRODUCTION</p> <p>The subject site comprises land the land generally bound by Athol Street (north and east), Cooke Point Drive (west) and Pretty Pool Creek (south). The Structure Plan will facilitate the development of the subject site predominately for low to medium density residential, with limited commercial/mixed use opportunities in limited locations.</p> <p>The subject site is located in close proximity to a number of major industrial transport routes, including BHP Billiton Iron Ore's Nelson Point Railway located approximately 800-1000m southwest, and Wilson Street located approximately 700-900m southwest of the subject site. The Railway is used to transport ore on heavy haulage trains comprising 268 ore cars and four diesel locomotives between BHP Billiton's inland mines and its Nelson Point port operations at Port Hedland. At current production levels almost 40 train movements occur over a 24 hour period along the Nelson Point Railway (on average). Train movements are expected to further increase as the Company seeks to increase system capacity to 290 million tonnes per annum over time. In addition, Wilson Street functions as a major transport and haulage road servicing the Port Hedland port and West End business district.</p>	<p>Noted.</p>		
		<p>STATE PLANNING POLICY 5.4</p> <p>State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4) introduces this issue in relation to noise from railways:</p> <p>Road and rail transport corridors play a vital role in moving people and goods safely, efficiently and effectively, and they provide wide-ranging economic and social benefits to the community. Growing volumes of general traffic and freight, and a greater community awareness of amenity and quality of life issues, have led to transport noise becoming an increasingly important consideration in land use planning.</p> <p>Excessive noise has the potential to affect the health and amenity of a community as a whole, as well as the wellbeing of</p>	<p>Noted.</p>		

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p>an individual. Sleep, relaxation and conversation can all be adversely affected by high levels of noise. There is also documented evidence that long-term exposure to high levels of noise may cause serious health, learning and development problems. Attitudes to noise exposure vary widely. Some people are more sensitive to noise than others, and tolerance to noise can vary depending on the time of day or the day of the week. Community expectations of what is an acceptable noise environment can also vary depending on the locality.</p>			
		<p>AMENITY CONSIDERATIONS</p> <p>Protection of the lifestyle and amenity and residents is an important consideration in land use planning. This is reflected in the general objectives of TPS5 which includes at clause 1.5 an objective to:</p> <ul style="list-style-type: none"> (a) encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity, (b) Any Structure Plan should demonstrate that the general objectives of TPS5 are met. In other words, a Structure Plan should not be approved unless the above-quoted objective is met. 	<p>Noted.</p>		
		<p>NOISE DISTURBANCE FROM SINGLE BYPASS</p> <p>Noise received from a single bypass can be significantly higher than the average noise level taken over an eight hour period. Such noise can cause some people to wake, disturbing sleep patterns and resulting in the loss of lifestyle and amenity.</p> <p>The impact of single bypass noise is a relevant consideration for the subject site having regard to its proximity to BHP Billiton's Railway and Wilson Street, and the expected increase in the volume of traffic along these routes over time.</p> <p>Single bypass noise was not considered in the preliminary noise assessment prepared by Herring Storer Acoustics in 2011; we also understand no further detailed noise investigations have been undertaken for the Structure Plan.</p> <p>We recommend Part One – Implementation of the Structure Plan is modified to require the preparation of a noise assessment taking into consideration the impact of single bypass rail noise and the most recent transport volume assumptions prior to applying for subdivision, with resultant mitigation requirements implemented via a Local Development Plan for all of the affected lots.</p>	<p><u>Not Supported</u></p> <p>If warranted through changes to infrastructure or traffic volumes further studies can be undertaken at the subdivision stage of development without the need for this matter to be acknowledged in the Part One section of the Structure Plan.</p>		

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
17/02/16		<p>Objection. The following comments were provided:</p> <p>As the owner of two properties in Port Hedland that have gone into negative gearing with increased rates I strongly oppose the Athol Street Structure Plan and will take, with other rate payers, Legal Class Action against the Shire / Planners if this goes ahead as the assumptions are wrong based on population increases, etc. and additional property sites may cause wide spread bankruptcies for home owners like what occurred in Newman, Karratha, and some in Port/South Hedland.</p> <p>I really care about our Shire and people of Port Hedland as my children were born and raised in Port Hedland. There should be a moratorium on development until our properties can all be rented as too many empty properties in the market are causing rents to fall below loan repayments causing depression, bankruptcies, etc.</p>	<p>The land is already zoned for urban development, with a requirement of this zoning being the need to prepare a Structure Plan. Approval to a Structure Pan does not mean development will immediately occur. The Structure Plan is being prepared to provide the flexibility to be able to respond to population growth and demographic change and therefore meet market demands as required.</p>	<p>The market value of a property or the state of the housing market is not a valid planning concern that can be taken into consideration when determining Structure Plans</p> <p>The proposed Structure Plan seeks only to rezone the site to 'Urban Development' in accordance with the Growth Plan and is not proposing any development at this stage.</p>	<p>The Department notes and generally supports the recommendation made by the Town.</p> <p>However, the Town's statement that "the proposed Structure Plan seeks only to rezone the site to 'Urban Development' ..." is of concern as the structure plan does not propose to rezone the land, but to guide the future subdivision and development of the land.</p>
17/02/16		<p>Objection. The following comments were provided:</p> <p>As a long-time resident of Port Hedland I wish to voice my strong opposition for the development of this area. My husband and I have lived here 42 years and brought up 5 children in this town, all of whom love this town and the freedom it offers.</p> <p>Walking along Athol Street and looking out over the mud flats is just a wonderful experience, the scene changes daily as the tide and weather change and even if it is flooding tides, full tides or mud flats the view is amazing. From Athol Street you can see the salt at Rio, South Hedland water tower, trains coming and going from the Port and some days you can even see the hills way off in the distance. It really gives the perspective of the Pilbara, vast, pristine, open and untouched. I have always thought how fortunate we are to have this right in the middle of our town, just as the people trying to save Kings Park in Perth when the developers wanted to get their hands on that area must have felt.</p> <p>When it was proposed to develop it as a recreation area I did not object as I think that would have been wonderful. Our children played in that area a lot as they were growing up along with many other children and it was a safe natural environment for them away from traffic. Much fun was had there over the years and I feel children need more safe environments to have the freedom to enjoy themselves in and just be children.</p> <p>Over the years developers have shown interest in this area but</p>	<p>Not Supported</p> <p>Urbanisation of this land is consistent with the objectives of the Pilbara City's Growth Plan which was further reinforced through the recent rezoning of the site via Amendment No. 58 to Urban Development.</p> <p>The subject land represents one of a limited number of areas within Port Hedland suitable for residential development and unconstrained by the impact of the Port and its operations, as supported by the Port Hedland Dust Management Taskforce "to improve housing availability in desirable locations in the eastern end of Port Hedland".</p> <p>The Structure Plan is being prepared to provide the flexibility to be able to respond to population growth and demographic change and therefore meet market</p>	<p>The applicant has prepared an Environmental Summary Report (ESR) in support of the Structure Plan. The ESR notes there are no occurrences of threatened Flora species or threatened ecological communities in or immediately surrounding the site.</p> <p>The proposed development is consistent with the State and Local Planning Statutory and Strategic Framework.</p>	<p>The Department notes and partially supports the recommendation made by the Town.</p> <p>The Structure Plan, in its current format, is considered premature pending a CHRMAP being undertaken to support urban expansion into the coastal hazard-affected areas of Port Hedland.</p> <p>Where CHRMAP identifies a level of coastal hazard risk that is unacceptable to the community or proposed development, then the preferred policy position of SPP 2.6 is to 'avoid' the presence of new development in such areas.</p>

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		<p>when studies were done it was shown to be not suitable for housing. I'm not sure what has changed since then. There are so many vacant properties and vacant blocks both in Port and South Hedland I cannot understand why you would want to ruin such a beautiful, natural environment. Once it is gone you will never get it back and I look on it as a natural heritage for our descendants. Our town is certainly unique in the Pilbara and it is having untouched areas like this in the middle of an urban area as well as the turtles coming in which make us stand out</p>	<p>demands as required.</p>		
17/02/16		<p>Objection. The following comments were provided:</p> <p>I have spoken up on several occasions when similar Athol Street presentations have for urban development, been presents to ToPH council.</p> <p>I am opposed to the Athol street development for a number of reasons.</p> <p>Athol street Greenbelt and wetlands and tidal inlet have a unique eco-system and our community are wanting this pristine area to remain "as is" for future generations to enjoy.</p> <p>Rising tides have shown over the past 20 years that the creek and wet lands areas are now filling much higher than in previous years. The eco-system should not be disturbed or for the eco-system to become unbalanced.</p> <p>The green belt area is a unique eco-system with many bird nestlings, especially sea birds and the frog and reptile animals use this area for their haven and habitat use.</p> <p>I have often spoken up about speed limits along Athol Street to be lowered, due to the native bungarra lizards who are constantly run over along Athol Street (they cross from the green belt areas) and many birds swooping there are killed by passing vehicles. My speed limit requests have always been dismissed. Athol Street is a main bus pickup for school children and speed could be lowered to 50 kph at least.</p> <p>Housing development along Athol Street green belt would mean many meters of soil infill at the expense of the land owners and again unbalance the eco-system, but also means that to purchase a property in this area would be way over the budget of the general public. A very highly priced piece of property way out of the reach of many people.</p> <p>Over the years, construction companies have performed surveys of land and soils in the Athol street wetlands area and results have soon that the area is unsuitable for housing. Disturbing the</p>	<p><u>Not Supported</u></p> <p>Amendment No. 58 was the subject of assessment by the EPA which resulted in the preparation of a Environmental Assessment Report (EAR) that included the following technical studies:</p> <ul style="list-style-type: none"> • Fatal flaws of the preliminary concept plan boundary within East Port Hedland based on hydronamic modelling • Review of the impacts on the Pretty Pool Mangroves based on the hydronamic modelling • The Cardno hydromanic modelling and mangrove assessment was independently peer reviewed 	<p>Refer to previous comments on environmental concerns.</p>	<p>The Department notes and partially supports the recommendation made by the Town.</p> <p>The Structure Plan, in its current format, is considered premature pending a CHRMAP being undertaken to support urban expansion into the coastal hazard-affected areas of Port Hedland.</p> <p>Where CHRMAP identifies a level of coastal hazard risk that is unacceptable to the community or proposed development, then the preferred policy position of SPP 2.6 is to 'avoid' the presence of new development in such areas.</p>

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		under soil could result in leaching acids into the eco-system and into the creek areas.			
		<p>I have spoken up over my 30 years of residence in port Hedland, before becoming a town councillor and spoken up to this present day. There is still plenty of land in other parts of Port and South Hedland to prepare for more urban development for the later years to come.</p> <p>I do not wish the people of port Hedland to lose their only "Kings Park" of Port Hedland.</p> <p>I am opposed to re-zoning to urban development in the Athol Street structural plan.</p>	<ul style="list-style-type: none"> • Site survey with mangrove and mudflat vegetation mapping was completed in 2010 • Bamford Consulting Ecologists survey of waterbirds in the Pretty Pool Creek area • Preliminary Noise Assessment by Herring Storer (2011) • District Water Management Statement • Review of State & Commonwealth nature based database. <p>The necessary management plans as recommended by DPaW have either now been prepared, or their subsequent requirement suitably acknowledged in the Structure Plan.</p>		
17/02/16		<p>Objection. The following comments were provided:</p> <p>On Behalf of the Port Hedland Ratepayers Association we wish to lodge this letter as an objection to the Application 2016/004 - Athol Street Structure Plan.</p> <p>The members at our meeting on Tuesday 16th February expressed concern over this development proposal for the following reasons:</p> <ul style="list-style-type: none"> • They are concerned about the environmental impact this proposed development will have on flora and fauna in the area • They like the natural habitat of the salt flats and the tidal creek and it is uniqueness to have this so close to a population and would like to see it stay 	<p><u>Not Supported</u></p> <p>Please refer to commentary on environmental concerns above.</p> <p>The Structure Plan is being prepared to ensure proper planning is in place to enable timely housing delivery as and when the next resource boom occurs.</p> <p>Actual development of the land is unlikely to proceed until such time as there is sufficient market demand for additional</p>	<p>Refer to previous comments on environmental and financial concerns.</p>	<p>The Department notes and partially supports the recommendation made by the Town.</p> <p>The Structure Plan, in its current format, is considered premature pending a CHRMAP being undertaken to support urban expansion into the coastal hazard-affected areas of Port Hedland.</p> <p>Where CHRMAP identifies a level of coastal hazard risk that is unacceptable to the community or proposed development, then the preferred policy position of SPP 2.6 is to 'avoid' the presence of new development in</p>

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<ul style="list-style-type: none"> This is an unnecessary need for extra housing to be built in Port or South Hedland This development will have financial implications to ratepayers at this stage to agree to further housing developments, with Hedland's current market flooded with empty houses 	dwellings.		such areas.
17/02/16		<p>Objection. The following comments were provided:</p> <p>Although this proposed development does not affect me directly, I am compelled to provide feedback to support the owners and tenants of housing along Athol St. I feel this opportunity for development completely disregards the wellbeing and interests of occupants and will be looked down upon by the community if progressed. Many people come to Port Hedland to live not just for work but also for the lifestyle and opportunities to live in housing that simply is impossible in larger cities. I feel the council is discounting the wetlands of Cooke Point as desirable and beautiful surroundings. If the council really wishes to proceed with such a development, I would expect no less than compensation of some kind be considered for these residents; otherwise it's no more than a big 'kick-in-the-face'!</p> <p>Secondly, these are wetlands. As I read through the environmental impacts that could occur as a result of this development I also feel this location is the worst to be considered in the town in respect to the impact it will have on the environment. We have just celebrated international wetlands day and we should be considering the many years of migratory animals and the habitat they depend on suddenly being destroyed.</p>	<p>Not Supported</p> <p>Please refer to commentary on environmental concerns and likely development timing above.</p>	Refer to previous comments on environmental concerns.	<p>The Department notes and partially supports the recommendation made by the Town.</p> <p>The Structure Plan, in its current format, is considered premature pending a CHRMAP being undertaken to support urban expansion into the coastal hazard-affected areas of Port Hedland.</p> <p>Where CHRMAP identifies a level of coastal hazard risk that is unacceptable to the community or proposed development, then the preferred policy position of SPP 2.6 is to 'avoid' the presence of new development in such areas.</p>
		<p>The magnificent efforts of the turtle volunteers is going to be greatly affected by this change also. We as humans do not understand the potential of impact this will have – until it is too late.</p> <p>I do hope the Council considers this plan more thoroughly; more housing doesn't sound like the right solution for this area or the town. Our infrastructure needs supporting a lot more first!</p>			
17/02/16		<p>Objection. The following comments were provided:</p> <p>As a Native Title Registered Applicant on the Kariyarra Native Title Claim I want to lodge an official objection against the proposed development in Athol Street, Port Hedland for the following reasons.</p>	<p>Noted.</p> <p>Native Title has been previously extinguished for Lot 556.</p> <p>An application for</p>	<p>Native Title has been extinguished on Lot 556, the remainder of the site will be subject to the Native Title process prior</p>	<p>The Department notes the recommendation made by the Town.</p>

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		<p>1) I or my family was not involved in any discussions with either the Port Hedland Town Council, Yamatji Land and Sea Council (The Representative Body) or Landcorp in compliance with the Native Title Act 1993.</p> <p>2) The proposed site is vacant Crown Land and according to the National Native Title Tribunal document "Working with Native Title" - Linking native title and Local Government process it clearly state that:</p> <p>An application for a determination of Native Title can only be made in areas where native title has not been extinguished (not recognised) Native Title May exist on:</p> <ol style="list-style-type: none"> I. Unallocated (vacant) crown land II. Some state forests, national parks and public reserves depending on the affect of state or territory legislation establish those parks and reserves. III. Beaches, oceans, seas, reefs, lakes, rivers, creeks, swamps and otherinland waters that are not privately owned. IV. Some leases, such as non-exclusive pastoral and agriculture leases, depending on the state or territory Legislation they were issues under, and V. Some land held by or for Aboriginal people or Torres Strait Islanders. VI. The Council has not complied with the procedural process in respect to Compliance to Local Government Act 1993 into Risk Assessment and obtaining Legal Advice from the Attorney Generals Department in respect to the proposed extinguishment of these lands. VII. I am seeking my own legal advice to present to Council when the matter goes to before the Council. 	<p>determination of Native Title will be progressed for the portion of Lot 340 covered by this LSP if and when the land is deemed required for residential development.</p>	<p>to any development occurring.</p>	
17/02/16		<p>Objection. The following comments were provided:</p> <p>As one of the Elected Community Members on the Audit Risk & Governance Committee endorsed by the Port Hedland Town Council I am objecting to this proposal because of the following facts.</p> <ol style="list-style-type: none"> 1. This proposal was not presented to the Audit committee to assess the following issues in compliance with the role of the Audit Committee which includes five functions which is the roles and responsibilities of our Committee under the Local 	<p>No Comment.</p> <p>This is a matter for the Town to consider and advise on, noting its obligations to proceed in accordance with the planning processes and timeframes outlined in the Local Planning Scheme Regulations (2015).</p>	<p>The Audit, Risk and Governance Committee has been established in accordance with Part 7 of the <i>Local government Act 1995</i>. The function of the committee is to liaise with Auditors to assist Council in carrying out functions in relation to financial auditing.</p>	<p>The Department notes the recommendation made by the Town.</p>

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p>Government Act 1995.</p> <ul style="list-style-type: none"> i. Financial Management ii. Risk Management iii. Internal Controls iv. Legislative Compliance v. Internal and External Audit Planning and Reporting. 		<p>The planning process has nothing to do with the Audit, Risk and Governance Committee.</p>	
		<p>2. Financial Management. It's stated in the proposal that the land needs to be back filled to allow the housing development to proceed. The Audit Committee need to complete an assessment of the proposal including development, cost of filling the block and providing the infrastructure to the block and make recommendation to council in respect to the financial impact on the Council.</p> <p>3. Risk Management. The Land identified in the proposal is identified as Crown Land and in the Document produced by the National Native Title Tribunal "Linking Native Title and Local Government Processes</p> <ul style="list-style-type: none"> i. Because it is often difficult to tell whether native title exists into relation to particular land and waters, a council will have to do a risk assessment in relation to this issue. ii. Council Officers need to understand if and when compliance processes are triggered and which procedure applies. iii. I have reviewed the minutes of the last meetings of the Audit, Risk and Compliance Committee meetings and there is no record of any Risk Assessment being completed and/or recorded in the minutes! <p>4. Legislative Compliance.</p> <ul style="list-style-type: none"> i. There is no reference to Native Title Legal Advice in respect to this Proposal. ii. It is my view that the Local Government have not complied with the Federal Native Title Act. iii. In the Native Title Checklist for CEO's and GM's Provided (Attached) it clearly states where Native Title Exist. <ul style="list-style-type: none"> a) Unallocated Crown Land b) State Forests, national parks, public reserves and certain land reserved for particular purposes or 			

Date Received	Name	Comments Provided	Applicant's Response	Town of Port Hedland Recommendation	Department of Planning Recommendation
		<p>use.</p> <p>c) Land set aside for the benefit of or granted to Aboriginal & Torres Strait Islanders</p> <p>d) Oceans, seas, reefs, lakes and inland waters</p> <p>e) Some leases, such as non-exclusive pastoral and agriculture lease depending on the State/Territory legislation under which they were issued.</p> <p>5. Internal and External Audit Planning and Report.</p> <p>i. A review of the last Port Hedland Regional Plan does not identify any Plans relating to Native Title and/or Aboriginal people.</p> <p>ii. A review of the Audit does not indicate an allocation of funds to deal with either Aboriginal and/or Native Title funds to deal with those respective issues' it states the following.'</p>			
17/02/16		<p>Objection. The following comments were provided:</p> <p>As the owners of 4 properties on Athol St, we strongly object to the proposed Structure Plan being implemented given the current market conditions and economic climate and in our view, the release of additional lots for sale in this area will result in adverse material impacts to the adjoining property owners.</p> <p>The Port Hedland property market is struggling enough at the moment due to the decline in mining activities in the area and to approve and release more lots onto the market, will only make things worse. We also do not see a need for more lots to be released at this current point in time.</p>	<p><u>Not Supported</u></p> <p>Please refer to commentary on environmental concerns and likely development timing above.</p>	<p>Refer to previous comments on financial concerns</p>	<p>The Department notes and supports the recommendation made by the Town.</p>

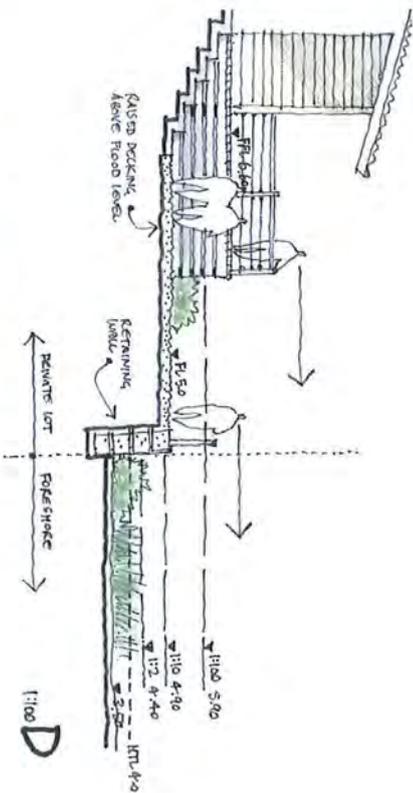
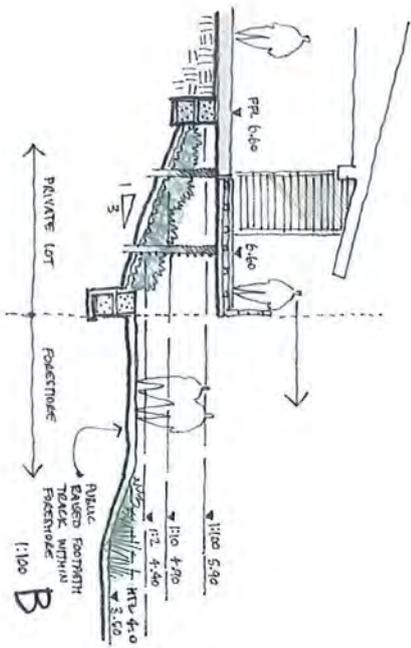
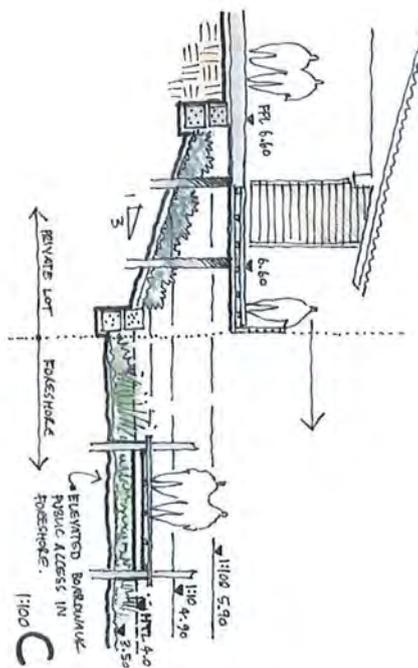
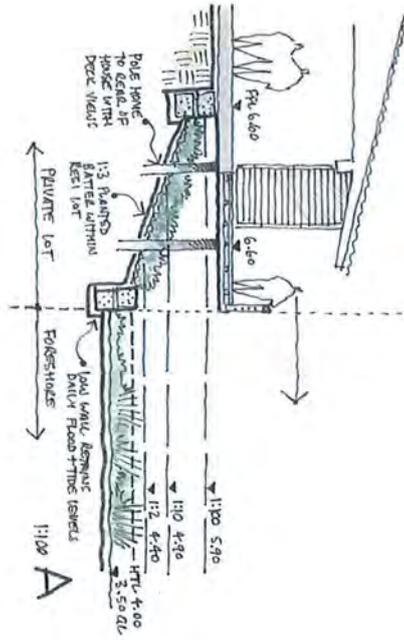
SPP 2.6 Policy Measure	Athol Street Structure Plan
<p>5.2 Development and settlement</p> <p>(vi) Avoid significant and permanent negative impacts on the environment, either on or off site.</p>	<p>The Structure Plan proposal has not been evaluated at a sediment cell level to take into consideration the future protection requirements of these surrounding areas.</p>
<p>5.3 Water resources and management</p> <p>(iv) There is a general presumption against the use of coastal foreshore reserves for the management of wastewater or to accommodate any portion of infrastructure or site works used for wastewater management.</p>	<p>Post development maintenance of the drainage swales surrounding the site will be required to ensure the erosion and scouring measures are functioning as intended. The future management actions will be the responsibility of the Town of Port Hedland.</p>
<p>5.5 Coastal hazard risk management and adaptation planning</p> <p>(i) Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe.</p> <p>(iii) Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis—</p> <p>(1) Avoid; ...(2) Planned or Managed Retreat; ...(3) Accommodation adaptation measures;(4) Protection works.</p>	<p>No CHARMAP undertaken to support the proposed Structure Plan.</p> <p>The discussion on the key elements of the Stormwater management strategy does not mention the flood mitigation plan and risk management in light of the SPP 2.6 requirements.</p>

<p>5.7 Coastal protection works</p> <p>(i) New coastal protection works are not permitted, except where such works are considered only after all other options for avoiding and adapting to coastal hazards have been fully explored, as part of a comprehensive coastal hazard risk management process.</p> <p>(iii) Coastal protection works should only be supported—</p> <ul style="list-style-type: none"> (a) where it is demonstrated there are no significant negative impacts on the adjacent environment within the sediment cell; and (b) in conjunction with appropriate funding arrangements for the construction and ongoing care, control and maintenance being put in place. <p>(iv) Coastal protection works, where necessary and justified should be—</p> <ul style="list-style-type: none"> (a) adequately considered and planned as part of making decisions about land use, subdivision and development within the coastal zone; (b) primarily proposed in the public interest to ensure they maintain a coastal foreshore reserve, public access, public amenity and public safety as well as to protect high value property and infrastructure that is not expendable; and (c) evaluated at a sediment cell level and take into consideration the future protection requirements of adjoining development. 	<p>No CHRMAP undertaken to support the proposed amendment.</p> <p>The Structure Plan proposal has not been evaluated at a sediment cell level to take into consideration the future protection requirements of adjoining development.</p> <p>The Structure plan proposes the combination of filling and retaining the land and elevated housing design to address the flooding issue.</p> <p>The structure plan report is insufficient to undertake a full assessment of the proposed protection works including engineering design requirements, funding, ownership and ongoing management.</p> <p>The structure plan needs to provide an implementable adaptation plan, one that is technically sound, financially viable with management responsibilities identified and accepted.</p>
<p>5.9 Coastal foreshore reserve</p> <p>(i) Coastal foreshore reserves are required to accommodate a range of functions and</p>	<p>Although “foreshore reserve” was referenced in various sections in the structure plan report, the structure plan does not include a foreshore reserve. The structure plan proposes residential</p>

<p>values. While local and site specific considerations will vary, the delineation of a coastal foreshore reserve will include the consideration of, and protection for, significant natural features such as coastal habitats and, for their biodiversity, archaeological, ethnographic, geological, geomorphological, visual or wilderness, biodiversity and ecosystem integrity, heritage, landscape, seascape, and visual landscape values; likely impacts of coastal hazards; and opportunities for public access, public recreation needs and safety to lives and property. Schedule One provides guidance on how to estimate the potential impacts of coastal hazards, however, this is only one input into the determination of a coastal foreshore reserve, which will be required to demonstrate that the values, functions and uses prescribed are available at the end of the planning timeframe.</p> <p>NOTE:</p> <p>‘coastal foreshore reserve’ is the area of land on the coast set aside in public ownership to allow for likely impacts of coastal hazards and provide protection of public access, recreation and safety, biodiversity and ecosystem integrity, landscape, visual landscape, indigenous and cultural heritage.</p> <p>‘coastal hazard’ means the consequence of coastal processes that affect the environment and safety of people. Potential coastal hazards include erosion, accretion and inundation.</p>	<p>development directly abutting the Pretty Pool foreshore and indicates a number of foreshore interface options, which involves filling, retaining and elevated housing design on the privately owned land.</p> <p>The proposition that individual landowners would be responsible for the construction of sufficient coastal protection works (revetment wall or the like) and maintain such works into perpetuity is unacceptable. Management obligations in isolation have the potential to undermine adjoining properties and the system may ultimately fail. This outcome is contrary to the policy objectives and clauses to provide a publicly owned coastal foreshore reserve, to ensure that development appropriately takes into account coastal processes and provides for sustainable use and development of the coast.</p>
<p>5.10 Coastal strategies and management plans</p> <p>(i) Ensure that at rezoning, structure planning, subdivision, strata subdivision or development— whichever arises first and is appropriate in scale, a coastal planning strategy or coastal foreshore management plan is prepared and implemented, by the local government and/or proponent, for the coastal foreshore reserve and any abutting freehold land with conservation values of the subject land.</p> <p>(ii) Any structure plan, zoning, subdivision, strata subdivision or development proposal for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based on or in conjunction with a current detailed coastal planning strategy or foreshore management plan (whichever is appropriate for the stage and scale of development).</p>	<p>No coastal planning strategy or foreshore management plan contemplated to support the Structure Plan proposal.</p>

(iii) Ensure that the coastal planning strategy or foreshore management plan is developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and the WAPC if appropriate.

(iv) The proponent should be responsible for the implementation of the foreshore management plan as well as funding, maintenance, monitoring and management of foreshore works for a period not less than five years commencing from completion of all foreshore works.



ATHOL ST FORESHORE INTERFACE OPTIONS

EMERLE ASSOCIATES, 3 QUWE IS CN

ATHOL ST FORESHORE INTERFACE OPTIONS

EMERLE ASSOCIATES, 3 QUWE IS CN



Figure 14: Indicative Staging Plan



ITEM NO: 10.1

Shire of Serpentine Jarrahdale Local Planning Policy 39: Ancillary Dwellings

 <p>Shire of Serpentine Jarrahdale</p>	<p>LOCAL PLANNING POLICY NO.39 Ancillary Dwellings</p> <p>UPDATED: November 2015 FILE: SJ1120 TRIM: E15/6226 ADOPTED:</p>
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1.0 Policy Objectives

The objectives of this Policy are to:

- *Provide direction for the development of Ancillary Dwellings in association with the primary dwelling in non-urban areas within the Shire of Serpentine Jarrahdale;*
- *Ensure that any Ancillary Dwelling is provided, constructed and located in such a way so as to minimise impact on the amenity of the locality;*
- *Ensure that any Ancillary Dwelling is secondary in all regards to the primary dwelling on the property (no variation shall be supported).*
- *Ensure that any Ancillary Dwelling is situated and constructed to appear visually related to and integrated with the primary dwelling.*
- *Ensure that the scale and location of the Ancillary Dwelling is not considered to represent an increase to the existing residential density of the property.*
- *Protect against the fragmentation of semi-rural and rural land by ensuring that an Ancillary Dwelling is not developed in a manner which may encourage future subdivision.*

2.0 Background

The Shire of Serpentine Jarrahdale's *Strategic Community Plan* aims to respond to the changing demographics and housing needs of the community. An Ancillary Dwelling can provide housing diversity, choice and affordability and is often vital to facilitate older members of the community to 'age in place' and be supported by their existing community.

An Ancillary Dwelling is commonly used throughout the Shire. State Planning Policy 3.1 Residential Design Codes (R-Codes) provides for the development of Ancillary Dwellings in urban zoned areas of the Shire, however no such provisions exist for rural and semi-rural areas. This Policy sets provisions for the development of an Ancillary Dwelling in rural and semi-rural areas in the Shire which are responsive to a rural context.

3.0 Application

3.1 The Policy applies to the development of Ancillary Dwellings, as defined under Part 5.0 of this Policy, located in non-urban areas within the Shire.

4.0 Status

(a) Relationship to Town Planning Scheme No.2

This Policy is a planning Policy prepared, advertised and adopted pursuant to Clause 9.1 of Town Planning Scheme No.2 (TPS2). Under Clause 9.2 of TPS2 all planning policies are documents supporting the Scheme. The Policy augments and is to be read in conjunction with the provisions of TPS2 relating to development applications regarding Ancillary Dwellings.

(b) Relationship to other documents

This policy has due regard to, and should be read in conjunction with State Planning Policies (SPPs), the Shire's Local Planning Policies (LPPs) and other legislative documents which may influence applications for Ancillary Dwellings.

5.0 Interpretations

The following are definitions that relate directly to the application of this Policy:

'Ancillary Dwelling - Refers to a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house (Residential Design Codes 2013).

6.0 Policy Provisions

- 6.1 Planning approval is required for the construction of all Ancillary Dwellings in non-urban areas within the Shire.
- 6.2 Where an application is not considered by the Shire to comply with the provisions contained within this Policy, it may be referred for planning assessment on individual merit. Applications of this nature will only be supported by the Shire where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of a clear, written justification for the non-compliance and the payment of relevant fees.
- 6.3 Written justification for non-compliance shall include but is not limited to the following:
- Addresses key objectives of this Policy.
 - Justify reason/s for non-compliance.
 - Mitigate issue/s of non-compliance, which may include:
 - landscaping and screening vegetation
 - setback, siting and separation distances
 - services and facilities
 - design, external finish and visual impact
 - cumulative impacts
 - Provide supporting information, which may include:
 - bushfire and natural hazard management mechanisms.
- 6.4 Applications which do not comply with the provisions of the Policy shall require consultation with adjoining landowners as a part of the planning assessment.
- 6.5 The Ancillary Dwelling must be situated on the same legal title as the principle dwelling.
- 6.6 A maximum of one (1) ancillary dwelling is permissible on any one lot.
- 6.7 Applicants are required to submit an application for a suitable effluent disposal system at the development application stage.
- 6.8 Caravans or park homes (as defined in the Caravan Parks and Camping Grounds Regulations 1997) are not permitted as Ancillary Dwellings for either permanent or temporary accommodation.

SCHEDULE 1 – Maximum Floor Area Requirements

Lot Area	Acceptable Development
< 5,000sqm	- 70m ²
> 5,000sqm	- 110m ²

For Advertising/Public Comment

SCHEDULE 2 – Design Requirements

Element	Design Requirements
Siting	<ul style="list-style-type: none"> - An Ancillary Dwelling is to be located behind the primary building setback. - An Ancillary Dwelling is to have good solar access and does not detract from the solar access of the primary dwelling. - Does not overlook adjoining properties resulting in privacy issues. - An Ancillary Dwelling is to be sited to minimise impact on rural land uses and be separated from potentially conflicting land uses, such as stables, intensive livestock operations or livestock yards, either on the subject land or adjacent land. - Consideration shall be given to the impact of An Ancillary Dwelling on places of cultural heritage significance.
Scale	<ul style="list-style-type: none"> - An Ancillary Dwelling shall have no more than two (2) bedrooms.
Access/ Parking	<ul style="list-style-type: none"> - Up to a maximum of one (1) designated car parking space shall be provided in addition to those required for the primary dwelling. - No additional driveways or crossovers shall be permitted. - Vehicle access shall be shared with that of the primary dwelling.
Health	<ul style="list-style-type: none"> - A minimum of a kitchen sink with associated food preparation facilities, shower or bath and toilet facilities is to be provided in accordance with Part 3.8.3 of the Building Codes of Australia (as amended).
Services	<ul style="list-style-type: none"> - An Ancillary Dwellings share the same road access, water and power infrastructure as the primary dwelling where possible. - An Ancillary Dwelling is to be connected to the same effluent disposal system as the primary dwelling, however the effluent disposal system may need to be sufficiently upgraded so that it is suitable for use by the primary dwelling and the ancillary dwelling - Where connection to the existing effluent disposal system is not possible, the Shire can consider an additional effluent disposal system on the lot if all setbacks can be achieved.
Design/ External Finish	<ul style="list-style-type: none"> - Incorporates habitable design elements such as awnings, verandahs, patios. - Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains in accordance with this Policy. - An Ancillary Dwelling is to be constructed to a comparable standard and of a similar material and exterior finish as the primary dwelling on the lot.
Landscaping/ Screening	<ul style="list-style-type: none"> - Landscaping and screen planting is utilised to ameliorate the visual impact of an Ancillary Dwelling from the streetscape, adjoining properties and potential conflicting land uses. - Plantings make use of species native to the area and are semi mature.
Transportable Dwellings	<ul style="list-style-type: none"> - Roof pitch is under the same roofline as the main dwelling. - Roof colour to match the primary dwelling. - Verandahs, porticos to provide additional architectural interest. - Transportable dwellings should be consistent with the architectural style and exterior finish of the primary dwelling and surrounding locality. - Transportable dwellings must submit a landscape plan to ensure visual amenity is maintained with regard to open style fencing. - Transportable dwelling is fixed to the ground.

Summary of other local government policies varying ancillary dwelling sizes

A number of other local governments have established LPPs which vary ancillary dwelling plot ratio area requirements as follows:

- The City of Gosnells *Local Planning Policy 1.2.1 - Ancillary Accommodation - Rural Zones* adopted in 2004 specifies the items to be considered when processing a development application for an ancillary dwelling in the General Rural or Special Rural Zones within the City. This policy provides for a maximum internal floorspace of 100m² (excluding carport/garage, verandahs and the like) and aims to minimise the potential for inappropriate residential development in rural zones, which could lead to the fragmentation of Rural zoned land.
- The City of Wanneroo *Local Planning Policy 2.6 - Ancillary Accommodation* adopted in 2014 aims to provide for a range of criteria that will distinguish an ancillary dwelling from a single dwelling within the City. The policy stipulates that the plot ratio of any ancillary dwelling shall not exceed 70m², except on lots greater than 4000m² in area where the plot ratio area of any ancillary dwelling may be up to 100m².
- The Shire of Gingin *Local Planning Policy 1.7 - Ancillary Accommodation* adopted in 2013 provides for a range of criteria that will distinguish an ancillary dwelling from independent single dwellings in the Shire. The policy stipulates that the plot ratio of any ancillary dwelling shall not exceed 70m², except on lots greater than 4000m² in area where the plot ratio area of any ancillary dwelling may be up to 100m².
- The City of Cockburn *Local Planning Policy - Ancillary Dwellings* enables ancillary dwellings to have a maximum internal floor area of 100m² (not including verandas, patios, pergolas, alfresco areas or carports/garages) on Resource, Rural Living and Rural zoned land.