



Statutory Planning Committee

**Notice is hereby given the next meeting of the Statutory
Planning Committee will be:**

Meeting No. 7625

Tuesday, 12 November, 2019, 9:30 am

Level 3, Room 3.22, 140 William Street, Perth

This meeting is not open to members of the public

1. Declaration of opening
2. Apologies
3. Members on leave of absence and applications for leave of absence
4. Disclosure of interests
5. Declaration of due consideration
6. Minutes
 - 6.1 Confirmation of minutes - Meeting No. 7624 on Tuesday, 29 October 2019 8 - 24
7. Deputations and presentations
8. Statutory items for decision
 - 8.1 Development Application - Alterations to Place of Worship (Toilet and Patio) - Lot 50 Middle Swan Road, West Swan 25 - 45
 - 8.2 Proposed Amendment to Structure Plan No.11 - Lot 302 Lage Road and Lot 301 Stock Road, Bullsbrook 46 - 80
9. Confidential items
 - 9.1 Town of East Fremantle - Local Planning Scheme 3, Amendment No. 15
 - 9.2 City of Armadale – Town Planning Scheme No. 4, Amendment No. 100 – For Final Determination
 - 9.3 Update to Model Subdivision Conditions Schedule - Part 13 Water and sewer conditions
 - 9.4 Section 31 Reconsideration – East Wanneroo Cell 5 - Local Structure Plan No. 7, Amendment No. 20
10. Stakeholder engagement and site visits
11. Urgent or other business
12. Items for consideration at a future meeting
13. Meeting closure

WAPC STRATEGIC PLAN 2018-2021

OUR VISION:

Creating better places to live and work for all Western Australians

OUR MISSION:

Ensuring the planning system develops policy and enables planning decisions for the long-term benefit of the Western Australian community

Our Functions	Our Focus	Our Priorities	Our Outcomes
<ul style="list-style-type: none"> State Planning Strategy and Policy Regional, Sub-Regional and Local Planning Strategies Regional and Local Planning Schemes Planning and Development Applications – Subdivision and Strata Title Structure Planning Improvement Plans & Schemes Infrastructure Planning and Coordination Research, Modelling & Analysis Improve the Planning System Finance & Property Management 	Jobs and infrastructure	<ul style="list-style-type: none"> Facilitate economic diversification and development Support development of a State Infrastructure Strategy Deliver a planning system and processes adapted for technological change in the community and economy Support delivery of METRONET through the planning system as part of a whole-of-government approach 	<ul style="list-style-type: none"> Sufficient urban, commercial, industrial and priority agricultural land for growth Long-term strategic industry, infrastructure planning and corridor protection Strong industry and employment hubs with particular emphasis on tourism, food and agriculture, education, research and technology Alignment and integration of land use, infrastructure and transport planning
	Liveable Communities	<ul style="list-style-type: none"> Facilitate infill development and sustainable urban growth Address barriers to affordable living and housing diversity through policy leadership 	<ul style="list-style-type: none"> Increased density and diversity around Activity Centres Achieve infill housing and density targets and greater housing choice Enable creation of liveable cities and towns with quality public and private spaces
	A Better Built Environment	<ul style="list-style-type: none"> Lead precinct planning to enable METRONET Develop a policy and decision-making framework to encourage greater housing options for changing demographic needs Promote and protect the urban tree canopy for all communities for amenity and health benefits 	<ul style="list-style-type: none"> Improved design of urban centres, corridors and stations Improved design quality of the built environment Greater community support for more diverse housing options, urban centres, corridors and stations Protection and enhancement of the urban tree canopy across diverse communities
	Transparent, Equitable and Efficient Planning Processes	<ul style="list-style-type: none"> Continued review and reform of the planning system and processes Greater early, effective and genuine communication and engagement with the community and industry on planning and development issues Improve collaboration and capability of all key decision-makers in the planning system, including local government Implement technological improvements including quality online reporting on planning performance for all WAPC functions 	<ul style="list-style-type: none"> Efficient, transparent and timely assessment and decisions on planning applications and processes Contemporary region and local planning strategies, schemes and regulations Improved transparency, efficiency and community support for planning processes Updated and effective <i>Planning and Development Act 2005</i> and regulations
	Environment and Natural Resources	<ul style="list-style-type: none"> Continue the Coastal Management and Planning Program to deal with the risks posed by climate change Ensure bushfire regulations reflect planning appropriate for the risk to community and the environment 	<ul style="list-style-type: none"> Sustainable development which protects, conserves and promotes natural assets (land and water) and biodiversity A planning system which addresses climate change Planning to mitigate risks from natural hazards and events
	Land and Finance Management	<ul style="list-style-type: none"> Contribute to the successful delivery of METRONET through strategic, efficient and innovative use of the Metropolitan Region Improvement Fund Ensure WAPC land and property assets are used for long-term community benefit 	<ul style="list-style-type: none"> WAPC land management in place to deliver METRONET Effective and sustainable stewardship and management of the Metropolitan Region Improvement Fund Increased regional open space in Greater Perth

STATE PLANNING STRATEGY PRINCIPLES:

Community

Enable diverse, affordable, accessible and safe communities

Economy

Facilitate trade, investment, innovation, employment and community betterment

Environment

Conserve the State's natural assets through sustainable development

Infrastructure

Ensure infrastructure supports development

Regional Development

Build the competitive and collaborative advantages of the regions

Governance

Build community confidence in development processes and practices

Information for SPC Members

Quorum: 5 of 10 members

Member	Representation in accordance with the <i>Planning and Development Act 2005</i>	Term of office ends
Mr David CADDY	Chairman, WAPC Schedule 2 clause 4(2)(a)	15/04/2021
Mr Vaughan DAVIES	Nominee of the Director General, Department of Planning, Lands and Heritage Schedule 2 clause 4(2)(b)	Current Nominee
Ms Paddi CREEVEY OAM	Nominee of the Regional Minister Schedule 2 clause 4(3)	Current Nominee
Ms Kym DAVIS	Community representative Schedule 2 clause 4(2)(d)	31/12/2020
Ms Marion THOMPSON	Professions representative Schedule 2 clause 4(2)(e)	31/12/2020
Mr Leonard KOSOVA	Local government representative Schedule 2 clause 4(2)(f)	31/12/2020
Ms Megan ADAIR	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2020
Mr Lino IACOMELLA	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2020
Ms Nina LYHNE	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2020
Mr Ross THORNTON	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2019

Role:

The Statutory Planning Committee is one of four committees set up by the WAPC on 1 March 1995 upon proclamation of the *Planning Legislation Amendment Act (No. 2) 1994*.

Schedule 2(4)(4) of the *Planning and Development Act 2005* (PD Act)

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Membership (extract from PD Act):

The composition of the Statutory Planning Committee is in accordance with Schedule 2(4) of the *Planning and Development Act 2005*.

4. Statutory Planning Committee

- (1) The Commission is to establish a committee to be known as the Statutory Planning Committee.
- (2) Subject to subclause (5), the Statutory Planning Committee is to consist of —
 - (a) the chairperson, or a person nominated by that person and approved by the Minister; and
 - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and
 - (c) the member of the board referred to in section 10(1)©(viii) or a deputy appointed under subclause (3); and

- (d) a person approved by the Minister and appointed to the Commission as having practical knowledge of and experience in community affairs; and
- (e) a person approved by the Minister and appointed by the Commission as having practical knowledge of and experience in one or more of the fields of urban and regional planning, commerce and industry, engineering, surveying, valuation, transport, housing, heritage, environmental conservation, natural resource management, urban design, the planning and provision of community services or infrastructure; and
- (f) a person approved by the Minister and appointed by the Commission to represent the interests of local governments; and
- (g) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.

Delegated Authority (Del 2009/05) Powers of Committee

Planning and Development Act 2005 Section 16(1)

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Planning and Development (Local Planning Schemes) Regulations 2015;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) Strata Titles Act 1985 or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;
 - (vi) Section 52 and section 85 of the Land Administration Act 1997;
 - (vii) Section 40 of the Liquor Control Act 1988;
 - (viii) Perry Lakes Redevelopment Act 2005.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.

- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
 - (i) Part 5 of the Act;
 - (ii) *Planning and Development (Local Planning Schemes) Regulations 2015*as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.
- 2.21 Such powers and functions of the WAPC as set out in -
 - (i) Parts 5 and 8 of the Planning and Development Act 2005;
 - (ii) Town Planning Regulations 1967; and
 - (iii) Any improvement scheme approved,In relation to improvement plans and improvement schemes for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, Midland, Ashburton north and Browse LNG Precinct Strategic Industrial Areas.

Quorum for meetings

In accordance with the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, Section 5.1 - Quorum for meetings:

(2) A quorum for a meeting of a committee is at least 50 per cent of the number of current offices of members of the Committee.

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Section 4 of the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);

- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” is one where a member has an interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the member.

An “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a member and another person who requires a WAPC decision in relation to the matter.

A “**proximity interest**” refers to an interest of a member, or close associate of the member, in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an organisation or an association with any decision-making process relating to a matter for discussion before the Board or a Committee.

Members disclosing any pecuniary or proximity interests for an item cannot participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members.

Statutory Planning Committee

Minutes

Meeting No. 7624
Tuesday, 29 October, 2019

Members: David Caddy - Chairman WAPC
Megan Adair - WAPC Appointee
Vaughan Davies - Nominee of the Director General, Department of
Planning, Lands and Heritage
Lino Iacomella - WAPC Appointee
Leonard Kosova - Local Government Representative
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee

Apologies: Paddi Creevey - Nominee of the Regional Minister
Kym Davis - Community Representative

Others present: Kathy Bonus – Chief Planning Advisor
David Brash – Principal Planning Officer, Regional South West
Garreth Chivell – Planning Manager, Schemes and Amendments
Marion Dandridge – Planning Manager, Regional South West
Katie Dowling – Commission Support Officer
Leah Elliott – Acting Senior Planning Officer, Metro South West
Sam Fagan – Manager, Commission Support
Sally Grebe – Director Planning Appeals, Strategic Planning Projects
Jas Lapinski – Senior Planning Officer, Metro South and Peel
Georgina Lockhart – Administrative Officer, Commission Support
Michelle Matthewman – Commission Support Officer
Rohan Miller – Planning Director, Schemes and Amendments
Rebecca Risteski – Senior Planning Officer, Schemes and
Amendments
Suzanne Roach – Senior Planning Officer, Metro Central
Dale Sanderson – Director, Metro Central
Michael Schramm – Director, Regional South West

1. Declaration of opening

The Chairman declared the meeting open at 9.54am, acknowledged the Whadjuk people of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

The Chairman welcomed Vaughan Davies as the Nominee of the Director General to the Statutory Planning Committee.

2. Apologies

Ms Paddi Creevey - Nominee of the Regional Minister

Ms Kym Davis - Community Representative

3. Members on leave of absence and applications for leave of absence

Nil.

4. Disclosure of interests

Mr Kosova declared an Impartiality Interest on Item 8.4 – Shire of Harvey Local Planning Strategy – Final Approval Subject to modifications as Mr Kosova has immediate family who live in and own various land throughout the Shire of Harvey. Mr Kosova also declared an Indirect Pecuniary Interest on Item 8.4 as he has clients through LK Advisory within the Shire of Harvey and Dardanup. Members agreed that Mr Kosova should not be present during discussion and/or decision-making on the item.

Ms Thompson advised the Committee that she received a phone call from a proponent of Item 8.4 Shire of Harvey Local Planning Strategy – Final Approval Subject to modifications, it was noted that Ms Thompson did not discuss the Item with the proponent. Members acknowledged Ms Thompson's disclosure.

The Chairman advised the Committee that he met with a proponent of Item 8.4 Shire of Harvey Local Planning Strategy – Final Approval Subject to modifications.

5. Declaration of due consideration

All members indicated that they had received and considered the agenda items before the Statutory Planning Committee meeting.

6. Minutes

6.1 Confirmation of minutes - Meeting No. 7623 on Tuesday, 15 October 2019

Moved by Mr Iacomella

Seconded by Ms Thompson

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 15 October 2019, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 Proposed Helipad - Royal Perth Hospital - Lot 212 Wellington Street, Perth (Item 8.1)

**Presenters: Dr Sudhakar Rao - State Director of Trauma (RPH),
Graeme Jones - Executive Director of Finance and Infrastructure,
EMHS and David Read - Director of Town Planning, Element WA**

Dr Sudhakar Rao thanked the Statutory Planning Committee for the opportunity to present and introduced Graeme Jones, David Read and Emma Moroney. Dr Rao provided a detailed historical summary of the Royal Perth Helipad which was built in 1999.

It was noted the Helipad is the 2nd most utilised in Australia. In the last 5 years Royal Perth Hospital has received an average of 247 patients per year via the Helipad with the majority presenting as major trauma. Dr Rao stated the new Helipad is required at Royal Perth Hospital to meet pending Civil Aviation Safety Authority (CASA) regulations. As a result of these regulations the Department of Fire and Emergency Services (DFES) plan to upgrade their current aero-medical helicopter fleet by 2021/2022, the smallest future weight of the helicopter will be 7,000kg. It was noted the current Royal Perth Helipad has a Safe Working Limit of 5,400kg.

Dr Rao stated that the East Metropolitan Health Service supported Condition 3 of the recommendation. Mr Jones stated it would be preferred to remove Condition 4 of the recommendation to retain the skirt to maintain a positive visual amenity. It was noted meetings with the City of Perth had taken place regarding signage design. To change the distance of the skirt would incur a large cost which East Metropolitan Health Service does not have budget for, and their preference is not to delay the application. Members queried the current distance of the skirt and the distance to the floor if skirt was to be changed.

8.1 Proposed Helipad - Royal Perth Hospital - Lot 212 Wellington Street, Perth

Members discussed the potential re-design of the Helipad signage and skirt according to the City of Perth's condition. Members discussed the concerns raised during the deputation regarding Condition 4 and agreed to remove this based on the imperative time frame of the application and significant cost involved in alterations to the skirt.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with the removal of Condition 4.

Moved by Mr Iacomella

Seconded by Ms Adair

That the Statutory Planning Committee resolves to approve the application subject to the following conditions:

- 1. The development is to be carried out in accordance with the plans date stamped 4 July 2019, subject to any modifications as required by the conditions of approval.*
- 2. The development approval is valid for two years from the date of this letter. If the subject development is not substantially commenced within a two-year period, the approval shall lapse and be of no further effect.*

3. *Prior to commencement of works, final details of the design and a sample board of the materials, colours and finishes and details of the signage illumination shall be submitted and approved to the specification of the City of Perth and to the satisfaction of the Western Australian Planning Commission.*

The motion was put and carried

7.2 Proposed Subdivision - Lot 9501 Holland Loop, Crooked Brook (Dardanup) (Item 8.3)

Presenters: Kathryn Kinnear - Bio Diverse Solutions

Ms Kinnear presented to the Statutory Planning Committee representing Bio Diverse Solutions, as a Level 2 Bushfire Practitioner. Ms Kinnear outlined her support of the recommendation including support for the Bushfire Protection measures of the subdivision prepared under the previously imposed guidelines.

Ms Kinnear acknowledged that the public access and main access way to Holland Loop meets public road standards, and that a future road is indicated through Lot 564.

It was noted that as per the water supply legislation guidelines a water tank was purchased and installed previously, and Ms Kinnear agreed with the officer's recommendation that it was not practical to impose the installation of further water infrastructure.

7.3 Shire of Capel - Town Planning Scheme No. 7, Amendment No. 65 - Development Contribution Plan - For Final Determination (Item 9.1)

Presenters: Kim Muste - Shire of Capel

Mr Muste presented to the Statutory Planning Committee representing the Shire of Capel and thanked the Committee for the opportunity. Mr Muste acknowledged that the Development Contribution Plan referred to the Commission in 2017 raised concerns on the growth and contribution rates for Boyanup and Dalyellup, which the Shire also recognised as high. It was noted that the Shire had twice lowered the rates for Dalyellup, Boyanup and Capel in response to submissions and growth trends.

Mr Muste acknowledged that Boyanup faces challenges with meeting growth rates and members queried the demand from existing residents for community infrastructure and how this is reflected in the new development. Mr Muste acknowledged the wants of the community wants versus what can be achieved at current growth rates is challenging to achieve. It was noted that the Boyanup community has existing community facilities, including recreation grounds focused in the centre of town, open space, park lands that back onto the river and upgraded tennis courts.

Mr Muste stated the Shire recognises the long term financial plan, and the need to move forward working closely with the Department of Planning, Lands and Heritage. Mr Muste suggested the Development

Contribution Plan go forward in its current format and believes there is scope for early review particularly if the growth rates aren't realised.

The meeting was adjourned at 10:28am.

The meeting was resumed at 10:33am with all members present.

7.4 City of Gosnells - Draft Local Planning Scheme No. 24 - Consent to Advertise (Item 9.2)

Presenters: Brad Gleeson - City of Gosnells

Mr Gleeson thanked the Statutory Planning Committee for the opportunity to present on the behalf of the City of Gosnells. Mr Gleeson stated that the City supports the remodification and key elements of the Scheme. Mr Gleeson noted the City's strong transit orientation focus.

Mr Gleeson noted that current Scheme supports increased density, urban in fill housing and large lots in close proximity to existing train stations, however, identified some constraints which include no deep sewerage in Kenwick. Mr Gleeson discussed areas of Gosnells, Southern River and 600 hectares off Tonkin Highway for medium to long term development, with opportunity for subdivision. Mr Gleeson also noted Maddington as the City's secondary centre which is undergoing commercial redevelopment, with a 20-year industrial plan.

Mr Gleeson discussed that the City and the Department of Planning, Lands and Heritage continue to work closely to resolve environmental issues, particularly the Greater Brixton Street Wetlands and advised that the City will undertake a comprehensive review of the area through the Environmental Protection Authority and resolve any residential issues in close proximity to the Wetlands.

Mr Gleeson closed by acknowledging the City of Gosnell's support of the Scheme and current progress, and requested that the Committee approve the advertisement of the Scheme.

7.5 Shire of Harvey - Local Planning Strategy – Final Approval subject to modifications (Item 8.4)

Presenters: Paul Davies - Property Owner

Mr Davies presented to the Statutory Planning Committee as the land owner of Lot 4202 Myalup Beach Road, Uduc. Mr Davies asked that the Committee support the modification of the Local Planning Strategy to include the land in rural residential precinct 3.

Mr Davies outlined the proposal for the creation of 6 rural residential lots, on the 65-hectare lot, with sizes varying between 5 and 15 hectares. It was noted that lot sizes would depend on varying conservation of vegetation and wetlands, as well as providing a usable area for hobby farm activities. Mr Davies discussed how the site is comprised of sandy soil, with good drainage and that was approximately 40% cleared with good vegetation and parkland.

Mr Davies explained that the lots are surrounded by approximately 60 existing rural residential lots, are opposite the Harvey Golf Club and

stated that the proposal would essentially complete the existing precinct. Mr Davies stated that the lot has good access to Myalup Beach Road and Thornton Drive through to Forrest Highway, located 8 kilometres from the Harvey Town site.

Mr Davies discussed how he had met with the Shire of Harvey and an officer from the Department of Planning, Lands and Heritage prior to purchasing the land. At this time Mr Davies was advised that the Commission would likely support the proposal for a rural residential subdivision. However, after acquiring the property he was advised that the proposal may not be supported and could be considered through the submission process of the Local Planning Strategy.

Members queried if the land had an easement or the Dampier to Bunbury Natural Gas Pipeline running through the property, Mr Davies confirmed the Dampier to Bunbury Natural Gas Pipelines runs through the property.

7.6 Shire of Harvey - Local Planning Strategy – Final Approval subject to modifications (Item 8.4)

Presenters: Mike Davis - Element and David Van der Walt - Ascot Capital Limited

Mr Davis presented to the Statutory Planning Committee representing Element, with Mr Van Der Walt who represents Ascot Capital Limited. Mr Davis thanked the Committee for the opportunity to speak in support of the recommendation in relation to Lot 561 Paris Road.

Mr Davies stated that Ascot Capital Limited has undertaken detailed studies to investigate optimal development of the site, including a Land Demand Assessment. It was noted that the study of 20 hectares of the land supported light industrial land development in Harvey, Bunbury and Dardanup to meet that medium to long term demand within the Shire.

Mr Davis noted that if the entire site was to remain light industrial there would not be no housing contribution to the area to accommodate further growth. Mr Davis stated that Landowner is committed to the process.

7.7 Shire of Harvey - Local Planning Strategy – Final Approval subject to modifications (Item 8.4)

Presenters: Stuart Thompson - Priority Management

Mr Thompson presented to the Statutory Planning Committee representing Priority Management. Mr Thompson discussed how the area north of Clifton Road had been identified in a range of plans in the past for settlement opportunity. It was noted that the land is identified as rural residential in the advertised Strategy, with quality irrigation, Brunswick River to the north and existing rural residential to the eastern side.

Mr Thompson stated that consideration and collaboration with the council had taken place over 5 years to ensure appropriate use of the

land and a more sophisticated design outcome. This included flora and fauna assessment and suggested rural residential lot sizes ranging from 2000m² to 5 hectares.

Mr Thompson reiterated that the purpose of his deputation was not to suggest a full urban solution but to advise the Committee regarding flexibility and lot sizes as the most appropriate planning solution for this site.

Mr Thompson acknowledged Main Roads comments on there been no left out on to the Bunbury Outer Ring Road at Clifton Road, and that they accept that the intersection cannot meet desired lines. They propose that the outer ring road improves access to the site, together with further consideration from Main Roads as part of Strategic Plan process to ensure site lines are correct.

Mr Thompson discussed that the Water Corporation report states that water services cannot be provided to the precinct as it is not in a Water Corporation licenced area. It was noted that further sewer planning may need to be reviewed and that the majority of services to the precinct will be developer funded. Mr Thompson discussed how Harvey Water have shown interest in providing water services to the precinct.

Mr Thompson discussed the Bunbury Geographe Growth Plan which has support within the community and highlighted the importance of the need to maintain lifestyle choices as a point of difference to metropolitan Perth. Mr Thompson acknowledged that the Local Planning Strategy has been through a number of changes and did not wish to see the precinct as a lost opportunity.

7.8 Shire of Harvey - Local Planning Strategy – Final Approval subject to modifications (Item 8.4)

Presenters: Gary Fitzgerald - Tecon Australia

Mr Fitzgerald presented to the Statutory Planning Committee representing Tecon Australia, and thanked the Committee for the opportunity. Mr Fitzgerald stated that he did not support the officer's recommendation regarding the removal of the rural residential precinct of South Treendale. Mr Fitzgerald asked that the proposal be assessed on merit and highlighted the good development opportunities of the land.

Mr Fitzgerald discussed the 1996 Structure Plan, which was not endorsed by the Western Australian Planning Commission, as being valid and objects to the proposed rural residential precinct south of Treendale Rd (RR2), being removed from the local planning strategy. Mr Fitzgerald discussed how the approach undertaken by the department is to be restrictive.

Mr Fitzgerald stated that the planning outcome should not universal and that rural residential provides a lifestyle choice. Mr Fitzgerald discussed how the land bound by roads, in close proximity to a major shopping centre, and educational settlement is ideal for lifestyle pursuits.

7.9 Shire of Harvey - Local Planning Strategy – Final Approval subject to modifications (Item 8.4)

Presenters: Justin Hansen, Frank Arangio - Creative Design + Planning, Travis Taylor - TayCot and Geoff Pearson - Landowner Representative

Mr Arangio presented to the Statutory Planning Committee with Mr Hansen of Creative Design + Planning, Mr Taylor of TayCot and Mr Pearson a Landowner representative. Mr Arangio stated their support of the Shire of Harvey Local Structure Plan, but opposed the modifications regarding the land to the East of Treendale.

Mr Arangio believes the perceived issues identified with servicing the area to be unsubstantiated and with the revised alignment of the Bunbury Outer Ring Road the area offers immediate urban development. Mr Arangio stated his support for the immediate development of the area which could be concurrent with Wanju, given the support of the two primary landowners. Mr Arangio stated that Harvey Water has been engaged and has given no sign of opposition to the area becoming urban.

Mr Arangio discussed that servicing and infrastructure could be undertaken by the developer and therefore deliver 2,500 lots, a high school and local centre in 5 years, to service the employment base at Kemberton.

7.10 Shire of Harvey - Local Planning Strategy – Final Approval subject to modifications (Item 8.4)

Presenters: Simon Hall, Elizabeth Edwards and Annie Riordan - Shire of Harvey

Mr Hall presented the Statutory Planning Committee with Elizabeth Edwards and Annie Riordan on behalf of the Shire of Harvey. Mr Hall noted the responsible approach of the Shire Local Planning Strategy for future development of the northern growth corridor which seeks to connect rural residential components and build long term future growth.

Mr Hall stated that the Shire had not contemplated planning for the modification of the outer ring road to extend 4.5 kilometres into the Shire and strongly opposed this, as it would have significant impact to the growth corridor north of Bunbury. Mr Hall noted that Treendale East would gain advantage due to the better connection to the urban area and despite this no urban growth area has been identified. Mr Hall emphasised the need for a planning investigation area to provide clarity for future development.

Mr Hall discussed their support for Submission 27 for the inclusion of Lot 522 Ditchingham Place for further investigation as rural residential, noting that the environmental issues could be addressed in this.

Members queried the viability of new planning investigation areas in the Shire of Harvey where the growth rate has shown to be slow. It was noted that the principal of the Local Planning Strategy should provide

some certainty to the Shire and Landowners and not cause further delay in new development. Mr Hall stated they would prefer to see higher density to the East of the Bunbury Outer Ring Road, but remains planning investigation.

Members queried the priorities of Wanju future development and it was noted that the Shire is not opposed to the development.

Due to an Impartiality Interest on Lot 561 Paris Road Mr Hall left the room at 11:35am and Ms Edwards continued the deputation.

Ms Edwards stated the Shire does not support Submission 28 regarding Lot 561 Paris Road, and modification number 22. Ms Edwards discussed that there is no evidence to support loss of existing undeveloped light industrial land in the area of growing population. Members queried the assessment of the light industrial land, and it was noted a revised addition has been submitted, but noted documents only consider a ten-year plan.

ITEMS FOR DECISION

8.2 Development Application - Extension to Existing Classroom - Lot 5023 Education Drive, Mandurah

Moved by Ms Adair

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to approve the application subject to the following conditions and advice:

1. *This decision constitutes approval to commence development only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.*
2. *This approval relates to the extension of the John Tonkin Support Centre building, in accordance with the attached plans (Attachment 2) to the satisfaction of the Western Australian Planning Commission.*
3. *Prior to occupation information is to be provided to demonstrate that the measures contained in Section 6 of the bushfire management plan have been implemented during construction works to the satisfaction of the Western Australian Planning Commission.*
4. *The turn-around area being upgraded to the standards as outlined in the Guidelines for Planning in Bushfire Prone Areas and the specifications of the City of Mandurah Areas to the satisfaction of the Western Australian Planning Commission.*

Advice:

1. *In relation to Condition 4, it is the Western Australian Planning Commission's expectation that the existing cul-de-sac head will be*

modified to comply with Acceptable Solution 3.5 of the Guidelines for Planning in Bushfire Prone Areas.

The motion was put and carried

8.3 Proposed Subdivision - Lot 9501 Holland Loop, Crooked Brook (Dardanup)

Moved by Ms Adair

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to approve the application for subdivision of Lot 9501 Holland Loop, Crooked Brook (Dardanup) as shown on the plan date stamped 21 December 2018 subject to the following conditions:

CONDITION(S):

- 1. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power).*
- 2. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
- 3. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:*
 - lots can accommodate their intended use; and*
 - finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)*
- 4. Prior to the commencement of subdivisional works, an Urban Water Management Plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan. (Local Government)*
- 5. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan for the site, or where no*

Urban Water Management Plan exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)

6. *Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and*

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).

7. *Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government)*
8. *Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government).*
9. *An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced.*

Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Water and Environmental Regulation)

10. *Information is to be provided to demonstrate that the measures contained in Section 6; Table 6.2 of the Bushfire Management Plan and Bushfire Attack Level Contour Plan Report (Final Version dated 20 March 2019) have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*
11. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional

planning and building requirements may apply to development on this land". (Western Australian Planning Commission)

12. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.*

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the Western Australian Planning Commission confirming that the works will be completed within a reasonable period as agreed by the Western Australian Planning Commission. (Local Government)

13. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:*

- *street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider;*
- *roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and*
- *temporary turning areas are provided to those subdivisional roads that are subject to future extension; to the satisfaction of the Western Australian Planning Commission. (Local Government)*

14. *Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*

15. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'A mains potable water supply is not available to the lots.' (Local Government)

16. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as*

follows:

'A reticulated sewerage service is not available to the lot(s).' (Local Government)

17. *Prior to the commencement of subdivisional works, the landowner/applicant is to provide a site and soil evaluation to determine the type of on-site sewage treatment system required and the appropriate location for on-site sewage disposal. (Local Government)*
18. *The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land. (Local Government)*
19. *Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
20. *The subdivider making satisfactory arrangements with the Local Government to contribute towards the costs of provision of foreshore facilities identified in the Dardanup West/Crooked Brook Structure Plan area in accordance with TPS3 and Council Policy CP094 - Dardanup West/Crooked Brook Area -Provision of Foreshore Facilities Developer Contribution Policy. (Local Government)*
21. *Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*
 - *All dwellings shall be constructed to have a minimum finished floor level of 500mm above the nearest adjoining road level, whichever is the greater, as determined by a licenced surveyor.*
 - *The area may be subject to seasonal inundation.*
 - *This lot supports native wildlife including threatened Western Ringtail Possum and black Cockatoo species. Lot owners are encouraged to retain, maintain and or plant local endemic shrubs and trees suitable for Western Ringtail Possum and Black Cockatoo habitat. (Local Government)*

ADVICE:

- i. *In regard to Condition 1, Western Power provides only one underground point of electricity supply per freehold lot.*

- ii. *With regard to Conditions 4, the Department of Water and Environmental Regulation advises that there is an endorsed Urban Water Management Plan (Lot 5 Garvey Road - Urban Water Management Plan Rev A – 2nd December 2014). This subdivision should be consistent with the endorsed Urban Water Management Plan.*
- iii. *Conditions 4 and 5, have been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).*
- iv. *With regard to Condition 6, the Department of Health advises that a site specific geotechnical report of the site under late winter conditions (July/August) will need to be submitted. The geotechnical report should include the following information:*
- *Soil profile to a depth of at least 2.0 metres;*
 - *Soil permeability;*
 - *Water table encountered to a depth of 2.0 metres; and*
 - *Site topography and any other features such as rock outcrops and water courses*
- The site investigation shall be undertaken by a qualified consultant and tests performed to the procedures laid out under Australian Standard 1547 (2000) or Schedule 8 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- v. *Condition 9 makes reference to an 'acid sulphate soils self-assessment form'. This form can be downloaded from the Western Australian Planning Commission's website. The 'acid sulphate soils self-assessment form' makes reference to the Department of Water and Environment Regulation's 'Identification and Investigation of Acid Sulphate Soils' guideline. This guideline can be obtained from the Department of Water and Environment Regulation's website. www.dwer.wa.gov.au.*
- vi. *The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation's website www.der.wa.gov.au under air quality publications.*
- vii. *The landowner/applicant and the local government are advised to refer to the Local Government Guidelines for Subdivisional*

Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.

- viii. *In regard to Condition 12 and 13, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/ dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*
- ix. *The balance lot contains a resource enhancement wetland and other vegetated areas which will need to be protected and fenced at the future stage/s of subdivision.*
- x. *In regard to Condition 17, the size and location of sewage disposal areas are to be consistent with Government Sewerage Policy. Best practice is provided in Australian/New Zealand Standard 1547 On-site domestic sewage management.*

The motion was put and carried

9.4 Key Matters Coversheet and Publication of Meeting Agendas- Report dated 29 October 2019

THIS ITEM IS CONFIDENTIAL

8.4 Shire of Harvey - Local Planning Strategy – Final Approval subject to modifications

Mr Kosova declared an Impartially and Indirect Pecuniary Interest on the Item and left the meeting at 11:41am.

Members discussed the likely timeframe for the completion of the Bunbury Geographe Sub-regional Strategy. Any significant changes from the current Greater Bunbury Strategy could then be included in the Harvey Local Planning Strategy as an amendment. Members discussed the importance of endorsing the local planning strategy due to the time it had taken to finalise the document and the need for the LPS to inform the Shire's new Planning Scheme which is long overdue.

Members further acknowledged the importance of the Bunbury Geographe Sub-regional Strategy and the need for this document to inform the LPS. Members noted that the Bunbury Outer Ring Road alignment had implications for the land to the east of the alignment and the issues that area faces with servicing. It was noted that the timing for the long-term investigation are to the west of the BORR alignment could be considered through the Bunbury Geographe Sub-regional Strategy process.

In relation to Rural Residential development south of Raymond Road (submission 16), members queried the validity of the Structure Plan cited by the proponent from 1996 and it was confirmed that it was not endorsed by the WAPC.

Members discussed the future potential of land for development east of the BORR and noted that this should be further investigated as part of the Bunbury Geographie Sub-regional Strategy investigations.

Members queried if there was reference to the Bunbury Dampier Natural Gas Pipeline and it was confirmed that this would be reflected on the maps and in the text.

Members acknowledged the second and late submission related Lot 561 Paris Road. It was noted that further investigation was required in relation to this submission and as such could not make a decision on the removal of modification 22 as requested by the Shire at this time. Members noted an error referencing submission 28 and this would be amended.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with amendments to the error in the modification. Members noted the importance of ensuring the relevant landowners, working groups and stakeholders are engaged to work through the issues that have been presented.

Moved by Mr Thornton
Seconded by Ms Thompson

That the Statutory Planning Committee resolves to:

- 1. determine the submissions lodged on the Shire of Harvey Local Planning Strategy dated June 2018, in accordance with the Schedule of Submissions set out at Attachment 11,*
- 2. consider that modification to the Local Planning Strategy, in accordance with the Schedule of Modifications set out at Attachment 12 is required,*
- 3. subject to the above modifications being satisfactorily undertaken, endorse the Local Planning Strategy under regulation 15 of the Planning and Development (Local Planning Schemes) Regulations 2015,*
- 4. authorise Department of Planning, Lands and Heritage officers to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly,*
- 5. advise the local government to publish a notice advising of the endorsement of the Local Planning Strategy in accordance with regulation 16 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The motion was put and carried

Mr Kosova returned to the meeting at 12:12pm.

**9.1 Shire of Capel - Town Planning Scheme No. 7, Amendment No. 65
- Development Contribution Plan - For Final Determination**

THIS ITEM IS CONFIDENTIAL

9.2 City of Gosnells - Draft Local Planning Scheme No. 24 - Consent to Advertise

THIS ITEM IS CONFIDENTIAL

9.3 Forrestdfield North - Local Structure Plan – Draft

THIS ITEM IS CONFIDENTIAL

10. Reports for noting

Nil.

11. Stakeholder engagement and site visits

Nil.

12. Urgent or other business

Nil.

13. Items for consideration at a future meeting

Nil.

14. Meeting closure

The next ordinary meeting is scheduled for 9.30am on Tuesday, 12 November.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 12:43pm.

CHAIRMAN

DATE



REPORT TO	Statutory Planning Committee		
Meeting date	12 November 2019	File number	21-50604-1
Subject	Development Application - Alterations to Place of Worship (Toilet and Patio) - Lot 50 Middle Swan Road, West Swan.		
Purpose	Requires WAPC decision		
Title of Approving Officer	Director Metropolitan North, Land Use Planning		
Agenda Part for Reports (All parts are confidential unless otherwise stated) SPC - Non-Confidential (To be published to the website)			
SITE-SPECIFIC DETAILS			
Region/s	Perth		
Local government/s	City of Swan		
Landowner/Consultant	Fadeck Cultural Center Inc.		
Bushfire Prone Area	NO		
Statutory Planning Committee - SMART			
Region scheme zoning	Rural		
Local Scheme Zoning	Swan Valley Rural		
Council's recommendations	APPROVE		
Receipt date	28/08/19	Process days	76
Property Address	Lot 50 Middle Swan Road, West Swan		
SUMMARY			
<p>The application seeks approval for minor alterations to an existing approval (Place of Worship) at Lot 50 Middle Swan Road, West Swan (the subject lot). The applicant has submitted plans that propose the relocation of toilet facilities and the development of a new patio on the western side of the existing dwelling. It is these minor additions to the existing approved development only that are the subject of this application.</p> <p>The City of Swan (the City) has approved the proposed alterations under its Local Planning Scheme No.17 (LPS17) (Attachment 1 - Council Report). This is contrary to the Swan Valley Planning Committee's (SVPC's) recommendation to refuse the application.</p> <p>The application is presented to the Statutory Planning Committee (SPC) for determination as it falls outside of the scope of delegation to officers. It is recommended that the application be approved, under clause 26(3) and 30B (5) of the Metropolitan Region Scheme (MRS).</p>			
DETAILS OF PROPOSAL			
<p>The lot contains a dwelling and a Place of Worship (Fadeck Cultural Center) (Attachment 2 - Aerial Imagery) which was approved by the State Administrative Tribunal (SAT) on 4 July 2016.</p> <p>The application seeks approval for the alteration of the existing SAT approval for the construction of toilets and associated septic tank within an existing patio structure on the north-eastern corner of the property setback 3.8m from the rear boundary and more than 30m from the primary street boundary. In addition, the application proposes the construction of a new 3m x 12m (36m²) patio on</p>			

the western side of the existing dwelling, set back 19.8m from the primary street boundary and 16.2m from the western boundary. (**Attachment 3 - Development Plans**)

The subject land is zoned Rural under the MRS and Swan Valley Rural under the City of Swan Local Planning Scheme No.17 (LPS 17) (**Attachment 4 – Zoning Plan**). The subject land is within Area B of the *Swan Valley Planning Act 1995*.

BACKGROUND

The original application to add the land use 'Place of Worship' to the existing residential use was refused by the City at its meeting of 14 October 2015. This application was approved by the State Administrative Tribunal (SAT) on 4 July 2016.

The current application proposing alterations to the SAT approval was referred by the City to the SVPC, which resolved that the proposal is inconsistent with the planning objectives for Area B as listed in the *Swan Valley Planning Act 1995*, specifically clauses 8.4 and 8.6. Further, the SVPC considered that the setbacks do not comply with the Interim Planning Policy.

The City did not concur with the advice of the SVPC and at its Council meeting of 31 July 2019 resolved to approve the development under its LPS 17.

Clause 26(3) and 30B (5) of the MRS require that an application for approval to develop land in the Swan Valley is referred to the WAPC for determination where the recommendation of the SVPC is not accepted by the City.

KEY ISSUES

Consistency with WAPC Policies & Planning Framework	Metropolitan Region Scheme Swan Valley Planning Act 1995 City of Swan LPS 17	Broadly consistent, some discretion required
Government Considerations	Perth and Peel	N/A
Budget	None	
Consultation	The application was advertised in accordance with the City's Local Planning Scheme No. 17 and received no objections.	

PLANNING ASSESSMENT

Swan Valley Planning Act 1995

The general planning objectives for the Swan Valley are:

"the encouragement of the traditional agricultural and other productive uses of the area that complement its rural character, the protection of the environment and the character of the area, the reduction of nutrient levels in the Swan River and the promotion of tourism that complements the rural character of the Swan Valley".

The relevant specific planning objectives for Area B referenced in the SVPC resolution are:

8.4 The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area.

8.6. The compatibility of design, siting and landscaping with the character of the area.

The purpose of the development is to provide toilet facilities and extend a portion of patio from the existing dwelling. As outlined above, the application is not proposing a change in the use of the land as a 'Place of Worship' use which has already been approved by the SAT. The subject land contains a single dwelling and incidental outbuildings ancillary to the approved uses of the

property.

In terms of context, the site abuts Bandyup Prison to the west and a rural property to the north and east, and is located on the eastern portion of Middle Swan Road. This portion of Middle Swan Road is effectively a service road that abuts the Reid Highway. Further, the lot is uniquely small given the rural zoning at only 2571m² and would be therefore unlikely to be able to support any traditional agricultural activity.

The proposed addition to the patio structure would have a negligible impact in terms of building bulk and will be screened from view by the existing structures. The proposed toilet block is relocated from the approved location to a new location within an existing patio, therefore would be largely indistinguishable from the existing development. Further, a condition of the 2016 SAT approval required the construction of a 2.8m screening wall on the eastern boundary which would be greater in height than the proposed toilet, and will prevent view of the structure from the adjoining lot to the east. In addition, an existing tree line has been planted on this boundary which provides additional screening to the proposed toilet block.

The proposed toilet block and patio area are not out of keeping with the existing development and will not have a negative effect on the encouragement of traditional activities of the Swan Valley on neighbouring properties.

The Interim Policy does not specify any requirement in terms of side setbacks, but it does provide rear and front setback requirements for dwellings. The proposed toilet facility is setback 3.8m (3m required) from the rear (northern boundary) and is more than 30m (7.5m required) from the primary street boundary. Further, it is noted that the owners of the adjoining property on the eastern boundary (setback 1.1m from the proposed toilet block) have not objected to the proposal.

Given the reasons outlined above, it is considered that the proposed development will not adversely impact the rural character of the locality or the visual amenity of the adjoining property.

Metropolitan Region Scheme

Clause 30 of the MRS requires the determining authority to have regard to:

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

The proposed minor alterations do not constitute any material change to the existing approved use and development of the land and can be considered consistent with the Rural zoning. Further, for the reasons discussed in the above section, the proposal is consistent with the orderly and proper planning of the locality and the preservation of amenity in the locality.

Conclusion

Having regard to the existing approved development on the site and the minor nature of the proposed alterations, it is recommended that the application be approved under the Metropolitan Region Scheme.

RECOMMENDATION

That the Statutory Planning Committee resolves to approve the application subject to the following condition:

- 1. This approval relates to the proposed alterations (proposed toilet and patio) to the Existing Approval for a "Place of Worship" only in accordance with the attached plans date stamped 28 August 2019 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission.***

ATTACHMENTS
Attachment 1 - Council Report Attachment 2 - Aerial Imagery Attachment 3 - Development Plans Attachment 4 - Zoning Plan

Ordinary Meeting of Council
31 July 2019

3.3 PROPOSED AMENDMENT TO A 'PLACE OF WORSHIP' AT LOT 50 (NO.105) MIDDLE SWAN ROAD, WEST SWAN (DA-324/2015/A)

Ward: (Swan Valley/Gidgegannup Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

KEY ISSUES

- The application proposes an amendment to an existing approved 'Place of Worship' at Lot 50 (No.105) Middle Swan Road, West Swan ('subject site').
- The subject site is zoned 'Swan Valley Rural' under the City's Local Planning Scheme No.17 and comprises an area of 2,572m². The subject site contains a 'Single House, a 'Place of Worship' and various outbuildings.
- The original application (DA-324/2015 refers) was received by the City on 6 May 2015. The application was to introduce the 'Place of Worship' land use on a portion of the land to the rear of the single house, as well as the construction of a toilet block and a parking area for the worshippers.
- The original application was refused by the Council at its meeting held on 14 October 2015. Through an appeal process, the application was approved by the State Administrative Tribunal ('SAT') on 4 July 2016.
- The applicants have now submitted an application to amend the approved plans. The proposed modifications are limited to:
 - Amend Condition (a) of the SAT orders for DA-324/2015 by substituting approved plans with revised plans that propose the construction of toilets inside of an existing patio on the eastern lot boundary instead of the approved location within an existing shed further from the eastern lot boundary.
 - A new 3m x 12m steel patio (36m²) to be constructed on the western side of the existing Place of Worship and setback 19.8m from the primary street boundary and 16.2m from the western boundary.
- The application to amend the approval was referred to the Swan Valley Planning Committee (SVPC) and resulted in a recommendation to refuse the application on the following basis:
 - The reduction to the setback of the toilet block to the eastern boundary does not meet Objectives 8.4 and 8.6 of the *Swan Valley Planning Act 1995*, does not comply with the setbacks specified in the Interim Planning Policy and is not consistent with the SAT orders of 4 July 2016.
- The application was advertised in accordance with the City's Scheme without objection.

- Major Planning Consideration: Whether the reduced setback of the toilet block and proposed patio addition will present as a dominant feature/element on the landscape, adversely impacting the rural character and amenity of the locality.
 - For reasons contained in the report, City staff consider that the application complies with the current planning framework and is consistent with the objectives for the Swan Valley Rural zone inclusive of the planning objectives for Area B under the *Swan Valley Planning Act 1995*.

It is recommended that the Council approve the amendment to Condition (a) of the SAT orders for DA-324/2015 by substituting the approved plans with revised plans for the 'Place of Worship' on Lot 50 (No.105) Middle Swan Road, West Swan. Council's decision is then to be referred to the Western Australian Planning Commission for determination, pursuant to Clauses 26 (3) and 30B(5) of the MRS.

AUTHORITY/DISCRETION

Council also has discretion in accordance with Part 10.3 of Local Planning Scheme No.17 (LPS 17) to approve (with or without conditions) or refuse to approve a development application, however as this decision (support of staff recommendation) would be inconsistent with the advice received from the Swan Valley Planning Committee, in accordance with Clauses 26(3) and 30B(5) of the Metropolitan Region Scheme, the application (along with Council's recommendation) will need to be referred to the WAPC for final determination.

Alternatively Council may refuse the application and if the applicant is aggrieved with the discretion of the Council, a right of appeal may exist in accordance with Part 3 of the *State Administrative Tribunal Act 2004* and Part 14 of the *Planning and Development Act 2005*.

BACKGROUND

Applicant:	Ahmad Akmush
Owner:	Fadeck Cultural Centre Inc (<i>Chairperson - Hussain Kakani, Secretary - Ahmad Akmush</i>)
Zoning:	LPS17 - MRS - Swan Valley Rural Rural
Strategy/Policy:	<i>Swan Valley Planning Act 1995</i> (Area B)
Development Scheme:	Local Planning Scheme No.17
Existing Land Use:	Dwelling with assorted outbuildings.
Lot Size:	2,572m ²
Use Class:	Place of Worship 'D'

DETAILS OF THE PROPOSAL

The proposed modifications to the approved development are limited to:

- Amend Condition (a) of the SAT orders for DA-324/2015 by substituting approved plans with revised plans that propose the construction of toilets inside of the existing patio on the eastern lot boundary instead of the approved location within an existing shed further from the eastern lot boundary.
- A new 3m x 12m steel patio (36m²) to be constructed on the western side of the existing Place of Worship and set back 19.8m from the primary street boundary and 16.2m from the western boundary.

DESCRIPTION OF SITE

The subject land gains access on its southern boundary from Middle Swan Road, which is effectively a service road that abuts the Reid Highway.

This eastern portion of Middle Swan Road only services the Bandyup Prison to the east of the subject site and a limited number of rural properties to the west of the subject site.

The subject land is flat and contains a 'Single House' with several outbuildings of various sizes. The subject site also contains an existing approved 'Place of Worship' contained within the enclosed rear patio of the existing approved 'Single House'.

A 4ha rural lot abuts its northern and eastern boundaries.

SITE HISTORY/PREVIOUS APPROVALS

DA-324/2015 was received by the City on 6 May 2015. The application was to enclose a patio off the single house and utilise it and the rear shed for the purpose of a 'Place of Worship'. The existing single house was proposed to remain for use for residential purposes. Thirteen formalised car bays and a toilet block was also proposed.

The application was subsequently refused by the City of Swan at the Ordinary Meeting of Council on 14 October 2015 on the grounds that the proposal will have an adverse impact on the amenity and rural character of the locality, as it conflicts with the objectives of Area B of the *Swan Valley Planning Act 1995* and the Swan Valley Rural zone. This decision was consistent with the original referral to the SVPC.

The City's determination was appealed at the SAT. Through the appeal process, the applicant submitted amended plans to move the toilet block into an existing shed further from the eastern boundary than shown on the refused plans. The applicant's appeal was upheld by the SAT on 4 July 2016, subject to conditions which included screening along the eastern boundary which has since been installed.

PUBLIC CONSULTATION

The application was advertised in accordance with the City's Local Planning Scheme No.17 without objection.

CONSULTATION WITH OTHER AGENCIES AND/OR CONSULTANTS

The proposed amendment was referred to the SVPC. The SVPC resolved to recommend that the application be refused on the following basis:

- That the built form modifications do not meet Objectives 8.4 and 8.6 of the *Swan Valley Planning Act 1995*;
- The reduced setbacks proposed by the toilet block do not comply with the setbacks specified in the Interim Planning Policy and Swan Valley Development Plan 2015; and
- The plans are inconsistent with the SAT orders of 4 July 2016.

DETAILS

The subject site is zoned 'Swan Valley Rural' under the City's Local Planning Scheme No.17 and comprises an area of 2,572m². The subject site contains a single house, various outbuildings and a 'Place of Worship'.

The 'Place of Worship' land use exists at the lot and is not under review as part of this application. It is considered that there is one (1) major planning consideration, being:

Whether the proposed modification to the development will present as a dominant feature/element on the landscape, adversely impacting the rural character and amenity of the locality.

Planning and land use in the Swan Valley are governed by the *Swan Valley Planning Act 1995*, the *Planning and Development Act 2005* and the City's Scheme and local planning policies.

It is noted that the SVPC raised concerns with the new location of the toilet block stating that the setbacks do not comply with the setbacks prescribed within the Interim Planning Policy and Swan Valley Development Plan 2015.

It is noted that the setbacks prescribed within the Swan Valley Interim Planning Policy apply specifically to dwellings, it is noted that this development pertains to a 'Place of Worship'. Therefore it is practical not to apply the setbacks of the Swan Valley Interim Planning Policy and instead assess the setbacks against the City's local planning policy guiding development within rural zones being POL-TP-126.

The SVPC have also raised concerns with the built form's ability to satisfy objectives 8.4 and 8.6 of the *Swan Valley Planning Act 1995*. The objectives are as follows:

"8.4 - The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area."

"8.6 - The compatibility of design, siting and landscaping with character of the area."

As discussed above, the application is not for the use of the land for a 'Place of Worship' as the use has already been approved and exists on the site. Therefore, an assessment of the ability of the existing uses to meet Objective 8.4 does not need to be reconsidered under this amendment.

The major planning consideration is whether the proposed modification to the development will present as a dominant feature/element on the landscape, adversely impacting the rural character and amenity of the locality.

In order to determine if the built form modifications satisfy the above consideration, the amendments should satisfy the setback requirements contained within POL-TP-126 and objective 8.6 of the *Swan Valley Planning Act 1995*.

Toilet Block

The construction of a toilet block inside the patio on the lot boundary was originally proposed for the development, however the plan was amended to show the toilets located within an existing shed further from the boundary in order to receive approval from the SAT.

The SAT granted approval for the development subject to Condition (d) requiring an artificial screen to be constructed on the lot's eastern boundary.

The current amendment is proposing to have the toilet block closer to the boundary as originally applied for.

POL-TP-126 states that setbacks are to be in accordance with the Residential Design Codes as the lot is under 1ha in size. The toilet block setback is compliant with the Residential Design Codes at 1.1m from the eastern boundary and 3.8m from the northern boundary in lieu of a minimum 1m requirement.

Further, it is considered that the extra building bulk is negligible as there is an existing patio already approved at the same height and width in that location. The building bulk impact is considered to be limited to a wall being placed under the patio roof which will include windows.

The differentiating factors of this proposal from the previous refusal issued by Council include:

- A condition for screening applied by the SAT with a minimum height of 2.8m which is greater in height than the toilet structure;
- Advertisement to the property to the east was not met with any objections; and
- An existing tree line has been planted along the common boundary of the subject site and the property to the east which provides additional screening to the toilet block.

It is considered the toilet modification to the development will not present as a dominant feature/element on the landscape as it cannot be seen from the street or from the property to the east due to the screening provided. The modification will not adversely impact the rural character and amenity of the locality.

Patio

The applicants have also proposed a minor patio addition to the side of the place of worship. The patio addition is considered to be negligible in terms of building bulk impact, being set back 19.8m from the primary street boundary and 16.2m from the western boundary.

The above structures are both considered to be development consistent with the approved and existing uses at the site and sufficiently setback and screened so that they do not present as a dominant feature/element on the landscape, and do not adversely impact the rural character and amenity of the locality.

The City considers the proposed modifications to be consistent with the objectives of the *Swan Valley Planning Act 1995*, the objectives of the Swan Valley Rural zone under the City's Scheme and the City's Building and Development Standards - 'Rural Zones' local planning policy (POL-TP-126).

OPTIONS AND IMPLICATIONS

Option 1: The Council resolve to approve the modifications to DA-324/2015 by amending Condition (a) of the SAT orders for DA-324/2015 by substituting the approved plans with the proposed revised plans that propose the construction of toilets inside of the existing patio on the eastern lot boundary instead of the approved location within an existing shed further from the eastern lot boundary and a new 3m x 12m steel patio to be constructed on the western side of the existing 'Place of Worship'.

Implications: The application (along with Council's recommendation) will be referred to the WAPC for final determination.

This is the recommended option.

Option 2: The Council resolve to refuse the modifications to DA-324/2015 as proposed for the following reasons:

- a) The reduced setback of the toilet block and proposed patio addition will present as a dominant feature/element on the landscape, adversely impacting the rural character and amenity of the locality.
- b) The proposed additions do not meet the Objectives 8.4 and 8.6 of the *Swan Valley Planning Act 1995*; and
- c) The proposed additions do not meet the objectives of the Swan Valley Rural zone as contained within the City's Local Planning Scheme No.17.

Implications: The applicants have the right to appeal the City's decision at the State Administrative Tribunal.

This is not the recommended option.

CONCLUSION

The application proposes a minor modification to the existing approved development at the subject site. The SVPC have recommended refusal stating the modifications do not meet Objectives 8.4 and 8.6 of the *Swan Valley Planning Act 1995*, do not comply with the setbacks specified in the Interim Planning Policy and are not consistent with the SAT orders of 4 July 2016

An assessment against the applicable legislation has revealed that both structures are considered to be development consistent with the approved and existing uses at the site and sufficiently setback and screened so that they do not present as a dominant feature/element on the landscape, and do not adversely impact the rural character and amenity of the locality.

The application was advertised in accordance with the City's Scheme without objection.

City staff consider that the application complies with the current planning framework and is consistent with the objectives for the Swan Valley Rural zone inclusive of the planning objectives for Area B under the *Swan Valley Planning Act 1995*.

ATTACHMENTS

Amended set of plans.

STRATEGIC IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Swan Valley Planning Act 1995

City of Swan Local Planning Scheme No.17

Building and Development Standards - 'Rural Zones' (POL-TP-126).

FINANCIAL IMPLICATIONS

The average cost for a Hearing to defend Council's decision at the State Administrative Tribunal is \$60,000.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council resolve to:

- 1) Approve the modifications to DA-324/2015 by amending Condition (a) of the SAT orders for DA-324/2015 to read as follows:
 - (a) The development must be carried out in accordance with the following plans:
 - i. Site plan dated 27/07/2016 (1 of 4);
 - ii. Section/Elevation Plan dated 3/01/2018 (2 of 4);
 - iii. Floor Plan dated 25/07/2016 (3 of 4); and
 - iv. Floor Plan dated 5/01/2016 (4 of 4).

- 2) In accordance with Clauses 26(3) and 30B(5) of the Metropolitan Region Scheme, the application (along with Council's recommendation) be referred to the Western Australian Planning Commission for final determination.

CARRIED



Legend

Cadastre (View 1)



0 0.01 0.0

Kilometres

1: 500

at A4

Projection:

WGS_1984_Web_Mercator_Auxiliary_Sphe

Notes:

The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuery.

InQuery Map

ATTACHMENT 2

DPLH BUSINESS USE ONLY

ATTACHMENT 3

#105 MIDDLE SWAN ROAD
(2571 m²)



CITY OF SWAN
28 JUL 2016
RECEIVED

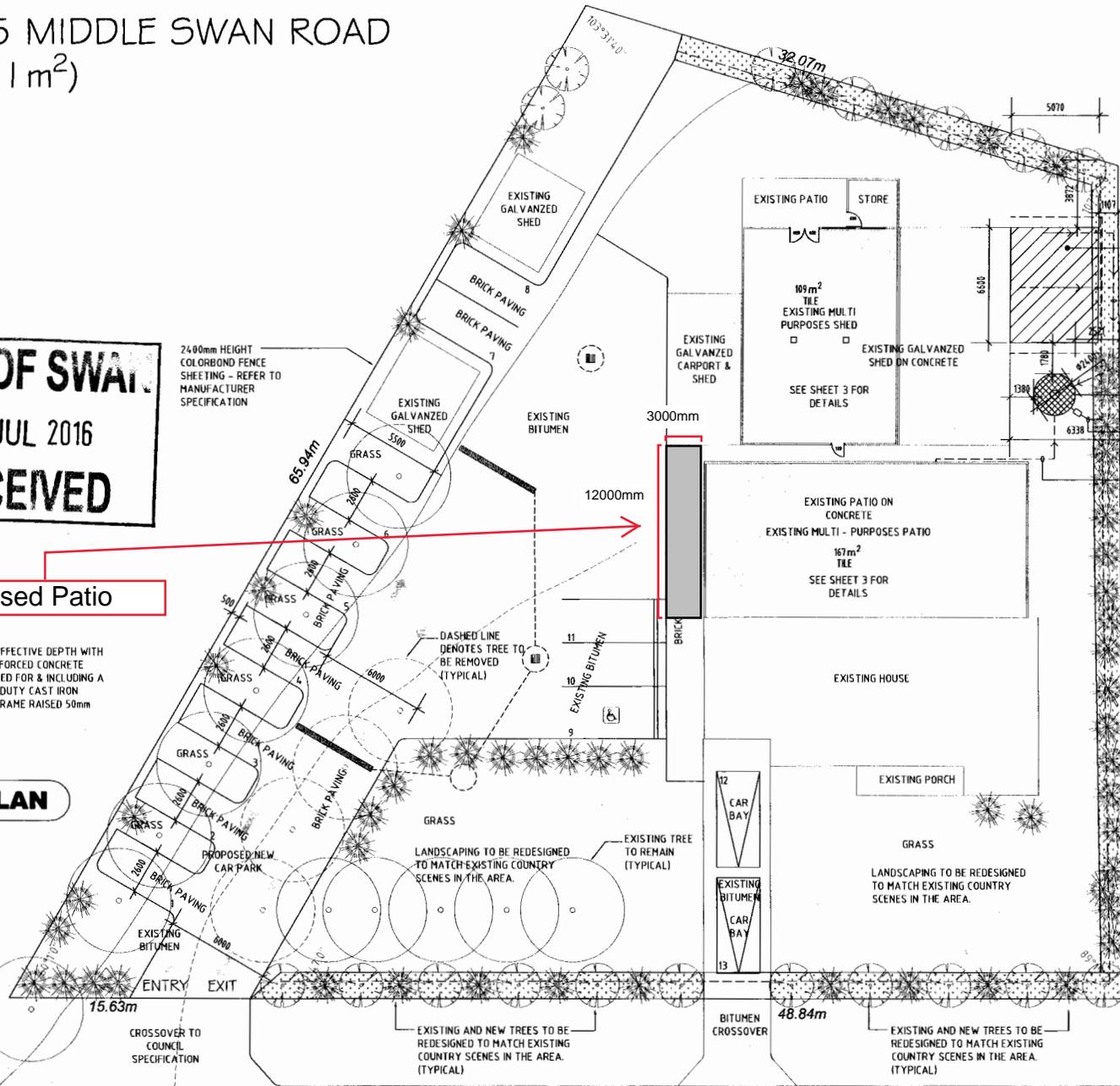
Proposed Patio

1500 DIA x 1500 EFFECTIVE DEPTH WITH A 150 THICK REINFORCED CONCRETE COVER SLAB HOLED FOR & INCLUDING A 600x600 MEDIUM DUTY CAST IRON SUMP GRATE & FRAME RAISED 50mm

SITE PLAN

SCALE 1:250

EXISTING TREE TO REMAIN (TYPICAL)



HATCHED AREA DENOTES AREA IRRIGATED BY TREATED WATER = 176m²

HATCHED AREA DENOTES EXISTING GALVANIZED PATIO TO BE CHANGED TO TOILETS. ROOF TO REMAIN FFL 10.34 (TILE)

LEAD-IN WASTE WATER PIPE

EFFLUENT DISPOSAL SYSTEM (WASTE WATER TREATMENT CAPACITY 7100 LITERS)

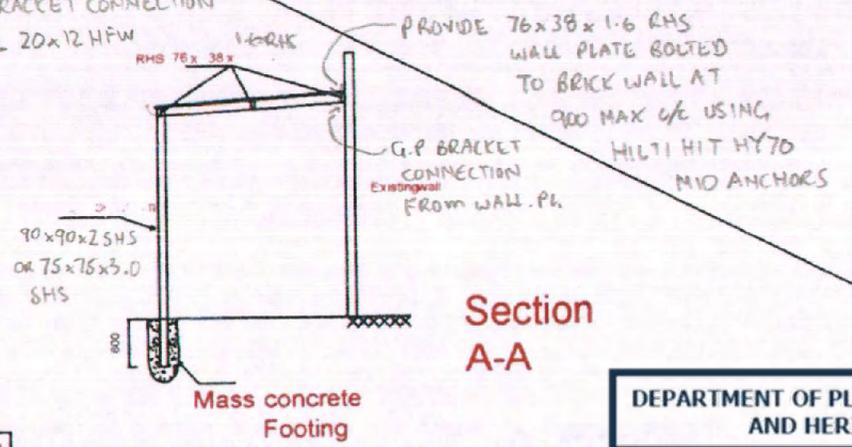
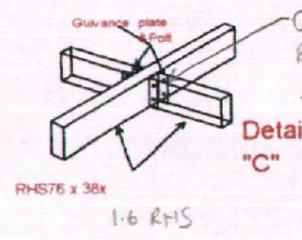
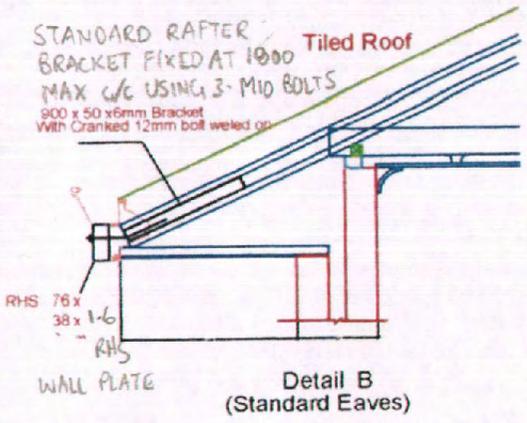
EFFLUENT DISPOSAL SYSTEM (WASTE WATER TREATMENT CAPACITY 7100 LITERS)

OUTLET TREATED WATER PIPE

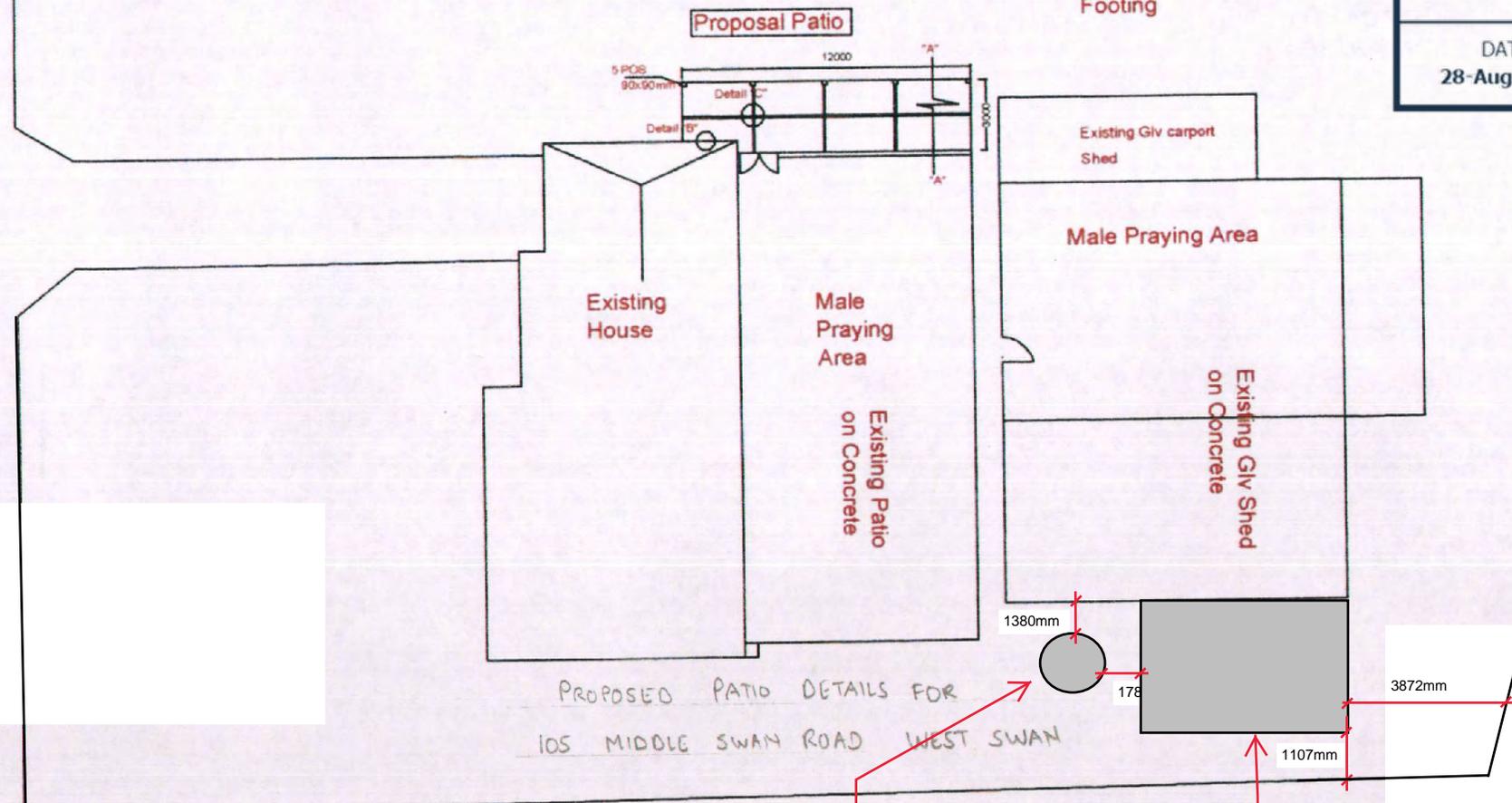
LEAD-IN WASTE WATER PIPE

1 of 4		Local Authority
scale	1:250	CITY OF SWAN
date	27.07.2016	
DRAWING TITLE SITE PLAN		Client
Site Address PROPOSED ADDITION TOILETS AND CAR PARK 105 MIDDLE SWAN ROAD WEST SWAN		
CONFIRM ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK. TAKE WRITTEN DIMENSIONS IN PREFERENCE TO SCALE. REFER TO ENGINEERS DRAWINGS FOR ALL STRUCTURAL REQUIREMENTS.		

ATTACHMENT 3



DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE 28-Aug-2019	FILE 21-50604-1

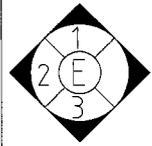
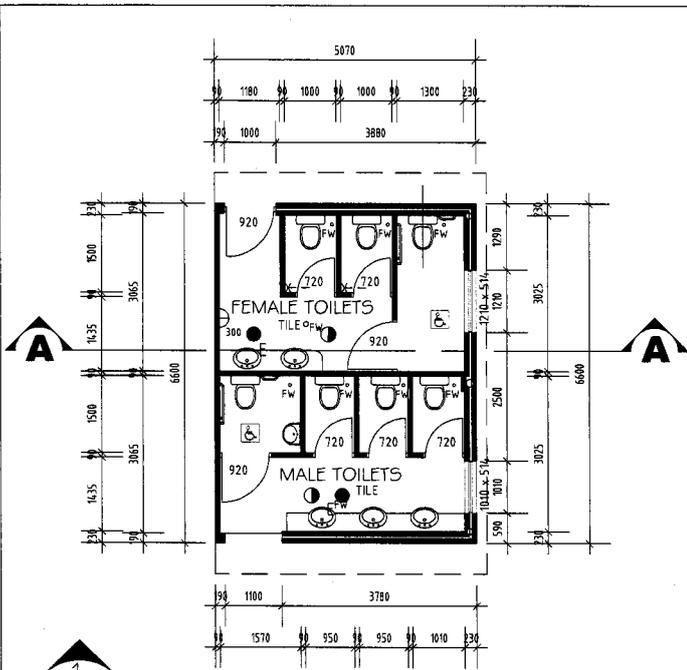


PROPOSED PATIO DETAILS FOR
105 MIDDLE SWAN ROAD WEST SWAN

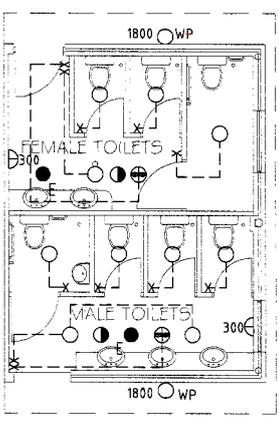
PROPOSED EFFLUENT DISPOSAL SYSTEM

EXISTING GALVANIZED PATIO TO BE CHANGED TO TOILETS. ROOF TO REMAIN

ATTACHMENT 3

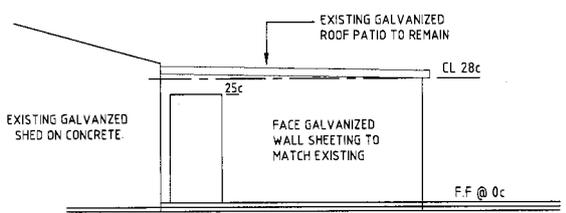


FLOOR PLAN
SCALE 1:100

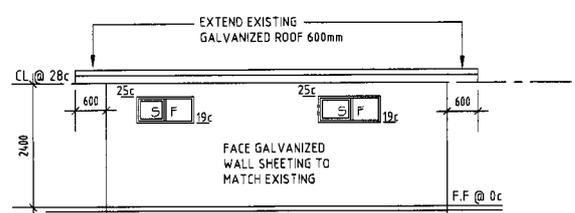


ELECTRICAL PLAN
SCALE 1:100

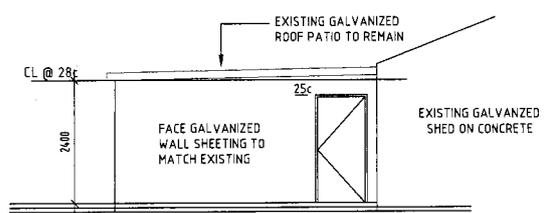
- SYMBOLS LEGEND:**
- ⏏ DOUBLE GPO.
 - ⊖ EXHAUST FAN.
 - DOWNLIGHT
 - ⊙ WALL MOUNTED LIGHT
 - EMERGENCY LIGHT
 - ⊙ THERMAL DETECTOR
 - WP WEATHERPROOF
 - x SWITCH
2 = 2WAY SWITCH



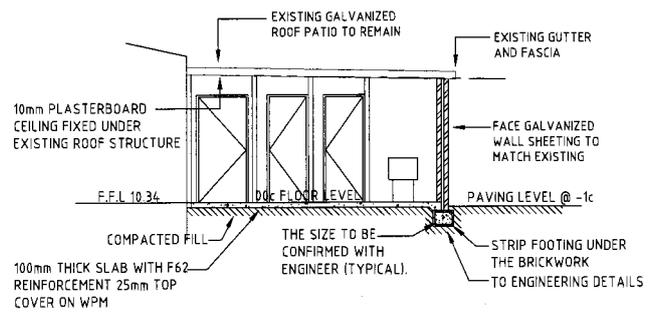
ELEVATION 1
SCALE 1:100



ELEVATION 2
SCALE 1:100



ELEVATION 3
SCALE 1:100



SECTION A-A
SCALE 1:100

CITY OF SWAN
28 JUL 2016
RECEIVED

DEPARTMENT OF PLANNING, LANDS AND HERITAGE
DATE: 28-Aug-2019
FILE: 21-50604-1

TOILETS AREA
AREA = 33.46m²

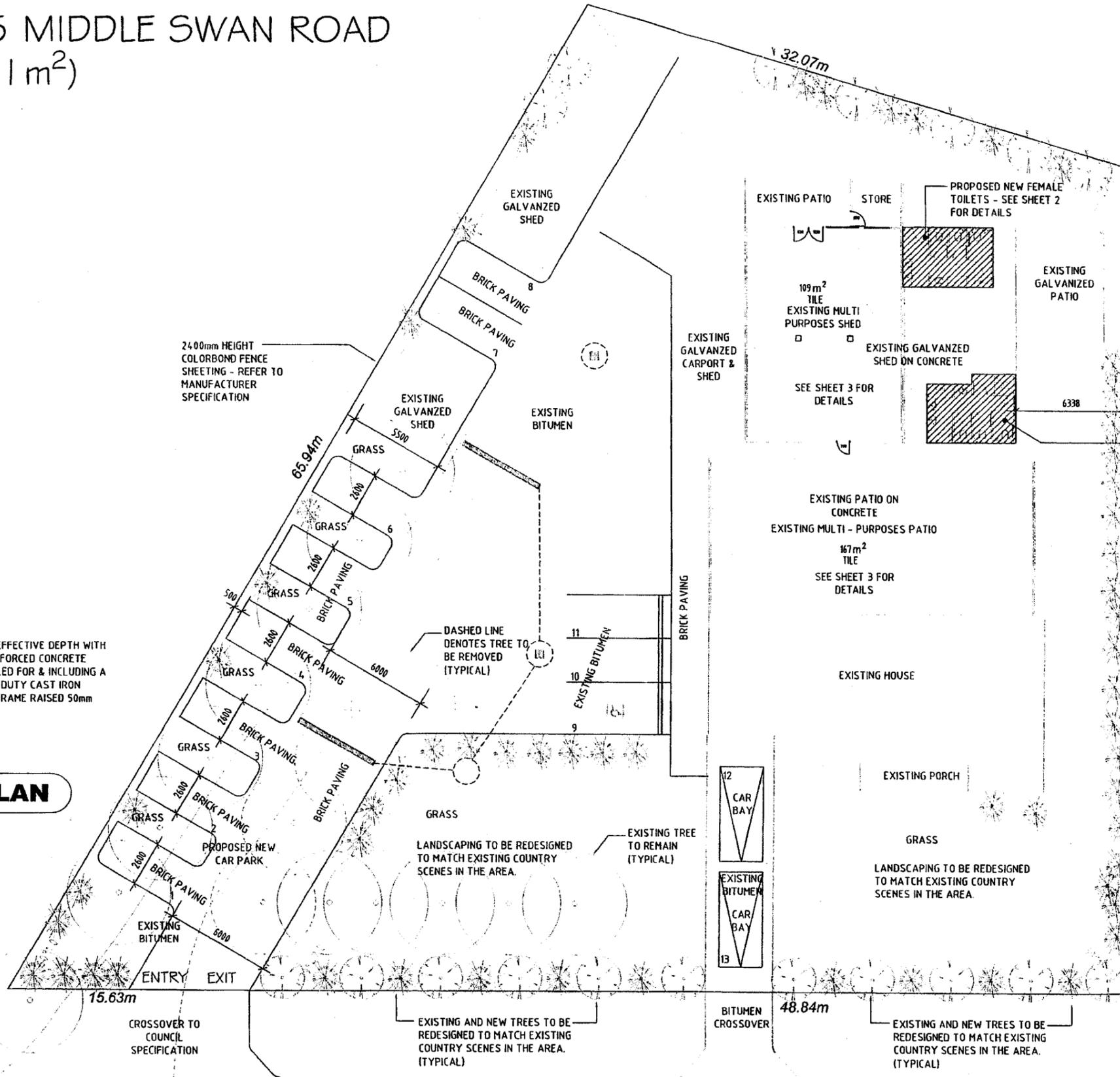
<p>3 of 4</p> <p>scale 1:100</p> <p>DRAWING TITLE FLOOR PLAN</p>	<p>Local Authority CITY OF SWAN</p>	<p>CLIENT: Site Address PROPOSED ADDITION TOILETS AND CAR PARK 105 MIDDLE SWAN ROAD WEST SWAN</p>	<p>CONFIRM ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK. TAKE WRITTEN DIMENSIONS IN PREFERENCE TO SCALE. REFER TO ENGINEERS DRAWINGS FOR ALL STRUCTURAL REQUIREMENTS.</p>
	<p>date 25.07.2016</p>	<p>date 25.07.2016</p>	

ATTACHMENT 3

#105 MIDDLE SWAN ROAD
(2571m²)

CITY OF SWAN
16 JAN 2016
RECEIVED

CITY OF SWAN
28 JUL 2016
RECEIVED



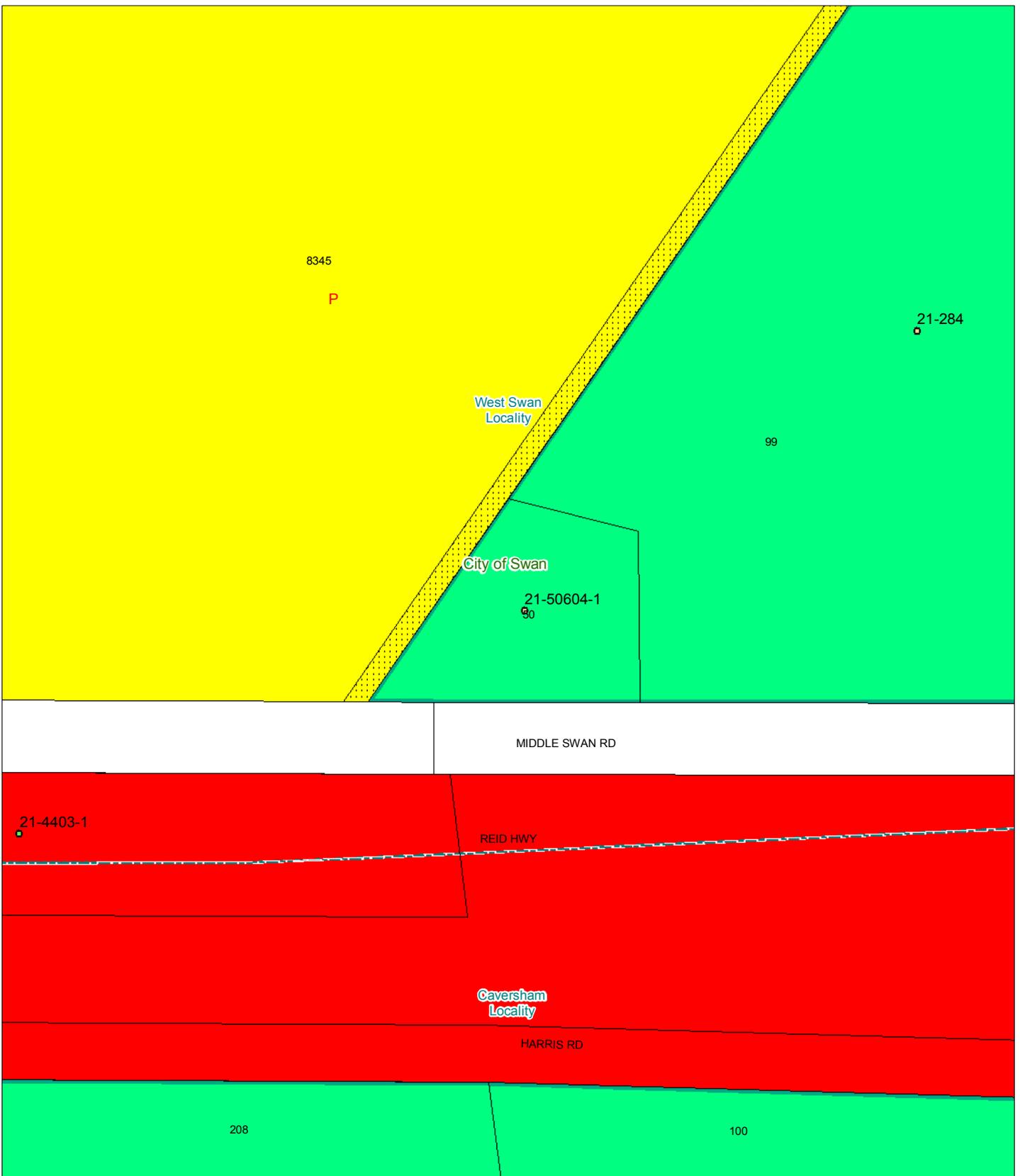
PROPOSED NEW MALE TOILETS - SEE SHEET 2 FOR DETAILS

City of Swan
REFUSED PLAN
This plan relates to the refusal to commence development decision made by Council at its Ordinary Meeting held on 2.13.2016

SITE PLAN
SCALE 1:250

sheet	1 of 3	Local Authority
scale	1:250	CITY OF SWAN
date	5.01.2016	
DRAWING TITLE SITE PLAN		
Client		
Site Address PROPOSED ADDITION TOILETS AND CAR PARK 105 MIDDLE SWAN ROAD WEST SWAN		
CONFIRM ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK. TAKE WRITTEN DIMENSIONS IN PREFERENCE TO SCALE. REFER TO ENGINEERS DRAWINGS FOR ALL STRUCTURAL REQUIREMENTS.		

DEPARTMENT OF PLANNING, LANDS AND HERITAGE
DATE 28-Aug-2019 FILE 21-50604-1



Location Plan for: Development Application

This data is to be used only for the processing of
Development Application

Application Number: **21-50604-1**

Decision: **OUTSTANDING**

Printed: **30/08/2019**



Produced by Data Analytics,
Department of Planning, Lands and Heritage, Perth WA

Base information supplied by
Western Australian Land Information Authority SLIP 1096-2018-1

Application Status

- Approved
- Outstanding

Existing LPS Zones and Reserves

- Swan Valley rural

Easements and Referrals

- Easements

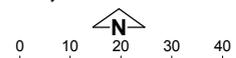
Region Scheme Reserves

- Primary regional roads
- Public purposes - prison

Localities & Local Government Boundaries

- Local government boundary
- Locality

ATTACHMENT 4





REPORT TO	Statutory Planning Committee		
Meeting date	12 November 2019	File number	SPN/0037M
Subject	Proposed Amendment to Structure Plan No.11 - Lot 302 Lage Road and Lot 301 Stock Road, Bullsbrook		
Purpose	Requires WAPC decision		
Title of Approving Officer	Director Metropolitan North - Land Use Planning		
Agenda Part for Reports (All parts are confidential unless otherwise stated) SPC - Non-Confidential (To be published to the website)			
SITE-SPECIFIC DETAILS			
Region/s	Perth		
Local government/s	City of Swan		
Landowner/Consultant	Consultant - RobertsDay Land Owners – Florence Park, Gary Park, Humphery Park, Mcrae Investments Pty Ltd, Khaki Nominees Pty Ltd		
Bushfire Prone Area	YES		
Statutory Planning Committee - SMART/Structure Plans only			
Region scheme zoning	Rural		
Local Scheme Zoning	Landscape		
Council's recommendations	APPROVE		
Receipt date	14 November 2018	Process days	303 (as of 12 November 2019)
Property Address	Lot 302 Lage Road and Lot 301 Stock Road, Bullsbrook		
SUMMARY			
<p>The Western Australian Planning Commission (WAPC) has received an amendment to Structure Plan No.11 (SP 11) relating to a 219-lot rural residential development for determination. The SP 11 amendment includes a number of changes that aim to improve the safety, amenity and commercial viability of the development. The lot yield is not proposed to change.</p> <p>The amendment to SP 11 is referred to the Statutory Planning Committee (SPC) for determination to consider matters relating to <i>State Planning Policy 3.7 - Planning in Bushfire Prone Areas</i> (SPP 3.7) and the concerns raised by the Department of Fire and Emergency Services (DFES).</p> <p>SP 11 was approved in December 2014, prior to the release of SPP 3.7. The amendment proposes a number of improvements regarding bushfire risk, however the main area of contention relates to the interface to the extreme bushfire risk area, particularly the Walyunga National Park.</p> <p>A report on the subject proposal was previously placed on the 15 October 2019 SPC meeting agenda; however, it was withdrawn at the request of the applicant to enable an independent peer review of the proposal by a level 3 accredited bushfire planning practitioner. Anthony Rowe, a level 3 accredited practitioner from Emerge Associates has undertaken an independent review of the proposal and concluded that as development progresses, it will be possible to meet the 'intent' for each of the applicable bushfire protection criteria outlined in the Guidelines.</p>			

Based on the information provided by the proponent, including the outcome of the independent peer review, it is recommended that the structure plan amendment be supported subject to modifications.

DETAILS OF PROPOSAL

The subject land is 625 hectares and is located approximately 2km south east of the Bullsbrook townsite/existing urban area. The subject land is located east of Great Northern Highway, south east of the Pearce Air Base and immediately north of the Walyunga National Park. The existing Shady Hills rural residential estate is located immediately to the east. (**Attachment 1** - Location Plan)

The land is located on the Darling Scarp and the topography varies considerably from approximately 70m AHD in the west to approximately 250m AHD along the eastern portions of the site. (**Attachment 2** – Topography and Context Map)

The proposed amendment to SP 11 and existing SP 11 are attached (**Attachment 3** – proposed amendment to SP 11, **Attachment 4** – Structure Plan report (Part 1) and **Attachment 5** – Previously approved SP 11). The amendment to SP 11 proposes to:

- Realign internal roads to better reflect the topography and constraints of the site.
- Move the Lage Road and Great Northern Highway intersection 200m north to align with the approved Bullsbrook Townsite District Structure Plan.
- Modify staging of the development.
- Reconfigure lots and building envelopes to respond to the more sensitive areas of the site (i.e.: visual management areas, areas of extreme bushfire hazard level (BHL) and slopes greater than 20 degrees).
- Remove all battle-axe lots and the majority of the cul-de-sacs.
- Increase the southern development setback to the Walyunga National Park.
- Modification to the quarry buffer to correct an error.
- Reduce the number of building envelopes within the 500m buffer of the adjoining clay quarry.
- Realignment of the north-western boundary of the structure plan.
- Relocation of the proposed fire station site.
- A revised Bushfire Management Plan.

Overall the applicant contends that the amendment will improve the safety, amenity and commercial viability of the development.

The number of proposed lots remain unchanged (219) and range in size from 2 ha to 14 ha (average of 2.65 ha). A key element of the structure plan is the provision of a link road between Great Northern Highway and the existing Shady Hills rural residential estate to the east. This link is intended to provide a secondary road access to this community to address the bushfire risk in this location.

BACKGROUND

The subject land is zoned Rural under the Metropolitan Region Scheme (MRS) and Landscape under the City of Swan's Local Planning Scheme 17. The Landscape zone requires a local structure plan to be prepared. The land is identified as rural residential under the North-East Sub-Regional Planning Framework (Framework).

The WAPC approved SP 11 in December 2014, prior to SPP 3.7 being gazetted in December 2015. No subdivision applications have been approved for the SP 11 area. The WAPC approved the Bullsbrook Townsite District Structure Plan (BTDSP) in April 2018 for the land to the north-west to provide for Urban development. A Metropolitan Region Scheme (MRS) amendment to rezone the BTDSP area adjoining the site to Urban Deferred is currently in Parliament for finalisation,

as shown in attachment 2.

The City at its Council meeting on 24 October 2018 resolved to recommend that the amendment to SP 11 be approved subject to modifications. The WAPC is required to either approve, require modifications or refuse the SP amendment. If the SP amendment is refused, the existing SP 11 would still be valid.

KEY ISSUES

Consistency with WAPC Policies & Planning Framework	State Planning Policy 3.7 Planning in Bush Fire Prone Areas	Some inconsistency, variation warranted
	State Planning Policy 2.5 Rural Planning	Fully consistent
	State Planning Policy 2.4 Basic Raw Materials.	Fully consistent
	Government Sewage Policy 2019	Broadly consistent, some discretion required
Consultation	<p>The amendment to SP 11 was advertised by the City in April/May 2018. A total of 27 submissions were received, 16 being from community members and 11 from government agencies/service providers. Of the submissions from the community, 12 were no objections/comment and 4 were objections. Concerns were raised relating to the location and alignment of roads, road safety, protection of natural water courses and visual privacy.</p> <p>Main Roads Western Australia (MRWA) does not support the proposal and has recommended further design and modelling is provided on the Great Northern Highway and Lage Road intersection. DFES does not support the proposal as it has not demonstrated compliance with Element 1: Location and Element 3: Vehicular Access of the <i>Guidelines for Planning in Bushfire Prone Areas</i>.</p> <p>All other agencies have no comment or provided advice. The schedule of submissions summarises these submissions and provides responses (Attachment 6 – Schedule of Submissions)</p>	

PLANNING ASSESSMENT

Bushfire Matters

The subject site is located within a designated bushfire prone area. *State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (SPP 3.7) requires that strategic planning proposals including structure plans be accompanied by sufficient information to demonstrate that bushfire can be addressed through the subsequent planning process. The applicant has submitted a Bushfire Management Plan as well as an additional bushfire information package and a BMP technical addendum to address concerns raised by DFES. These bushfire documents have been prepared by the consultant's level 2 accredited bushfire planning practitioner and reviewed and supported by their level 3 accredited bushfire planning practitioner. The applicant has also engaged an independent level 3 accredited bushfire planning practitioner to review the proposal, which has concluded that as development progresses, it will be possible to meet the 'intent' for each of the applicable bushfire protection criteria outlined in the Guidelines (**Attachment 7** - Summary of Independent Level 3 Peer Review). The latest DFES advice is discussed below and provided within the schedule of submissions (Attachment 6).

Location and Access

Due to its location and topography (adjoining the Walyunga National Park and located on the

Darling Scarp), the majority of the subject site and surrounding land has been assessed as having an extreme Bushfire Hazard Level (BHL) (**Attachment 8**).

DFES's primary concern relates to the extreme BHL associated with the broader context, and the provision of adequate hazard separation to the extreme bushfire risk such as the Walyunga National Park. A photograph along the southern boundary adjoining the Walyunga National Park is provided in **Attachment 9**. The intent of Element 1 (location) of the Guidelines and cl 6.7 of SPP 3.7 is to ensure that strategic planning proposals, such as structure plans, are located in areas with the least possible risk to bushfire to facilitate the protection of people, property and infrastructure.

DFES has requested separation and access be improved adjacent to the extreme bushfire risk by the provision of perimeter roads. The proponent has explored the opportunity for perimeter roads, but because of the steep terrain has ruled this out in favour of Fire Service Access Routes (FSAR). FSARs are intended to follow the southern and western perimeter of the SP and are diverted where necessary to follow existing access tracks on the less steep land to achieve the required gradients. FSAR will remain in private property and be protected by an access easement (**Attachment 10** - Indicative FSAR). DFES do not support this approach and has also raised concern with the desktop analysis to determine slope.

The WAPC's recently approved *Position Statement: Planning in Bushfire Prone Areas - Element 1: Location and Element 2: Siting and Design* (PS) provides further guidance on this matter. The PS indicates that the wider risk context should consider the hazard remaining within the site and adjoining the site. The PS states that some discretion may be exercised for Structure Plans approved prior to the bushfire policy framework existing, however revised plans should be prepared that address the bushfire issues. Where sites are within and/or adjoining areas of extreme bushfire hazard, adequate access is paramount.

The WAPC has also recently approved updates to Element 3 (vehicular access) of the Guidelines. The updated acceptable solutions require a perimeter public road to classified vegetation, but there is discretion to not require a public road where it is demonstrated that it cannot be provided due to site constraints. The steep topography which applies in certain parts of the site, such as near the Walyunga National Park, could be considered a site constraint to not require a perimeter road.

The proposed amendment is considered to improve the existing structure plan by achieving the following:

- Reduction in the amount of vegetation to be cleared to create acceptable building envelope locations.
- Increasing the strategic development setback to the southern boundary abutting the national park from 60m to 100m.
- Providing a road connection to the existing Shady Hills rural residential area to the east. The provision of this road linkage is of benefit to the Shady Hills estate residents as it provides a secondary access route to the existing residents in the event of a bushfire. The City has recommended that the entire link road be provided in the first stage of subdivision and this modification is supported.

The concerns raised by DFES are acknowledged for the area adjoining the national park where the bushfire risk is the highest. Minimising bushfire risk is a key element of SPP 3.7 and the Guidelines. The applicant's bushfire consultant argues they have demonstrated that this bushfire hazard can be reduced to an acceptable level through their detailed assessment and justification.

The proposed road design generally meets the requirements of the Guidelines in respect to two access routes. Access will be achieved to the north via Clarkson/Taylor Roads and to the west via Lage Road. Access for the southern portion of SP 11 becomes more limited with access leading generally in one direction to the north before heading in two directions to the west and north.

The SPC has previously resolved to require a level 3 bushfire planning practitioner undertake an

independent review of a BMP that was submitted as part of a Scheme Amendment in Hamelin Bay. The applicant has engaged an independent level 3 accredited bushfire planning practitioner to review the subject proposal. The independent level 3 review has recommended minor changes which are summarised below, and these can be facilitated through the Schedule of Modifications.

- Management and access arrangements for the FSAR.
- The provision of water for community fire-fighting be increased to 500,000 L by the provision of two 50,000 L tanks at 5 locations, in addition to the provision of 10,000 L at each lot to align with the requirements of the Guidelines, and
- Land management and implementation requirements particularly for the Asset Protection Zones.

Road Network

The SP 11 amendment has been redesigned to better reflect the topography of the land. This includes moving the main east to west through road connecting Clarkson Road and Lage Road further to the north to avoid the steeper land and to tie in better with what is proposed in the BTDSP.

MRWA does not support the SP amendment until further detail design and modelling of the Great Northern Highway and Lage Road intersection is provided. This is not considered necessary as the intersection is outside the SP 11 area within the future Urban area and will be considered as part of separate processes (including local structure plan and Development Contribution Plan for the Urban area).

Other Minor Matters/Modifications

The following are other minor matters or modifications relating to the proposal;

- The north-western boundary of the existing and proposed amendment to SP 11 does not align with the Rural Residential and Urban Expansion boundary identified within the Framework and the current MRS zoning. This City has recommended that the alignment be corrected which is supported.
- A clay quarry is currently operating on Lot 13 to the west of SP 11 and attracts a 500m buffer. There is a minor error in the existing buffer distance near the central (western) portion of the buffer as it measures more than 500m. The amended SP 11 proposes to correct this minor error which is supported.
- An operational Class 1 inert landfill is located approximately 400m to the north. This facility is subject to a 1000m buffer and is intended to cease when the current licence expires in 2020. A modification is recommended to include reference to this buffer.
- The City has recommended a modification requiring the indicative building envelope locations be amended to avoid encroachment into plant communities H1, T1 and T2 within the north-western portion of the site. This is supported as well as requiring the boundary between lots 8 and 9 be modified to avoid the good quality T2 plant community. A modification requiring a habitat tree protection plan at the subdivision stage is also recommended.

Conclusion

Notwithstanding the current endorsed structure plan which is in place for the subject land, the key issue of contention is with SPP 3.7 and compliance with Element 1: Location and Element 3: Vehicular Access of the Guidelines. The independent peer review has concluded that as development progresses, it will be possible to meet the 'intent' for each of the applicable bushfire protection criteria outlined in the Guidelines. It is recommended that subject to the modifications listed within attachment 11, the structure plan amendment be approved.

RECOMMENDATION

That the Statutory Planning Committee resolves to:

- 1. require the applicant to modify the amendment to Structure Plan No. 11 – Lot 301 Stock Road and Lot 302 Lage Road, Bullsbrook in accordance with the attached schedule of modifications, appended as Attachment 11 and be resubmitted to the WAPC for approval. Following the completion of the modifications, upon approval of the structure plan, the approval shall be valid for a period of 10 years.*

ATTACHMENTS

Attachment 1 - Location Plan
Attachment 2 - Topography and Context Map
Attachment 3 - Proposed Amendment to SP 11
Attachment 4 - Structure Plan Report (Part 1)
Attachment 5 - Previously Approved SP 11
Attachment 6 - Schedule of Submissions
Attachment 7 - Summary of Independent Level 3 Peer Review
Attachment 8 - Bushfire Hazard Level Assessment
Attachment 9 - Photograph along the southern boundary adjoining the Walyunga National Park
Attachment 10 - Indicative FSAR
Attachment 11 - Schedule of Modifications

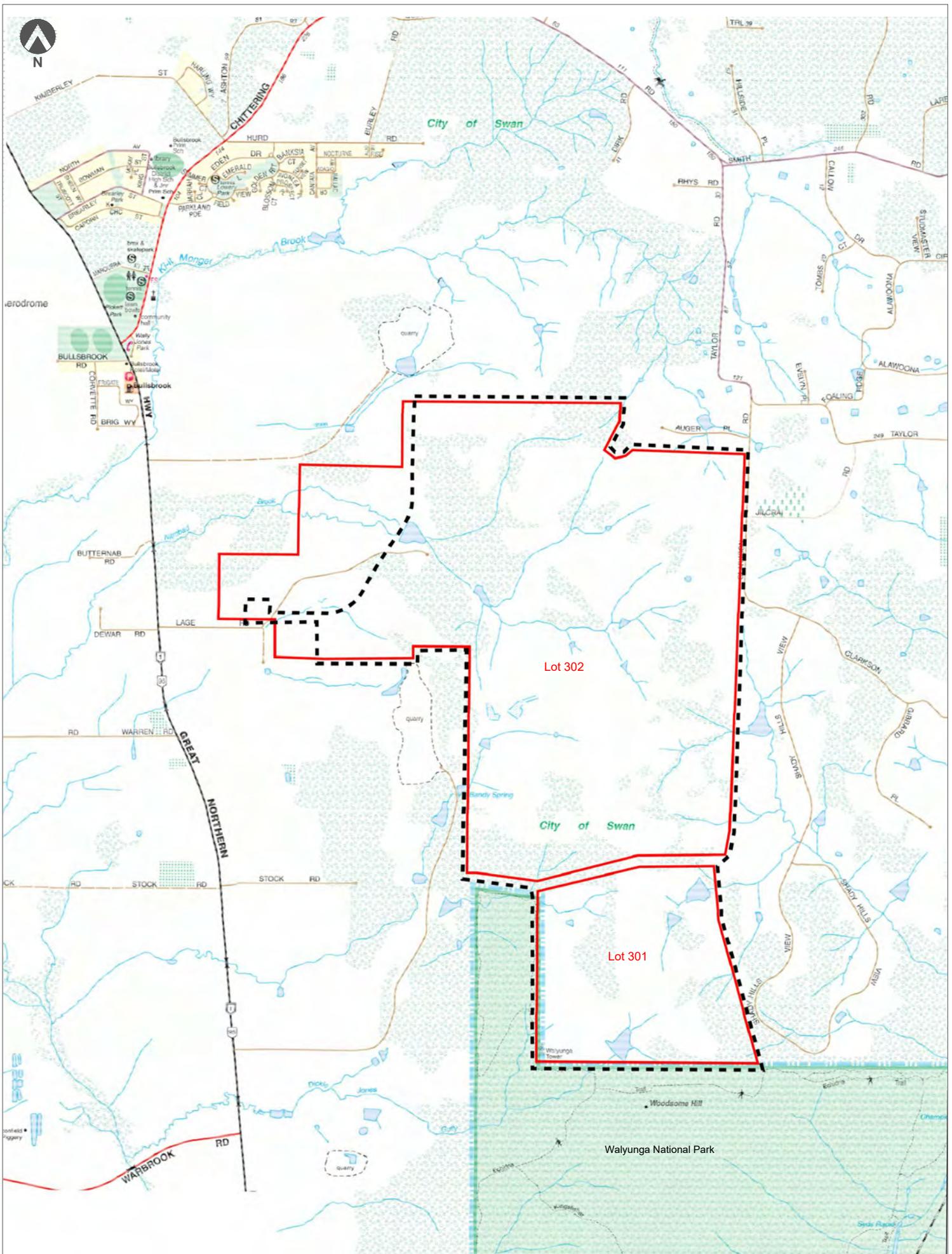


Figure 2

CADASTRAL INFORMATION
 SOURCE: LANDGATE SUP
 YYMMDD: 170118
 DWG REF: 170118 SUP LANDGATE
 PROJECTION: PCG94

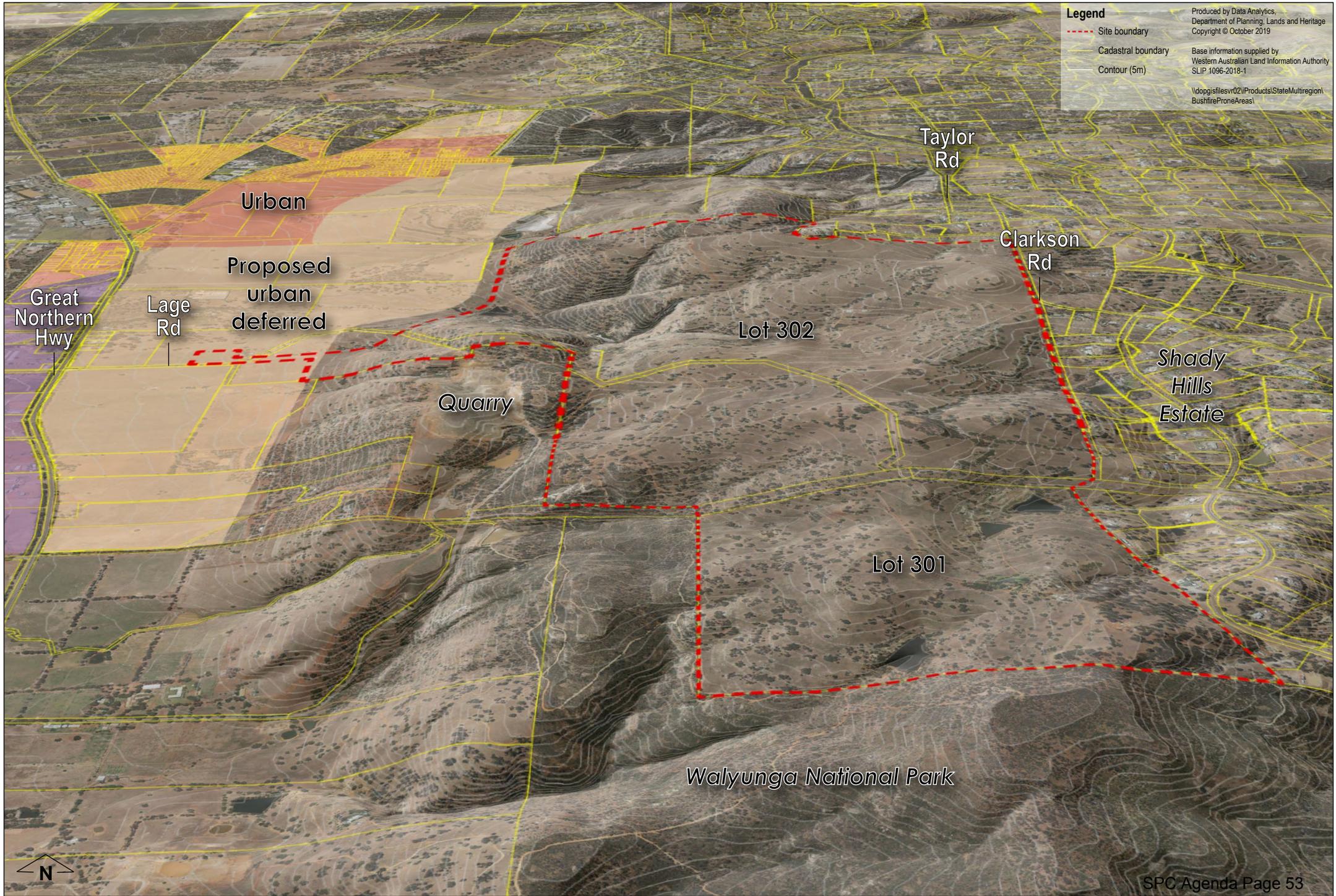
LOCAL LOCATION
Lot 301 Stock Road & Lot 302 Laga Road, Bullsbrook
 City of Swan

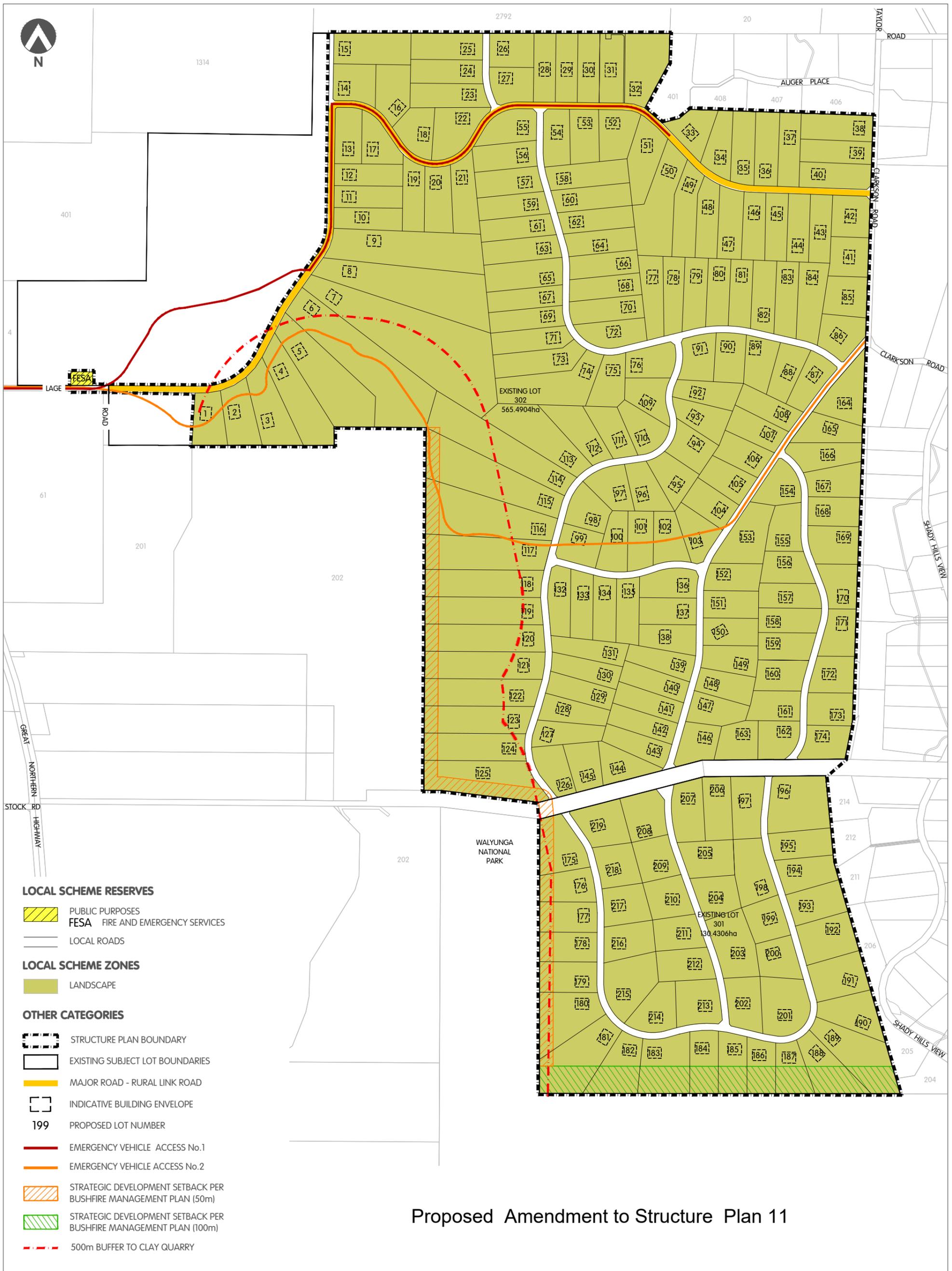
1:20,000
 0 metres 200 400 600 800 1000

A BASE PLAN R01 202A
 REV DESCRIPTION

171218 SB DP
 YYMMDD DRAWN APPRD

REF NO. DRAW NO. REV.
SPC Agenda Page 52A





Proposed Amendment to Structure Plan 11

LOCAL SCHEME RESERVES

- PUBLIC PURPOSES
- FESA FIRE AND EMERGENCY SERVICES
- LOCAL ROADS

LOCAL SCHEME ZONES

- LANDSCAPE

OTHER CATEGORIES

- STRUCTURE PLAN BOUNDARY
- EXISTING SUBJECT LOT BOUNDARIES
- MAJOR ROAD - RURAL LINK ROAD
- INDICATIVE BUILDING ENVELOPE
- 199** PROPOSED LOT NUMBER
- EMERGENCY VEHICLE ACCESS No.1
- EMERGENCY VEHICLE ACCESS No.2
- STRATEGIC DEVELOPMENT SETBACK PER BUSHFIRE MANAGEMENT PLAN (50m)
- STRATEGIC DEVELOPMENT SETBACK PER BUSHFIRE MANAGEMENT PLAN (100m)
- 500m BUFFER TO CLAY QUARRY

CADASTRAL INFORMATION
 SOURCE: LANDGATE SLIP
 YYMMDD: 170118
 DWG REF: 170118 SLIP LANDGATE
 PROJECTION: PCG94

STRUCTURE PLAN No.1
Lot 301 Stock Road & Lot 302 Lage Road, Bullsbrook
 City of Swan

1:12500
 0 metres 125 250 375 500 625

B LEGEND UPDATED
 A BASE PLAN RD1 2008
 REV DESCRIPTION

180309 SB DP
 171218 SB DP
 YYMMDD DRAWN APPRD

REF NO. DRAW NO. REV.
PKF BUL RD1 202 B
 SPC Agenda Page 54

PART ONE – IMPLEMENTATION

1.0 STRUCTURE PLAN AREA

This Structure Plan (SP), applies to Lot 301 Stock Road and Lot 302 Lage Road, Bullsbrook, being the land contained within the inner edge of the line denoting the SP boundary shown on the Structure Plan Map (Plan No. 1).

2.0 OPERATION

The date the Structure Plan comes into effect is the date the Structure Plan is approved by the Western Australian Planning Commission (WAPC).

3.0 STAGING

Staging for the project considers the provision of critical fire-fighting infrastructure, the progressive construction of the Rural Link Rd connecting Clarkson Rd and Great Northern Highway and deferring development within the buffer zone of the adjacent Midland Brick Quarry. Anticipated staging is as follows:

- » Stage 1: Construction of first part of Rural Link Road from Clarkson Rd / construction of emergency vehicle access route no.s 1 and 2 and provision of access easements / ceding of Fire Station site and provision of first water tank required by the Bush Fire Management Plan;
- » Stage 2: Extension of Rural Link Rd and provision of second water tank required by the Bush Fire Management Plan;
- » Stage 3: Completion of Rural Link Rd connecting Clarkson Rd to Great Northern Highway and provision of third water tank required by the Bush Fire Management Plan;
- » Stage 5: Subdivision and release of Lots 1 – 5 not possible until quarry / blasting operations are complete within 500m from the building envelope of each of these lots;
- » Stage 7: provision of fourth water tank required by the Bush Fire Management Plan;
- » Stage 9: provision of fifth water tank required by the Bush Fire Management Plan;
- » Stage 15: provision of sixth water tank required by the Bush Fire Management Plan;
- » Stage 16: provision of seventh water tank required by the Bush Fire Management Plan. Subdivision and release of Lots 124 and 125 not possible until quarry operations are complete within 500m from the building envelope of each of these lots;
- » Stage 18: provision of eighth water tank required by the Bush Fire Management Plan;
- » Stage 19: provision of ninth and final water tank required by the Bush Fire Management Plan.

4.0 SUBDIVISION AND DEVELOPMENT REQUIREMENTS

4.1 Land Use Zones and Reserves

The Structure Plan Map (Plan No. 1) outlines land use, zones and reserves applicable within the Structure Plan area.

4.2 Lot Size

No further subdivision seeking to create lots less than 2ha will be supported unless a reticulated water supply is provided and a sub-regional structure plan and local rural strategy prepared and endorsed by the WAPC for the locality, providing for further subdivision.

4.3 Bushfire Prone Areas

- a. Lots declared bushfire prone are in accordance with the Bush Fire Management Plan included in Appendix 10. These lots are required to be constructed in accordance with the identified Bushfire Attack Level to AS3959 requirements.
- b. Relevant requirements of the Bush Fire Management Plan may be imposed as conditions of subdivision.

4.4 Midland Brick Clay Quarry Buffer Area

Subdivision / development of land with building envelopes located within the 500m Midland Brick Clay Quarry buffer area will not be supported until the earlier of the following:

- a. The Department of Mines, Industry Regulation and Safety advises the WAPC that blasting operations are no longer required to extract the clay resource; or
- b. The corresponding stage of the quarry has been closed.

4.5 Notifications on Title

In respect of applications for the subdivision of land the City of Swan may recommend to the WAPC that conditions of subdivision approval be imposed requiring the following notifications on title pursuant to Section 165 of the Planning and Development Act 2005:

- a. That the land is not currently capable of being serviced with either reticulated water or sewerage services and that additional planning and building requirements apply;
- b. Each lot is the subject of a building envelope with all buildings and aerobic treatment units to be contained within the nominated building envelope;
- c. Ensure landowners and prospective purchasers are aware that each lot is subject to an approved Bushfire Management Plan and BAL assessment and that specific building and management requirements may apply;
- d. Lots that abut Walyunga National Park that the Department of Biodiversity, Conservation and Attractions undertakes prescribed burning and fox baiting in the National Park; and
- e. Advising the prospective purchaser of proposed Lot 7 that it contains an Aboriginal Heritage Site and advising the landowner of their responsibilities under the Aboriginal Heritage Act 1972.

4.6 Building Envelopes

- a. Each lot within the Structure Plan area is the subject of a building envelope, which is to be specified on a site plan at the building application stage to the satisfaction of the City of Swan.
- b. Building envelopes will be nominated in accordance with the following criteria (which supersede the criteria at Clause 5.1.1 of the City of Swan Local Planning Policy 'Pol-C-080 Building Envelopes'):
 - i. Regular in shape and do not exceed 10% of the area of the lot or 4,000m² whichever is the lesser.

- ii. Setback to accommodate any required Asset Protection Zone specified in an approved Bushfire Management Plan.
 - iii. Sited to cover the least vegetated areas of the lot, to minimise the clearing of vegetation on the property. Where possible, building envelopes should be sited to avoid the plant communities identified at Figure 12 of the Structure Plan.
 - iv. Where possible, sited on soils that are suitable for conventional on-site effluent disposal.
 - v. No effluent disposal systems are to be located within 30 metres of any watercourse or drainage pathway identified at Figure 13 of the Structure Plan.
 - vi. For lots identified at Part Two, Table 4 of the Structure Plan as being located within a Visual Management Area, building envelopes are to be located a sufficient distance from the top of a ridgeline to minimise the visual impact of buildings upon the skyline.
 - vii. Where possible, not to contain rock outcrops or slopes exceeding 20%, in order to maximise development options within the building envelope and minimise the need for site works or alteration of natural topographical features of the site.
 - viii. Not located in the Strategic Development Setback Areas depicted on the Structure Plan.
- c. Where a building envelope does not meet all of the above criteria, the applicant will need to demonstrate to the City's satisfaction at the building application stage that the envelope is unable to satisfy the relevant criteria due to the location of the lot and / or specific site conditions.

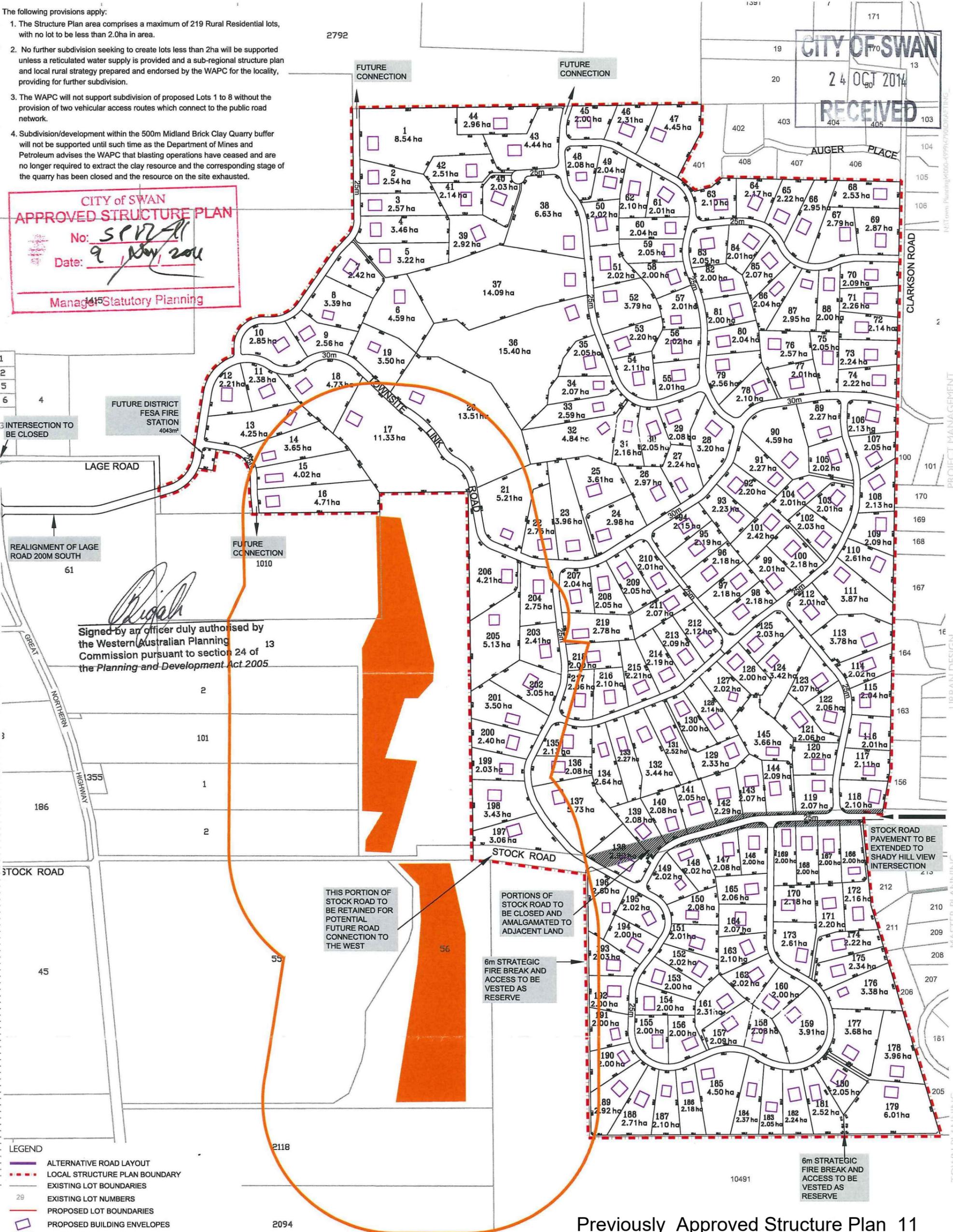
5.0 ADDITIONAL INFORMATION

Additional Information	Approval Stage	Consultation Required
The future Fire Station site identified on Plan No. 1 is to be ceded to the City of Swan as part of the first stage of subdivision, or at such later date as agreed with the City of Swan.	Condition of subdivision approval for first stage of subdivision	City of Swan
Access easements in favour of the City of Swan for the emergency vehicle access route no.s 1 and 2 as part of the first stage of subdivision, and advice to the effect that the access easement on emergency vehicle access route no. 2 will be relinquished on completion of the Rural Link Rd.	Condition of subdivision approval for first stage of subdivision	City of Swan
Bushfire Management Plan	Subdivision	City of Swan / DFES
Water tanks for firefighting required by the Bushfire Management Plan inclusive of access and any relevant easements are to be ceded free of cost to the City of Swan in the corresponding stages of the subdivision.	Condition of subdivision approval	City of Swan
Residential design guidelines are to be prepared by the developer for lots located within the designated Visual Management Areas identified at Part Two, Table 4 of this Structure Plan.	Condition of subdivision approval	City of Swan
Urban Water Management Plan	Condition of subdivision approval	City of Swan

The following provisions apply:

1. The Structure Plan area comprises a maximum of 219 Rural Residential lots, with no lot to be less than 2.0ha in area.
2. No further subdivision seeking to create lots less than 2ha will be supported unless a reticulated water supply is provided and a sub-regional structure plan and local rural strategy prepared and endorsed by the WAPC for the locality, providing for further subdivision.
3. The WAPC will not support subdivision of proposed Lots 1 to 8 without the provision of two vehicular access routes which connect to the public road network.
4. Subdivision/development within the 500m Midland Brick Clay Quarry buffer will not be supported until such time as the Department of Mines and Petroleum advises the WAPC that blasting operations have ceased and are no longer required to extract the clay resource and the corresponding stage of the quarry has been closed and the resource on the site exhausted.

CITY OF SWAN
APPROVED STRUCTURE PLAN
 No: SP12/11
 Date: 9 May 2014
 Manager Statutory Planning



- LEGEND**
- ALTERNATIVE ROAD LAYOUT
 - - - LOCAL STRUCTURE PLAN BOUNDARY
 - EXISTING LOT BOUNDARIES
 - 29 EXISTING LOT NUMBERS
 - PROPOSED LOT BOUNDARIES
 - PROPOSED BUILDING ENVELOPES
 - QUARRY
 - 500m BUFFER

SUMMARY OF LOTS

LOT RANGE	20001 TO 154065
TOTAL LOTS	219
TOTAL AREA	6096738
AVERAGE SIZE	27839

date 17 September 2014 job no. 4790
 scale 1:15000 @ A3 e-ref 051201 LSP figures
 designer D Evans prepared by K Trenberth
 client
 Level 3, 369 Newcastle Street, Northbridge, Western Australia, 6003
 email grg@greg-rowe.com web www.greg-rowe.com
 tel +618 9221 1991 fax +618 9221 1919

title Figure 21 proposed structure plan
 address lot 301 stock road & lot 302 lage road
 bullsbrook
 PERTH • PEEL / SOUTH WEST • MID WEST • PILBARA

GREG ROWE & associates
 FOCUSED ON ACHIEVEMENT



Schedule of Submissions
Proposed Amendment to LSP 11 – Lot 301 Stock Road and Lot 302 Lage Road Bullsbrook

Submissions	Nature of Submission	Local Government Comments	DPLH Comment
Submission 1	No objection.	Noted.	Noted.
Submission 2	No comments.	Noted.	Noted.
Submission 3	No comments.	Noted.	Noted.
Submission 4	No other route to Shady Hills.	See response to Submission 7.	Agree with Council. See response to submission 7 and 10.
Submission 5	No objection if access to Great Northern Highway is completed by stage 3 as stated.	Noted.	Noted.
Submission 6	No comments.	Noted.	Noted.
Submission 7 - Shady Hills Bush Fire Ready & Community Group	Alternate Fire escape route required.	<p>Residents of Shady Hills Estate drafted a petition to Council in December 2017 requesting Council provide a second public road connection to the estate consistent with best practice bushfire risk mitigation.</p> <p>The petition was presented to Council at its meeting of 1 August 2018. Council requested staff to make enquiries with the applicant for the subject structure plan modification as to the prospect of early acquisition of their land for the purpose of facilitating such a connection.</p> <p>These landowners have advised that in principle they are open to such arrangements subject to certain conditions inclusive of obtaining an approval to this proposed structure plan modification.</p> <p>In addition to the merits of the proposed modification relative to the existing approved plan, City staff considers the opportunity to secure a timely second public road connection to Shady Hills to be of significant additional public benefit.</p>	Agree with Council. The LS 11 amendment will facilitate the construction of the road connecting to the existing Shady Hills Estate in the first stage of subdivision. This will provide a second access route to the existing Shady Hills development to the east.
Submission 8	Supportive of proposal.	Noted.	Noted.
Submission 9	Escape route from Shady Hill required. Significant trees to be retained.	See response to Submission 7 & 10.	Agree with Council. See response to submission 7 and 10.

Submission 10 - North Swan Land Conservation District Committee	<p>No objection, suggesting:</p> <ul style="list-style-type: none"> • No removal of significant trees • Survey by Ecologist re nesting sites • Revegetation to be endemic WA species. 	<p>Tree retention is controlled under Section 2.4 Environmental Considerations of the City's 'POL-TP-126 Rural Zones – Building and Development Standards', which requires that remnant vegetation (including significant trees) in the Landscape zone not be removed or modified except with the City's approval. There is a presumption that this restriction applies to all the land outside of nominated building envelopes.</p> <p>Within building envelopes, firebreaks and roads, a tree survey will be more appropriate at subdivision stage once the exact building envelope locations are known undertaken prior to subdivision identifying any significant trees for retention.</p> <p>Detailed flora and fauna surveys are more appropriate at subdivision stage once exact building envelope locations are known.</p> <p>Revegetation with local species: If revegetation is required this will be undertaken with local native species in accordance with the City's Rural Subdivision Revegetation Policy.</p>	Noted. Agree with Council. A modification is also recommended requiring a habitat tree protection plan be provided at the subdivision stage.
Submission 11	Support.	Noted.	Noted.
Submission 12 - Bullsbrook Residents and Ratepayers Assn	Emergency Access route (Clarkson to Lage Rd) to be built at earliest opportunity.	See response to Submission 7.	Agree with Council. See response to submission 7.
Submission 13	<p>Objects to road configuration: Clarkson to Lage Rd - will threaten lifestyle, traffic noise, short cuts, devaluation of properties, dangerous sight lines.</p> <p>Concerns regarding reservation of natural watercourses, bridal trail & fauna.</p>	<p>The alignment is dictated by design challenges and construction costs imposed by the original alignment.</p> <p>Without relocation of the road development is unlikely to proceed which will impact the timeous delivery of critical emergency infrastructure, contrary to the express wish of numerous submissions</p> <p>The development overall will increase traffic on Clarkson Road from 494veh/day to 1605veh/day, but</p>	Agree with Council.

the traffic volume is still approximately half the maximum desirable traffic volume (3,000veh/day) for the road hierarchy function and satisfies relevant requirements.

The new 'Rural Link Road' will provide vehicle access past the 4 properties on the southern side of Auger Place for only 20 properties within the development itself. The other 199 properties proposed within the SP will access the 'Rural Link Road' from the north/south internal road west of Auger Place.

Traffic from external sources east of the development will make use of the 'Rural Link Road', but upon completion of the road access adjacent the existing bend of Clarkson Rd as part of Stage 8, it is expected that the majority of traffic from Shady Hills Views will then have the option to use this road in addition to the 'Rural Link Road'. Traffic from the north, including the residents of Auger Place, will likely continue to use the 'Rural Link Road' connection.

The spacing between the Lage and Auger Place intersections complies with the intersection spacing outlined in Liveable Neighbourhoods Table 5 and is therefore considered appropriate.

The proximity of the intersection on Clarkson Road and / Lage Road to the 90 degree bend on Taylor Road (less than 500m) will reduce the speed vehicles carry between the intersections as will the treatment of the Lage Road / Clarkson Road intersection to slow through traffic on Clarkson Road. It is also expected that the increase in traffic with vehicles turning in and out of Lage Road will reduce the average speed due to the increased interaction with other vehicles.

Auger Place currently services 6 properties and is located on a straight alignment. The traffic volumes

turning at this intersection are low and the drivers on Clarkson Road is deemed to have sufficient sight distance to the intersection. The sight distance at the intersection is existing and is not worsened by the development. However, the sight distance could be improved if required by clearing some verge vegetation adjacent to the intersection.

Current Bushfire Regulations and achieving a properly integrated road network mitigate against modification of the 'Rural Link Road' into a cul-de-sac as suggested by Auger Place residents.

Bridle Trail: The Bridle Trail remains part of the project - refer Figure 13 of the Traffic Impact Assessment and Figure 16 of the SP report (referred as 'Multi-Use Trail') allowing for walking and horse riding through the development.

The development is subject of an approved LWMS, which ensures the proposed drainage system is designed to mimic the pre-development environment. It is not proposed to divert or hold water from reaching downstream beneficiaries.

Detailed Flora and Fauna surveys are more suited to be undertaken at subdivision stage, once the exact locations of building enveloped are determined.

Visual Privacy: There are only 8 properties within the SP area adjacent the southern side of Auger Place, with indicative building envelopes selected to minimise bushfire risk by location on areas of slopes less than 20 degrees (and typically less than 10 degrees). In most cases these criteria locate the future houses at the maximum distance from existing residences. This distance from existing residences means that it is unlikely to have impacts on visual privacy when calculated in accordance with the R-Codes. Selective

		replanting and the orientation of dwellings may further minimise any practical impacts on visual privacy.	
Submission 14	Objects to traffic noise, privacy issues caused, bridal trail & fauna.	See Submission 13.	Agree with Council. See response to submission 13.
Submission 15	Objects to traffic noise, privacy issues caused and impact of drainage.	See Submission 13.	Agree with Council. See response to submission 13.
Submission 16	Objects to road configuration, traffic noise.	See Submission 13.	Agree with Council. See response to submission 13.

Agency	Nature of Submission	DPLH Comment	DPLH Comment
Department of Defence	Conditions on Title - Aircraft Noise. Structure above 1.5 AGL to be referred to Defence Management of organic waste that might attract birds. Lighting.	These matters are generally dealt with at subsequent planning stages.	Agree with Council.
Department of Mines, Industry Regulation and Safety	Blasting operation are no longer required to extract clay resource. Corresponding stage of quarry has been closed. No concerns. DMIRS will be requesting Notifications on Title within 500m buffer area to inform prospective purchasers.	Noted. Notifications on Title are more appropriately dealt with at subsequent planning stages	Noted. It is recommended that clause 4.5 – Notifications on Title of the SP require notifications on title for lots within 500m of the Quarry. The existing SP requires the Department of Mines, Industry Regulations and Safety (DMIRS) to advise that blasting operations are no longer required, <u>and</u> for the corresponding stage of the quarry to be closed, prior to supporting subdivision/development within the 500m buffer. The SP amendment has changed “and” to “or” which is not supported, and a suitable modification is recommended.
Department of Transport	No comment.	Noted.	Noted.
Department of Water and	Has previously assessed and supported the LWMS.	Noted.	Noted.

Environmental Regulation Land Use Planning - Swan Avon Region			
Department of Education	No objection.	Noted.	Noted.
ATCO Gas	No objection.	Noted.	Noted.
Department of Health	<p>All developments to connect to scheme water and comply with Sewerage Policy. For non-scheme water connected areas the development is to have access to sufficient supply of potable water. The development is to have access to sufficient supply of potable water.</p> <p>For waste water disposal, site-and soil evaluation required.</p> <p>Mosquito Management Plan required.</p>	<p>As the site is outside of a scheme water connected area, residential water supply will be provided by site rainwater tanks as per the LWMS and in accordance with relevant legislation.</p> <p>Wastewater is to be disposed via on-site ATU's approved in accordance with relevant legislation. A site and soil evaluation was completed as part of the Land Capability Assessment provided as an appendix to the EAR, demonstrating the suitability of the site at this level of planning for on-site wastewater disposal.</p> <p>No reasonable basis in the form of any local policy, guideline or demonstrated mosquito hazard exists to request a Mosquito Management Plan</p>	<p>Agree with Council.</p> <p>Agree with Council. If required, a further site and soil evaluation can be required at the subdivision stage. This may be particularly important for proposed lots near waterways.</p>
Water Corporation	<p>Conflicting information - consultant's report proposes a high level water tank:</p> <ul style="list-style-type: none"> Water Management Strategy refers to on-site water tanks Servicing report refers to possible reticulated water 	<p>The intention is to provide site rainwater tanks for water supply as per the LWMS.</p> <p>The commentary identified in the Servicing Report on a future reticulated supply is only provided to allow for a complete picture of current and potential servicing considerations.</p>	<p>Agree with Council.</p> <p><i>State Planning Policy 2.5 - Rural Planning (SPP 2.5)</i> requires a reticulated water connection be provided for lots less than four hectares unless a reticulated water supply is demonstrated to not be available. Further discussions with the applicant and Water Corporation</p>

	<p>SP to identify a site for a high level water tank.</p>	<p>Water Corporation indicated that a connection to water reticulation has ultimately been planned for, based on the addition of future high level tanks. The Water Corporation had completed the planning study for the delivery of additional water services to the Bullsbrook area. This included supply to the residential and rural residential area on the eastern side of Great Northern Highway including the proposed development site. Water Corporation advised that supply to the project area may be possible in the medium term via a new high level tank and has therefore requested that the Structure Plan be modified to identify and set aside a suitable nominated site for the proposed tank. Water Corporation have also advised that it should also be noted that the high level water tank, distribution/transfer water mains and pumping station referred to in the Servicing Report are not on the Water Corporation's Capital Investment Program and will therefore need to be fully funded by the proponents.</p> <p>Given the Water Corporation's stated position that it is many years away from the tanks being on the capital works plan, the applicant chose not to identify and set aside a site for the proposed tank, mainly due to the ultimate cost to provide the land and infrastructure and the uncertainty on timing. The applicant stated that the intention is to provide site rainwater tanks for water supply in accordance with the Local Water Management Strategy (LWMS). Although the applicant advised that commentary identified in the Servicing Report (provided as part of the proposed structure plan modification) on a future reticulated supply is only provided to allow for a complete picture of current and potential servicing considerations, it is deemed prudent to have a</p>	<p>has clarified that there are no plans to provide reticulated water to the SP 11 area.</p> <p>The SP 11 report suggests that lots less than 2ha may be supported if reticulated water supply is provided and sub-regional structure plan and local rural strategy provides for further subdivision. The City has also requested that a site for a high-level water tank be shown to provide for possible future connection to reticulated water. However, the applicant has clarified there are no plans to provide reticulated water to the SP area. The City's requested modification is not supported. In addition, the wording within the structure plan allowing lots less than 2 ha where reticulated water is provided is recommended to be removed as such a significant change would necessitate an amendment to SP 11 or a scheme amendment.</p>
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		suitable site identified at structure plan stage to ensure a suitable site is identified at an early planning stage.	
Department of Biodiversity, Conservation and Attractions - Parks and Wildlife	<p>The proposed amendment does not significantly alter the structure or potential environmental impacts of the original SP, but reiterates that large trees need to be retained, Wulyanga National Park is managed by burning and fox baiting and support of a revegetated buffer surrounding waterways and waterways management plan.</p> <p>The site is within the Swan River Surface Water Area (RIWA Act) and although the subject site is not traversed by any mapped waterways, the site does contain a number of drainage pathways that either flow into the Ellenbrook, or directly into the Avon River. Recommends that ATUs be secondary treatment systems with nutrient removal capability for areas within 100m of drainage lines.</p> <p>Questions deletion of perimeter road in case of bushfires.</p>	<p>Tree retention is controlled pursuant to Section 2.4 Environmental Considerations of the City's 'POL-TP-126 Rural Zones – Building and Development Standards', remnant vegetation (including significant trees) in the Landscape zone is not be removed or modified except with the City's approval. There is a presumption that this restriction applies to all the land outside of nominated building envelopes.</p> <p>Within building envelopes, firebreaks and roads, a tree survey is more appropriate at subdivision stage once the exact location of building envelopes are known.</p> <p>Part One, Clause 4.5(d) requires imposition of the requested notifications re: fox baiting and prescribed burning requested by the Department.</p> <p>The land does contain natural drainage pathways that conduct seasonal rainfall but these are in good condition, and do not show evidence of having been previously vegetated and therefore requiring "revegetation". The site does not contain any waterways that require the preparation of a Waterway Management Plan.</p> <p>For comments on perimeter road, see DFES section.</p>	<p>Agree with Council. A modification is also recommended requiring a habitat tree protection plan be provided at the subdivision stage.</p> <p>SP 11 proposes onsite wastewater disposal with ATU's and setback 30m from all drainage pathways consistent with the LWMS. The recently released Government Sewage Policy 2019, requires a 100m setback to a drainage system that discharges directly into a waterway without treatment. A reduced setback may be considered in consultation with the relevant advisory agency.</p> <p>The DBCA's recommendation that ATUs be secondary treatment systems with nutrient removal capability for areas within 100m of drainage lines is consistent with the Government Sewage Policy and a suitable modification is recommended.</p> <p>A modification is recommended requiring the land adjacent the Wulyanga National Park be excluded to enable a perimeter road and other matters to be explored via a separate SP amendment.</p>
Department of Water and Environmental Regulation - EPA	No comments.	Noted.	Noted.

Main Roads WA	<p>Not supported until certain issues have been addressed regarding the Great Northern Highway/Lage Road/Dewars Road intersection, including a detailed layout drawing of roundabout/road configuration. A model for signalised intersection in comparison with roundabout option, swept paths for heavy vehicles and road trains to be shown at the roundabout, design speed modelling and other detailed design issues such as number of lanes and its width.</p>	<p>The detailed design of the Great Northern Highway/Lage Road/Dewars Road intersection is not assessed as part of the application as it will be dealt with under a separate planning instrument in the form of the Bullsbrook District Centre Structure Plan.</p>	<p>Agree with Council. The City has prepared a draft development contribution plan and associated scheme amendment which deals with the construction of this intersection at an appropriate time.</p>
Department of Fire and Emergency Services	<p>DFES is satisfied that implementation of Asset Protection Zones (APZs), demonstrating compliance with Element 2: Siting & Design can be addressed at subsequent planning stage(s).</p> <p>Notwithstanding the above, DFES maintain our assessment that the subject site is unable to demonstrate compliance with the intent of Element 1: Location of the Guidelines. The addendum's focus on BAL construction standards and asset protection zones should not be incorrectly equated with a lower risk to people and the subject site. The reconsideration of existing strategic planning for the site, provides an opportune mechanism to introduce hazard separation in</p>	<p>City staff notes the comments of DFES. These seem to refute an acceptance of the Acceptable Solution for this element in the Guidelines which is to reduce the hazard level to low or moderate <u>or</u> achieve a maximum Bushfire Attack level of BAL -29. The modifications appear able to achieve a BAL-29 rating and the indicated locations of the proposed building envelopes are able to reduce the number of envelopes in extreme hazard areas from 144 under the approved plan to 97.</p> <p>This is considered to be a substantial improvement to bushfire risk mitigation consistent with the recommendations of Parts 5.2.5 of the Guidelines that encourage where possible improvements to approved structure plans.</p> <p>City staff notes that there are approximately 48 proposed lots along the northern, western and southern perimeters of the site boundaries where the abutting land may not be managed in a low fuel state and therefore no opportunity for overlapping</p>	<p>The BMP has demonstrated that each proposed lot can accommodate a building envelope that achieves a moderate BHL (BAL 29 or below) which meets Element 2 - Siting and Design of the Guidelines. Some clearing within the building envelopes and APZ will be required which is considered acceptable.</p> <p>The intent of Element 1 – Location of the Guidelines is to ensure that strategic planning proposals (such as structure plans) are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure. The acceptable solution (a way of achieving the intent) includes being located within an area that will, on completion, be subject to either a moderate or low bushfire hazard level.</p> <p>DFES's primary concern relates to the locational or broader context being considered an extreme BHL. The WAPC's recently prepared <i>Position Statement: Planning in Bushfire Prone Areas - Element 1: Location and Element 2: Siting and Design</i> (PS) provides further</p>

<p>the form of improved perimeter access for the site.</p> <p>Ultimately, there is inadequate physical separation from the extreme bushfire hazard within and adjoining the site. A reliance on building envelopes within BAL-29 shows a lack of consideration of the bushfire threat to people from the site as a whole. Studies of past bushfire events demonstrate that 85% of known bushfire fatalities occur within 100 metres of extreme bushfire level vegetation, source: Blanchi, Raphaele, et al. <i>"Environmental circumstances surrounding bushfire fatalities in Australia 1901-2011"</i> Environmental Science & Policy 37 (2014): 192-203.</p> <p>The public road system in a bushfire prone area should provide direct access and egress for firefighters to areas of extreme bushfire hazard, during a bushfire emergency. The intent is to separate extreme bushfire hazard areas from developable areas and establish access within and around the edge of subdivisions for bushfire suppression operations as well as fire preventative work. DFES do not support the desktop analysis of slope and gradient provided nor the proposed inability to locate access along the development boundary, as the information is acknowledged</p>	<p>asset protection zones. Envelopes in these instances will need to be sited as far from the perimeter boundaries as necessary to ensure the asset protection zones are within the subdivided lot boundaries. Such refinement can be achieved at subdivision stage.</p> <p>The crux of DFES's position from the above comments appears to be to increase separation distances between home sites and extreme rated areas inclusive of the provision of perimeter public roads. Again, this is a rejection of the Acceptable Solution set out in the guidelines.</p> <p>City staff and DFES requested the applicant explore the potential for installation of perimeter public roads along the full extent of the northern, western and southern site boundaries. These considerations overlap into the net element and will be discussed below.</p> <p>At the request of the City the applicant provided cross-sections with indicative gradients for proposed roads along the northern, western and southern site perimeters.</p> <p>Based on these cross-sections a perimeter road along more than half of the northern boundary will would be expected to exceed the maximum 14% grade DFES indicated as being acceptable. Almost half of the western and southern boundary perimeter public roads would also exceed the average and maximum grades DFES indicated they would accept.</p>	<p>guidance on this matter. The PS indicates that the wider risk context should consider the hazard remaining within the site and adjoining the site. The PS states that some discretion may be exercised for Structure Plans approved prior to the bushfire policy framework existing, however revised plans should be prepared that address the bushfire issues. Where sites are within and/or adjoining areas of extreme bushfire hazard, adequate access is paramount.</p> <p>The concerns raised by DFES are acknowledged particularly for the area adjoining the national park where the bushfire risk is the highest and given their role is responding to bushfire emergencies. The WAPC has also recently approved updates to Element 3 (vehicular access) of the Guidelines. The updated acceptable solutions require a perimeter public road to classified vegetation, but there is discretion to not require a public road where it is demonstrated that it cannot be provided due to site constraints. The steep topography which applies in certain parts of the site, such as near the Walyunga National Park, could be considered a site constraint to not require a perimeter road.</p> <p>The LSP also abuts extreme BHL areas adjacent the clay quarry and the rural land to the north. In relation to the clay quarry, the building envelopes are located approximately 300m from the adjoining extreme bushfire threat and the building envelopes are position very close to the proposed public road. Fire Service Access Routes (FSAR) are also provided between the bushfire threat on the adjoining property and the proposed building envelopes. In relation to the rural land to the north, the building envelopes are located close to the proposed link road and the topography of the land and the requirement to retain existing</p>
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	<p>within the addendum as being reliant on topography and contour/elevation data, with no onsite verification. Whilst DFES acknowledge this higher-level analysis of slope is commensurate with the strategic planning stage, omission of endorsement by the City of Swan (City) does not give DFES confidence in the justifications provided, including the proponent's assumption that appropriate access contours cannot be engineered.</p> <p>The site is in an area of known bushfire risk and has experienced recent bushfire events that have threatened lives and property. Given this proposal is a reconsideration of the existing strategic planning for the site, the City of Swan have acknowledged that intensification of land use cannot be avoided. However, DFES have consistently advocated that the structure plan design should optimise hazard separation through the provision of perimeter public road(s) between the bushfire hazard(s) and the proposed lot layout. This is particularly important where areas abut a permanent extreme bushfire hazards, such as Walyunga National Park. Hazard separation in the form of perimeter public roads improves emergency services access by providing direct access to areas of extreme bushfire hazard during a bushfire event and for</p>	<p>For these reasons the provision of perimeter public roads is considered to fail to achieve the performance principle for public roads and City staff sees no basis upon which they can be supported.</p>	<p>vegetation does not make it suitable to provide a perimeter road. A perimeter road will also result in dual frontage lots which is not desirable. The adjoining land to the north is zoned Landscape under LPS 17 and has subdivision potential which provides the opportunity for a perimeter road if this land develops.</p> <p>The SP 11 amendment proposes two short cul-de-sacs which services 2 and 5 lots respectively, similar to the approved SP. The Guidelines indicate that cul-de-sacs should be avoided in bushfire prone areas, unless no alternative exists. Where cul-de-sacs are proposed, the Guidelines require the length to be a maximum of 200m which the proposal achieves. The western cul-de-sac will adjoin future urban development and can be extended north to service the future urban land. The eastern cul-de-sac could be extended north on the adjoining property to provide for additional landscape lots as provided for under LPS 17. The cul-de-sac heads could be connected via a road or emergency accessway; however, this would not significantly improve bushfire access and would require removal of remanent vegetation and be constructed on steep land. In considering the landscape values, environmental values and the constrains of the land the two cul-de-sacs are considered minor and are supported.</p> <p>The SP 11 amendment has improved the design from that of the current approved SP by providing a more permeable road network, removing the battle-axe lots and reducing the number of building envelopes within an extreme BHL area. These improvements together with the independent level 3 accredited bushfire planning practitioner review of the proposal, is considered to address a number of concerns raised by DFES.</p>
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	<p>mitigation activities, which alternatively would be restricted by private property.</p> <p>DFES do not support the cul-de-sacs and dead-end streets within the north-western region of the structure plan. It is unclear what timeframe is anticipated for development of the adjacent lots to the north to occur. On this basis, it has not been demonstrated why no alternative exists for redesign, omitting the proposed cul-de-sacs.</p> <p><u>Recommendation - not supported due to non-compliance</u></p> <p>As indicated above, DFES are unable to provide support for the BMP addendum, as it has not demonstrated compliance to Element 1: Location.</p>		
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Development Review Bushfire

Amendment to local structure plan Lot 301 Stock Road and Lot 302 Lage Road Bullsbrook



SUMMARY

McRae Investments is seeking to gain approval of the Local Structure Plan (amendment) affecting land at Lot 301 Stock Road and Lot 302 Lage Road Bullsbrook (the subject land) for the purpose of facilitating the development of the land into 219 rural living (2ha-5ha) lots (the proposal).

The subject land is bound by the Boral brick quarry to the west, future urban residential development to the north west (grassland) a rural living estate to the north and east (grassland and low threat surfaces) and the Walyunga National Park to south which is classed as Forest (AS 3959:2018) and extends 4 km to the Swan River.

The subject land is located on the Darling Escarpment. It is an undulating landform that has been historically used for grazing. The land is characterised as grassland and scattered trees and pockets of trees in the gullies. The land slopes are generally between 5.0⁰-10.0⁰, with intermittent sections in gullies and hillsides 10.0⁰ to 20.0⁰.

The subject land is identified to be within a 'bushfire prone area' under the state-wide *Map of Bush Fire Prone Areas* prepared by the Office of Bushfire Risk Management (OBRM 2019). All development within an area identified as bushfire prone is subject to consideration under the *Planning and Development Act 2005*, and in turn State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas Version 1.3* (the Guidelines) (WAPC and DFES 2017).

The purpose of this review is therefore to assess the bushfire hazards, both within and nearby the site, and identify the management strategies required to ensure the development of the land is consistent with the intent of SPP 3.7 - *to preserve life and reduce the impact of bushfire on property and infrastructure*.

This review has followed the investigation requirements for a BMP and the comparison to be made with the intent of the Bushfire Protection Measure listed in the Guidelines. As part of this, regard has been given to a Bushfire Attack Level (BAL) assessment, undertaken in accordance with AS 3959:2018, including the classification of vegetation identified within 150 m of the subject land boundary.

All classified vegetation located outside of the site has been assumed to remain in its current state as a likely worst-case bushfire risk.

The outcomes of this review demonstrate that as development progresses, it will be possible to meet the 'Intent' for each of the applicable bushfire protection criteria outlined in the Guidelines as follows.

1. **Location:** The land is characterised as scattered trees over grassland with pockets of trees over elevated fuel structure (Forest). There are few environmental impediments to the implementation of bushfire protection measures; tree canopies should be retained for the Carnaby's Black Cockatoo, but otherwise there are no restrictions that would impede the maintenance of the vegetation under tree canopy to be consistent with Woodland (AS 3959:2018), and if surface fuels (grasses) are maintained at less than 100 mm, scattered trees can be classified as excluded, consistent with the description of an Asset Protection Zone.

Whilst the slope and vegetation found at the subject land is initially classed as Extreme Bushfire Hazard Level this is for the purpose of identifying bushfire protection measures required to ensure on completion the development can achieve a moderate BHL or a measure equivalent to BAL-29. The development in itself by dissecting the landform with road ways, built surfaces and Asset Protect Zones, disrupts the

Development Review Bushfire

Amendment to local structure plan Lot 301 Stock Road and Lot 302 Lage Road Bullsbrook



continuity of vegetation and in practice reduces the hazard level to primarily ember attack and secondary fire (ie BAL 29).

2. **Siting and Design:** Subject to clarification regarding a small number of lots close to steep slopes or side onto the slope, the indicative layout illustrates most lots are longways to the slope and can afford an Asset Protection Zone equivalent to BAL-29 or lower, from a background vegetation of Forest or Woodland and accommodate a volunteered 20 m minimum if adjacent to Grassland. Many lots rely on an interconnecting APZ with the neighbouring lot, and the APZ will be determined upon certain assumptions about the maintenance of private land and the background assumption for the extent of the Asset Protection Zone. It is important at subdivision that those assumptions are delivered and maintained from the outset.

A fire in Walyunga National Park, because of its expanse and density of fuels would be intense and driven by a southern wind would submit the subject land to ember attack, which may in turn find flammable materials creating secondary fires within the estate. Increasing the separation from the fire front reduces the likelihood of flame contact and the radiant heat that can precondition materials for ignition by a burning ember. Increasing the separation will also assist by providing an operating space, at a reduced radiant heat level, to undertake fire-fighting activities to protect the buildings.

It is essential to recognise the numerical set back number derived from the AS 3959:2018 may in context to the expected intensity of the hazard, be inadequate. In response, the proposal has provided for a no build setback of 100 m from the south boundary to Walyunga National Park, and a 50 m no build setback from the western boundary with the Walyunga National Park and Boral Brick Quarry. This area is proposed as additional to a minimum setback of 20 m from the building envelope.

3. **Vehicular Access:** The proposal and indicative staging of the subdivision will provide a through road supporting the estate, providing an additional access to the Shady Hills View Estate and other areas to the north, which is otherwise a large loop road from a single destination. The indicative road layout has provided two temporary cul-de-sacs ultimately intended to provide an access to the proposed residential development to the northwest of the subject land.

The proposal complies with the acceptable solution regarding the public road and access to and from the subject land.

An issue of contention (DFES) is the proposed placement of the Fire Service Access Routes (FSAR), at the south and southwest section of the subject land. The DFES contention is understood to be that the FSAR should be placed inside the boundary as a perimeter road. The proposal is for the FSAR to be located as close as practical to the boundary, between the development site and the hazard, but within an acceptable gradient; less than 10% -14% for the conduct of safe fire-fighting.

The review finds there is presently no basis for a mandatory consideration of the FSAR at the boundary for the purpose of attending to a neighbouring property, but that the emphasis is to “separate bushfire prone areas from developed areas” ie to provide a separating space between the development (development site) and the hazard, and overall, to provide for emergency vehicles to move easily and safely at all times, including during fire suppression and preventative work. The proposal achieves the intent of providing a space to undertake suppression and fire prevention work between the building (and outside of its APZ) and the hazard. The FSAR as proposed, otherwise complies with the requirements of the Acceptable Solution specifications in Guidelines i.e. regular links to the public road.

Development Review Bushfire

Amendment to local structure plan Lot 301 Stock Road and Lot 302 Lage Road Bullsbrook



It is noted that emerging policy does clarify the provision of perimeter roads and FSARs but also that site constraints (ie gradient) are an exception to providing a perimeter road.

It is recommended that at subdivision an *Easement in Gross* to permit the unrestricted access of emergency vehicles along the FSAR is provided.

4. **Water:** the development will be provided with a permanent, non-reticulated water supply to support onsite fire-fighting requirements. The City of Swan had recommended two 40,000 L tanks be provided at 5 locations (400,000 L in total), in addition to each lot providing 10,000 L.

The City of Swan 400,000 L is short of the minimum ratio (50,000 L for every 25 lots) to be provided for community fire-fighting, described in the acceptable solution.

It is recommended that the provision of water for community fire-fighting be increased to 500,000 L by the provision of two 50,000 L tanks at 5 locations, in addition to the provision of 10,000 L at each lot.

The role of the structure plan is to demonstrate the capability of compliance for the future stages of authorisation of the subdivision. The *Responsibilities for implementation and management of the bushfire measures*, contained in the Bushfire Management Plan Technical addendum (2 April 2019) will direct the future considerations of the subdivision design.

It is noted in summary Bushfire Management Plan Technical addendum will provide that:

Future subdivision stage BMPs will:

- Confirm the lot layout, FSAR alignment, and APZ dimensions for each lot,
- Vehicular access, (public road, cul-de-sac, FSAR and private driveway) will be constructed in accordance with the technical access requirement described in Table 6, and
- That the detail of ceding the fire-fighting water supply locations and volumes will be resolved with the City.

Subdivision Approval requirements for clearance of title will include:

- Clearing vegetation for APZ, roads, FSARs and firebreaks (should include the maintenance of the APZ prior to building construction), and
- Ceding of the Fire station (should include the ceding of water tanks and accommodating land).

Ongoing maintenance

- APZs to be maintained in accordance with an owner's handbook (should include land management comparable with a moderate BHL that retains tree canopies in as much as practical, for ecology and amenity),
- Firebreaks are to be maintained in accordance with the annual fire break notices, and
- The City of Swan will maintain FSARs.

The following additions are recommended.

1. The establishment of an Easement in Gross for the FSAR, to the benefit of the City - to provide unrestricted access for emergency services operating in the FSAR
2. Clarification, by an appropriate means of certainty, of the required land management across the subject land and individual responsibilities including, lot vegetation density, land management in the Building Exclusion Zone, and planting in the Asset Protection Zone (consistent with Schedule 1 Standards for Asset

Development Review Bushfire

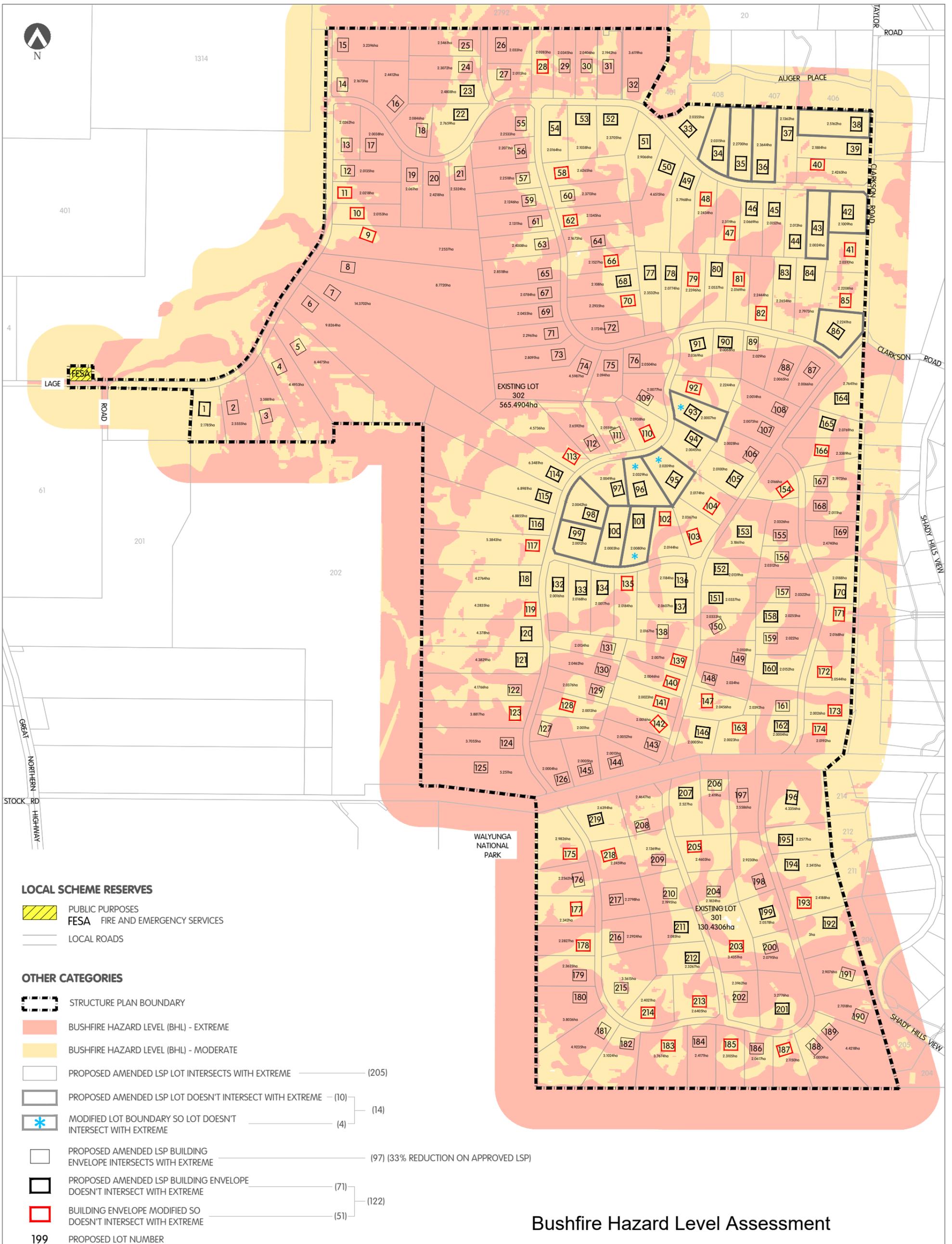
Amendment to local structure plan Lot 301 Stock Road and Lot 302 Lage Road Bullsbrook



Protection Zones) - to maintain the equivalent of a 'moderate' bushfire hazard across the estate and the background vegetation assumptions that the individual lot APZ distance will be based upon.

3. The establishment of the Asset Protection Zone, as site works, to be provided prior to title clearances and maintained in perpetuity by an appropriate means of certainty – to ensure site BAL determination levels as expected at Planning (subdivision) Approval are established and are observable and follow at the Building Permit.
4. Any undeveloped land at the interface with a developed staged area should be maintained to preserve the BAL for the nearest stage lot as approved - to ensure site BAL determination levels as expected at Planning (subdivision) Approval are established and are observable and follow at the Building Permit.
5. All lot arrangements can accommodate an APZ not exceeding BAL-29 at the building and have a minimum distance from the building envelope of 20 m (excepting an APZ overlapping with a neighbouring lot) – to ensure the required separation from classified vegetation will result in BAL-29 or less at the building with particular regard to cross fall slopes.
6. Standard WAPC conditions for bushfire to apply.

Note: An appropriate means of certainty is to be resolved at the first subdivision. It may include an acknowledged commitment by the City to actively enforce the BMP as part of the planning authorisation, including the owners handbook; a recognition of the BMP as part of the City's annual firebreak notice, enforced under section 33 Bushfires Act 1954; or a restrictive covenant (Landscape Plan) described on the lot title.



Bushfire Hazard Level Assessment

Figure 2

BUSHFIRE HAZARD EXTREME LEVEL ASSESSMENT PROPOSED AMENDED LSP (PROPOSED MODIFICATIONS TO BUILDING ENVELOPES & LOT BOUNDARIES)
Lot 301 Stock Road & Lot 302 Lage Road, Bullsbrook
 City of Swan

CADASTRAL INFORMATION
 SOURCE: LANDGATE SLIP
 YYMMDD: 170118
 DWG REF: 170118 SLIP LANDGATE
 PROJECTION: PCG94



AERIAL PHOTOGRAPHY
 SOURCE:
 YYMMDD:



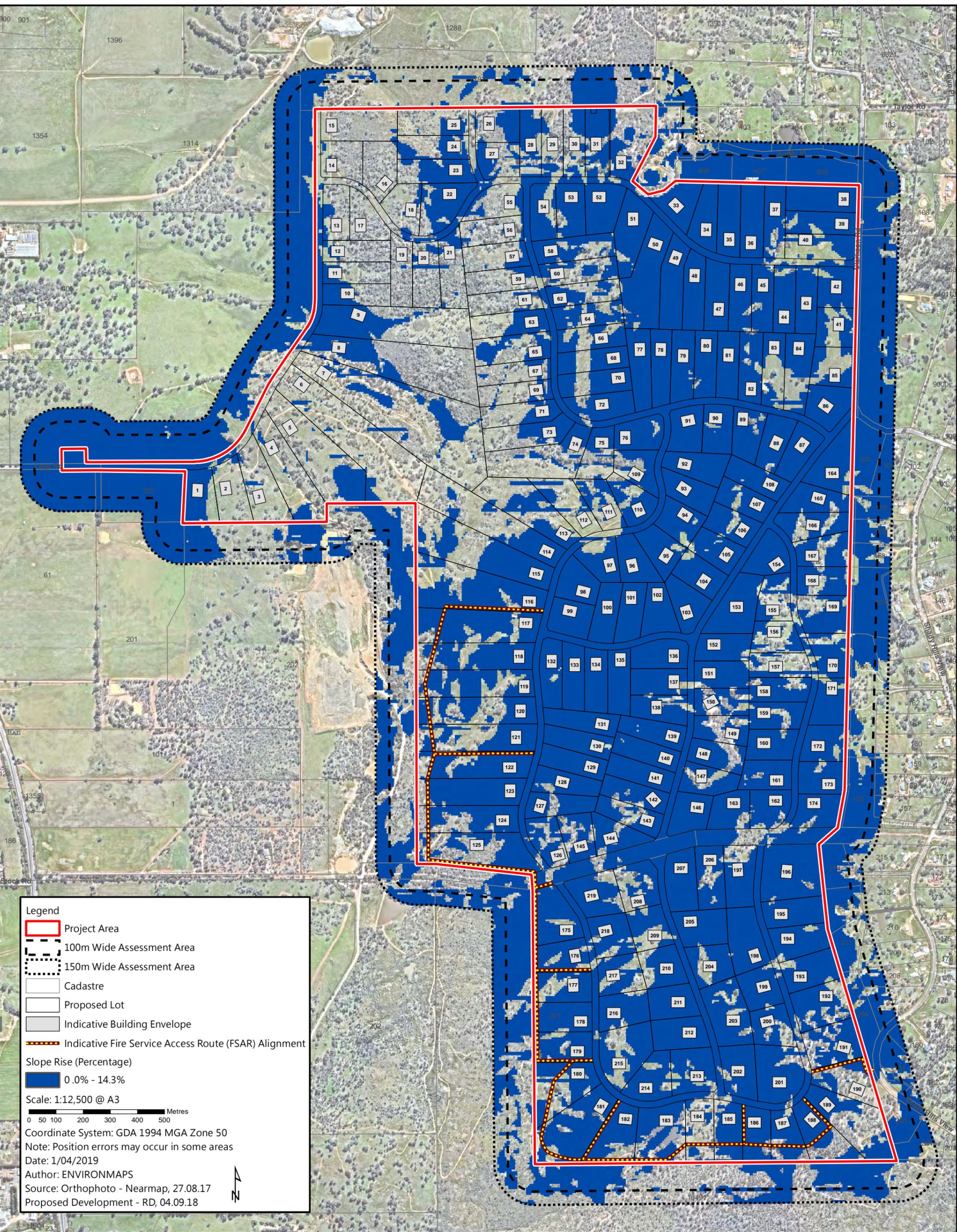
B	TEXT MOD - PROPOSED AMD	180904	SB	DP
A	PKF BUL RD1 202B	180803	SB	DP
REV	DESCRIPTION	YYMMDD	DRAWN	APPRD

REF NO.	DRAW NO.	REV.
PKF BUL	RD1 224	B



Photograph of the southern boundary of the site adjoining the Walyunga National Park (Walyunga National Park is on the left)

Created by ENVIRONMAPS | e: simoncrofts@environmaps.com.au p: 0406 590 006



BMP Addendum: Lot 301 Stock Road & Lot 302 Lage Road, Bullsbrook
 Indicative FSAR Alignments

Figure 7

SCHEDULE OF MODIFICATIONS - LOCAL STRUCTURE PLAN NO. 11

Part One (Implementation Section)

1. Amend section 3.0 - Staging to:
 - a) Reference the Vehicle Access Staging Plan in Figure 20.
 - b) Modify the text for Stage 1 to require the Rural Link Road connecting Clarkson Road and Lage Road to be constructed to a public road standard to the specifications of the local government in the first subdivision stage. Modify stages 2 and 3 to reflect this change.
2. Replace the entire text in section 4.2 - Lot Size with the following:

"The structure plan area comprises a maximum of 219 Rural Residential Lots with no lot to be less than 2ha in area".
3. Replace all text within Section 4.4 - Midland Brick Clay Quarry Buffer Area with the following.

"Subdivision/development of land with building envelopes located within the 500m Midland Brick Clay Quarry buffer area will not be supported until the Department of Mines, Industry Regulation and Safety advises the WAPC that blasting operations are no longer required to extract the clay resource and the corresponding stage of the quarry has been closed and the resource on the site exhausted."
4. Amend Section 4.5 - Notifications on Title as follows:
 - a) delete the text in the first sentence '*...on title pursuant to Section 165 of the Planning and Development Act 2005*'.
 - b) replace (b) with the following text '*for onsite wastewater secondary treatment systems as required by the Government Sewerage Policy 2019*'.
 - c) replace (c) with the following text '*to advise that the lot is within a bushfire prone area, is subject to a Bushfire Management Plan and that additional building requirements may apply*'.
 - d) Require notifications on title for lots affected by the clay quarry buffer.
5. Within 4.0 - Subdivision and Development Requirements add a new section 'Onsite wastewater disposal' to mention that on-site sewage disposal is to be in accordance with the requirements of the Government Sewerage Policy 2019. In respect to on-site sewage disposal systems within 100m of drainage pathways, ATUs to be secondary treatment systems with nutrient removal capability.
6. Within 4.0 - Subdivision and Development Requirements add a new section on the link road and include the following wording:

"No subdivision is to occur until the through road connection between Clarkson Road and Lage Road is fully constructed and ceded to the Crown as a public road."
7. Within 4.0 - Subdivision and Development Requirements add a new section indicating that subdivision and residential development within 1000m of the Class 1 inert landfill located on Lot 20 to the north will not be supported unless the facility has closed and is no longer in use.
8. Amend section 4.6 - Building Envelopes by:

"replacing (a) and (b) with the following text "Each lot will require a building envelope to be shown on the plan of subdivision and the WAPC may require a condition of subdivision for building envelopes to be identified on a plan in consultation with the City of Swan. Building envelope specifications are to meet the following requirements:"
9. Amend Section 5 - Additional Information to:
 - a) revise the first requirement relating to the fire station site to require the land to be ceded to the Crown and not the City of Swan.
 - b) revise the second requirement to require the construction of the link road connecting Clarkson Road and Lage Road to a public road standard to the

specification of the City of Swan in the first stage and delete the requirement for the emergency access ways.

- c) Add an additional requirement for a habitat tree protection plan to be provided in accordance with the referral guidelines of the Environmental Protection Biodiversity Conservation Act as part of a subdivision application.

Structure Plan Map

10. The Structure Plan Map being amended to include the following:
 - a) Remove Emergency Vehicle Access No.1 and No.2 from the legend and map.
 - b) Amend the north-western structure boundary to match the alignment of the Urban Deferred/Rural zoning under the Metropolitan Region Scheme.
 - c) Amend the structure plan boundary to include the existing Stock Road road reserve to the east to connect with Shady Hills View.
 - d) Add the 'Indicative Fire Service Access Route (FSAR)' as shown on Figure 7 of the Bushfire Management Plan technical addendum (prepared 2 April 2019).
 - e) Lot 26 and 27 being amalgamated and the building envelope and 'preliminary asset protection zone' to be located further away from Plant Community - H1 (good condition).
 - f) Amend the lot configuration and building envelopes to align with Figure 2 of the Bushfire Management Plan technical addendum (prepared 2 April 2019).
 - g) The east-west link road be realigned to allow for building envelopes on Lots 19, 20, 21 and 'preliminary asset protection zones' to be located further away from Plant Community - T2. Update road network where also required.
 - h) The boundary of Lots 8 and 9 to be adjusted so that the Plant Community T1 (good condition) is located on Lot 8.

Part 2 (Explanatory Section)

11. Amend 1.0 Introduction to:
 - a) Replace the first sentence and the first dot point of the third paragraph (beginning with Consistent with the intent...) as follows:

In summary this Structure Plan proposes to:

 - Develop the site into 219 lots for rural living purposes;
 - Provide development context that includes landscape protection and bushfire management requirements;
 - b) Modify this section to remove the reference to the 'emergency vehicle access road' for the town link road and three options for 2-wheel drive emergency access.
 - c) Add a dot point to the discussions on SPP 3.7 as follows 'Introduction of a Fire Service Access Route'.
12. Amend 3.0 - Town Planning Framework to include a section on the requirements of the Government Sewerage Policy 2019.
13. Under 3.2.1 change State Planning Policy 2.5 – Agricultural and Rural Land Use Planning Policy to SPP 2.5 - Rural Planning.
14. Amend section 5.2.5 to remove reference to emergency accessways 1 and 2.
15. Update the section 9.3 as follows:
 - a) including a reference to the Fire Service Access Routes.
 - b) Include a reference to the new figure as per Figure 4 of the Bushfire Management Plan technical addendum.
16. Update section 9.0 to reflect the updated bushfire management plan information in

relation to tanks for firefighting purposes.

17. Amend section 9.3.3 to mentioned that the link road to be provided in the first stage of subdivision and remove reference to the emergency access routes.
18. Figure 20 being replaced with the Vehicle Access Staging Plan (Figure 4) of the Bushfire Management Plan technical addendum (prepared 2 April 2019).

Bushfire Management Plan (Appendix 10)

19. Update the Bushfire Management Plan with the Bushfire Management Plan technical addendum (prepared 2 April 2019) with revision as required including:
 - a) Table 3 acceptable solutions assessment.
 - b) Part 5 Implementation of this BMP.
 - c) The inclusion of a FSAR network as per Figure 7 of the technical addendum referred to above.
20. Update the Bushfire Management Plan to include the Revised BHL assessment, detailed slope and grade analysis undertaken by Stratagem Environmental.
21. Update the Bushfire Management Plan to include the recommendations within the summary section of the Development Review Bushfire report (prepared by Anthony Rowe from Emerge Associates, dated October 2019).

Overall

22. Update the entire document where necessary to reflect the above modifications.
23. Update MRS zonings where necessary.
24. Reference to the Bullsbrook Townsite Land Use Master Plan to be changed to Bullsbrook Townsite District Structure Plan throughout the document where necessary. The BTDSP was endorsed by the WAPC in April 2018.