

13.2.5 AMENDMENT TO CHAMBERLAIN STREET OUTLINE DEVELOPMENT PLAN - 295 (LOT 1297) SOUTHERN RIVER ROAD, GOSNELLS

Director: C Terelinck
Author's Declaration Nil
of Interest:
Property Number: 207963
Application No: PF17/00033
Applicant: Rowe Group
Owner: Sabrechief Pty Ltd
Location: 295 (Lot 1297) Southern River Road, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes, State Administrative Tribunal against a decision by the Western Australian Planning Commission to not approve the amendment.
Area: 2.2916ha
Previous Ref: Nil.
Appendices: 13.2.5A Approved Chamberlain Street ODP
13.2.5B Proposed Chamberlain Street ODP
13.2.5C Structure Plan Amendment Report
13.2.5D Draft Local Development Plan

PURPOSE OF REPORT

For Council to endorse the assessment of a proposed amendment to the Chamberlain Street Outline Development Plan (ODP). The amendment relates to 295 (Lot 1297) Southern River Road, Gosnells.

BACKGROUND**Site Description and Planning Framework**

The Chamberlain Street ODP was adopted on 26 April 2006 and relates to an area generally bound by Southern River Road, Chamberlain Street and Southern River. The ODP is intended to provide a framework to guide the subdivision and development of the various parcels of land within this area and incorporates the following elements:

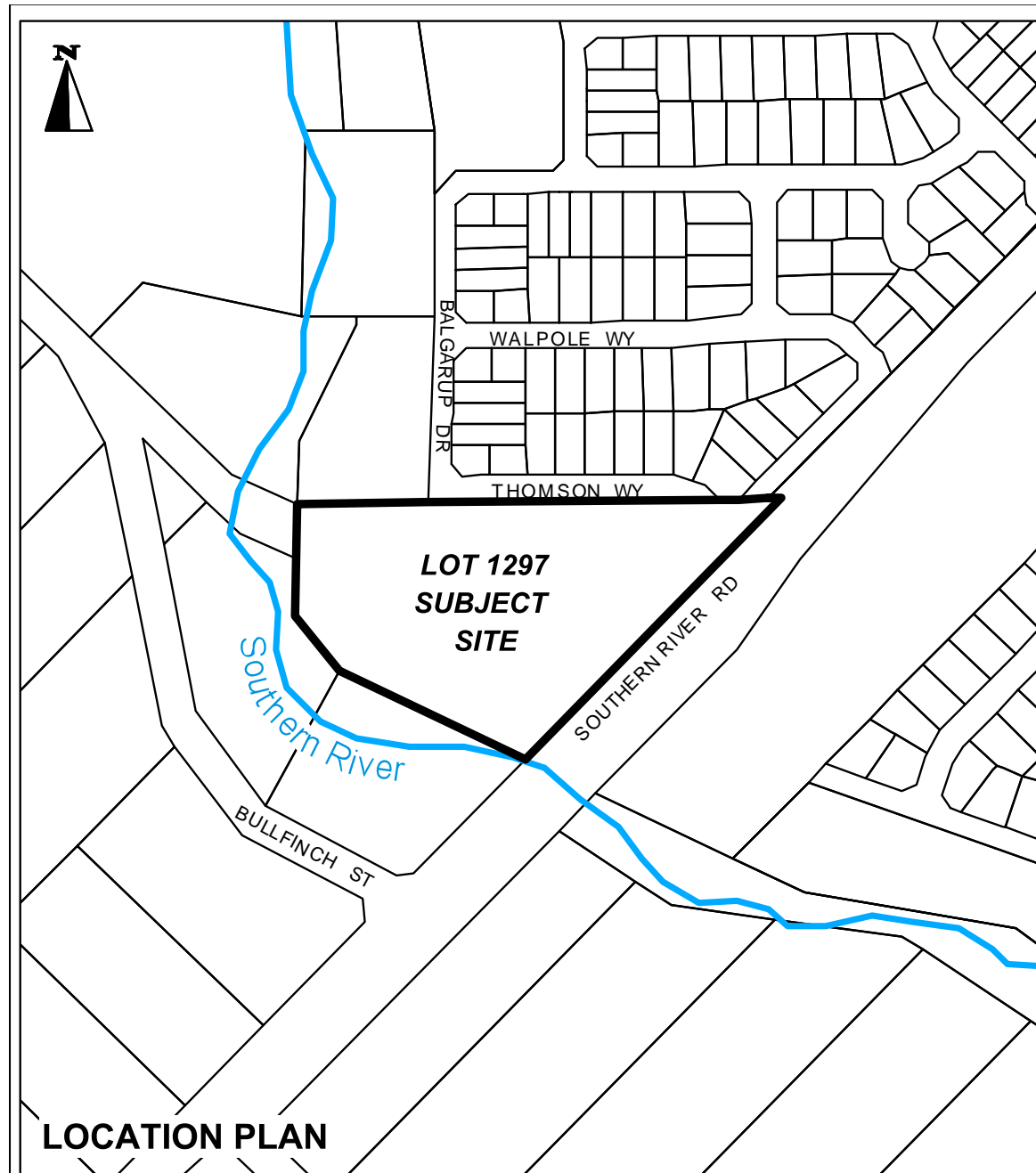
- Land designated as Residential with codings of R20 and R30.
- Extension of the local road network.
- Areas of Regional and Public Open Space.
- A Local Centre on the corner of Southern River Road and Chamberlain Street.
- An adopted heritage site known as Lander Farm.

A copy of the ODP is contained as Appendix 13.2.6A.

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This proposal relates to one portion of the ODP area, being 295 (Lot 1297) Southern River Road, Southern River. The land abuts the Southern River Foreshore reserve and contains an area of future Regional Open Space (ROS). The site currently includes a single residential dwelling. The subject site is one of the last undeveloped sites within the ODP area.

A map identifying the location of the subject site follows.



*Item 13.2.5 Continued***Proposal**

The proposal includes the following:

- Raising the southern portion of the ODP area from Residential R20 to Residential R30
- A minor realignment and reduction of the Public Open Space (POS).

A plan showing the proposed ODP is contained as Appendix 13.2.5B.

Referrals and Consultation

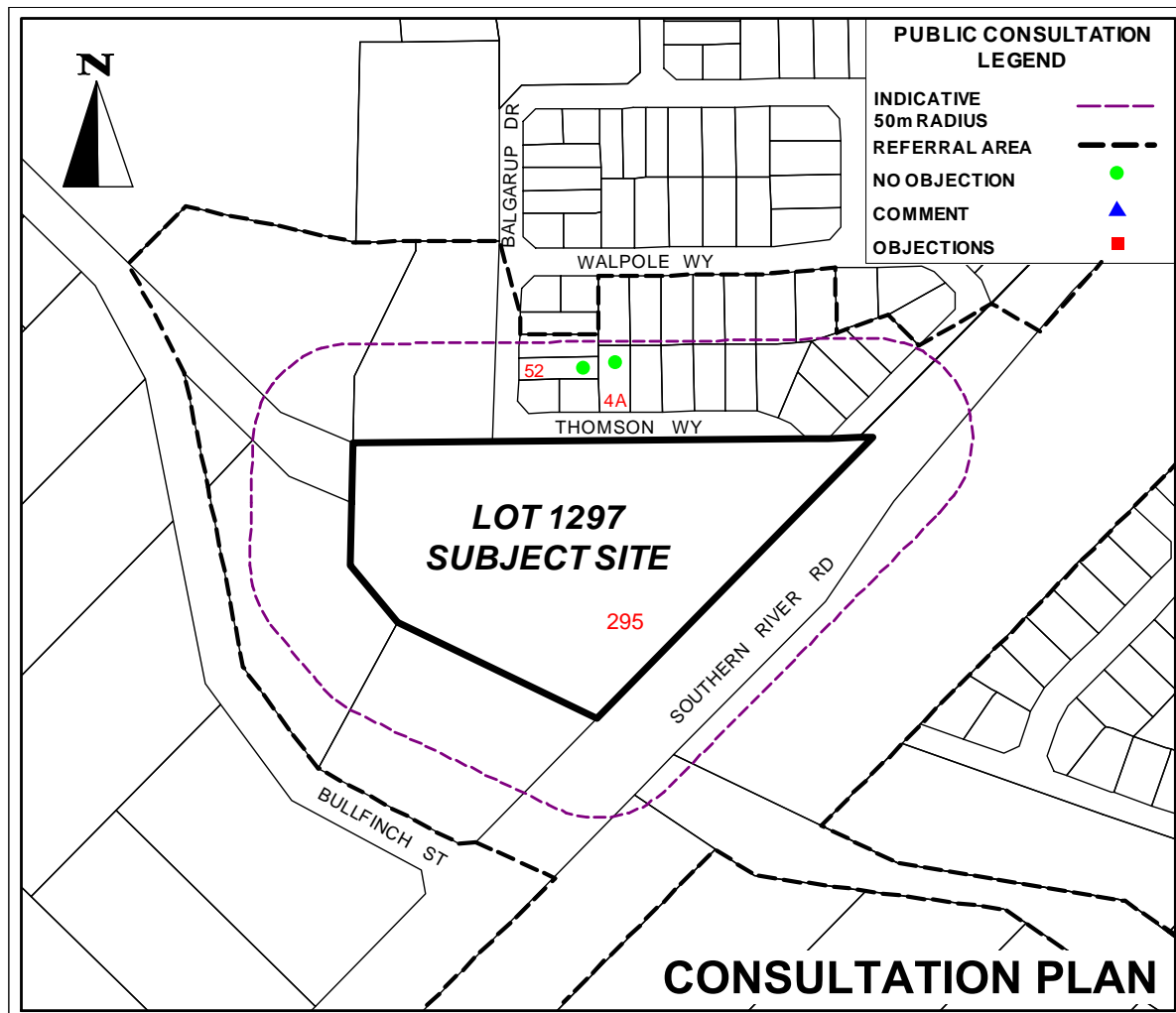
In accordance with Clause 18 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal was advertised for a period of 19 days (18 January 2018 to 5 February 2018) by way of letters sent to the owners of 25 properties within the consultation area. In addition, three occupiers of properties were also invited to comment.

In response, two submissions were received in support of the proposal. The submitters provided comment on the amendment, suggesting that the proposed POS be utilised for residential development with any funds gained through this process to facilitate an upgrade to the park in Yilgarn Way.

Upgrades to Yilgarn Way POS have recently been completed by the City. Should the WAPC agree, the City can request the area of POS be provided in the form of a cash-in-lieu contribution by the landowner/applicant to the local government at the time of subdivision.

A map identifying the consultation area and the origin of the submissions follows.

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**DISCUSSION**

The Structure Plan Amendment report submitted for the proposal does not follow the Western Australian Planning Commission's Structure Plan Framework. Given the Chamberlain Street ODP pre-dates this framework, the City supports the amendment documents in their current form, subject to modifications to include an endorsement page, table of amendments and density plan as required by the Structure Plan Framework (modification 1).

Residential Density*Directions 2031*

Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon ('Directions 2031') was released by the WAPC in August 2010 as the plan to provide a vision for the future growth of the Metropolitan and Peel region. It provides a broad framework to guide detailed planning and the delivery of the various elements that provide for growth.

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To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare of land in new development areas.

The Structure Plan report states that the proposed Structure Plan meets the density target set out in Directions 2031.

Liveable Neighbourhoods

Liveable Neighbourhoods (LN) has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy, and operates as a sustainable development control policy to guide the design of structure planning and subdivision.

The Structure Plan integrates appropriately with its surroundings and all lots are within a walkable catchment to POS from within the Structure Plan area.

The proposed R30 density is considered appropriate as it responds to the location and context of the site and meets LN and Directions 2031 minimum density requirements.

Urban Form

The applicant has submitted a concurrent application for a Local Development Plan (LDP) for the subject area to guide the built form development. The draft LDP (contained as Appendix 13.2.5D) demonstrates how the built form for the site will ultimately be delivered and addresses matters such as garage and driveway locations, bushfire management and acoustic management. The LDP will allow for development that complies with the considerations mentioned in the City's Residential Local Planning Policy (LPP1.1.1). The City is generally supportive of the LDP.

Public Open Space

Liveable Neighbourhoods requires a total of 10% of the gross subdivisible area to be provided in the form of POS. The Chamberlain Street ODP has a gross subdivisible area of 15.68ha, and therefore 1.56ha of POS is required.

The Chamberlain Street ODP included provision for each individual lot within the ODP area to provide 10% of its subdivisible area as public open space.

For Lot 1297, a total of 1,482m² of POS was required to be provided. A total of 1,210m² of POS has been provided as part of this amendment. A total of 1.54ha over the total ODP will therefore be provided as POS in lieu of the required 1.56ha.

This reduction stems from an increase to the adjoining Regional Open Space (ROS) river foreshore reserve from 8,097m² to 1.015ha, which was required by the WAPC under Caveat N160203.

The applicant proposes a minor reduction in POS (272m²) on the basis that the adjoining ROS is to be enlarged by 2053m² more than was proposed when the ODP was first adopted.

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The City is supportive of the reduction of POS, given it is a result of the requirement to give up land for ROS, and is not as a result of the proposed increase in density.

As the ODP submitted for approval includes the original 8,097m² ROS area, a modification is recommended to reflect the 1.02ha required (modification 2).

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (SPP3.7) applies to all planning applications in designated bushfire prone areas, which includes the subject site. It sets out policy measures applicable to the consideration of development in bushfire prone areas. SPP3.7 provides a general presumption against the introduction or intensification of land use in areas subject to extreme bushfire hazard (including BAL-40 and BAL-FZ).

In considering the adjacent areas of bushfire hazard, the proposed area of POS needs to be considered.

The area of future POS is currently low threat unmanaged vegetation. The City does not support the turfing of the POS given the maintenance issues with its small size, and would instead prefer the POS to be developed into an environmental garden. This scenario has implications on the Bushfire Management Plan (BMP) submitted by the applicant in accordance with SPP 3.7, as modifying the vegetation class would increase the bushfire risk.

The City requested and has since been in discussions with the applicant regarding the POS treatment, in an attempt to resolve the issue to both parties' satisfaction. To this end, a Landscape Plan was prepared and submitted by the applicant and has been the subject of further discussion and debate.

Whilst the City does not seek to increase the bushfire threat, it does need to consider the practicality and management obligations that would otherwise arise from turfing a small area. The City appreciates that this ODP and the general size and location of the POS has already been approved, and therefore has endeavoured to resolve the issue.

The City is prepared to resolve this issue by leaving the area of POS in its current undeveloped state, and manage the vegetation on site with regular slashing to mitigate bushfire risk.

To compensate the applicant not being required to develop this area of POS, the City would require additional tree planting in the ROS.

This could be conditioned as a requirement of subdivision approval, and does not preclude the City supporting the ODP amendment. At the time of subdivision, an updated BMP will be required to reflect the modification to the vegetation within the ROS.

Statutory Process

In accordance with part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government must provide a report to the WAPC containing the following:

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- (a) *A list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under Clause 19(2);*
- (b) *any comments by the local government in respect of those submissions;*
- (c) *a schedule of any proposed modifications to address issues raised in the submissions;*
- (d) *the local government's assessment of the proposal based on appropriate planning principles;*
- (e) *a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any modifications."*

CONCLUSION

The structure plan amendments are supported, subject to the following modifications being made:

No.	Recommended Modification and/or Information Requirement	Reason(s)
1.	The inclusion of an endorsement page, table of amendments and density plan.	To bring the Structure Plan Amendment document in line with the Department of Planning's Structure Plan Framework.
2.	Amend the Chamberlain Street Outline Development Plan to include 1.02ha Regional Open Space in lieu of the 8,097m ² shown.	To reflect the reduction of public open space as a result of Caveat N160203.
3	The amendment documentation to include reference to the requirement for additional tree planting in the Regional Open Space at the subdivision stage.	To offset the minor loss of local POS with some additional improvement to the adjoining Regional Open Space.

FINANCIAL IMPLICATIONS

All costs associated with the proposed amendment will be borne by the applicant.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions.*
- Town Planning Scheme No. 6.
- Chamberlain Street Outline Development Plan.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 4)

156 Moved Cr D Griffiths Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 – Deemed Provisions, notes the submissions received in respect of the proposed amendment to the Chamberlain Street Outline Development Plan, and endorses the responses to those submissions.

CARRIED 10/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 4)

157 Moved Cr D Griffiths Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, endorses the assessment of the proposed amendment to the Chamberlain Street Outline Development Plan as it relates to 295 (Lot 1297) Southern River Road, Gosnells, as outlined in this report.

CARRIED 10/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 4)

158 Moved Cr D Griffiths Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, recommends to the Western Australian Planning Commission that the amendment to the Chamberlain Street Outline Development Plan as it relates to 295 (Lot 1297) Southern River Road, Gosnells, be approved subject to the following modifications:

No.	Recommended Modification and/or Information Requirement	Reason(s)
1.	The inclusion of an endorsement page, table of amendments and density plan.	To bring the Structure Plan Amendment document in line with the Department of Planning's Structure Plan Framework.
2.	Amend the Chamberlain Street Outline Development Plan to include 1.02ha Regional Open Space in lieu of the 8,097m ² shown.	To reflect the reduction of public open space as a result of Caveat N160203.
3	The amendment documentation to include reference to the requirement for additional tree planting in the Regional Open Space at the subdivision stage.	To offset the minor loss of local POS with some additional improvement to the adjoining Regional Open Space.

CARRIED 10/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 OF 4)

159 Moved Cr D Griffiths Seconded Cr O Searle

That Council, following determination of the proposal by the Commission, notifies those persons who made a submission on the amendment to the Chamberlain Street Outline Development Plan of its decision.

CARRIED 10/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.