

### **3.5 PROPOSED MODIFICATION (A) TO OUTLINE DEVELOPMENT PLAN 38 - LOT 237 TOODYAY ROAD, GIDGEGANNUP**

(Gidgegannup) (Development Services)

#### **KEY ISSUES**

- Outline Development Plan 38 (Strawberry Hills Estate) was endorsed by Council on 2 January 2001.
- ODP 38 indicates Lot 237 as one 9.1ha lot in this location.
- This proposal is to create two lots of 3.3ha and 5.8ha (being a battle axe lot).
- The land is part of a Rural Residential precinct under the Gidgegannup Rural Strategy, which permits 2ha subdivision, subject to land capability and suitability.
- The applicant has provided land capability information which justifies the proposal.
- The front portion of the lot is approved and used for a Nursery and Produce Store. The City is currently in receipt of an application for a caretaker's dwelling on this portion of the site.
- The proposed lot to the rear would not contain any of these business activities and would utilise the building envelope originally approved when the ODP was adopted.

The proposed modification meets the requirements of the Gidgegannup Rural Strategy and therefore is recommended for approval subject to minor modifications. Upon receipt of the modified ODP it be forwarded to the Western Australian Planning Commission for their approval.

#### **AUTHORITY/DISCRETION**

The City has the authority as described in section 6.2.1 of the City's Town Planning Scheme No. 9 to consider modifications to Outline Development Plans.

Modifications are also required to be endorsed by the Western Australian Planning Commission.

## **BACKGROUND**

Applicant:	Statewest Surveying and Planning (Directors: BA Hunt & RJM Rogers)
Owner:	Avon Water Services P/L (Directors: Richard Powell, Nick Powell, Sharolyn Powell & Elizabeth Powell)
Zoning:	TPS - Rural Residential/Other Regional Roads MRS - Rural/Other Regional Roads
Strategy/Policy:	Gidgegannup Rural Strategy (POL-C-087) Building Envelopes Policy (POL-C-080)
Development Scheme:	Town Planning Scheme No. 9
Existing Land Use:	Nursery and Produce Store (approved)
Lot Size:	9.1ha
Area:	
Use Class:	N/A

## **DETAILS OF THE PROPOSAL**

The applicant proposes to modify a portion of the existing Outline Development Plan 38 (Strawberry Hills Estate) which currently shows one lot being divided into two lots (3.3ha and 5.5ha).

## **DESCRIPTION OF SITE**

The lot is located approximately 5km west of the Gidgegannup townsite and 230m west of the junction of Toodyay and Country Roads.

The lot gently slopes from Toodyay Road to the rear of the property (approximate gradient of 5.4%).

The lot is mostly cleared with some stands of remnant vegetation in the middle and rear of the lot.

All existing structures are clustered at the front portion of the lot and relate to the approved Nursery and Produce Store.

## **SITE HISTORY/PREVIOUS APPROVALS**

25 February 2003: Approved caretaker's dwelling (now expired)

19 May 2004: Nursery/Produce Store granted permanent approval (had temporary approval prior to this date)

## **OTHER RELEVANT PREVIOUS DECISIONS OF COUNCIL**

20 November 2004: City adopted the Gidgegannup Rural Strategy as a policy under its Town Planning Scheme No. 9. This notated the lot as part of a 'Rural Residential' precinct.

## **APPLICANT'S SUBMISSION**

- The land contains a Rural Supplies business which uses the front portion of the lot. This proposal will allow the business to be separate from the remainder of the property.
- An ODP report has been provided which addresses the criteria for a Rural Residential ODP.

## **PUBLIC CONSULTATION**

The application was advertised for just over four weeks via a sign on site, newspaper advertisement and letters to potentially affected neighbours.

Three letters of support was received from nearby landowners and a local interest group. No objections were lodged.

## **CONSULTATION WITH OTHER AGENCIES AND/OR CONSULTANTS**

### **Department of Indigenous Affairs:**

No Aboriginal Heritage Sites contained on the Aboriginal Heritage Management System for this lot. However, whether such sites are listed or not, they are protected under the Aboriginal Heritage Act.

The developer is urged therefore, to undertake an appropriate Aboriginal Heritage Survey prior to site disturbance, including consultation with relevant Aboriginal people. An advice note to this effect has been included.

### **Western Power:**

No objections, however any changes to the power system are the responsibility of the developer.

### **Department of Environment and Conservation:**

No comments or objections.

### **Main Roads Western Australia:**

The proposal is acceptable subject to a variety of conditions concerning the access point to Toodyay Road and use and reinstatement of the Toodyay Road reserve.

Many of the suggested conditions from Main Roads are more applicable to a development application or future subdivision application and therefore have not been included in the officer recommendation. It is noted that the access point to Toodyay Road is to remain shared.

## **REPORT**

### **Gidgegannup Rural Strategy:**

The land is part of a Rural Residential precinct under the Gidgegannup Rural Strategy, which permits 2ha subdivision, subject to land capability and suitability.

### **Land Capability:**

The applicant has provided land capability information specific to this property. From this document, it is abundantly clear that the existing Lot 237 has fair to high capability for dwelling construction and on site effluent disposal.

Given this, it is evident subdivision into smaller size lots (3.3ha and 5.8ha) can be accepted.

### **Potable Water Supply:**

All new dwellings will be required to be provided with a potable water supply. The scheme requires a minimum water tank size of 120,000 litres, unless this can be supplemented with an additional supply (e.g. bore).

### **Building Envelopes:**

There are sufficient cleared areas on the proposed new lots to accommodate building envelopes, in accordance with the City's Building Envelopes Policy (POL-C-080). A notional plan has been provided showing building envelopes. However, the plan should be updated to clearly indicate positioning of building envelopes (this will clarify that the existing envelopes are replaced).

### **Fire Management Plan:**

The City's Fire Services require the existing Fire Management Plan relevant to the lot to be revised to take into consideration the proposed new boundaries.

This should be submitted and approved prior to formally requesting WAPC grant approval to the ODP modification.

Implementation of the revised FMP can be required if a subdivision is granted approval (this may involve items such as additional fire access gates).

## **OPTIONS AND IMPLICATIONS**

Option 1: Council may approve the modification to the portion of the Outline Development Plan relating to Lot 237 Toodyay Road, Gidgegannup. A condition of approval would require building envelope plans to be

submitted for each new lot and a revised Fire Management Plan. This is the recommended option.

Implications: Approval of this request would be consistent with the City's Gidgegannup Rural Strategy. The City would have to forward the modification request to the WA Planning Commission for final approval. This provides an incentive for the developer to supply building envelope plans and FMP as soon as practicable.

Option 2: Council may refuse the request.

Implications: Council would need to provide reasons for refusal and specific regard would need to be given to the provisions of the Gidgegannup Rural Strategy.

## **CONCLUSION**

The applicant proposes to modify a portion of the existing Outline Development Plan 38 (Strawberry Hills Estate) which currently shows one lot being divided into two lots.

No objections were received.

The proposal is consistent with the Gidgegannup Rural Strategy, the provisions of which resulted from the Place Planning process. The proposal should be approved.

## **ATTACHMENTS**

- Location Plan
- Extract from existing ODP (showing one lot)
- Plan of proposed ODP modification (showing two lots)

## **STRATEGIC IMPLICATIONS**

Building Envelope Policy (POL-C-080)

Brigadoon-Gidgegannup Place Plan & Gidgegannup Rural Strategy (POL-C-087):

It is generally considered unusual for landowners to write letters of support or non-objection to proposals; in this case the City received three such responses. This may be attributed to the Gidgegannup Place Planning process, which involved wide community participation and consultation.

Hopefully, this is a sign of an engaged community who are not only displaying interest in planning proposals which affect them, but support the planning outcomes reflected in the Gidgegannup Rural Strategy (which were derived from the Place Plan).

## **STATUTORY ENVIRONMENT**

Town Planning Scheme No. 9

## **FINANCIAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the proposed modification to the portion of the Outline Development Plan 38 (Strawberry Hills Estate) relating to Lot 237 Toodyay Road, Gidgegannup, subject to:
  - a. Preparation and approval of building envelope plans for each proposed lot, in accordance with the siting and location guidelines for new building envelopes outlined in the City's Building Envelopes Policy (POL-C-080). This is to be shown as a 'modification to Outline Development Plan' and to be of sufficient scale that building envelope setbacks are clearly notated.
  - b. Preparation and approval of a revised Fire Management Plan by a suitably qualified person, to the satisfaction of the Principal Planner.
- 2) Following satisfactory compliance with Items 1 (a) and (b) above the modified ODP be forwarded to the Western Australian Planning Commission for final endorsement.
- 3) Advise all parties lodging a submission of this decision.

Advice to the Applicant:

1. The Department of Indigenous Affairs has advised that regardless of whether a site of Aboriginal heritage is listed on their register, all such sites are protected by the Aboriginal Heritage Act. Therefore, DIA recommend that prior to site disturbance, an Aboriginal heritage survey should be carried out and include consultation with relevant Aboriginal people.
2. Implementation of the revised Fire Management Plan will be expected prior to clearance of any future subdivision applications.

**CARRIED**