

3.6 PROPOSED MODIFICATION (B) TO OUTLINE DEVELOPMENT PLAN 38 - LOT 130 LAKEVIEW DRIVE, GIDGEGANNUP

(Gidgegannup) (Development Services)

KEY ISSUES

- Outline Development Plan 38 (Strawberry Hills Estate) was endorsed by Council on 2 January 2001.
- ODP 38 indicates three lots (approximately 4ha each) in this location.
- Lot 130 Lakeview Drive has remained as one 12.8ha parcel and was never divided into the three smaller lots.
- This proposal is to create six lots with a minimum lot size of 2ha.
- 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 a land capability report which justifies the proposal.

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:	Peter D Webb and Associates (Director: Peter D Webb)
Owner:	A & D Evangelista
Zoning:	TPS - Rural Residential MRS - Rural
Strategy/Policy:	Gidgegannup Rural Strategy (POL-C-087) Building Envelope Policy (POL-C-080)
Development Scheme:	Town Planning Scheme No. 9

Existing Land Use:	Dwelling - Single Rural pursuits
Lot Size:	12.8ha
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 three lots into six lots (with a minimum lot size of 2ha).

DESCRIPTION OF SITE

The lot is bounded by Lakeview Drive to the south and Grassy View to the eastern boundary. In total, it has approximately 700m of road frontage (all constructed).

The site has a steady rise from the southwest to the northeast, with an average gradient of approximately 2.4% (very low).

There is some remnant vegetation remaining, primarily in the north of the site and a smaller cluster in the middle. There is adequate area for the placement of building envelopes, in accordance with the City's Building Envelope Policy.

SITE HISTORY/PREVIOUS APPROVALS

2 January 2001: The City endorsed Outline Development Plan 38 (Strawberry Hills Estate) which indicated three lots in this location. However, the parcel remained as one 12.8ha lot.

OTHER RELEVANT PREVIOUS DECISIONS OF COUNCIL

20 November 2004: The 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

- A minimum lot size of 2ha will be provided.
- The average lot size in the estate will be maintained as 3.5ha.
- There are approximately 100 lots in the estate, this proposal will increase to 103 (a 3% increase only).

- The ODP modification is minor.
- The land contains a small amount of remnant vegetation and does not have a particularly significant slope.
- The lot sizes created will be consistent with the immediate locality.

PUBLIC CONSULTATION

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

Nine submissions were received in total, four objections and five non-objections.

One objection raised the issue of lot size; they did not want to see subdivision into lots less than 5 acres. As a minimum lot size of 2ha (=5 acres) is proposed, this objection is considered to be resolved.

Two objections raised the issue of potable water believing 2ha lots were not allowed without potable water. This is perhaps a misconception created when the WAPC Statement of Planning Policy 2.5 'Agricultural and Land use Planning' was modified in March 2002. The SPP recommends additional scheme provisions limiting lot sizes to 4ha without reticulated water supply. However this generally applies to new rural residential areas rather than areas which are already zoned. This is reflected in the City's Gidgegannup Rural Strategy which received WA Planning Commission endorsement indicating a 2ha minimum in this area. Potable water will be harvested on site with water tanks (as done with neighbouring lots).

Two of the objections raised concerns with native vegetation clearing. The original building envelopes on the current ODP are within the remnant vegetation area to the north of the lot. However, building envelopes for the new lot can be positioned in cleared areas. This will achieve a better outcome than would have been obtained if the lot had been developed in accordance with the current ODP. Furthermore, clearing of native vegetation is now regulated by the Department of Environment (licensing is now required).

CONSULTATION WITH OTHER AGENCIES AND/OR CONSULTANTS

Department of Indigenous Affairs:

No Aboriginal Heritage Sites are 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 objections, however clearing of native vegetation is prohibited without a permit. It is recommended that clearing be limited to that required for building purposes and development be limited to cleared areas.

This is consistent with the City's Building Envelopes Policy.

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 the land capability report commissioned when the original ODP was created. From this document, it is abundantly clear that the existing Lot 130 has high capability for dwelling construction and on site effluent disposal.

It is also clear that approximately half the site has low capability for agricultural activities, the other half has moderate to high capability for agricultural activity, however, this is constrained by water availability. Given this, it is evident subdivision into smaller (2ha) size lots 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). 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 to 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 130 Lakeview Drive, Gidgegannup. A condition of approval would require to be submitted building envelope plans 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 three lots into six lots (with a minimum lot size of 2ha).

Nine submissions were received, four objections and five non-objections. It is considered that all issues raised in the submissions either can, or have already been addressed.

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 three lots)
- Plan of proposed ODP modification (showing six lots)

STRATEGIC IMPLICATIONS

Building Envelope Policy (POL-C-080)

Brigadoon-Gidgegannup Place Plan and 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 five such responses (more than the objections). 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 130 Lakeview Drive, 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 not labelled 'plan of subdivision'.
 - b. Preparation and approval of a revised Fire Management Plan by a suitably qualified person, to the satisfaction of the Chief Executive Officer.
- 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 have 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. The Department of Environment and Conservation advise that clearing of native vegetation is not permitted without a permit.

3. Implementation of the revised Fire Management Plan will be expected prior to clearance of any future subdivision applications.

CARRIED