

June 2013

Peel Region Scheme Amendment 031/41



North Dandalup Townsite Expansion

Report on Submissions and
Hearings

Shire of Murray

**Peel Region Scheme
Amendment 031/41**

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Report on Submissions and Hearings for Amendment
No. 031/41 (North Dandalup Townsite Expansion) to the
Peel Region Scheme

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An introduction to Peel Region Scheme major amendments

The Peel Region Scheme (PRS) sets out the broad pattern for the use and development of land in the Peel region. The PRS is constantly under review to best reflect regional planning needs.

The Western Australian Planning Commission (WAPC) is responsible for keeping the PRS under review and initiating changes where necessary.

A proposal to amend the PRS is regulated by the *Planning and Development Act 2005*. This legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment, often referred to as a major amendment (made under section 41 of the Act), the WAPC considers all the submissions lodged and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning and to the Governor for approval. Both houses of Parliament must then scrutinise the amendment before it can take legal effect.

In each stage of the process for a substantial amendment to the PRS, information is published under the following titles:

Amendment Report

This document is available from the start of public advertising period for the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is being considered, and informs people on how they can comment through the submission process.

Environmental Review Report

The Environmental Protection Authority must consider the environmental impact of an amendment to the PRS before it can be advertised. If an amendment requires environmental assessment under Section 48A of the *Environmental Protection Act (1986)* an Environmental Review would be undertaken and made available for information and comment at the same time as the amendment report.

Report on Submissions

The Report on Submissions documents the submissions received when an amendment is advertised, the WAPC's determination of these submissions and the WAPC's recommendation to the Minister for Planning.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Transcript of hearings

A person who has made a written submission may also choose to appear before a hearings committee to express their views. The hearings proceedings are recorded and transcribed, and the transcripts of all hearings are reproduced in this volume.

Amendment No. 031/41 to the Peel Region Scheme

North Dandalup Townsite Expansion

1. Introduction

At its meeting of 22 May 2012, the Western Australian Planning Commission (WAPC) resolved to prepare Amendment 031/41 to the Peel Region Scheme, pursuant to section 41 of the *Planning and Development Act 2005*.

2. The proposed amendment

The purpose of the amendment is to transfer about 190 hectares of land from the Rural zone to the Urban zone in the Peel Region Scheme, to allow development of the land for urban purposes.

The amendment is consistent with the *North Dandalup Townsite Structure Plan*, which was endorsed by the WAPC in December 2011.

3. Environmental Protection Authority advice

On 23 May 2012, the amendment was referred to the Environmental Protection Authority for advice on whether environmental assessment would be required.

On 18 June 2012, the Environmental Protection Authority advised the amendment did not require environmental assessment under the *Environmental Protection Act 1986*. The Environmental Protection Authority also provided standard advice in respect of wetlands, surface and ground water and acid sulfate soils.

4. Call for submissions

The amendment was first advertised in the *Government Gazette* on 20 July 2012 and remained open for public submissions until 19 October 2012. Additional notices calling for public submissions were published on 24 August and 18 September 2012.

The amendment was also available for public inspection at the following locations:

- the Perth office of the Western Australian Planning Commission;
- the Department of Planning's Peel region office;
- the City of Mandurah's municipal offices;
- the Shire of Murray's municipal offices;
- the Shire of Waroona's municipal offices; and
- the J S Battye Library.

Notices of the amendment were also published in the *West Australian*, the *Sunday Times* and the *Mandurah Coastal Times*.

The owners of land subject to, or abutting land subject to the amendment were provided with a copy of the Amendment Report and advised of the opportunity to lodge a submission in respect of the amendment.

5. Submissions

When advertising of the amendment closed, a total of five submissions had been received. One submission was received after the close of submissions. A list of the parties who lodged a submission is attached at Appendix B.

None of the submissions received objected to the amendment. The Department of Transport did, however, recommend that the finalisation of the amendment should be postponed until a range of transport planning issues related to the amendment are adequately addressed.

6. Issues raised in submissions

One submission recommended the amendment be modified to include land west of (and abutting) the amendment area within the Urban zone. The proposed addition is located between the alignments of Lakes Road and the proposed Lakes Road deviation. The submitter considers these road alignments to be a more appropriate boundary for the proposed urban area.

The Department of Transport recommended the amendment be deferred until the land requirements for the proposed Lakes Road deviation and a minor realignment of Lakes Road/South Street have been determined. General advice was also provided on the design requirements for crossings over the rail line located within the amendment area.

The Water Corporation advised it is technically feasible to pump waste water south to the Pinjarra Waste Water Treatment Plant, as proposed by the proponent, but that there are also commercial considerations which need to be addressed.

7. Hearings

Section 46 of the *Planning and Development Act 2005* provides that each person who makes a submission is to be offered the opportunity of being heard by a committee formed by the WAPC for that purpose. The committee comprised:

- Mr Fred Chaney Member of the Peel Region Planning Committee;
- Mayor Paddi Creevey Mayor of City of Mandurah and member of the Peel Region Planning Committee; and
- Mr Paul Fitzpatrick Member of the Peel Region Planning Committee.

All persons who made submissions were invited to present their submissions to the Hearings Committee.

One hearing was requested and this occurred on 31 January 2013.

8. Determinations

Modification of the amendment

One submission suggested a more appropriate western boundary for the proposed urban area would be the boundaries formed by the current alignment of Lakes Road and the proposed Lakes Road deviation. On this basis the submission recommended the amendment be modified to include Lot 1 Lakes Road within the Urban or Urban Deferred zone.

The amendment and its boundaries are consistent with relevant draft and final strategic planning documents. In this respect:

- the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* identifies the amendment area as an Urban Investigation Area 2011 - 2020;
- the *North Dandalup Townsite Structure Plan* (endorsed by the WAPC in December 2011) identifies the amendment area as a Future Urban Area; and
- the *Nambeelup North Dandalup Local Rural Strategy* (endorsed by the WAPC in March 2012) identifies the amendment area as a Future Urban Area.

Lot 1 Lakes Road is not identified for urban purposes in the abovementioned documents or any other draft or endorsed strategic planning documents. Furthermore, the *Nambeelup North Dandalup Local Rural Strategy*, which considers a wider area than North Dandalup, identifies Lot 1 Lakes Road as Rural. As a result, there is no strategic basis for modifying the amendment to include Lot 1 Lakes Road in the Urban or Urban Deferred zone.

Deferral of the amendment pending the determination of land requirements for the proposed Lakes Road deviation

The Department of Transport recommended that the amendment be deferred until the land requirements for a minor realignment of Lakes Road/South Street and the proposed Lakes Road deviation have been determined. It is not considered necessary to defer the amendment for this reason as:

- a 150 metre wide corridor of land which is also part of the Urban Investigation Area 2011-2020 identified in the *Outer Metropolitan Perth and Peel Sub-Regional Strategy*, has been excluded from the amendment area (along the south-western boundary of the proposed addition to the Urban zone) to avoid compromising the planning of the proposed Lakes Road deviation. The Department of Planning is progressing road design concept planning for the whole of Lakes Road, from Parklands to North Dandalup, but this work will take a few years to complete; and
- the current alignment of Lakes Roads/South Street is unlikely to be included in the Other Regional Roads reservation, as the proposed Lakes Road deviation is likely to be included in the Other Regional Roads reservation. In this regard, the *North Dandalup Townsite Structure Plan* states the current alignment of Lakes Road/South Street will remain in place as a local road after the construction of the Lakes Road deviation. A minor realignment of this road may be required, which would be best addressed in the preparation of an outline development plan for the site.

Design requirements for rail line crossings

The Department of Transport provided general advice in respect of the design of railway crossings within the proposed urban area and advised that it would not support requests for new at grade crossings and that the crossing of the Lakes Road deviation over the rail will need to be grade separated. In these respects:

- a) the detailed design of any rail crossings will be addressed at subsequent stages of the planning process (subdivision and development stages) and is not relevant to the amendment;
- b) the *North Dandalup Townsite Structure Plan* does not propose any additional at grade rail crossings - it does indicate that the minor relocation of an existing at grade crossing should be considered during the preparation of an outline development plan, however, development of an expanded townsite would not be reliant on a relocated at grade rail crossing;

- c) the WAPC recognises that any relocation of an existing at grade railway crossing will require the Public Transport Authority's approval, as they are responsible for managing the railway; and
- d) the *North Dandalup Townsite Structure Plan* indicates that the provision of either an 'at grade' or 'grade separated' crossing over the railway line for the proposed Lakes Road deviation is subject to further investigations. These investigations will be undertaken as part of the road design concept planning being progressed by the Department of Planning for the proposed Lakes Road deviation. As mentioned previously, this work will take a few years to complete.

It is acknowledged there is a high likelihood that a grade separated crossing will be required over the railway line for the proposed Lakes Road deviation, given the projected long term traffic volumes for Lakes Road and the number of freight train movements on the railway line. The amendment provides the opportunity for a grade separated crossing to be provided over the railway line. The need for a grade separated crossing, as well as any land requirements for such a crossing, will be determined once the road design concept for Lakes Road has been completed. Following completion of this work, which will be undertaken in parallel with the preparation and finalisation of the South Metropolitan Peel Structure Plan, consideration will then be given to initiating an amendment to reserve the land required for the proposed Lakes Road deviation.

Waste water service provision

With regards to providing the site with a waste water service, the Water Corporation advised that the proponent's proposal to pump waste water from North Dandalup to the Pinjarra Waste Water Treatment Plant is feasible from an engineering perspective.

The above notwithstanding, there are commercial considerations which need to be addressed. These include securing the preferred route of the waste water and negotiating commercial terms for a licence holder, such as the Water Corporation, to take control of the infrastructure. In this regard, the Water Corporation advised that it has not made a final decision whether it will be the service provider for this area.

These commercial considerations do not prevent the land being transferred to the Urban zone, but they will need to be addressed prior to an outline development plan being prepared for the site.

9. Modifications to the amendment

After considering the submissions received in respect of the amendment, the WAPC recommended the amendment, as advertised, be approved and finalised without modification.

10. Coordination of Region and Local Scheme Amendments

Section 126(3) of the *Planning and Development Act 2005*, provides for the zoning of land in region and local planning schemes to be amended concurrently.

The WAPC proposed to amend the zoning of the site in the *Shire of Murray Town Planning Scheme No. 4*, pursuant to section 126(3) of the *Planning and Development Act 2005*, by transferring the land from the Rural zone to the Residential Development zone.

The Shire of Murray supports the amendment to the Peel Region Scheme and the concurrent amendment of the *Shire of Murray Town Planning Scheme No. 4*.

11. Conclusion and recommendation

This report summarises the background and reasoning for Amendment 031/41 to the Peel Region Scheme, and examines the submissions received. The Western Australian Planning Commission thanks those who made submissions.

After considering the submission received, the Western Australian Planning Commission is satisfied the amendment should be finalised, and has recommended the Minister of Planning present the amendment to His Excellency the Governor for his consideration and approval and subsequently commend the amendment to both House of Parliament.

Appendix A

Notice of Environmental Assessment



Environmental Protection Authority

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6467 5000.
Facsimile: (08) 6467 5557.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6850.
Website: www.epa.wa.gov.au

Secretary - Peel Region Planning
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Your Ref RLS/0240/1
Our Ref A508277
Enquiries Angela Coletti
Phone 6467 5490

ATTENTION: Mr Brett Pye

Dear Sir/Madam

DECISION UNDER SECTION 48A(1)(a) *Environmental Protection Act 1986*

SCHEME AMENDMENT TITLE: Peel Region Scheme Amendment 031/41 -
North Dandalup Townsite Expansion
LOCATION: Shire of Murray
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Scheme Amendment Not Assessed –
Advice Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

- Wetlands
- Surface and groundwater
- Acid Sulfate Soils

2. Advice and recommendations regarding Environmental Issues

The Office of the Environmental Protection Authority acknowledges that the wetlands appear to be in very poor condition due to clearing and agricultural use and will be the subject of further environmental assessment.



The EPA is of the view that the potential environmental impacts of the proposed rezoning on wetland buffer requirements, surface and groundwater and Acid Sulfate Soils are of a type that can be adequately managed through the planning process in consultation with the Department of Planning, Department of Environment and Conservation, Department of Water and relevant agencies where appropriate.

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully



Anthony Sutton
Director
Assessment and Compliance Division

18 June 2012

Appendix B

List of Submissions

Peel Region Scheme Amendment 031/41

List of Submissions

Number	Name
1	Department of Water
2	Shire of Murray
3	Peel Preservation Group Inc.
4	Scott Kerr
5	Water Corporation
6	Department of Transport (Late Submission)

Appendix C

Summary of Submissions and Determinations

Summary of Submissions and Determinations

Peel Region Scheme Amendment 031/41

North Dandalup Townsite Expansion

Submission: 1
Submitted by: Department of Water
Nature of Interest: Government Agency
Affected Land: General

Summary of Submission:

1. Supports the amendment as it is supported by an approved district water management strategy.
2. Provides standard advice in respect of the *Rights in Water and Irrigation Act 1914*, *Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992* and *State Planning Policy 2.1: Peel Harvey Coastal Plain Catchment*.
3. Recommends the amendment be referred to the Department of Environment and Conservation.

Planning Comment:

- 1-2. Noted.
3. The amendment was referred to the Department of Environment and Conservation for preliminary comments prior to the consideration of the amendment by the WAPC for initiation. The Department of Environment and Conservation advised there are wetland areas located in the amendment area and that it does not object to them being located in the urban zone, subject to future local structure planning providing for their protection. A further referral is not necessary.

Determination:

- 1-2. Noted.
3. Dismissed.

Submission: 2
Submitted by: Shire of Murray
Nature of Interest: Local Government
Affected Land: General

Summary of Submission:

1. Supports the amendment as it is consistent with the *North Dandalup Townsite Structure Plan*.
2. Notes the amendment does not include land intended for the Lakes Road deviation, as the land requirements of the deviation have not been finalised. Suggests the deviation could be included in the Other Regional Roads reservation once the land requirements are determined.
3. No objection to the concurrent amendment of the *Shire of Murray Town Planning Scheme No. 4*, to transfer the site to the Residential Development zone.

General advice provided in relation to the development requirements for the Residential Development zone and how these requirements do not accommodate non-residential uses such as primary schools and commercial uses.

4. Any developer contributions that may be required for community facilities, public open space, infrastructure and associated administration costs will need to be identified. These contributions could be addressed by the *Shire of Murray's Community Facilities and Services Plan 2021*, which is yet to be finalised.

Planning Comment:

1. Noted.
2. The Department of Planning is progressing road design concept planning for the whole of Lakes Road, from Parklands to North Dandalup, but this work is in the initial stages and will take a few years to complete. The land requirements for the proposed Lakes Road deviation will be determined as part of this road design concept planning. Following completion of this work, which will be undertaken in parallel with the preparation and finalisation of the South Metropolitan Peel Structure Plan, consideration will then be given to initiating an amendment to the Peel Region Scheme to reserve the land required for the proposed Lakes Road deviation.

It is acknowledged there is a high likelihood that a grade separated crossing will be required over the railway line for the proposed Lakes Road deviation, given the projected long term traffic volumes for Lakes Road and the number of freight train services on railway line. The amendment provides the opportunity for a grade separated crossing to be provided over the railway line.

3. The list of current permitted and discretionary uses under the Residential Development zone of the *Shire of Murray Town Planning Scheme No. 4* is considered adequate for progressing the initial stages of residential development in the amendment area. The Department of Planning is liaising with the Shire of Murray to investigate the need to expand the list of discretionary land uses under the Residential Development zone.
4. The provisions of *State Planning Policy 3.6: Development Contributions for Infrastructure* (SPP 3.6) outline the processes and key principles relating to the formation and implementation of developer contribution arrangements. These provisions outline that there is a need for the local government to

prepare a development contribution plan, which prescribes the cost contributions for land owners in a development contribution area. SPP 3.6 also provides guidance as to what service and community infrastructure contributions can be reasonably required under a development contribution plan.

There is also a requirement that a development contribution plan is incorporated into a local planning scheme and consequently it does not have effect until it forms part of the scheme.

Provision 5.7 of SPP 3.6 outlines that local governments are not to impose development contributions beyond the scope of WAPC policy as conditions or prerequisites for rezoning. Furthermore, as explained in provision 5.3.2 of SPP 3.6, development contributions are generally calculated and applied by way of conditions of subdivisions, strata subdivision or development, particularly in greenfield areas.

Determination:

1-4. Noted.

Submission:	3
Submitted by:	Peel Preservation Group Inc.
Nature of Interest:	Community Group
Affected Land:	General

Summary of Submission:

1. Recognises the need for the amendment.
2. Appropriate buffers should be provided around wetlands located within the site (75 metre buffers would be preferred). Revegetation of these buffers should also be carried out.
3. Wetlands also need to be considered when planning the proposed Lakes Road deviation.

Planning Comment:

1. Noted.
2. The determination of appropriate buffers around wetlands is best considered in the preparation of an outline development plan for the site.
3. Detailed planning for the proposed Lakes Road deviation is outside the scope of the amendment, however, any environmentally significant wetlands in the vicinity of the proposed deviation will be taken into consideration during the preparation of detailed planning for the proposed deviation.

Determination:

1-3 . Noted.

Submission: 4

Submitted by: Masterplan Consultants on behalf of a landowner

Nature of Interest: Adjoining Landowner

Affected Land: Lots 1 and B45 Lakes Road, North Dandalup

Summary of Submission:

1. Supports the amendment.
2. A more appropriate western boundary for the proposed urban area would be the road boundaries formed by the existing Lakes Road and the proposed Lakes Road deviation. On this basis, Lot 1 Lakes Road should be included within the proposed urban area.

Alternatively, Lot 1 Lakes Road could be transferred to the Urban Deferred zone pending the finalisation of the Lakes Road deviation.

3. The initiation of the amendment appears to contradict the Department of Planning's advice in relation to land in North Ravenswood, where it has advised a rezoning request could not be considered until strategic planning for the Peel Region has been completed. The initiation of *Peel Region Scheme Amendment 035/57 Madora Bay (North)* and *Metropolitan Region Scheme Amendment 1218/41 Keralup Stage 1* also appears to contradict this advice.

Planning Comment:

1. Noted.
2. The land between the existing Lakes Road and the proposed Lakes Road deviation, west of the land subject to the amendment, has an area of approximately 70 hectares. Based upon a gross density of between 11 and 15 dwellings per hectare, this could add 770 to 1050 dwellings and consequently approximately 1,925 to 2,625 residents (based on 2.5 residents per dwelling) to the North Dandalup townsite.

The WAPC endorsed *North Dandalup Townsite Structure Plan* does not show the land between the existing Lakes Road and proposed Lakes Road deviation and west of the land subject to the amendment as future urban. In this submission on the amendment, it is argued that the existing Lakes Road and proposed Lakes Road deviation would be more logical boundaries for any proposed urban area for an expanded North Dandalup townsite.

The *North Dandalup Townsite Structure Plan* estimates a total lot yield of 3,920 lots for the townsite and surrounding rural residential areas, which includes a possible 2,595 dwellings in the urban area proposed by the amendment. The magnitude of additional dwellings proposed for North Dandalup in the structure plan is considered sufficient to allow the townsite to expand and evolve in the short to medium term, whilst being reasonably feasible to provide essential infrastructure services to the town. It is, however, acknowledged that there will be a need to have staged arrangement for the provision of infrastructure services for the urban area proposed in this amendment, as the 'take up rate' of new residential lots in the urban area

proposed by this amendment is expected to be relatively slow given the locational aspects of North Dandalup. The proponent's engineering consultants have already had discussion with the Water Corporation on possible staged infrastructure servicing arrangements.

The amendment and its boundaries are consistent with relevant draft and final strategic planning documents. In this respect:

- the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* identifies the amendment area as an Urban Investigation Area 2011 - 2020;
- the *North Dandalup Townsite Structure Plan* (endorsed by the WAPC in December 2011) identifies the amendment area as a Future Urban Area; and
- the *Nambeelup North Dandalup Local Rural Strategy* (endorsed by the WAPC in March 2012) identifies the amendment area as a Future Urban Area.

Lot 1 Lakes Road is not identified for urban purposes in the abovementioned documents or any other current draft strategic documents. Accordingly, there is no compelling strategic planning basis for supporting a modification to the amendment to include Lot 1 Lakes Road in the Urban or Urban Deferred zone.

The WAPC has previously considered a submission in respect of the *North Dandalup Townsite Structure Plan*, which recommended including Lot 1 Lakes Road within the future urban area. The WAPC dismissed this submission as:

- the structure plan boundaries were consistent with the urban investigation area identified in the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* and extent of previous townsite structure planning investigations; and
- Lot 1 Lakes Road was identified as rural in the then draft *Nambeelup North Dandalup Local Rural Strategy*. This strategy was endorsed by the WAPC in March 2012.

3. The land in North Ravenswood is located about 10 kilometres south west of the amendment area and is outside the scope of the amendment. The Department of Planning has previously provided advice that the rezoning of land at North Ravenswood from Rural to Urban and/or Urban Deferred is premature as the regional land use, transport and infrastructure proposals for the Peel region are still being formulated as part of the preparation of the draft South Metropolitan Peel Structure Plan. The decision as to whether North Ravenswood is identified for future urban will be determined through the preparation, advertising and then finalisation of the proposed South Metropolitan Peel Structure Plan. Therefore, it would be inappropriate to initiate any amendment to the Peel Region Scheme for North Ravenswood at this stage.

The sites subject to the Madora Bay and Keralup region scheme amendment proposals are identified as part of an Urban Expansion Area 2011 - 2015 in the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*, which provides a strategic basis for these amendment proposals. Furthermore, it was considered that these rezoning proposals could be progressed as:

- there was sufficient planning, environmental, and infrastructure

- investigations to support a region scheme amendment being initiated; and
- the WAPC was confident that such rezoning proposals would not prejudice possible future strategic planning proposals.

This submission was supported by a hearing.

Determination:

1. Noted.
- 2-3. Dismissed.

Submission:	5
Submitted by:	Water Corporation
Nature of Interest:	Government Agency
Affected Land:	General

Summary of Submission:

1. Frontal urban development is favoured as it makes better use of existing infrastructure and minimises the capital and operating costs of upgrading and maintaining infrastructure.
2. *Directions 2031 and beyond* and the draft *Outer Metropolitan and Peel Sub-Regional Strategy* do not provide any detailed analysis or justification for advancing the expansion of North Dandalup at this time.
3. The provision of a water supply to the proposed urban expansion area will require an expansion of the existing town water supply. Development of increased local treatment, storage and distribution capacity will be required. It is also likely that additional land will be required for a new storage tank site.
4. North Dandalup is now located within a sewerage service operating licence area, however, there is no waste water scheme operating within or close to North Dandalup.

It is proposed to pump waste water from North Dandalup to the Pinjarra Waste Water Treatment Plant, but there are significant design and operational challenges which could render this solution unviable.

Should the land be transferred to the Urban zone, the Corporation will continue to work with the proponent to address servicing issues.

Planning Comment:

1. Noted.
2. *The North Dandalup Townsite Structure Plan* and the *North Dandalup District Water Management Strategy* provide an analysis of the issues associated with the amendment.
3. The expansion of the town water supply and purchase of additional land to

accommodate a new storage tank will need to be considered in the preparation of an outline development plan. Prior to the amendment being initiated by the WAPC, the proponent's engineering consultants undertook consultations with the Water Corporation regarding suitable arrangements to provide reticulated water for the proposed urban area.

4. In further discussions, the Water Corporation advised that the proponent's proposal to pump waste water from North Dandalup to the Pinjarra Waste Water Treatment Plant is feasible from an engineering perspective. The above notwithstanding, there are commercial considerations which will need to be addressed. These include securing the preferred route of the waste water pipeline and negotiating commercial terms for a licence holder, such as the Water Corporation, to take control of the infrastructure. These commercial considerations do not prevent the land being transferred to the Urban zone, but they will need to be addressed prior to an outline development plan being prepared for the site.

Determination:

- 1-4. Noted.

Submission:	Late Submission
Submitted by:	Department of Transport
Nature of Interest:	Government Agency
Affected Land:	General

Summary of Submission:

1. Directs attention to comments previously provided on the *North Dandalup Townsite Structure Plan*.
2. General advice is provided in relation to road design requirements which will need to be considered in the design of any future roads within the site.

Direct access from the amendment area to South Western Highway is not supported and the proposed Lakes Road deviation may impact on the current passing lane on the highway.

3. The rail line located within the amendment area is strategically important and carries a significant number of freight movements. It is predicted the number of freight movements will increase into the future.

Provides general advice in regards to design requirements for new or upgraded crossings over the rail line and advises that any requests for new pedestrian or road level crossings over rail line will not be supported.

General advice is provided regarding fencing and drainage requirements for the rail corridor.

4. Anticipates the proposed Lakes Road deviation south of the amendment area and a possible realignment of Lakes Road/South Street through the amendment area will be included in the Other Regional Roads reservation. The developer should cede the required land free of cost to the Crown and

construct the realignment and deviation of Lakes Road as part of the overall development.

Recommends deferring the amendment pending the finalisation of land requirements for the proposed Lakes Road deviation and the proposed realignment of Lakes Road/South Street, so appropriate reserves can be included in this amendment proposal.

5. Noise amelioration measures will need to be implemented in accordance with *State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.
6. A full transport assessment should be completed as per WAPC guidelines, which takes into account public transport, freight and cycling infrastructure at the development stage.

Planning Comment:

1. Noted.
2. General road design requirements are not considered in the assessment of a region scheme amendment. They are best considered in the preparation of an outline development plan or a subdivision proposal.
3. The location and detailed design, or upgrade, of rail crossings is outside the scope of the amendment and would be best considered in the preparation of an outline development plan for the site and in the final design of the proposed Lakes Road deviation.

Fencing of the rail reserve and drainage requirements for the proposed urban area would be best considered in the preparation of an outline development plan or subdivision proposal. It is, however, noted that land alongside the rail corridor has been identified for drainage purposes in the *North Dandalup Townsite Structure Plan*.

4. It is more appropriate for reserved land to be ceded as a condition of subdivision approval (if granted) rather than as part of a region scheme amendment proposal. In accordance with the relevant requirements of *Development Control Policy 1.1: Subdivision of Land - General principles* and *Development Control Policy 1.7: General Road Planning*, the WAPC may impose a condition of subdivision approval requiring the ceding of land to the Crown free of cost for the purposes of constructing a regional road if the regional road is necessary and relevant to the subdivision. The need and specifics of such a condition would be best considered during the assessment of a subdivision application.

The Department of Planning is progressing work on the preparation of road design concept plans for the whole of Lakes Road, from Parklands to North Dandalup. The amendment will not compromise the opportunity for a grade separated crossing to be provided over the railway line in the future. When the road design concept work has been completed for Lakes Road, the need for a grade separated crossing will be determined as well as any resulting land requirements for such a crossing. Following completion of this work, which will be undertaken in parallel with the preparation and finalisation of the South Metropolitan Peel Structure Plan, consideration will then be given to initiating an amendment to reserve the land required for the proposed Lakes Road deviation.

In view of the above, it is not necessary or appropriate to defer the amendment pending the finalisation of land requirements for the future alignments of Lakes Road and Lakes Road/South Street as:

- a 150 metre wide corridor of land has been excluded from the amendment area along its south western boundary to avoid compromising planning for the proposed Lakes Road deviation; and
 - the current alignment of Lakes Road/South Street is unlikely to be included in the Other Regional Roads reservation, given the proposed Lakes Road deviation is likely to be included in the Other Regional Roads reservation. In this regard, the *North Dandalup Townsite Structure Plan* states the original alignment of Lakes Road/South Street will remain in place as a local road following the construction of the Lakes Road deviation. A minor realignment of this road may be required, which would be best considered in the preparation of an outline development plan for the site.
5. A preliminary transportation noise assessment was commissioned for the amendment area by the proponent. This assessment found that any future development of the amendment area would be affected by transportation noise that exceeds the criteria contained within *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. Accordingly, to adequately address these noise issues, noise mitigation measures will need to be considered in the preparation of an outline development plan for, and in the future development of, the amendment area. There may also be a need to complete a further transportation noise assessment at the outline development plan stage, as further details of the land use and road proposals would be available at that stage.
6. The WAPC's *Transport Assessment Guidelines for Developments* provides guidance on completing transport assessments for development proposals. These guidelines identify the structure planning, subdivision and development application stages as the most appropriate times to carry out transport assessments.

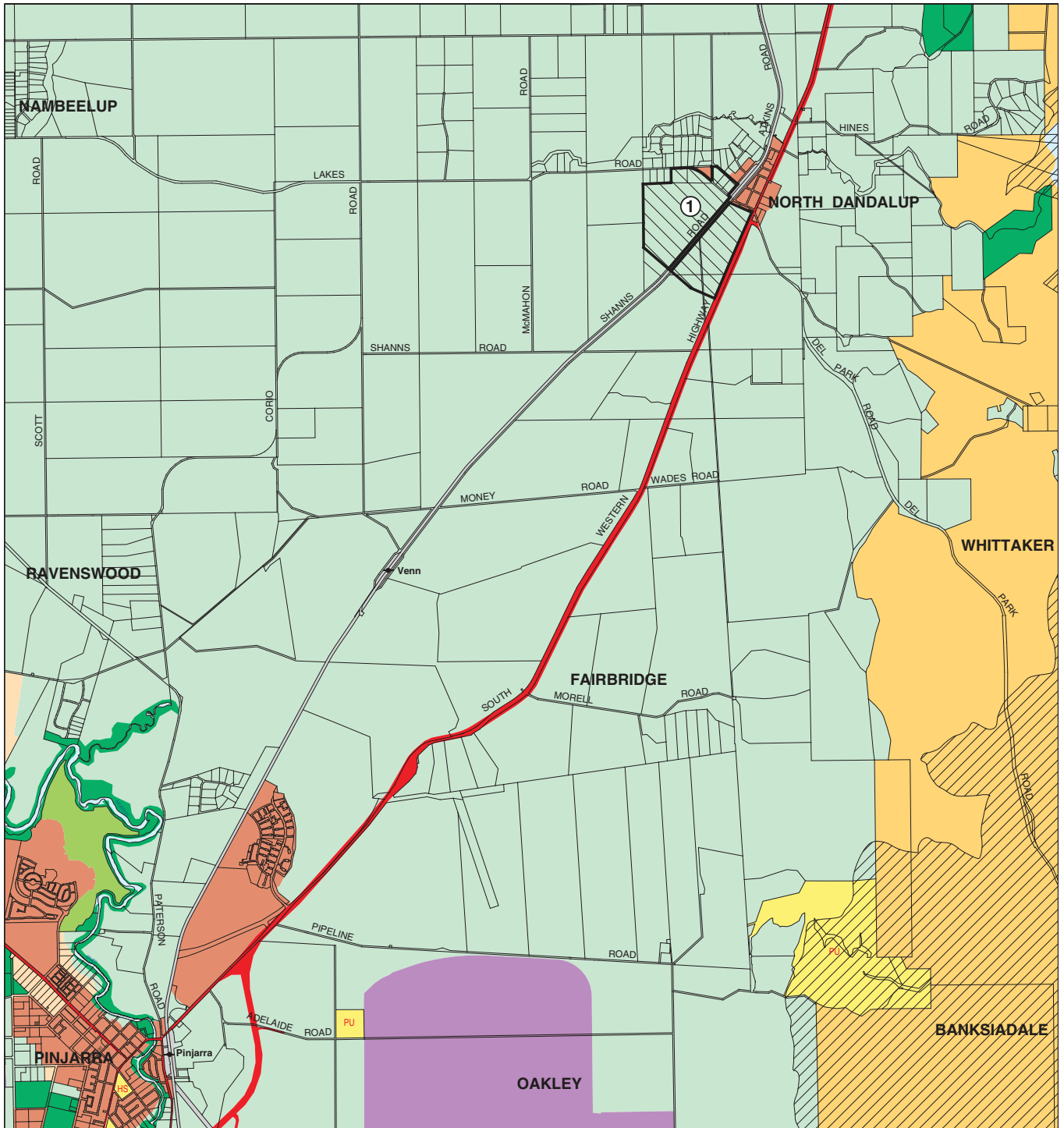
At the present time the WAPC cannot carry out a transport assessment of the amendment, as the more detailed planning (i.e. land use distribution, residential densities and the layout of the local road network) required to support an assessment of the type requested by the Department of Transport is not currently available. This more detailed planning will not be available until an outline development plan or a local structure plan has been prepared and, at that time, the proponent will need to prepare the recommended transport assessment.

Determination:

- 1-3. Noted.
 - 4. Dismissed.
 - 5. Noted.
 - 6. Dismissed.
-

Appendix D

Amendment As Advertised

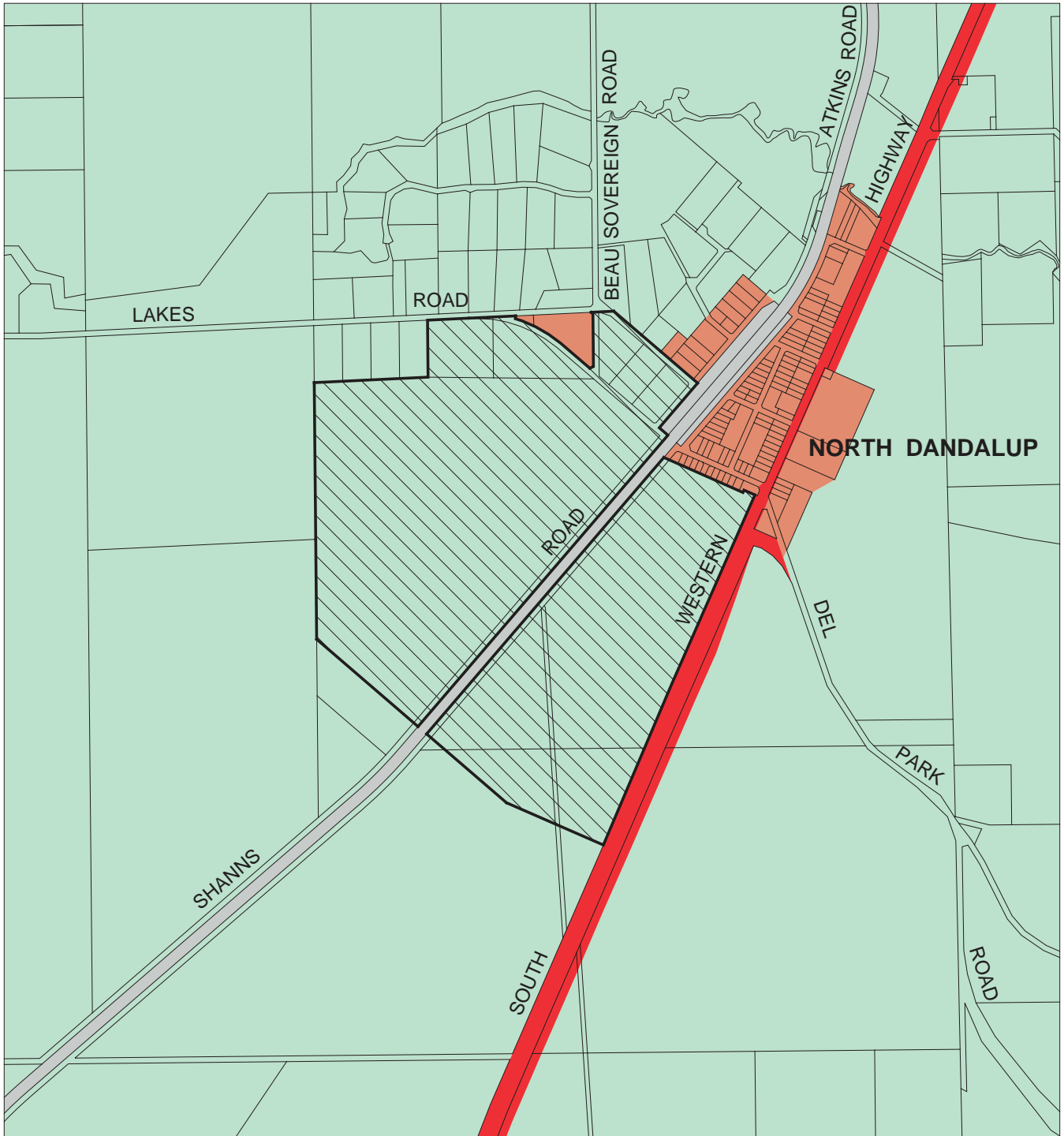


North Dandalup townsite expansion - proposed PRS amendment location plan

① location of amendment


Peel Region Scheme Legend

Reserved Lands		Zones
regional open space	public purposes - denoted as follows:	urban
railways	hospital	urban deferred
state forests	high school	regional centre
waterways	public utilities	industrial
Roads:	special uses	rural
primary regional roads	university	private recreation
other regional roads		
		Special control areas denoted as follows:
		SCANO.1 water catchments




North Dandalup townsite expansion - proposed PRS amendment
as advertised

Proposed:

 urban zone

Legend

Existing:

 urban zone

 rural zone

 primary regional roads reservation

 railways reservation

15 March 2012

Appendix E
List of Detail Plans

Peel Region Scheme Amendment 031/41

(major amendment)

North Dandalup Townsite Expansion

Amending Plans

3.2475

Detail Plans

1.4053/2

1.4099/1

Appendix F
Submissions



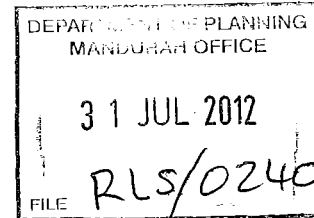
Your ref: RLS/0240
Our ref: RF131-14
SRS 31619
Enquiries: Mark Hingston, Ph

SUBMISSION NUMBER
1

26 July 2012

Western Australian Planning Commission
Unit 2B, 11 – 13 Pinjarra Road
Mandurah 6210

Attn: Brett Pye



B.P.

Dear Brett

RE: Peel Region Scheme Amendment 031/41 – North Dandalup Townsite Expansion

Thank you for the above referral dated 16 July 2012. The Department of Water (DoW) has assessed the application and provides the following recommendation:

**District Water Management Strategy
Urban Water Management**

Planning for the area should be consistent with *Better Urban Water Management* (WAPC, 2008) (BUWM) and the policy measures outlined in *State Planning Policy 2.9: Water Resources*:

“Planning to guide water resources management should be integrated with land use planning decisions to achieve more sustainable development and protection of our water resources”.

“The strategy/plan should address the influences the area will have on the surrounding catchment(s) together with the influences the catchment(s) will have on the dynamics of the area. This will enable relevant land and water management issues in relation to water supply, wastewater, groundwater and surface water to be considered collectively rather than in isolation, as well as ensuring acknowledgement of their relationship to other issues such as biodiversity, urban structure and sustainability.”

and *Liveable Neighbourhoods* (WAPC):

“Subdivision and development should have regard to an urban water management strategy that forms part of the regional, district and/or local structure plans...”

The DoW considers that the proposal to lift rural zoning for this site should be supported by a District Water Management Strategy (DWMS) prior to approval. The DWMS should demonstrate that the subject area can support the proposed change in zoning. It should contain a level of information that reflects the site constraints and risk to water resources.

In accordance with BUWM (WAPC 2008) the rezoning of the subject land to urban is supported by the approved *North Dandalup District Water Management Strategy, Issue 4* (May 2011, VDM Consulting) thus the DoW is satisfied and supports the proposed amendment.

Furthermore the DoW provides the following advice:

Groundwater

The subject area is located within the Murray Groundwater Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer is subject to licensing by the Department of Water. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

Peel Harvey Coastal Plain Catchment

The proponent is advised that the proposal is located within the Peel-Harvey catchment and the provisions of the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 and the Statement of Planning Policy No 2.1 – the Peel-Harvey Coastal Plain Catchment (SPP 2.1) shall apply.

Department of Environment and Conservation Issues

It appears that there is a Conservation Category Wetland (EPP Wetland) present on the subject land. For this reason, this proposal should be referred to the Land Use Planning section at the Department of Environment and Conservation's Swan Region (C/- Locked Bag 104, Bentley Delivery Centre, WA 6983).

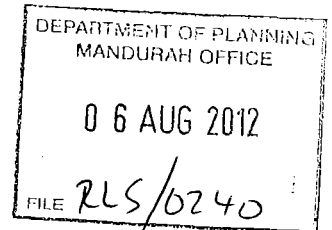
If you wish to discuss the above further please contact the Department's Mandurah office on 9550 4222.

Yours sincerely



for Brett Dunn
**A/Program Manager – Urban Water Management
Kwinana Peel Region**

Planning and Development Act 2005
Section 41 Amendment (Substantial)
FORM 41



SUBMISSION
Peel Region Scheme Amendment 031/41

North Dandalup Townsite Expansion

SUBMISSION NUMBER 2

To: The Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Name: Brett Flugge, Executive Manager, Strategic Development, Shire of Murray
(PLEASE PRINT CLEARLY)

Address . 1915 Pinjarra Road, (PO Box 21), Pinjarra WA Postcode: 6208

Contact phone number: 08 9531 7707 Email address: Brett.Flugge@murray.wa.gov.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

The Shire of Murray generally supports the proposed Scheme Amendment as it is consistent with the proposed Urban area depicted on the North Dandalup Structure Plan endorsed by the Western Australian Planning Commission in December 2011.

The Shire notes that the Urban zoning proposed in the southern section of the Amendment plan does not include land that is intended for the Lakes Road Southern Deviation route as the exact alignment of this road reserve will be determined following further detailed investigations in consultation with Main Roads WA, Public Transport Authority, Westnet Rail and Department of Planning. It is assumed that the Lakes Road Deviation could become an "Other Regional Road" reserve under the Peel Region Scheme once route alignment and land requirement plans have been determined.

The Shire also notes the intent for the Local Planning Scheme (Town Planning Scheme No 4) to be amended concurrently with the Peel Region Scheme Amendment and include this land within the Residential Development zone of Town Planning Scheme No 4.

It is worth bringing to the Commission's attention that the Residential Development zone does not accommodate non-residential uses such as Primary Schools, Commercial Development etc. However, an 'Urban Development' zone is being introduced within new Town Planning Scheme No 5 that can address these matters.

The Shire of Murray will require lodgement of an Outline Development Plan (ODP) as per provisions under the Residential Development zone that examines the location of Primary School sites, Public Open Space, drainage and local road network, pedestrian connections, commercial sites and residential density allocations.

Although the Shire was not formally consulted by the Department of Planning seeking our views on the concurrent Amendment process under Sec 126(3) of the Planning and Development Act 2005, the Shire does not foresee major problems in this combined approach.

Development Contributions will need to be determined for community facilities, land for Public Open Space and drainage, water monitoring, rail access crossings and administration costs. The Shire's Community Facilities and Services Plan 2021 is not yet finalised but items to be addressed can be factored in the final document that can set out in greater detail infrastructure scope, cost estimates and cost apportionment methodology, guided by information sourced from formulation of a Local Structure Plan over the Amendment site.

Hearing of Submissions

Anyone who has made a written submission on the amendment will also have the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the *Amendment Report* and in particular **Appendix E**, titled '**Preparing for your submission and hearing**'.

Please choose ONE of the following:



No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR



~~**Yes**, I wish to speak at the hearings. (Please complete the following details)~~

I will be represented by:



MYSELF – My telephone number (business hours):

OR



A SPOKESPERSON

Name of Spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:



PUBLIC (members from the general public may attend your presentation)

OR



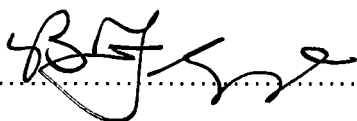
PRIVATE (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The Western Australian Planning Commission (WAPC) is subject to the *Freedom of Information Act 1992* (FOI Act) and as such, submissions made to the WAPC may be subject to applications for access under the FOI Act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are presented to the Minister for Planning and Infrastructure and published as public records should the Minister approve the proposed amendment. The WAPC recommendations are similarly published in a *Report on Submissions*.

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature



Date

3/8/2012

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on 19 October 2012. Late submissions will NOT be considered.



Peel Preservation Group Inc.

Peel Preservation Group Inc.

SUBMISSION NUMBER

3

Secretary
West Australian Planning Commission

20.08.2012

Amendment No 031/41 to PRS - North Dandalup Township Expansion

Dear Sir/Madam,

With respect of the Proposed North Dandalup Township Proposal, Peel Preservation Group recognises the need for this expansion.

We are aware of the wetlands within the boundary of this proposed development and would like to emphasise the need for the buffers around this area to be the maximum possible – even 75m would be preferred. Revegetation of the buffers should be carried out and should include a selection of trees and shrubs.

Wetlands also need to be considered when planning the future North Dandalup Bypass road.

We trust our comments will be useful to you.

Yours

S. Joiner (sec.)

P.O. Box 1784
Office 6,
Old Health Building,
63 Ormsby Tce,
MANDURAH,
WA 6210

Phone/answer machine/fax:
+61 (08) 9586 1310

Office Hours:
Mondays
9.30am – 12.00pm

Web Sites:
www.green.net.au/ppg
www.peelpreservation.org.au

E-mail:
peelpreservation@westnet.com.au

PPG is a non-profit organisation devoted to conservation of the natural environment in the Peel Region of Western Australia.

Planning and Development Act 2005
Section 41 Amendment (Substantial)
FORM 41

SUBMISSION

Peel Region Scheme Amendment 031/41

North Dandalup Townsite Expansion

To: The Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

SUBMISSION NUMBER
4

Name SCOTT KERR
(PLEASE PRINT CLEARLY)
Address SUITE 7, 5 HASLER RD, OSBORNE PARK Postcode 6017
Contact phone number 9381 55 77 Email address scott@masterplanwa.com

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

REFER ATTACHED

TURN OVER TO COMPLETE YOUR SUBMISSION

Hearing of Submissions

Anyone who has made a written submission on the amendment will also have the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the *Amendment Report* and in particular **Appendix E**, titled '**Preparing for your submission and hearing**'.

Please choose ONE of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:
MYSELF – My telephone number (business hours): 93815577

OR
A SPOKESPERSON

Name of Spokesperson:
Contact telephone number (business hours):
Postal address:

I would prefer my hearing to be conducted in:
PUBLIC (members from the general public may attend your presentation)

OR
PRIVATE (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

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- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are presented to the Minister for Planning and Infrastructure and published as public records should the Minister approve the proposed amendment. The WAPC recommendations are similarly published in a *Report on Submissions*.

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature



Date

16/10/12

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on 19 October 2012. Late submissions will NOT be considered.

Submission

Peel Region Scheme Amendment 031/41

1. This submission has been prepared on behalf of the Kelliher Family by Masterplan Consultants. The Kelliher Family are the owners of Lot 1 and Lot B45 Lakes Road adjoining the proposed Amendment area and 770ha located in North Ravenswood/ Nambeelup midway between Mandurah and Pinjarra.

Amendment 031/41: Specific Comment

2. The owners of Lot 1 and Lot B45 Lakes Road are generally supportive of Amendment 031/41 and its contents subject to the following.
3. Lot 1 directly abuts the Amendment area on the west and comprises the majority of the land west of the proposed Amendment area between the existing Lakes Road in the north and the proposed Lakes Road Deviation to the south. Given this context the delineation of the western boundary of the Amendment as the cadastral boundary between Lot 1 and adjoining properties to the east is ill-logical.
4. A more appropriate boundary for the proposed urban area would be the road boundaries formed by the existing Lakes Road and the proposed Lakes Road deviation. On this basis, Lot 1 Lakes Road should be incorporated within the proposed Urban area.
5. At the very minimum the area incorporating Lot 1 between the existing Lakes Road and the future deviation and the proposed Amendment area should be identified as Urban Deferred zone pending finalisation of the Lakes Road Deviation, shown in the North Dandalup Structure Plan.
6. In summary there is no objection to the Amendment, however, this should be modified to include all of the land east of the existing Lakes Road and proposed Lakes Road deviation as either Urban or Urban Deferred Zone.

General Comment

7. The Kelliher Family first flagged its intention to ultimately pursue development of its land at North Ravenswood for Urban purposes in a submission to the Western Australian Planning Commission on the proposed Peel Region Scheme in 1999.
8. In December 2003, in discussions with the Department of Planning and Infrastructure (DPI) the potential for rezoning of the southern portion of the Kelliher land (that part located between Rogers, Paterson and Old Mandurah Roads) was acknowledged. DPI officers suggested that completion of a number of investigations would be required prior to proposing rezoning for this land under the Peel Region Scheme.
9. By 2005 DPI officers were advising that any rezoning proposal would need to be contemplated in the context of the Review of the Inner Peel Region Structure Plan which was then being contemplated by the Western Australian Planning Commission.
10. Since 2006, however, DPI/Department of Planning (DoP), consistent advice on behalf of the Western Australian Planning Commission has been that any proposals for rezoning cannot be contemplated pending completion of WAPC strategic planning exercises. This has now been 6 years and this work remains ongoing with the DoP now advising that the earliest likely completion date will be sometime in 2014. This position has been confirmed in written advice from the Department of Planning in response to a submission lodged with the DoP requesting the rezoning of a portion of the Kelliher land at North Ravenswood.
11. The Kelliher Family are extremely concerned at the contradictory and apparently biased approach that appears to be being applied, whereby proposals for rezoning for its land at North Ravenswood will not even be contemplated by the DoP/WAPC, on the basis that the land in question has historically not been identified in existing strategic planning for future Urban purposes and therefore any consideration for rezoning must await the current apparently endless process of new strategic planning.
12. The double standard in this approach is confirmed when the DoP has supported three other recent Region Scheme Amendments including:

- Keralup Stage 1 (MRS 1218/41) where the subject land was only identified for "Greenbelt Rural Living" in the Inner Peel Region Structure Plan (IPRSP), the current strategy in place, yet was rezoned to "Urban".
 - This Amendment , PRS 031/41 where the subject land is not identified in any strategic planning (it is outside the IPRSP).
 - And PRS 035/57 Madora Bay (North) where the land in question is identified for "Greenbelt Rural Living/Open Space – Conservation" yet is being supported for Urban by the DoP.
13. In all three of these instances, the land in question, like the Kelliher land at North Ravenswood, had not been identified for future Urban purposes as part of the existing strategic plan, yet the DoP has supported rezoning for Urban purposes in advance of the completion of ongoing Strategic planning. The DoP however, has advised that North Ravenswood will not be progressed because this strategic planning is not completed.
14. No explanation has ever been provided for the double standard and preferential treatment by the DoP. If it is acceptable to progress rezoning at North Dandalup under PRS Amendment 031/41 without the apparent need to await conclusion of the Strategic planning underway, then it should be equally acceptable to progress consideration of the proposed rezoning submitted to the DoP for portion of the Kelliher land at North Ravenswood, and the DoP/WAPC is respectively requested to proceed on this basis forthwith.

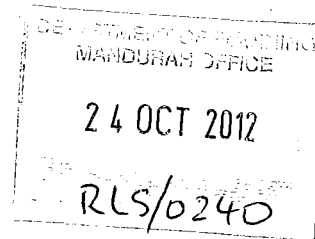


Your Ref: RLS/0240
Our Ref: JT1 2012 07765 V01
Enquiries: Brett Coombes
Telephone: 9420-3165

19 October 2012

Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
PINJARRA WA 6210

Attention: Mr Brett Pye



PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

Metropolitan Amendment 031/41 to Peel Region Scheme – North Dandalup Townsite Expansion

I refer to your letter of 16 July 2012 requesting the Water Corporation's advice on this proposed amendment.

The Water Corporation reiterates its comments made previously in response to the draft Southwest and Peel Sub-Regional Strategy that frontal urban development is favoured as it makes better use of existing infrastructure and minimises the capital and operating cost of upgrading and maintaining infrastructure.

The Water Corporation relies on long-term strategic planning prepared and adopted by the Western Australian Planning Commission and local governments as a basis to direct its infrastructure planning, and more specifically to schedule capital expenditure on headworks infrastructure. *Directions 2031* and the draft *Outer Metropolitan and Peel Sub-Regional Strategy (2010)* do not provide any detailed analysis or justification for advancing the expansion of North Dandalup at this time. It is also unclear how the proposal achieves the stated aims outlined in *Directions 2031* and the Sub-Regional Strategy.

North Dandalup townsite is relatively remote and isolated from other urban developments and service fronts across the region. The Corporation does not operate any wastewater collection or treatment infrastructure serving the town. The existing water supply system serving the town is designed to serve only the existing townsite. Further planning and capital expenditure will be required to increase water supply capacity to serve the ultimate development yield proposed.

The Water Corporation has operating licences for water and sewerage services covering this part of the region. These licences are non-exclusive and do not preclude other private licence holders from providing services to the proposed development. While the Corporation has provided assistance and advice to the proponent's consultants regarding possible water and wastewater servicing solutions for this land, the Corporation has not yet made a final decision on whether it will be the service provider for the proposed North Dandalup expansion area.

The following comments are provided in relation to some engineering issues and constraints surrounding the proposal, which have been raised through the North Dandalup Townsite Expansion TAG and which are being pursued by the proponent's engineers.

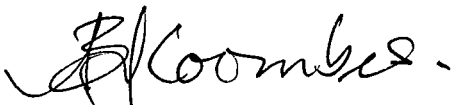
The existing town water supply is designed to serve only the existing houses and other developments around the town. The Corporation anticipates that water supply to the proposed urban expansion area will require an expansion of the existing town supply system, which sources its water off the trunk main on Southwest Highway. Development of increased local treatment, storage and distribution capacity will be required and would need to be sized to meet the demands from the ultimate development of the town. It is also likely that additional land will need to be acquired for a new storage tank site.

The Corporation has not yet undertaken a review of water planning for the town and this review will need to be scheduled and resourced through the Corporation's State wide planning program.

The Corporation's Sewerage Operating Licence for Sewerage Services now includes North Dandalup and surrounding parts of the Peel region which were previously excluded from the licence area. However, there is no wastewater scheme operating within or close to North Dandalup. The proponent's engineers have been liaising with the Water Corporation regarding the technical feasibility of pumping wastewater from North Dandalup southwards to discharge at the Pinjarra Waste Water Treatment Plant. There are significant design and operational challenges to conveying wastewater over such a large distance, including septicity, gas and odour issues and initial low wastewater volumes which could potentially render the solution unviable.

In the event the WAPC decides to proceed with the Urban rezoning of this land, the Corporation will schedule water planning and will continue to work with the proponent's consultant and provide advice and assistance as necessary to address servicing issues.

Should you have any further queries in this regard, please contact me on the number provided.



Brett Coombes
Senior Town Planner
Development Services Branch
Planning and Capability Group



Your ref : RLS/0240
Our ref : DT/09/01927
Enquiries : Katherine Harvey 65516324

Neil Thomson
WAPC
140 William Street
Perth 6006

SUBMISSION NUMBER

6

LATE SUBMISSION

17th October 2012

Att: Brett Pye

Dear Mr Thomson

Re: Proposed Amendment 031/41 to the Peel Region Scheme – North Dandalup Townsite Expansion

Reference made to your letter dated 16 July 2012 regarding the proposed amendment to the Peel Region Scheme at North Dandalup. The Department of Transport has liaised with the Public Transport Authority (PTA), Brookfield Rail and Main Roads Western Australia (MRWA).

DoT acknowledges that a structure plan for this site has previously been endorsed by the WAPC and directs attention to the comments supplied by the Transport Portfolio for this application. In addition to these comments, the Transport Portfolio provides the following advice.

General Road requirements

All intersections will require the provision of safe intersection sight distances, right turn pockets (where the right turning volumes meet or exceed Austroads requirements or safety concerns exist); all intersections to be T (as opposed to 4 leg) and the minor road to intersect the major road at 90 degrees.

Freight Rail

The urban development area is proposed to be located on both sides of the freight rail. This has associated noise and access issues, particularly as all new road crossings must be grade separated in accordance with PTA and Brookfield Rail policy.

Over 40 freight movements per day currently occur on this rail line and this will continue to increase. Population growth in Perth and the South West will result in a new container operation moving general freight on the railway system. This containerised freight task will be driven by population growth plus increased competitiveness of rail compared to road due to road congestion. Therefore the "South West Main" will continue to grow and be a strategic freight railway in the long term.

The land developers cannot allow drainage to enter the rail corridor and must make allowances for current waterways/culverts that exist to drain freely off the rail corridor. Fencing to a height of 1.8m would be required on any rail corridor boundaries. Both of these issues have not been addressed.

Cycling

The proposed townsite expansion in the Peel Region Scheme needs to have provision in its plans for cycling infrastructure, as it is adjacent to an existing developed area (between South Street/Atkins Road and Lakes Rd/Dewar Road). It also must be demonstrated that there is provision for cycling infrastructure connectivity between east and west of Shanns Road.

Lakes Road

Lakes Road is proposed to be realigned within the Southern Metropolitan Sub Regional Structure Plan south of the proposed Urban Area. Lakes Road would need to be grade separated over the freight rail and sufficient reservation will need to be provided to accommodate for this. The rezoning of the land may lead to an increased road traffic volume at the Lakes Road Level Crossing. This crossing is currently protected by flashlights but may need to be supplemented by boom gates if the planned volumes dictate subject to assessment by the Australian Level Crossing Assessment Model. Brookfield will not entertain any requests for new pedestrian or road connections between the two zoned areas. A level crossing would not be supported in this location. The land take required should be resolved and provided for within this PRS Amendment.

As you are aware the Department of Planning is investigating requirements for realignment of Lakes Road to the south of the proposed zoning area and also a possible realignment of Lakes Road through the proposed zoning area to create a four way intersection with Del Park Road. Whilst it is anticipated that these roads will be Blue Roads (Other Regional Roads) under the Peel Region Scheme and hence will be under the jurisdiction of the Local Authority. It is considered that the developers will need to cede the land requirements free of cost to the crown and construct the roads as required as part of the overall development. It is recommended that the proposed amendment be deferred pending finalisation of land requirements for the future Lakes Road (east west regional roads) so that appropriate reserves can be included in the amendment.

South West Highway

Also, the intersection of South Western Highway and the realignment of Lakes Road to the south of the proposed urban area will be within the current passing lane on the highway. With development of the new intersection a new passing lane will need to be provided south of the intersection.

Access from the subdivision area to South Western Highway is not supported and appropriate noise amelioration measures will need to be undertaken in accordance with WAPC SPP 5.4 Road and Rail Transport Noise and Freight considerations in Land Use Planning.

Public Transport

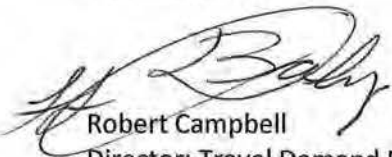
The site is poorly serviced by public transport due to its isolation from existing urban development. Transperth have advised that due to the distance from existing bus services and limited population, they would not run buses to service this urban development site.

Park and Ride facilities at the Mandurah train station should be investigated to get an understanding of the reserve parking capacity to handle additional use from this site.

The DoT also requires a full transport assessment to be completed as per WAPC guidelines, which takes into account public transport, freight and cycling infrastructure at the development stage.

In view of the above, The DoT requests this amendment be postponed until the above issues are addressed and the land requirements for Lakes road can be identified in consultation with Department of Planning. The DoT recommends further discussions with the PTA regarding future public transport provision. Please feel free to discuss this application with Katherine Harvey on 65516324 if you would like to clarify any of the above information.

Yours sincerely



Robert Campbell
Director: Travel Demand Management

Cc. PTA- Louise Howells
MRWA- Lang Fong
DoP- Mohsin Muttaqui

Appendix G
Transcript of Hearings

Recording and Transcription

This transcript is produced from live audio recordings. Whilst every care is taken in its preparation, absolute accuracy cannot be guaranteed. No changes are made to grammar and syntax.

**Minutes of the committee hearing submissions on Peel Region Scheme
Amendment 031/41 – North Dandalup Townsite Expansion**

**Thursday 31 January 2013
Department of Planning, 11 Pinjarra Road, Mandurah**

The Hearings Committee was established by resolution of the Western Australian Planning Commission on 15 November 2012.

Chairperson	Mr Fred Chaney	Member of the Peel Region Planning Committee
Members	Mr Paul Fitzpatrick	Member of the Peel Region Planning Committee
	Mayor Paddi Creevey	Member of the Peel Region Planning Committee
In attendance	Mr Aiden O'Brien	Department of Planning
	Mr Brett Pye	Department of Planning
	Mr Steve van Sambeeck	Department of Planning

Presentations to the committee commenced at 10.25 am.

The proceedings were recorded by 'Spark & Cannon Pty Ltd'.

The following people made presentations:

1. Mr Scott Kerr (Masterplan Consultants) for submission number
Mr Kerr represented Mr Shane Kelliher.

Mr Chaney declared the hearing closed at 10.46 am.

Chairperson: _____

Date: _____


5 March 2013.

**Mr Scott Kerr and Mr Shane Kelliher
representing the Kelliher Family**

MR CHANEY: We will kick things off. Firstly, welcome everyone to this meeting of the hearings committee. My name is Fred Chaney. I'm chairing this committee on behalf of the Peel Planning Committee and with me is Paul Fitzpatrick. Paul is the second of three members of this committee. Paddi Creevey is the third member of the committee and she is an apology for today, but the two is quorum for the committee so we will continue on that basis.

I will formally declare the meeting open now and before we go any further, I'll acknowledge the traditional owners of the land on which this meeting is held today. Just before we kick off, I'll just formally confirm that both myself and Paul have read all the material and read all the submissions. Paul, will you confirm that?

MR FITZPATRICK: Yes.

MR CHANEY: So we'll just open formally that both the submissions and the department's response to those submissions have been read in detail and just advise you, but I think you know, all these recordings will be fully recorded and used on that basis. Today is really about an opportunity for, I think, you, Scott, to expand on your submission. If we have any questions we'll ask those for clarification. I think, as you know, it's not a debating chamber and we're not here to respond to your questions either.

MR KERR: Certainly.

MR CHANEY: We're really here to hear you out and just hear you on any fleshing out of any particular issues you would like to highlight for us today. I think you have requested that it's a public meeting so I have got an observer here. The rules of the hearing are that you're not able to contribute to it. You're simply here as an observer. Look, I think that's the end of the formal matters that I need to explain at the beginning of the hearing and I might hand it over to you, Scott, now to present your submission.

MR KERR: Thank you very much. I've brought an extra copy of these notes which I'm happy to leave if that makes the recording them easier.

MR CHANEY: Great, sure.

MR KERR: Yes, just formally noting myself, Scott Kerr, and Shane Kelleher representing the Kelleher family, who are the owners of the property immediately abutting the proposed amendment and also a large landholding located in North Ravenswood, Nambeelup, midway in between Mandurah and Pinjarra. The Kelleher family is the owner of Lot 1 and Lot B45 Lakes Road, as I said, adjoining the proposed amendment area, specifically the eastern boundary of Lot 1 directly abuts the amendment area.

While the Kelleher family are generally supportive of amendment 031/41, it does not reflect

strategic and structured planning initiatives identified for the locality in a very important respect. Lot 1 directly abuts the amendment area and comprises the majority of the land west of the proposed amendment between the existing Lakes Road in the north and the proposed Lakes Road deviation to the south. The proposed Lakes Road deviation has been referenced in strategic planning considerations and is specifically identified in the local structure plan adopted preceding proposed PRS amendment.

MR CHANEY: So you're referring to this sort of - - -

MR KERR: Yes.

MR CHANEY: Yes.

MR KERR: The existing and future proposed - so the existing Lakes Road and future proposed Lakes Road deviation establishes clearly defined and logical boundaries for the future urban zoning. However, the current proposal concludes the proposed zoning at a property boundary and retains that part of Lot 1 within that road framework as described as rural. In our view, this logically does not represent an orderly and proper planning approach which should contemplate future land use for that portion of Lot 1, surrounded by the proposed urban to the east and existing proposed road infrastructure to the north and south-west witness some form of urban designation.

If there is a concern that including the affected portion of Lot 1 within the urban zone is premature pending confirmation of road alignments, for example, as these are regional matters yet to be resolved as part of regional structure planning, then we have to question why any rezoning is progressing ahead of this process, particularly given that advice received by us with reference to a proposed rezoning elsewhere within the Peel region is that no rezoning will be contemplated by the department until this regional planning process is completed.

In any case, it's logical that the proposed future realignment of Lakes Road will establish a clear boundary demarcation that would apply to the future urban area because, as I say, the issue is confirmation of the alignment of such a deviation then the appropriate planning response would be identification of the affected portion of Lot 1 as urban deferred with the understanding that once exact alignments are confirmed, procedures to secure lifting of the urban deferral could proceed. In all other respects, the identification of that portion of Lot 1 as urban is logical. If the issue is confirmation of the realignments then an urban deferred approach makes the most sense.

The Kelleher family has made previous submissions in relation to the structure plan that was completed prior to initiation of the amendment, raising the same matter. No explanation as to why the portion of Lot 1 as the proposed deviation must be retained under rural zoning has ever been provided. We note that upon confirmation of the alignment, it is likely that the land required for the Lakes Road deviation would be identified under the Peel Region Scheme as another regional road reservation and hope that the failure to include the affected portion of Lot 1 as either an urban or urban deferred designation does not arise

from potential compensation implications of the deviation itself.

To summarise our specific concern with the proposed amendment, it simply makes no sense to stop the urban zoning and all the detailed planning associated with it at fence line when a clearly defined demarcation, as proposed in the form of the Lakes Road deviation, is proposed. A much more logical and orderly planning approach would be to incorporate the relevant portion of Lot 1 with either an urban, preferably, or at the very least an urban deferred zoning. That allows matters to be appropriately addressed. At the moment you've got things such as a CCW wetland that mysteriously stops at a fence line, whereas under the approach we're advocating, these matters can be appropriately addressed in a coordinated way.

We would also like to take this opportunity to express some concern in relation to the process in urban rezonings within the Peel region. By way of example: the amendment the subject of this hearing at North Dandalup is not identified in any existing endorsed, or even draft, strategic planning yet has been progressed at an isolated location via preparation of initially a structure plan and with the cooperation of government agencies and then following that, initiation of the rezoning.

As stated, the Kelleher family is generally supportive of the proposal, subject to the change requested. However, it is concerned over inconsistencies in how rezoning proposals are being addressed. The Kelleher family has submitted a request for rezoning a portion of its landholding at North Ravenswood, land which is better placed to support urban zoning than North Dandalup. However, we've been advised that the department is not prepared to consider such rezoning until regional strategic planning is completed. As the subject site is not identified in either existing, endorsed or previous draft regional strategies. This is exactly the same circumstance as North Dandalup where rezoning is being progressed.

We have further suggested rezoning at North Ravenswood could be progressed at a scale comparative to North Dandalup. However, I've been advised that the department will now not contemplate any proposal from a private landowner in the Peel region. We have to ask why is progression for them and at North Dandalup being supported in advance of completion of strategic regional planning for the Peel region and another location which is isolated from services, facilities and transport links than locations better responding to these requirements will not be considered.

Draft strategic documentation created as part of the process of preparing Directions 2031 and beyond identified that 53 per cent of future land will come from greenfields development and of this up to 20 per cent is likely to come from landowner initiated amendments rather than land identified in government strategies. The recent advice from the department that it will not contemplate any landowner proposed rezoning contradicts this approach within its own documentation and would appear to deny a landowner the right to pursue rezoning and in doing so, anticipate that fair consideration of the request on its merits will be given.

Unfortunately, this leads to a conclusion that there appears to be an agenda to restrict future land development opportunities within the Peel region and the selective position being

adopted for different proposals raises questions as to how the government is approaching planning in the region and the rights and aspirations of landowners within that region. That's probably enough.

MR CHANEY: All right. I have got a couple of questions, Paul, I don't know if you have got any, just on some specific material. You highlighted some of the issues that you thought should be properly addressed, I presume, both in relation to North Dandalup and also Lot 1. You mentioned the wetland, for instance. What other sorts of issues do you think would be addressed in the event of that land being - what do you think are the critical issues or critical items, I suppose, that should be addressed in that context?

MR KERR: Well, I guess taking the principle of how you approach both structure planning and zoning, applying a line in the sand, in this case a fence line, doesn't translate to the reality of how things should be prepared and put on the ground at the end of the day. I used the CCW as an example where in the structure plan it stops, you know - the structure planning to date has concentrated on that land and it's incorporated the drainage management strategies, et cetera, which will have recommendations about how it occurs.

We know from work we do in other places that the coordinated planning that is necessary to ensure the end of the day result in the ground is the best result possible isn't constrained by the end of one property ownership and the start of another. The point I guess we're trying to make here is that it is a logical demarcation with what is proposed for the deviation road and the existing road and within that cell the necessary planning should incorporate the whole of the cell to ensure that drainage management doesn't stop at the fence line.

We know the water won't stop at the fence line. We know that road connections through won't stop at a fence line. We know that properly servicing other facilities, the location of schools and access, combined PRS, all of those things won't stop at a fence line so it just doesn't make sense to initially look at the structure planning on that basis, but also the zoning in those places.

It also doesn't make sense to proceed with the zoning proposal on this basis: have the deviation confirmed and then be coming back at some future point in a few years to do another rezoning process. The urban deferred response or urban deferral zoning exists to facilitate the process where there is an identified issue that still requires resolution, but in all other aspects land is suitable for urban development. In this instance, the identified issue, if you like, is probably confirmation of the final alignment of the deviation.

We don't see any reason why, at least as an interim compromise, an urban deferred zoning wouldn't be in place then you don't have to deal with all the other long term issues. You can proceed to the coordinated planning across the property boundary and (indistinct) protection to resolve the issue.

MR CHANEY: Okay. I also have a question, just your comments about selective approach to privately initiated development and, arguably, this is an example of this. You were saying there's uncertainty created by that. Can you just flesh that out a bit more because I would

have thought this was an example of the opportunity that's there?

MR KERR: There's been, I think, over the second half of last year something like three PRS amendments, of which this is one, and then there was the (indistinct) MRS amendment which was obviously not in the Peel Region Scheme. Those have all been advertised after we've been advised by the department that they're not prepared to consider any rezonings until they've finished the strategic planning exercise for the Peel and south metropolitan area.

Before those being advertised, we had lodged our rezoning proposal for North Ravenswood which we have been in discussion and engagement with the department going back as far as 2003 and that rezoning proposal reflected the regional discussions in terms of extent, et cetera. Now, a lot has happened since then. We understand that and we have been keeping in close liaison with the department since 2006 in relation to that. Out of a fair bit of frustration at the length of time these things were taking, we've submitted that rezoning. We've submitted it in accordance with the principles I referred to with the 20 per cent and in accordance with the performance standards identified and related to that.

We were told that they're not prepared to even consider it, you know, "We'll park it on the shelf until we finish the other stuff," then these other ones come out.

MR CHANEY: I'm sorry, when was that advice?

MR KERR: Last year. That would have been August, something like that. When did we put in - August, September, something like that.

MR FITZPATRICK: August the 6th.

MR KERR: Yes. We have engaged in clearing this since then. We have raised the question of why these other ones, including North Dandalup, were being progressed. We were advised in relation to Furnissdale and Madora Bay that it was because they were identified in the draft outer metropolitan subregional strategy as potential urban expansion. I may get the semantics wrong, from memory, but potential urban expansion areas. So when we pointed out that North Dandalup was not one of those and was not in the Inner Peel Region Structure plan or anything like that, they then said, you know, "There's been a structure planning exercise," et cetera, et cetera.

We have previously said, "Please let us proceed with that same exercise." The Shire of Murray have set up a technical advisory group for the North Ravenswood area so there is an opportunity there to pull in the various agencies to work towards that. Every time we have followed up with an enquiry, things seem to be picked and chosen to support the position being taken, even to the extent in the most recent inquiries - as I say we've got written advice from the department saying, "There's enough land zone in the Peel and because of the other strategic work, we're not going to consider any proposals from private landowners."

As far as I'm aware since planning legislation has been in place in WA, a private landowner

has the right to lodge a submission and expect for it to be considered on its merits and that's all we're asking. We're not asking for, you know - because we put it in it should be approved, but we've done an approved district water management strategy from the Department of Water. We've got traffic. We've got employment. We've done all the work at a sufficient scale to at least enable it to be considered on its merits.

The fact that we're being told that they're not prepared to do that until possibly sometime next year when this strategic being - and with all due respect, we've been hearing that since 2006 and the fact that we just can't seem to get anywhere while other ones - and, granted, as I said, our rezoning is reflected in the 2003 advice from the department about the area of land we should be looking at. We have subsequently gone back and said, "Well, look, let's pull that back. Let's address it on a scale similar to North Dandalup," because it's completely comparative only in a better location.

We're on the border of two regional roads. We're immediately abutting a proposed regional recreation site. We're immediately abutting an existing urban area. We're in the centre of a seven and a half kilometre radius of four major existing and future employment areas. We think we can tick all the boxes if we're given an even playing field. That's a bit long winded, but it's a lot of - - -

MR CHANEY: Yes, and, look, some of that in a sense is outside this hearing - - -

MR KERR: Yes.

MR CHANEY: - - - but the context is - - -

MR KERR: I'm trying to respond to your question.

MR CHANEY: - - - and we're happy to hear that. Do you have any further questions?

MR FITZPATRICK: No, apart from what I have covered - what I wanted to hear, anyway, so I don't have anything further to ask at this stage.

MR KERR: Did you want to say anything?

MR KELLEHER: No, I think you've pretty much said it all, Scott.

MR KERR: Thank you for that - - -

MR CHANEY: Look, it's actually been a useful expansion of the submission and I think you have noted you will provide us with a copy of your notes which we would appreciate.

MR KERR: Yes.

MR CHANEY: I don't have any further questions. I think you have highlighted in some ways what you have already submitted to us, but as I say, I think there's some additional and

worthy information that I think we can consider further.

MR KERR: Yes.

MR CHANEY: I thank you for that. I think we can probably formally draw it a close unless - Shane, unless you have any further comments or questions.

MR KELLEHER: No, I think we've covered everything.

MR CHANEY: No questions of us - but, anyway, you have no further comments.

MR KELLEHER: No, there's enough information on it there.

MR CHANEY: Look, thank you. Thank you both for your time. I think it has been a useful exercise from our perspective.

MR FITZPATRICK: Yes.

MR CHANEY: Thanks for presenting such a clear set of points to us, to the committee. All right, thank you very much.

MATTER ADJOURNED AT 10.46 AM

