

### **3.6 ADOPTION OF THE CAVERSHAM LOCAL STRUCTURE PLAN - VARIOUS 44 LOTS IN CAVERSHAM**

(Swan Valley/Gidgegannup Ward) (Statutory Planning)

#### **KEY ISSUES**

- This report relates to the adoption of the Caversham Local Structure Plan following the closure of the public advertising period.
- The purpose of a Local Structure Plan is to determine the street lot layout, zoning and Residential Density Code of the land and demonstrate that environmental and engineering matters are sufficiently addressed for subdivision to proceed.
- A draft Caversham Local Structure Plan (CLSP) has been submitted by RPS (Planning Consultants) on behalf of the Caversham Main Landowner Group to Council. The proposal relates to the development of a 139.28 hectare area of Caversham to the north and east of land zoned 'Swan Valley Rural' and south of the Reid Highway.
- A copy of the draft Plan (with appendices) was provided to all Councillors on 31 August 2010.
- The draft Plan (with appendices) was advertised from 4 September to 18 October 2010. A total of 49 submissions were received (35 residents and 14 agencies)
- The 14 objections received broadly relate to the amenity impacts of the proposed Lord Street extension and the Transitional Lot Management Plan.
- Staff have no objections to the land uses proposed but do require clarification on its implementation. In particular, there is the need to inform future subdividers and purchasers of potential amenity impacts and their future obligations. These are addressed in the report and recommendations.
- The City's consultant, Integran ,has prepared a draft Development Contribution Plan for the Caversham Development Contribution Area (DCA). This will be made available to all affected landowners once the Local Structure Plan is endorsed, to ensure the identified contribution items are consistent with Council's position on the Local Structure Plan.

It is recommended that Council adopt the draft Caversham Local Structure Plan subject to modifications and that the modified plan be forwarded to the WAPC for endorsement.

## **AUTHORITY/DISCRETION**

The area subject of the proposal is zoned "Residential Development" under Local Planning Scheme No.17 (LPS17) and Clause 5A.1.4.1 requires the approval of a structure plan prior to subdivision or development in that zone. Council resolution is required for approval of a structure plan.

## **BACKGROUND**

Applicant: RPS  
Owner: Approximately 80% of the land is owned by participating landowners, which are referred to as the Caversham Main Landowner Group (MLG). The MLG is led by Western Corporate (Director: James Richards), Lester Group (Directors: Adrian John Lester, Andrew James Lang, Richard Denis Lester, Russell Bryce Lester, Jeffrey Stuart Carter, Stuart Andrew Lester) and Estates Development Company (Directors: David Rochie, Fiona Rochie, David Munt, Graham Walters).

The balance of the site is owned by various landowners, including numerous individuals, the State Government and City of Swan.

Zoning: LPS17 - Residential Development  
MRS - Urban and Urban Deferred  
Strategy/Policy: Swan Urban Growth Corridor Sub-Regional Structure Plan (WAPC)  
Swan District Water Management Plan (DoW)  
SPP 3.6 Development Contributions for Infrastructure (WAPC)  
City of Swan Urban Growth Planning Policies (POL-C-102, POL-C-103, POL-C-104 and POL-C-105)  
City of Swan Infrastructure Strategy for Development Contributions (POL-TP-138)  
Development Scheme: Local Planning Scheme No.17  
Existing Land Use: Predominantly cleared land, previously used for rural residential living and limited horticultural and viticultural uses  
Lot Size: N/A  
Area: Approximately 139ha  
Use Class: Proposed residential with related commercial and community facilities

## **DETAILS OF THE PROPOSAL**

The proposal relates to the development of a 139.28 hectare area of Caversham (refer to "Description of Site" section of the report for included properties) and proposes:

- an indicative yield of 1,769 residential lots, including a R25/R60 Lifestyle Village with the potential to accommodate 360 dwellings and two R60 grouped dwelling sites with the potential to accommodate 86 dwellings;
- approximately 12ha of public open space;
- a 3.5ha primary school site, co-located with approximately 3ha of public open space and a 0.4ha site for a Community Facility;
- a 1.5ha neighbourhood centre site;
- access to the site from Suffolk Street (previously Patricia Street), Arthur Street and the proposed extension of Waldeck Road;
- a drainage system consisting of soak wells, swales (with sections piped under roads where required) and compensation basins to maintain the pre-development drainage flows, and;
- cost-sharing arrangements and developer contributions for local public community facilities and identified roads will be the subject of a developer contributions plan currently being prepared by the City of Swan.

The applicant has submitted the following documents in support of the proposal:

- Caversham Local Structure Plan (Part A & Part B)
- Environmental Investigation Report (Part C1, Appendix 1)
- Geotechnical Investigations (Part C1, Appendix 2 and Appendix 3)
- Groundwater Investigations (Part C1, Appendix 4)
- Acoustic Study (Part C2, Appendix 1)
- Preliminary Ethnographic Report (Part C2, Appendix 2)
- Ethnographic Survey (Part C2, Appendix 3)
- Archaeological Report (Part C2, Appendix 4)
- Traffic Study (Part C2, Appendix 5)
- Engineering Investigation Report (Part C2, Appendix 6)
- Retail Analysis - Consumer Patterns and Centre Drivers (Part C2, Appendix 7)
- Retail Analysis - Configuration Layout Paper (Part C2, Appendix 8)
- Local Water Management Strategy (Part D, Appendix 1)
- Transition Lot (Buffer) Management Plan (Part D, Appendix 2)
- Caversham Community Facilities Provision Strategy and Caversham Community Audit (Part D, Appendix 3)
- Financial Assessment Report (Part D, Appendix 4)
- Fire Management Plan (Part D, Appendix 5)

Note that the applicant has agreed to number all appendices in sequence throughout Part C1, C2 and D and this is addressed in the Recommendations of the Report.

## **DESCRIPTION OF SITE**

The subject site is the land generally bound by Reid Highway and the Brookleigh Estate development to the north, land zoned "Swan Valley Rural" to the south, the Dampier to Bunbury Natural Gas Pipelines to the east and the future Lord Street extension road reserve to the west.

The subject area includes the following properties:

- No.30-31, 39, 48, 60 and 74 and Lot 2 (No.31), Lot 14 (No.55) , Lot 90 (No.65), Lot 123 (No.77), Lot 162 and Lot 200 (No.41) Arthur Street Caversham;
- No.29, 38, 40, 43, 64, 72, 141 and Lots 1, Lot 92 (No.151), Lot 124 (No.101), Lot 125 (No.165), Lot 201, Lot 214 and Lot 1005 Suffolk Street Caversham;
- Lot 889 Patricia Street Caversham;
- Lot 215 (No.3651) West Swan Road Caversham;
- Lots 3 (No.6), 4, 9 (No.98), 19 (No.84), 34, 101 (No.62) and 103 (No.40) Benara Road Caversham;
- Lots 100 (No.40), 133 and 7983 Waldeck Road Caversham;
- Lot 17 (No.40) Bennett Street Caversham
- The existing Corvina Place Compensating Basin (Lot 14458 on Dep Plan 30976) vested with the City of Swan, and;
- Reserve 28024 Lot 7983 Waldeck Road and Lot 34 on Plan 16358 Benara Road and Lot 162 on Diagram 80566 Arthur Street Caversham form two drainage lines owned by the City of Swan.

It should be noted that approximately 80% of the land is owned by landowners participating in the Caversham Main Landowner Group (MLG), who are the proponents of this application.

The site contains two drainage lines that are closely associated with the two natural depressions in the Structure Plan area; otherwise the land is relatively flat. Ground levels range from 3m AHD in the south western corner to 18m AHD in the north eastern corner. The land is historically used for rural purposes, comprising of vacant land, horse agistment and grazing, viticulture, horticulture / market gardens and rural residential dwellings. Some site works is underway on the vacant land to facilitate an early lot release subdivision.

The subject area is zoned "Residential Development" but portions of the following lots have different zonings:

- Approx. 2.06 hectares of Lot 17 (No.40) Bennett Street and 0.6590 hectares of Lot 1005 Suffolk Street Caversham are zoned MRS "Other Regional Road" for the Lord Street extension. Approx. 0.42 hectares of Lot 17 is west of the future road reservation and remains MRS "General Rural".
- A 30 metre strip of land on Lot 17 (No.40) Bennett Street and Lot 1005 Suffolk Street Caversham and Reserve 14458 Ison Court Caversham is zoned MRS "Urban Deferred" to enable the Lord Street extension to be widened if the State Government decides to link the Ellenbrook public transport corridor from Bassendean.
- A small portion of Lots 85 (No.64), Lot 86 (No.72), 214 and 216 Suffolk Street Caversham, Lot 889 Patricia Street and Lot 215 (No.3651) West Swan Road

Caversham have remained "Urban Deferred" to enable future road widening of the Reid Highway and the proposed Arthur Street flyover.

- The southern portion of Lots 3 (No.6), 4, 9 (No.98), 19 (No.84), 101 (No.62) and 103 (No.40) Benara Road Caversham and Lot 213 and 214 Suffolk Street Caversham remain in 'Area B' of the Swan Valley Planning Act ('SVPA') and zoned LPS17 "Swan Valley Rural".

While the subject area was excised from the SVPA in June 2006 its southern and eastern boundaries abut 'Area B' of the SVPA, which permits viticultural and horticultural land uses. Viticulture in particular has the potential to generate noise, spray drift and dust. How the structure plan addresses land use conflict is discussed in the body of the Report.

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

The relevant Council decisions under current Local Planning Scheme 17 are below:

3 March 2010: Council adopted the "Infrastructure Strategy for Development Contributions" POL-TP-138 as a Local Planning Policy. This policy identifies infrastructure that should be contribution items for developers in the Urban Growth Corridor.

30 June 2010: Council resolved to advertise the draft Caversham Structure Plan for a period of 42 days subject to modifications. The modifications were completed to the satisfaction of the CEO and advertising commenced on the 6<sup>th</sup> of September 2010.

## **PUBLIC CONSULTATION**

In accordance with the City's Local Planning Scheme, the proposed Caversham Local Structure Plan underwent the following public consultation process:

- Written notification to all landowners within and adjacent to the CLSP area.
- A sign on site, and;
- A notice placed within a locally circulating newspaper.

49 submissions were received, of which 35 offered no objection with the remaining 14 objecting to the proposed structure plan. The primary reasons cited for objecting to the Structure Plan is the negative traffic and amenity impacts of the proposed Lord Street extension. Council is directed to the attached Schedule of Submissions for a more thorough detailing of reasons for objection, along with City officers response to these reasons.

The EPA, Department of Health and the affected landowner of Lot 215 West Swan Road Caversham submitted comments after the close of advertising and are listed as 'late submissions' in the Schedule of Submissions appended to this report.

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

In addition to the public consultation, the proposal was also referred to the following authorities:

1. The Department of Planning ('DoP');
2. Western Power;
3. APA Group (operators of the Parmelia Pipeline);
4. Department of Education;
5. Swan River Trust;
6. The Department of Water ('DoW');
7. The Water Corporation;
8. FESA;
9. The Department of Indigenous Affairs ('DIA');
10. Main Roads WA ('MRWA');
11. The Department of Environment and Conservation ('DEC');
12. Public Transport Authority ('PTA');
13. Environmental Protection Agency ('EPA'), and;
14. Department of Health ('DoH')

While no objection was received from any of the authorities, some offered advice and recommendations regarding the Local Structure Plan. Again Council is directed to the attached Schedule of Submissions detailing the submissions received from these authorities, along with City officers response to any comments offered.

## **REPORT**

The advertised draft Caversham Local Structure Plan ('CLSP') promotes a cohesive community and is designed to integrate with the endorsed Caversham North Local Structure Plan to the north and west of the site. With modifications, the proposal is consistent with proper and orderly planning principles for further subdivision to proceed. Key aspects of the proposal and issues which arose during consultation and assessment are discussed in the headings below.

### **Density**

The layout of residential densities intensifies residences around the indicative commercial centre to capitalise on their walkable catchments. Lower density development is proposed along the eastern and southern boundary and will facilitate a transition of densities to the rural areas. Due to the 2,550sqm+ transitional lots the lot yield of 1,759 dwelling units (du) is less than the Liveable Neighbourhoods' density target of 22du/ha. This is acceptable because the large transitional lots are needed to ameliorate land use conflicts and if excluded from the Gross Subdivisible Area the remaining area would achieve a density of 26.77du/ha.

Consistent with Council's approach taken in the approval of the Caversham North Local Structure Plan to address the same concern, a requirement that the minimum density be no less than 90% of the required dwelling yield is recommended ( $90\% \times 1,759 = 1,583$  dwelling units). This percentage is used in the draft Development Contribution Plan to accommodate potential development constraints and other unforeseen circumstances that may impact on the yields determined during structure planning. With this modification, the proposal provides sufficient guidance and security to landowners and Council alike.

### **Community Facilities**

The proposed 1,759 dwellings as part of this proposal will contribute towards the demand for the following community facilities:

1. Embellishment of the proposed District Public Open Space proposed between Arthur Street and Blundell Street West Swan;
2. Embellishment of a proposed District Community Centre proposed in the Albion District Structure Planning area;
3. A 4,000sqm site for a Local Community Centre on Lot 93 (No.141) Suffolk Street Caversham;
4. A 3ha Active Neighbourhood Park co-located with the local community site on Lot 93 (No.141) Suffolk Street Caversham, and;
5. A proposed State Government Primary School in the Caversham Local Structure Planning area, indicatively shown to the south of the proposal on Patricia Street (now renamed Suffolk Street).

The need for these items is established in the WAPC's Swan Sub-Regional Structure Plan, POL-TP-138 Infrastructure Strategy for Development Contributions and is discussed in Caversham Community Facilities Provision Strategy and Caversham Community Audit (Part D, Appendix 3). With the exception of point 5 they are contributions items in the draft Development Contribution Plan. On point 5, the Department for Education has no objections to the proposal but has previously advised that it will apply a pro-rata contribution scheme at subdivision to collect funds for the acquisition of land.

### **Transitional Lot Management Plan**

The southern and eastern boundaries of the CLSP area abut 'Area B' of the Swan Valley Planning Act area, where rural uses that may create noise, spray drift, dust and odour are permitted. For residential subdivision in the CLSP area to proceed, the applicant has proposed the creation of 85 metre deep (minimum) Transition Lots along the structure plan's boundary, which contains the following amelioration features:

- a vegetated buffer area 34 metres deep with a foliage cover (porosity) of 50% to mitigate spray and odour;
- a bund with the minimum height of 2.8 metres to attenuate noise;
- the requirement for 'quiet house design' for dwellings;
- a minimum separation distance of 55 metres between the dwelling envelope of the 'Transition Lot' and the rural zoned land.

The Staging Plan also considers the potential land use conflict by requiring a management plan to satisfactorily address potential emissions from adjoining agricultural activities before subdivision in Stages 3A and 4A (approx. 527 dwellings) can proceed. City officers, in conjunction with DoP staff have the following concerns with the proposal:

- The extensive planting of vegetation will encourage birds to the area, which was a key concern of agriculturalists.
- As the responsible authority for fire protection and compliance, officers considers the risk of a fire outweigh the potential benefits provided by such extensive vegetation.
- These risks can be avoided by employing an artificial barrier, which is supported by the Department of Health. Research undertaken in South Australia confirms the efficiency of artificial barriers matches that of natural barriers in capturing spray drift. Vegetation can still be installed but is not mandatory. The DEC advised that it does not possess the expertise to comment on artificial barriers and that decision(s) on the adoption of Local Structure Plans rests with the relevant planning authorities.
- Measures to manage potential land use conflict with existing viticulture partially and / or fully within the Caversham cell area need to be explained in more detail as two viticulturists made it clear in their submissions that they were not party to the proposal.

These issues can be overcome through modifications to the Transitional Lot Management Plan ('TLMP') to:

- i. provide a suitable artificial barrier (permanent 2.8m high fencing on the boundary with a porosity of 50%) to the satisfaction of the Chief Executive Officer as an alternative to the vegetation while maintaining the separation distances, building envelope and the drainage easement (that incorporate a 4 metre wide trafficable surface) proposed on the previous TLMP.
- ii. update the review of best practice with the latest investigations on artificial barrier options;
- iii. ensures the drainage corridor outcomes proposed in the Department of Water approved LWMS (August 2010, Job No. V6028) are adhered to.
- iv. include provisions to ensure that future purchasers are aware of the potential benefits of planting vegetation within the separation area that considers non-flowering species that minimise the risk of fire and pests;
- v. outline what interim mitigation measures will be employed to permit residential subdivision within the 150m interim Agricultural Buffer while viticulture exists in the LSP area;
- vi. make the necessary changes to planning instruments for the 'Transitional Area / R5' zone in light of altering the proposed vegetation buffer, including the need for memorials on title that the fencing be maintained by the landowner;
- vii. impose suitable treatments on all Residential Lots within the 150 metre Interim Agricultural Buffer pending the installation of treatments on transitional lots;
- viii. fulfil the commitment in Section 5.2.4 of the previous TLMP that the applicant liaise with the City's solicitors to formulate the most effective legal instrument that will ensure the ongoing maintenance of the barrier by subsequent purchasers, with the fees to be borne by the applicant;

- ix. show current viticulture uses within the Caversham cell and alter the interim buffer accordingly, and;
- x. replace the alternative measures for the 'Transitional Area / R5' in the previous TLMP with provisions stating that "*Subdivision, Development and Land Use will be in accordance with the TLMP. Council may consider varying the structure plan in accordance with the Scheme's provisions if it is of the opinion that; (1) the need for mitigation / separation has changed, or; (2) that the TLMP adversely affects the subdivision of land and that changing the subdivision design does not prejudice the specific purpose of the TLMP, the CLSP and orderly and proper planning*".

A resolution addressing the above concerns has been included in the Recommendations of this report. The applicant has agreed to make these modifications and acknowledge that to modify the endorsed lot layout of the 'Transitional Area / R5' zone will require amending the structure plan. These modifications do not fundamentally change the Plan; rather it is representing a shift from the requirement of vegetation to fencing and to clarify the staging of subdivision. Therefore officers see no need to re-advertise the Local Structure Plan.

### **Considerations of the Poultry Farm west of the proposal**

The Willorraine Poultry (rearing) Farm at Lots 12 and 13 Bennett Street Caversham is near the south western boundary of the proposal and the EPA's Guidance Statement No. 3 (June 2005) recommends a 300-1000m generic buffer distance between a poultry farm and residential dwellings. The applicant submits that the Farm is not a constraint to their development for the following reasons:

- "The matter of appropriate separation (buffer distance) between the Farm and adjoining residential development was addressed in State Housing Commission and Sorrento Estates Pty Ltd vs State Planning Commission (TPAT 20 OF 1992). The TPAT (Town Planning Appeals Tribunal) ruled that a buffer distance of 200 metres is appropriate given the nature of local conditions and the operation itself" (Section 4.4.2 of the CLSP Report - Part A)
- "Any potential emissions will be attenuated by the proposed transitional area buffer outlined in the Transition Lot Management Plan (TLMP)" (Section 4.4.2 of CLSP Report - Part A)

The first dot-point refers to a decision made by the predecessor of SAT for the approval of the residential development west of the CLSP on Bennett Street and approx. 135 metres north of the poultry farm. City officers agree the TPAT decision of 1992 is still valid since;

1. a policy framework similar to the current EPA Guidance Statement No.3 existed in 1992 requiring a 500 metre setback which the TPAT chose to vary based upon expert advice;
2. residential development envisaged by the CLSP is not as close to the farm as existing residents on Bennett Street and will be protected by measures proposed in the TLMP, and
3. the City has not granted any planning or building approvals to alter the Poultry Farm since the TPAT decision of 1992. On this basis it is reasonable to conclude that the current buffer is sufficient.

The Poultry Farm operator has requested adherence with the generic buffer for a chicken rearing farm. City officers agree with the 200m buffer established by TPAT in its decision on the Caversham estate. (*TPAT 20 OF 1992*) This matter is addressed in the Recommendations of the Report.

### **Consideration of the Mushroom Farm north of the proposal**

The WAPC, as a result of a State Administrative Tribunal decision, imposed a 650m interim buffer around the mushroom farm on Lot 52 Victoria Road West Swan. This buffer prevents further subdivision within 650m of the source of odour and is shown on the advertised Structure Plan. The applicant wishes to reduce this buffer further and proposes that a technical odour study be undertaken to demonstrate that odour does not affect Cell 2 and the northern portion of Cell 3, or could otherwise be ameliorated. Should further odour studies show that there is no odour issue from the mushroom farm, the buffer could be reduced or removed by the WAPC.

Officers support this approach provided that the Structure Plan's provisions are suitably robust and the wording is consistent with Council's previous decision on the Caversham North Local Structure Plan. A resolution to amend the Structure Plan's provisions has been included in the Recommendations of this report.

Two submitters object to the imposition of the 650m buffer around the mushroom farm on the basis that it sterilises development and the health risks are not significant. The buffer is the planning mechanism designed to protect the rights of existing land uses and is critical in protecting sensitive land uses from being impacted on by odour emissions. Until its use rights have been extinguished, it is the responsibility of developers to ensure their development avoids adverse impacts from odour emissions. Should further odour studies show that there is no odour issue from the mushroom farm if the operator is complying with the requirements of his licence, the buffer could be reduced or removed by the WAPC or through the Scheme's provisions to vary a structure plan.

### **Consideration of the Clay Brickworks south of the proposal**

The Astral Brickworks operates approximately 750m south of the proposal at 25 Harper Street Caversham and the EPA's Guidance Statement No. 3 recommends a 300-1000m buffer distance between brickworks and residential dwellings. On this matter the advertised CLSP concluded that:

*"...the implementation of the transitional (buffer) lots will result in almost 1000m to the nearest resident. On this basis, this land use is not anticipated to impact on the LSP area."* (Section 4.4.3, Part A)

The DEC advised that particulate levels emitted from this brickwork are not significant enough to represent a health risk but may result in amenity impacts. City staff, in conjunction with DEC and DoP officers see the need to inform future residents through notifications on title on lots created within 1,000m of the brickwork. A resolution to annotate this requirement has been included in the Recommendations of this report and the applicant has agreed to make this modification.

### **Noise generated by traffic on the Reid Highway and Lord Street**

Noise amelioration is a key design feature for the structure plan, as the proposal is immediately south of the Reid Highway and the future Arthur Street flyover and east of the future Lord Street extension. Section 4.4.7 of the CLSP - Part A recommends

that traffic noise can be managed through an acoustic wall with a minimum height of 2.4m on Lord Street and between 2.7m and 3m on the Reid Highway, notifications on titles and 'Quiet House' design. City officers, in conjunction with DEC and MRWA staff have the following concerns with how the Structure Plan implements these findings:

- The DEC recommends that the all noise barriers be designed to a higher minimum standard of 3 metres, unless detailed acoustic design shows that lower barriers can meet the 'target' noise criteria in SPP5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning';
- Section 4.4.7 of the CLSP - Part A does not make it clear who will be constructing the proposed noise barriers and under what process their design will be established; and
- Main Roads WA's long term planning has identified the need to grade separate Arthur Road, West Swan Road and the Perth to Darwin National Highway crossing the Reid Highway and recommend that prospective purchasers be advised through notifications on title.

The applicant has agreed to make these modifications and advised that further investigations will be provided and employed by the subdivider at subdivision to analyse the proposed ground level of the development. A resolution addressing the above concerns has been included in the Recommendations of this report.

#### **Lord Street extension from Reid Highway to Benara Road**

Eight residents west of the proposed Lord Street extension objected to its construction on the basis that it would increase noise, affect the rural amenity they currently enjoy and decrease property prices. One resident supported its connection. City staff and Department of Planning officers see its construction as part of this development as necessary for the following reasons:

- The alignment has been in the Metropolitan Regional Scheme for many years;
- The extension provides the southern leg of the activity corridor envisaged by the WAPC Swan Urban Growth Corridor Sub-Regional Structure Plan; and
- The appended Traffic Report concludes that the Lord Street extension is warranted as part of the Caversham development to reduce local traffic on West Swan Road, which is a tourism route and near capacity.

Concerns that the CLSP has not provided noise attenuation measures for existing residents west of the extension are correct as these will be required as a result of constructing the road; not by the development of the CLSP. Therefore the responsibility to fund these measures will be borne by the City and State Government and will be proposed at the detailed design phase. For these planning reasons the road link should be completed and no change is recommended.

#### **Road and Intersection Upgrades**

A number of road and intersection upgrades are required to service the Caversham development. Section 2 of the advertised CLSP Report - Part B lists these upgrades and specifies the triggers for their construction. During advertising and assessment, the following issues were raised:

- The Plan (Figure 15) shows some, but not all of the necessary road upgrades described in Section 2 the Local Structure Plan Report - Part B.
- Main Roads WA advised that they would not support the installation of traffic lights at Arthur Street and West Swan Road. The Plan will therefore be modified to reflect the agreed roundabout treatment.
- A landowner requested that the 5 metre median treatment be removed from Suffolk Street between Arthur Street and West Swan Road as its retention will require the relocation of the expensive 132kV transmission lines.
- Main Roads WA advised that the Reid Highway reservation requirements will impact on the north-eastern corner of the proposal currently shown as "Transition area/R5 and "Residential R20" and will need to be amended.
- The landowner of Lot 216 (No. 40) Suffolk Street Caversham requested that the east-west access street on their property be removed to facilitate density. Officers have no objections as the removal of this access street does not impact on other landowner's development potential.

These concerns are addressed in the Recommendations of this report and the applicant has agreed to make these modifications. The draft Development Contribution Plan for Caversham has been modified to incorporate these changes.

#### **Movement - Internal Road Network**

Suffolk Street, Arthur Street and an extended Waldeck Road will form the spine for access to the internal street network. The Plan encourages north-south movement, which encourages residents to access the proposed commercial, community and recreational facilities. The road reservations proposed for internal Access Streets are at the necessary road widths and the plan is consistent with the early-release subdivision.

#### **Public Open Space (POS)**

The distribution of POS as depicted on the Local Structure Plan is supported, with an active recreational oval and ten parks located in convenient and accessible places. The total POS area is 11.7ha (approximately 11.73% of the 99.76ha gross subdivisible area) with the advertised draft proposing that all of this land be given credit. With textual changes to how credit is to be applied this is acceptable because the 9.16ha of "Unrestricted POS" is more than the minimum requirement of 8% in Liveable Neighbourhoods. These changes are addressed in the Recommendations of this report.

#### **Aboriginal Heritage**

There are three sites in the subject area (Little Creek/One Hundred Year Creek, Moore's Camp and Marshall Paddock) and the CLSP recommends that "...these sites be included within areas of public open space as appropriate to protect their integrity" (Section 5 of Part A, page 28). Two of the sites have a "stored data" status, which means that the site does not meet the criteria of the Aboriginal Heritage Act 1972 (AHA) and that a notice under Section 18 of the AHA is not required for proposed activities. Conversely, Marshall's Paddock (DIA 3744) does require protection but its location is "unspecified". Since advertising the applicant has located Marshall's Paddock on Lot 1005 Suffolk Street, where "POS 5-1" is shown. The DIA is reviewing the information provided in terms of remapping DIA 3744 (Marshall's Paddock) but

cannot provide an answer within the statutory timeframe. Officers recommend CLSP to reflect recent investigations with local elders to locate Marshall's Paddock and outline what further work is required to address the requirements of the Aboriginal Heritage Act to the satisfaction of the DIA.

Ratepayers have incurred higher administration costs on other spaces with sites listed on the DIA's database because approvals under the Indigenous Affairs Act do not transfer when ownership of the land, or the wording of the approval, is changed. Officers recommend that for future Section 18 clearance applications the applicant lists the City of Swan as future owner as the land is to be ceded to the City as POS as indicated on the Structure Plan.

### **Water and Drainage**

Appended to the proposal is a Local Water Management Strategy (LWMS), which was prepared to guide planning within the subject area. The LWMS includes a post-development concept design that promotes onsite infiltration where possible and incorporates the surface water flow paths in swales within the multiple use corridors. This document was approved by the Department of Water to inform the Urban Water Management Plans which will accompany subdivisions.

A key aspect of the arterial drainage plan is to acquire and exchange portion of Lot 17 Bennett Street for the freehold of Lot 14458 Ison Court to relocate and expand the existing drainage basin. This is because Lot 17 is low-lying and represents a more efficient use of urban land. The Department of Regional Development and Lands has given in-principle support to the proposed land swap and their correspondence is appended as Attachment 5 to this Report. Considering their advice, officers recommend that Council support the applicant's proposal provided that:

1. the proponents provide clear evidence that it has a binding contractual agreement for the acquisition of the portion of Lot 17 prior to the adoption of the Structure Plan for the area;
2. all negotiations and costs associated with the acquisition and subsequent exchange of the land with the Crown be borne by the proponents;
3. the proponent fully construct the new basin to the satisfaction of the City of Swan prior to the land exchange taking place with the State of WA, and
4. a management order for the replacement drainage reserve being granted to the City of Swan.

These are addressed in the Recommendations of the Report and if this cannot be achieved the Local Structure Plan will need to be modified before endorsement.

### **Servicing Infrastructure**

Section 4.7 of Part A and the appended Engineering Investigations, which forms the basis of discussions between landowners and the relevant servicing agencies, proposes how services will be delivered to the area. The location of key infrastructure needed to service the development is shown and was generally agreed to by Western Power and the Water Corporation.

The Water Corporation advised that it will not support the construction of any further temporary services to access existing temporary arrangements, therefore further

development is dependent upon the construction of permanent wastewater service infrastructure. This has wider implications on subdivision in the neighbouring Brookleigh Estate (ODP-161) and St. Leonard's (ODP-159) as these use the same wastewater infrastructure. The Recommendations of the Report considers the wider implications by addressing Water Corporation's advice to other known subdividers in the West Swan East and Caversham cells.

## **OPTIONS AND IMPLICATIONS**

Local Planning Scheme No.17 Clause 5A.1.9.1 provides the following options (note all options may be appealed):

Option 1: Council adopt the draft Local Structure Plan without modifications.

Implications: The Caversham Local Structure Plan (August 2010) would be adopted as advertised. This is not recommended as it forgoes Council's ability to impose changes prior to forwarding to the WAPC for endorsement.

Option 2: Council adopt the draft Local Structure Plan with modifications.

Implications: The applicant would be required to make modifications to address outstanding issues to the satisfaction of the Chief Executive Officer prior to forwarding the Local Structure Plan to the WAPC for endorsement. The modifications are minor in nature and would provide the applicant with some surety as to Council's concerns with the draft Structure Plan. This is the recommended option.

Option 3: Council defer determination until additional information / modifications are provided by the applicant.

Implications: The applicant would be required to make modifications to address outstanding issues before the matter was referred back to Council for formal consideration. Given the minor nature of the minor modifications requested, this option will unnecessarily delay development.

Option 4: Council refuse to adopt the Local Structure Plan.

Implications: The applicant, if aggrieved by the decision, may choose to appeal to the State Administrative Tribunal. This is not the recommended option given the nature of the concerns relate to its implementation and the applicant's willingness to make these modifications.

## **CONCLUSION**

The proposal promotes a cohesive community that integrates with the existing and proposed surrounding developments. However, modifications are required to build on the submitted draft before forwarding to the WAPC for endorsement. These proposed modifications do not fundamentally change the proposal but are necessary to provide clarity on its implementation. The proposed modifications reflect the land use conflicts needing to be addressed and are not related to the suitability of the land for residential development.

It is recommended that Council adopt the Caversham Local Structure Plan and its appendices, subject to modifications to the satisfaction of the Chief Executive Officer and to then forward the documents to the Western Australian Planning Commission for endorsement.

## **ATTACHMENTS**

- Location Plan
- Caversham Local Structure Plan August 2010 (plan only)
- Schedule of Submissions
- Comments received from Department of Regional Development and Lands.
- Comments received from Water Corporation.

## **STRATEGIC IMPLICATIONS**

The Caversham Local Structure Plan is in a priority area for urban development and is consistent with the objectives of the State's endorsed Urban Growth Corridor Sub-Regional Structure Plan and with the City's Urban Growth Policies. Whilst the area represents three-quarters of the Caversham development cell, the Main Landowner Group have worked extensively with landholders in the Caversham North Local Structure Plan to ensure the orderly planning of both structure plans.

Therefore its endorsement will not conflict with State or local planning policy.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Local Planning Scheme No. 17 (specifically Part 5A)

## **FINANCIAL IMPLICATIONS**

Local Policy POL-TP-138 Infrastructure Strategy for Development Contributions provides guidance for preparation of Development Contribution Plans for the Swan Urban Growth Corridor, which will be the primary mechanism for Council to recover and share costs associated with development in the area. A Draft Development Contribution Plan for Caversham is also being prepared in accordance with relevant state and local policy. This will be advertised after Council's endorsement of the Local Structure Plan and the DCP endorsed by Council.

The applicant submitted a draft Financial Assessment Report to facilitate this process, which provides a broad overview of the costs associated with providing stated public open space, water management systems, transport networks/pathways, community

facilities/services and public utilities as well as an analysis of funding and maintenance costs. The Report concludes that "... the majority of public infrastructure will be funded by private developers either directly or indirectly via the City's draft Developer Contribution Plan" and that "the ... Cost Schedule indicates that estimated maintenance costs are well covered by projected rates income."

## RECOMMENDATION

That the Council resolve to:

- 1) Adopt the Caversham Local Structure Plan (and all eighteen appendices) dated August 2010 provided the following modifications are made:
  - a. Update Figure 15 - Caversham Local Structure Plan as follows:
    - i. Identify zones in a manner consistent with the terminology and format of Local Planning Scheme 17 when the intent is to use the definitions and use class permissibility of the Scheme.
    - ii. Reword the '1,000m secondary interim mushroom farm buffer' annotation to '*1,000m Interim Mushroom Farm Notification Area*' as it is not a secondary buffer.
    - iii. Delete Provision 3 and replace with the following text; "*Residential lots created within the 1,000m Interim Mushroom Farm Notification Area require a notification to be place on the Certificate of Title. The notification is to state: "This lot is in proximity to an existing mushroom farm located at Lot 52 Victoria Road West Swan and may be adversely affected by odour emissions from that land use".*
    - iv. Delete Provision 2 and Provision 4 and replace with the following text; "*Subdivision for Sensitive Land Uses (as per the definition in the State Planning Policy 4.1) shall not be permitted within the Interim 650m Mushroom Farm Buffer until: (a) The mushroom farm's use rights have been voluntarily extinguished, or; (b) an endorsed technical odour study determines that this buffer may be removed, reduced and/or propose appropriate mitigation measures to the satisfaction of the WAPC".*
    - v. Depict a '*150m Interim Agricultural Buffer*' and replace Provision No.6 with the following texts; "*Subdivision for Sensitive Land Uses (as per the definition in the State Planning Policy 4.1) shall not be permitted within the 150m Interim Agricultural Buffer until mitigation measures proposed in the Transitional Lot Management Plan (TLMP) are implemented to the satisfaction of the Local Government and WAPC"* and "*Subdivision and development of the Transitional Area / R5 shall be in accordance with the provisions of the Transitional Lot Management Plan".*
    - vi. Depict a '*500m Agricultural Notification Area*' and insert the following text as a new provision; "*Residential lots created within the '500m Agricultural Notification Area' require a notification to be place on the Certificate of Title. The notification is to state: "This lot is in proximity to rural zoned land and may be adversely affected by noise, dust and*

*odour from existing and future agricultural land uses in the Swan Valley".*

- vii. Depict a '200m Poultry Farm Buffer' for the Willorriane Poultry Farm at Lot 12 & Lot 13 Bennett Street Caversham and insert the following text as a new provision; *"Sensitive Uses (as per the definition in the State Planning Policy 4.1) shall not be permitted within the 200m poultry farm buffer as prescribed in the TPAT decision (TPAT 20 OF 1992) until: (a) the poultry farm ceases operation and its use rights have been voluntarily extinguished, or; (b) the subdivider implement measures by which the adverse impact associated with the poultry farm are addressed or mitigated to the satisfaction of the Local Government and WAPC".*
- viii. Depict a '1,000m Brickworks Notification Area' for the Austral Brickworks at 25 Harper Street Caversham and insert the following text as a new provision; *"Residential lots created within the '1,000m Brickworks Notification Area' require a notification to be place on the Certificate of Title. The notification is to state: "This lot is in proximity to a Brickwork operation at 25 Harper Street Caversham and may have their amenity affected by dust emissions from that land use".*
- ix. Insert the following text as a notation; *"The road layout is subject to final design at subdivision".*
- x. Accurately reflect the following DCP roads, intersection treatments and community facilities:
  - 1. Right-turn pocket upgrade at the intersection of Suffolk Street and West Swan Road.
  - 2. Upgrade of Arthur Street, between the MRS 'Other Regional Road' zoning and Suffolk Street.
  - 3. Roundabout upgrade at the intersection Arthur St and West Swan Rd.
  - 4. Connection of Suffolk Street to Patricia Street, west of the Lord Street extension.
  - 5. Annotate the construction trigger, expressed as a unit of Equivalent Demand, for all proposed DCP items.
- xi. Include access streets and laneways as features on the legend, with a suitable reference to the proposed reservation widths.
- xii. Accurately reflect the MRS 'Urban Deferred' and MRS 'Rural' (LPS17 'Swan Valley Rural') zoning on portions of Lot 215 on Diagram 63943 West Swan Road, Lot 214 on Diagram 63943 Suffolk Street and Lot 213 on Diagram 62721 Suffolk Street Caversham.
- xiii. Remove the east-west access street proposed on No.40 (Lot 216) Suffolk Street.

- xiv. Modify the alignment of Suffolk Street between Arthur Street and West Swan Road so that the existing 132kV transmission line will not interfere with the road or any associated intersection treatments and remove references to a 5m median for this section.

b. Update the Caversham Local Structure Plan Report as follows:

i. Modify Section 4.4.7 of Part A to:

1. State that the proposed acoustic barriers for the Reid Hwy and Lord St be a minimum height of 3 metres, as per the addendum to the Noise Impact Assessment and acknowledge that this is supported by the DEC and City of Swan;
2. State that the developer shall register a notification on each certificate of title for residential lots in Cell 2 (north of Suffolk Street and east of Arthur Street), advising prospective purchasers of the potential impact of noise and visual amenity from the Reid Highway and future Arthur Street extension.
3. State that the developer shall register a notification on each certificate of title for dwellings a street-block away from the Lord Street extension in Cell 5, advising prospective purchasers of its future construction and the potential impact of noise on their amenity.
4. State that developers are responsible to fund and construct the noise attenuation measures proposed for land in the structure planning area that abuts the Reid Highway, to the specifications of the relevant authority (Main Roads WA).
5. State that developers are responsible to fund and construct the noise attenuation measures proposed for land in the structure planning area that abuts the Lord Street extension, to the specifications of the relevant authorities (City of Swan and Department of Planning).
6. Include reference to the addendum of the Noise Impact Assessment for further guidance and information required at the subdivision stage.

ii. Modify the final sentence of Section 4.5.2 - Part A to explain that the two Municipal Heritage Inventory (MHI) sites will be demolished and that they will be recorded in a manner consistent with their management category in the MHI.

iii. Insert a suitable feature in Figure 13 "Opportunities and Constraints Map" of Part A to represent the 132kV transmission line easement along Suffolk Street and Arthur Street, the location of Marshall's paddock and the Reid Highway's requirements on Lot 215 West Swan Road and Lot 214 Suffolk Street, Caversham.

iv. Modify Section 4.5.1 and Section 5 of Part A to reflect recent investigations with local elders to locate Marshall's Paddock (DIA 3744) and outline what further work is required to address the

requirements of the Aboriginal Heritage Act to the satisfaction of the Department of Indigenous Affairs.

- v. Replace "...within 8 metres" at the end of the second paragraph under Section 4.7.3 of Part A with the following text; *"...within 18 metres. If no easement exists and the properties are subdivided, Western Power may reserve the right to register an easement over the Certificate of Title as a condition of subdivision"*.
- vi. Delete the final sentence of Section 4.7.4 of Part A and replace with the following text; *"It is proposed that the gas pipeline easement and setback area be included as part of the Transitional Area / R5 lots. Buildings will be appropriately setback from the gas pipelines, consistent with the generic distances in WAPC Planning Bulletin 87 'High Pressure Gas Pipelines in the Perth Metropolitan Region'. If a proponent seeks to vary the land uses and/or setbacks to the gas pipelines from those specified in Planning Bulletin 87 a Quantitative Risk Assessment is required at the subdivision stage to the satisfaction of the WAPC"*.
- vii. Reword the "Minimum 20% Restricted (1/5)" row in the POS Schedules of Section 1.3.3 of Part B to *"Maximum 20% Restricted (1/5)"*.
- viii. Delete the sentence *"Upon completion of the LWMP, prior to subdivision, the Caversham Main Landowners Group (MLG) may seek to revise the POS contribution in light of City policy"* from Section 1.3.3 - Part B as this detail is finalised by the endorsement of this Structure Plan.
- ix. Modify the trigger in the "Suffolk Street / West Swan Road" intersection upgrade row of Section 2.1.1 to 106 dwelling units.
- x. Update Section 2.2 of Part B to insert the following text; *"The Local Structure Plan proposes the land exchange for portion of Lot 17 on Diagram 31115 for the freehold of the States Reserve 46992. This concept has in-principle support from the Department of Regional Development and Lands and City of Swan, provided: (1) Valuation Services provide advice on the values of each parcel of land to be exchanged; (2) That all costs associated with the proposal be borne by the proponent; (3) a management order for the replacement drainage reserve being granted to the City, and; (4) the new basin being fully constructed to the satisfaction of the City of Swan prior to the land exchange taking place with the State of WA"*.
- xi. Modify Section 4.2 of Part B to add the following reporting requirements for the subdivision stage: Quantitative Risk Assessment (see Section 4.7.4 of Part A for when it is applicable); Preliminary Site Investigation (in accordance with the DEC's Contaminated Site Management Series Guidelines), and Supplementary Acoustic Investigations for the Reid Highway and Lord Street extension (as per Terry George Acoustics' proposed modifications to Noise Impact Assessment via an addendum).

- xii. Insert the following text into Section 4.4 of Part B; *"There is a number of existing viticulture activities on Lots partially and/or fully within the LSP area, and the staging of subdivision needs to consider their existence. Sensitive uses shall not be permitted within 150m of these operations (measured from the property boundary) until: (1) the non-conforming use rights of these operations have been extinguished by the landowner, or; (2) mitigation measures to ameliorate spray-drift, dust and noise are implemented to the satisfaction of the WAPC and Local Government. The Interim Viticulture Buffer shown on the Plan considers these operations and the mitigation measures are discussed in the Transitional Lot Management Plan"*.
- c. Make any consequent changes to the Caversham Local Structure Plan and appendices that may be required as a result of the changes noted in (a) and (b) above.
- d. Number all appendices in sequence throughout Part C1, C2 and D.
- e. The Noise Impact Assessment be updated through an addendum to:
  - i. Summarise the DEC comments on the March 2010 draft.
  - ii. Articulate the agreed minimum height of 3 metres to the satisfaction of the City of Swan and MRWA and how this supersedes recommendations in the March 2010 report.
  - iii. Make recommendations on what further investigations are to be provided and employed by the subdivider at subdivision, which will consider the existing/proposed ground level of the source of noise emissions, the proposed ground level of the development and the min. height recommendation of this addendum.
- f. Resubmit a modified Transitional Lot Management Plan that:
  - i. Provides a suitable artificial barrier (permanent 2.8m high fencing on the boundary with a porosity of 50%) to the satisfaction of the Chief Executive Officer as an alternative to the vegetation while maintaining the separation distances, building envelope and the drainage easement (that incorporate a 4 metre wide trafficable surface) proposed on the previous TLMP.
  - ii. Update the review of best practice with the latest investigations on artificial barrier options.
  - iii. Ensures the drainage corridor outcomes proposed in the Department of Water approved LWMS (August 2010, Job No. V6028) are adhered to.
  - iv. Includes provisions to ensure that future purchasers are aware of the potential benefits of planting vegetation within the separation area that considers non-flowering species that minimise the risk of fire and pests.
  - v. Outline what interim mitigation measures will be employed to permit residential subdivision within the 150m interim Agricultural Buffer while viticulture exists in the LSP area.

- vi. Makes the necessary changes to planning instruments for the 'Transitional Area / R5' zone in light of altering the proposed vegetation buffer, including the need for memorials on title that the fencing be maintained by the landowner.
  - vii. Makes the necessary changes to the planning instruments that will apply to other Residential Lots within the 150 metre Interim Agricultural Buffer.
  - viii. Fulfils the commitment in Section 5.2.4 of the previous TLMP that the applicant liaise with the City's solicitors to formulate the most effective legal instrument that will ensure the ongoing maintenance of the barrier by subsequent purchasers, with the fees to be borne by the applicant.
  - ix. Shows current viticulture uses within the Caversham cell and alter the interim buffer accordingly.
  - x. Replace the alternative measures for the 'Transitional Area / R5' in previous TLMP with provisions stating that *"Subdivision, Development and Land Use will be in accordance with the TLMP. Council may consider varying the structure plan in accordance with the Scheme's provisions if it is of the opinion that; (1) the need for mitigation / separation has changed, or; (2) that the TLMP adversely affects the subdivision of land and that changing the subdivision design does not prejudice the specific purpose of the TLMP, the CLSP and orderly and proper planning"*.
- g. Replace the appended Fire Management Plan with the updated version that accounts for the changes to the Transitional Lots noted above.
- 2) Advise that Council's support of the Caversham Local Structure Plan in (1) above is on the condition that the proponents provide clear evidence that it has a binding contractual agreement for the acquisition of the portion of Lot 17 on Diagram 31115 (40 Bennett Street Caversham) prior to the adoption of the Structure Plan for the area. Should this not be achieved, the Local Structure Plan is to be amended to propose a suitable alternative location for the proposed drainage basin to the satisfaction of the Chief Executive Officer.
  - 3) Subject to the modifications listed in (1) and the resolution of (2) above being made to the Chief Executive's satisfaction, forward the modified Caversham Local Structure Plan to the WA Planning Commission for their endorsement.
  - 4) Advise all the landowners in the Caversham Local Structure Plan area of the Department of Regional Development and Lands in-principle support to the proposed land exchange portion of Lot 17 on Diagram 31115 for the freehold of the States Reserve 46992 appended as Attachment 4 to this report.
  - 5) Advise all the landowners in the Caversham Local Structure Plan area that the total dwelling yield across the Caversham Local Structure Planning area should be no less than 1,583 dwelling units or its equivalent.
  - 6) Advise the landowners in the Caversham Local Structure Plan area and known developers in Caversham North and West Swan East cells of the Water Corporations' comments appended as Attachment 5 to this report, that it will not support the construction of any further temporary wastewater services to access existing temporary wastewater arrangements.

- 7) Advise all the landowners that the future Section 18 Applications under the Aboriginal Heritage Act should list the Local Government as future land owner as the subject land will be ceded to the City as POS.
- 8) Advise those persons and agencies who lodged a submission and all landowners in the Caversham Local Structure Plan area of Council's decision accordingly.

Ordinary Meeting of Council  
15 December 2010

[Attachment OCM Agenda 15/12/10 - Proposed Caversham Local Structure Pl...](#)