

## Form 1: Responsible Authority Report (Regulation 12)

### Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

**BRIGGS ROAD, LOTS 59, 60, 61 AND THOMAS ROAD, LOTS  
62, BYFORD –  
PROPOSED GROUPED DWELLINGS AND ASSOCIATED  
COMMUNAL FACILITIES (LIFESTYLE VILLAGE)**

**Form 1 – Responsible Authority Report  
(Regulation 12)**

<b>DAP Name:</b>	Metro Outer Development Assessment Panel	
<b>Local Government Area:</b>	Shire of Serpentine Jarrahdale	
<b>Applicant:</b>	Allerding & Associates	
<b>Owner:</b>	Oyster Reef Holdings Pty Ltd & Valma Gwendoline Hicks	
<b>Value of Development:</b>	\$22 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	Shire of Serpentine Jarrahdale	
<b>Authorising Officer:</b>	Director Development Services	
<b>LG Reference:</b>	PA23/177	
<b>DAP File No:</b>	DAP/23/02460	
<b>Application Received Date:</b>	15 March 2023	
<b>Report Due Date:</b>	12 June 2023	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1. Development Plans 2. Summary of Submissions 3. Clause 67 Assessment 4. Council Minutes	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input checked="" type="checkbox"/> Yes	<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>
	<input type="checkbox"/> N/A	Complete Responsible Authority and Officer Recommendation sections
<input type="checkbox"/> No		

### Responsible Authority Recommendation

That the Metro Outer Development Assessment Panel resolves to:

1. APPROVE DAP Application DAP/23/02460 and accompanying plans (**attachment 1**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	<p>Development Plans (P1) dated 19 April 2023.</p> <p>Bushfire Management Plan (P2) dated 3 March 2023.</p> <p>SPP5.4 Acoustic Assessment (P3) dated 3 March 2023.</p> <p>Stormwater Management Strategy (P4) dated February 2023.</p> <p>Transport Impact Statement (P5) dated 20 April 2023.</p>
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- b. Prior to the issue of a Building Permit, an amended Local Water Management Strategy is to be prepared by the applicant to the satisfaction of the Shire, on advice of the DWER. The amended Local Water Management Strategy is required to:
- i. Incorporate the approved development design structure;
  - ii. Include details on the expected volumes of stormwater runoff generated from the development design;
  - iii. Include clear quantification calculation to inform the land required for stormwater conveyancing and storage;
  - iv. Include cross-sections of stormwater infrastructure and how proposed open space is to be irrigated.

If the amended Local Water Management Strategy requires structural changes to the layout of the development, these are required to be reflected in the plans which are taken forward to physical construction of the development.

- c. Prior to issue of a Building Permit and subsequent to condition (b) being complied with, an updated Urban Water Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is required to address the following aspects to the satisfaction of the Shire:
- i. The capacity of the drainage infrastructure, including contingency for significant storm events;
  - ii. How the swales will direct water through obstacles such as road reserves, driveways and the acoustic wall on the north lot boundary;
  - iii. The location of the southern row of dwellings being positioned in the floodway of the drain to the south of site;
  - iv. The management measures to be employed to ensure water quality is maintained;
  - v. How much fill is necessary to be imported into site; and
  - vi. What measures will be in place to ensure the survivability or replacement of vegetation within the swales and 'rain gardens'.

Once approved, development shall be in accordance with the Urban Water Management Plan.

- d. Prior to the issue of a Building Permit or approval of earthworks / civil plans (whichever comes first), updated development plans shall be submitted to and approved by the Shire of Serpentine Jarrahdale which depict the following being undertaken as part of the development:
- i. A new footpath being extended on the eastern side verge of Briggs Road to link the development to the existing footpath on Larsen Road;

- ii. The verge abutting the subject land being upgraded to an urban standard, to match the verge standard approved as part of the adjoining resident subdivision on the western side of the Briggs Rd;
- iii. The landscaping and drainage design of the multiuse corridor, in order to reflect the continuation of the design elements located western of the subject land, namely central living stream, offline vegetated swales, lighting and pathways;
- iv. Any structural adjustments required as a result of the updated Local Water Management Strategy.

Once approved, the applicant must undertake and complete all infrastructure upgrade works prior of the commencement of the development's operations.

- e. Prior to issue of a Building permit, engineering drawings and specifications for the construction of internal roads, parking areas, circulation areas and detailing the connection with the existing Briggs Road are to be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the applicant must undertake and complete all works prior of the commencement of the development's operations.
- f. Prior to the issue of a Building Permit, the applicant to provide an artwork concept for consideration and approval, which reflects the Local Planning Policy 1.6 - Public Art for Major Development, to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Prior to issue of a Building Permit, a Tree Survey and Landscape Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscape Management Plan must also demonstrate detailed design for the Multiple Use Corridor, as referenced by condition c(iii) above. Once approved, the Landscape Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. Prior to issue of a Building Permit, a Schedule of Colours and Materials shall be submitted for approval for the communal buildings and for the future housing options. Once approved, development shall be constructed in accordance with the approved Schedule of Colours and Materials.
- i. Prior to issue of a Building Permit, a Local Development Plan shall be submitted to the Shire of Serpentine Jarrahdale including the layout of each lot and any proposed variations to State Planning Policy 7.3 Residential Design Codes (Volume 1).
- j. Prior to issue of a Building Permit, drawings and specifications of the 2.4m noise wall is to be submitted to the Shire of Serpentine Jarrahdale for approval. The noise wall must demonstrate the 'Internal and External Noise Target of State Planning Policy 5.4 Road and Rail Noise' being achieved at all times. Once approved, the noise wall must be fully constructed prior to operation of the development.
- k. Prior to issuing of a Building Permit, arrangements being made with the Shire of Serpentine Jarrahdale to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through Amendment 208 (when gazetted) to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2.

- l. The landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2.
- m. Prior to occupation, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained, kerbed, marked (including disabled bays) and thereafter maintained.
- n. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate how bin collection by private contractor means will be undertaken at all times, given the design of the movement network restricts access by Shire refuse vehicles. Once approved, the Waste Management Plan shall be adhered to at all times.
- o. Prior to the issue of a Building Permit, plans shall be provided demonstrating an additional emergency access way for residents to the northern portion of the site to Briggs Road. Once approved, the emergency access way shall be constructed in accordance with the approved plans prior to the completion of the works.
- p. Prior to issue of a Building Permit, the subject lands are to be amalgamated.
- q. Upon full development and landscaping of the Multiple Use Corridor which is required prior to the commencement of development operation, the Multiple Use Corridor shall be ceded to the Shire at the cost of the applicant, via a subdivision process.
- r. Prior to commencement of works, a Lighting Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall ensure lighting aligns with expected amenity within a residential area at all times, including the Multiple Use Corridor and footpath link to Larsen Road. Once approved, the Lighting Plan shall be adhered to at all times.
- s. Prior to the issue of a Building Permit, a revised Traffic Impact Statement shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The revised Traffic Impact Statement shall provide detailed designs of the following:
  - i. Design of trailer and caravan parking areas;
  - ii. Pedestrian connection points to the surrounding Byford network;
  - iii. Design of pedestrian, gopher and cycling facilities; and
  - iv. Turning templates provided and provision made for the safe manoeuvring of waste vehicles.
- t. Prior to the issue of a Building Permit, an updated Bushfire Management Plan shall be prepared and submitted to the Shire for its assessment and approval, based on advice from the Department of Fire and Emergency Services. This is required to depict:
  - i. the location of the clubhouse being swapped with the location of the bowling green, such that the former is locations outside of the flame zone area;
  - ii. re-examination of vegetation plots and any associated updates to the contour mapping;
  - iii. a development wide fire response and evacuation plan which details the arrangements for evacuation during an emergency, as well as the

consideration for prioritising the most vulnerable residents to locations furthest away from the eastern adjoining reserve.

### Details: outline of development application

Region Scheme	Shire of Serpentine Jarrahdale Town Planning Scheme No.2
Region Scheme - Zone/Reserve	Urban Development
Local Planning Scheme	Lots 59-62 Briggs Road, Byford Local Structure Plan
Local Planning Scheme - Zone/Reserve	Residential, Public Open Space and Multi Use Corridor
Structure Plan/Precinct Plan	'AA' (discretionary)
Structure Plan/Precinct Plan - Land Use Designation	8.7827 hectares
Use Class and permissibility:	'Residential – Single House' and 'Vacant land'
Lot Size:	No
Existing Land Use:	Shire of Serpentine Jarrahdale Town Planning Scheme No.2
State Heritage Register	Urban Development
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

### Report Purpose:

The purpose of this report is for Council to consider a Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for a Lifestyle Village in the form of a 'Grouped Dwelling' development at Lots 59, 60, 61 Briggs Road and Lot 62 Thomas Road, Byford. The application proposes the creation of 202 lots, incidental communal facilities, full internal road system, landscaped areas and elements of the southern multiple use corridor. The application includes elevations and several design options of dwellings for approval to be made available for future purchasers of the lots.

The physical works associated with the dwellings do not form part of this application, given the range of choices that purchasers have in terms of dwellings. The selection of final dwellings is ultimately sales led and purchasers select a home from the range of designs and also the lot they wish to locate it upon. As such, a site plan showing the layout of each dwelling has not been provided at this stage, but will form the basis of a future LDP process once approval for this application has been granted.

The application has a development value of more than \$10 million, and therefore is required to be determined by the Metro Outer Joint Development Assessment Panel

(MODAP). The MODAP will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The report is presented to Council to consider the RAR that will be presented to the MODAP, consistent with established delegations.

The proposal is consistent with the existing and future planning framework and as a result, the RAR (**attachment 1**) recommends that the application be approved subject to conditions. The development reflects the intent of the approved structure plan for the land, which designates the land for aged and dependent persons development. The lifestyle village will provide a development solution for particularly a full range of aged persons, being accessible by ages 55 and upwards.

## Background:

### Existing Development

The subject site of four parcels of land with a total area of approximately 8.78ha, is located within Byford, to the south of Thomas Road and to the east of Briggs Road. The subject site is zoned 'Urban Development' under Town Planning Scheme No. 2 (TPS2) and is designated 'Residential' under the Byford District Structure Plan (DSP) and the Local Structure Plan (Lots 59-62 Briggs Road, Byford) (LSP).

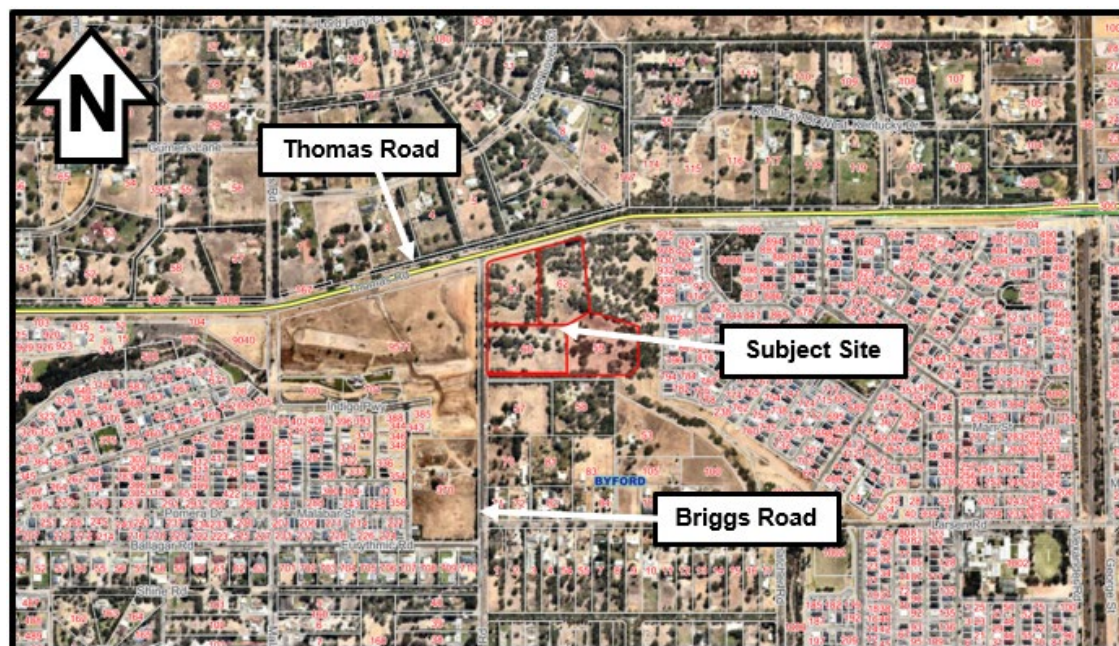


Figure 1: Aerial Locality Plan

### Proposed Development

The application seeks approval for a 'Lifestyle Village' in the form of a 'Grouped Dwelling' development with incidental communal aspects, and includes the following components:

- Creation of 202 lots;
- Clubhouse, including a swimming pool;
- Lawn bowling greens;
- Pottery shed;

- Community garden;
- Workshop;
- Arts and crafts building;
- Parking spaces for boats and caravans
- Multiple use corridor and drainage reserve; and
- Internal streets and landscaping areas.

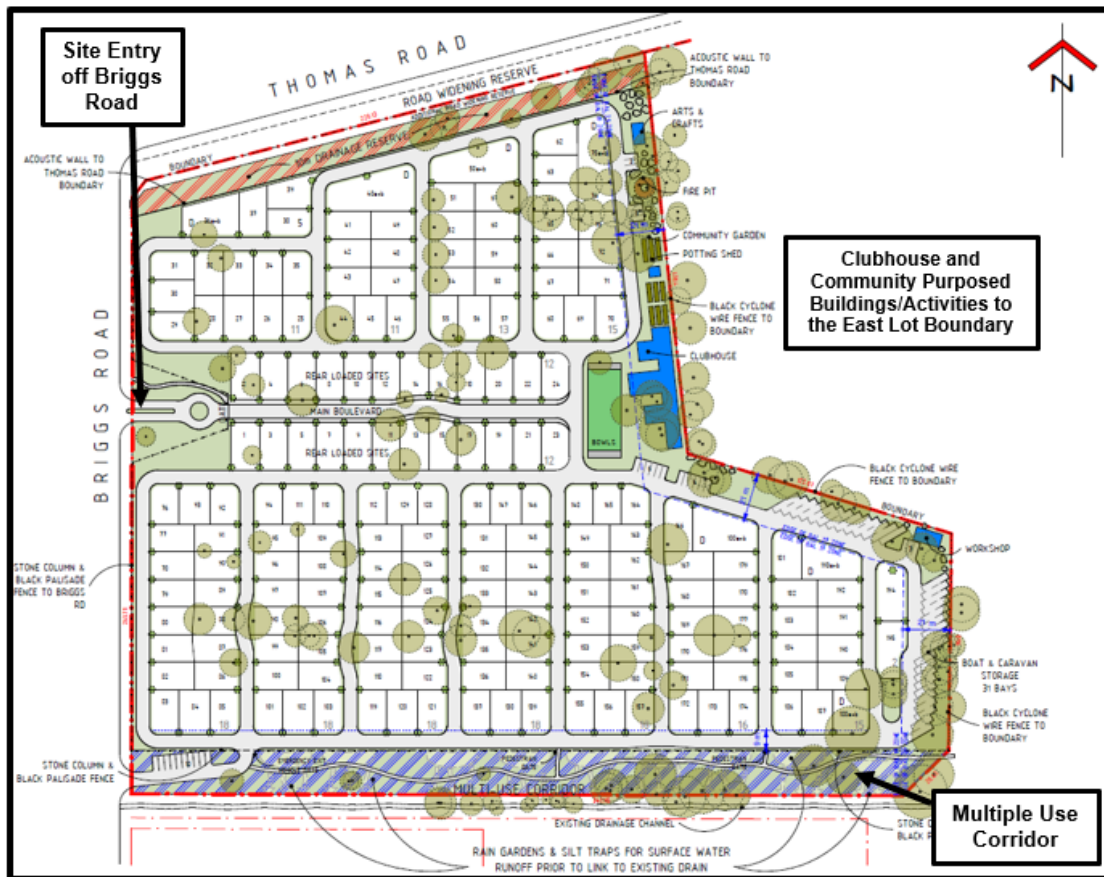


Figure 2: Site Plan





Figure 3: Plans of two of the ten designs

Full details of the development are contained within **attachment 2**.

**Legislation and Policy:**

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- Metropolitan Regional Scheme

#### State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes)

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Byford District Structure Plan 2020 (DSP)
- Lots 59-62 Briggs Road, Byford Local Structure Plan (LSP)
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy No 24 - Designing Out Crime (LPP24)

#### **Consultation:**

The application was advertised for a period of 28 days from 28 March 2023 to 25 April 2023 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 – Consultation for Planning Matters. The application was also advertised on the Shire’s website for the same period. At the conclusion of the consultation, five submissions were received, consisting of three submissions either objecting or raising concerns with aspects of the proposal. Two submissions were received either in support of the proposal, or did not object to it.

The objections and concerns relate to the following issues which are discussed under the relevant headings of the report:

- Noise - The concerns about noise have been addressed in the Form of Development and Amenity section of this report.
- Traffic - The concerns about traffic have been addressed in the Traffic section of this report.
- Density - Consideration has been given to the density of the development within the Local Structure Plan section of this report.
- Loss of privacy - A concern raised was that due to the increase in density, there would be a loss of privacy for residents to the south. Officers however consider that the development would be separated to the south by the Multiple Use Corridor

public open space reserve and a drain. A condition is also recommended to facilitate a future Local Development Plan, which would address interface of development to the MUC.

- Rural amenity - Despite the concern regarding the loss of rural amenity, it is noted that the approved Local Structure Plan sets the amenity expectation that residential development would occur on this site in the future. The design of the development is dealt with in the form of development and amenity section.

A summary of the submissions received, including the applicant's response and Officer comments, is contained within **attachment 2**.

#### Main Roads Western Australia (MRWA)

The application was referred to MRWA for a period of 42 days. MRWA, in their letter dated 11 April 2023, indicated they were unable to provide a recommendation on the proposal due to requiring a Traffic Impact Statement (TIS). A TIS was supplied to the Shire and forwarded to MRWA on 24 April 2023.

As it stands, MRWA's position remains one of non-support and the Shire has not received any updated referral response to advise otherwise. The Shire has previously been advised that as of 30 May 2022, Thomas Road from Rockingham Road to South Western Highway is under RWA administration. However, at the time of writing, this portion of Thomas Road remains an Other Regional Road (blue road) under the MRS and the Shire has delegation to provide a recommendation to the DAP in accordance with Delegated Instrument 2017/02 in this instance.

#### Department of Fire and Emergency Services (DFES)

DFES has provided a submission requiring modifications to the Bushfire Management Plan in relation to vegetation classification and other matters. Furthermore, DFES has discussed a redesign of the development to increase the setback between the bushfire hazard and habitable buildings (clubhouse). A condition is recommended for an updated BMP to be prepared to the satisfaction of the Shire, as well as relocation of the clubhouse facility.

#### Department of Water and Environmental Regulation (DWER)

The application was referred to DWER for a period of 42 days. DWER, in their submission, have provided comments in relation to the departure of the proposal from the approved Local Water Management Strategy (LWMS) and recommended a condition requiring this to be updated. A condition has been recommended in this regard. Furthermore, advice has been provided for the applicant in relation to clearing of vegetation and obtaining a groundwater license. This has been passed on to the applicant.

#### Department of Planning Lands and Heritage (DPLH)

DPLH Westport Division advised that they have no comments on this application. DPLH Land Use Planning Division did not make a submission.

#### Water Corporation

Water Corporation have provided advice for the applicant regarding connection to reticulated water and sewerage, which has been passed on to the applicant.

#### **Planning Assessment:**

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 3**.

#### Town Planning Scheme No.2 (TPS2)

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objective of the 'Urban Development' zone as *"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances"*. This objective is facilitated through the preparation of structure plans, which guide land use permissibility and development.

The subject site is identified as 'Residential Low (Suburban): R20-R35' within the Byford District Structure Plan 2020 (DSP). Further to the DSP, a site-specific Local Structure Plan (LSP) was approved in 2010 which includes a designation of 'Residential'. These designations inform appropriate land uses intended for the site. The development is generally compliant with the LSP provisions which is discussed later in the report.

#### Local Planning Scheme No. 3 (LPS3)

The site would remain zoned 'Urban Development' under LPS3. The provisions of LPS3 relating to the 'Urban Development' zone also rely on the preparation of a structure plan. As mentioned, the site is subject to an LSP, which has been further considered in the following sections of the report.

#### Land Use

The proposed development falls within the TPS2 definition of 'Grouped Dwelling' as found within State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes), which is as follows:

*"A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property."*

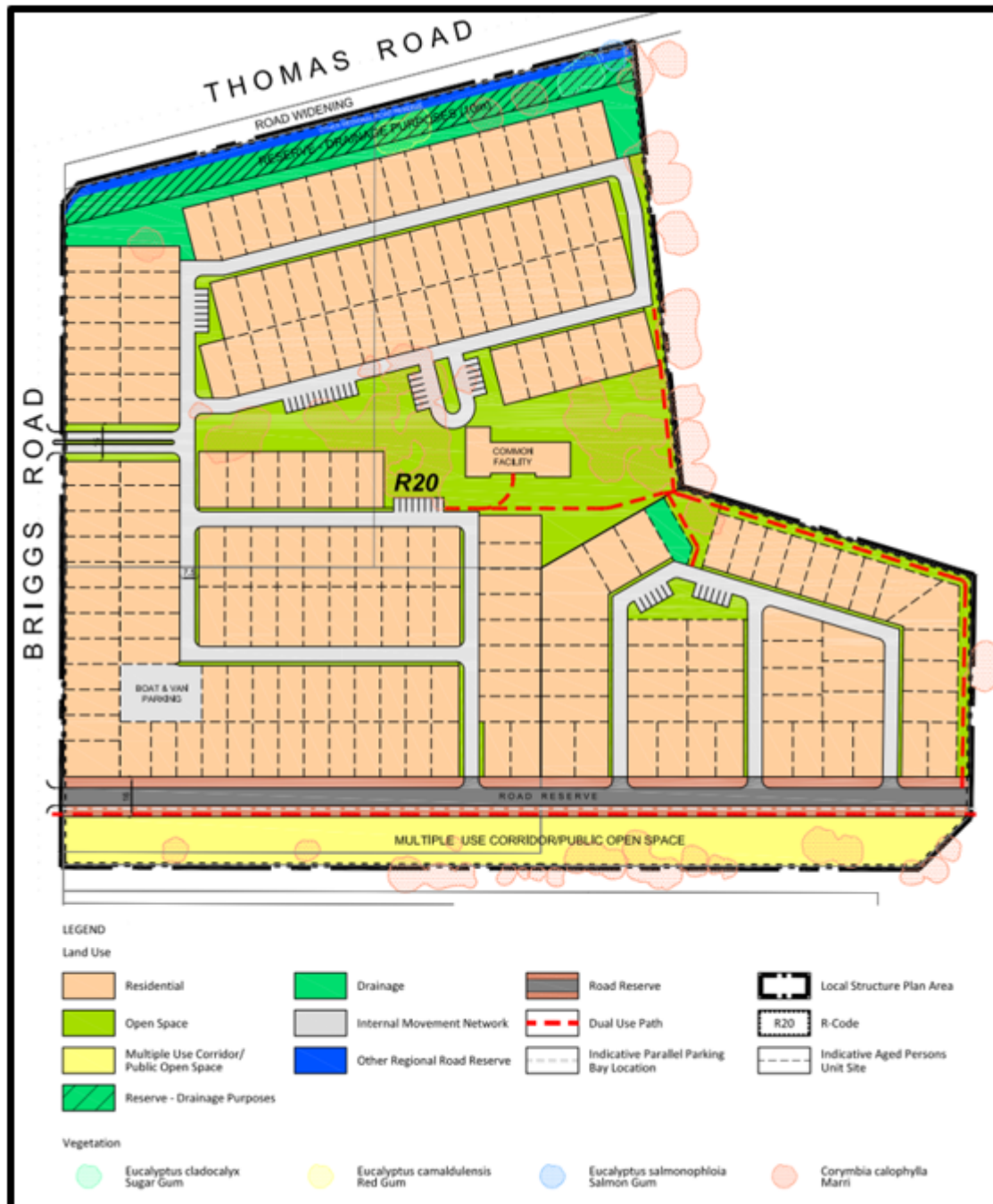
The 'Grouped Dwelling' land use is an 'AA' land use within the 'Residential' zone, as designated under the structure plans. This means, *"that the Council may, at its discretion, permit the use"*. Therefore, the proposed land use is considered consistent, subject to a merits-based assessment.

#### Local Structure Plan (Lots 59-62 Briggs Road, Byford) (LSP)

The purpose and objectives of the approved LSP for this site are twofold:

- *To provide a high quality aged or dependent persons' dwellings development within the subject area that will help meet the needs of the frail and ageing in the Byford community.*
- *To provide guidance for future development of the land.*

There is a specific intent for aged or dependent persons, which is met by the application in question. The LSP also provides a general layout of development, to which the proposal generally meets. The lot layout provided within the LSP is shown following:



**Figure 4: Extract of the Local Structure Plan**

While generally consistent, the proposal seeks approval for a modified development layout from the approved LSP. These modifications to the LSP include:

- A reduction in the drainage area to the north of the site, adjacent to Thomas Road from 4,733m<sup>2</sup> down to 2,328m<sup>2</sup>;
- Reduced width of the road reserve to the south of the site;
- An increase in the number of dwellings from 196 to 202; and
- An average lot size of 336m<sup>2</sup>, whereas the average lot size for the R25 density is 350m<sup>2</sup>.

Despite these variations, the LSP is a document that provides guidance to development, and is required to be given regard to in undertaking assessment of the application. The LSP also aims to provide high-quality development for aging members of the community. Officers consider the development meets this intent of the LSP.

#### Form of Development and Amenity

Clause 67 of the *Deemed Provisions* specifically (m) relates to the form of the development that is required to be assessed. The proposal will ultimately provide 202 dwellings of various designs, across 164 standard sites, 24 rear loaded sites and 14 duplex sites. The selection of dwellings will be sales led and purchasers will select a home from a range of designs and also the lot they wish to locate it on. As such, a site plan showing the layout of each dwelling has not been provided at this stage.

In line with the LSP, the dwellings are intended to meet the requirements of State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes), specifically in terms of setbacks, open space and outdoor living. This however cannot be fully determined until a sale has occurred and a particular lot and house type chosen. To ensure that each dwelling does not require an individual development application and that sites are afforded an appropriate level of residential amenity, it is recommended that a Local Development Plan (LDP) is prepared for the site to set out relevant planning controls for the area.

The applicant has included an example of what such provisions may look like within the additional information provided. This includes a 1m lot boundary setback requirement and reduced front setbacks for carports. Officers are satisfied that the preparation of an LDP would allow for a process to assess the built form of the development, establish the character of the area and ensure an appropriate level of amenity for residents. A condition is recommended in this regard.

Several dwelling designs have been provided as part of the application, as contained within the attachments. Some examples of these are depicted below:





**Figure 5: Series of Dwelling Designs**

The dwellings are generally of a contemporary design and simple form typical of development expected in a lifestyle village. The appearance incorporates earthy tones and appears to feature materials consistent with the rural character of the Shire, including timber weatherboard/cladding. The dwellings also include verandahs and pitched roofs consistent with rural building design. It is considered that the information provided demonstrates that the proposed built form would create desirable streetscapes and a consistent approach to development.

The development also proposes a clubhouse (714m<sup>2</sup>), workshop (60m<sup>2</sup>) and an arts and crafts workshop (60m<sup>2</sup>). All these buildings are located along the eastern lot boundary. The workshops are considered modest in scale and sited so as to not adversely impact on the character or amenity of the locality. The clubhouse is larger in scale than the other community facilities, as depicted below:



**Figure 6: Perspective of the Clubhouse**

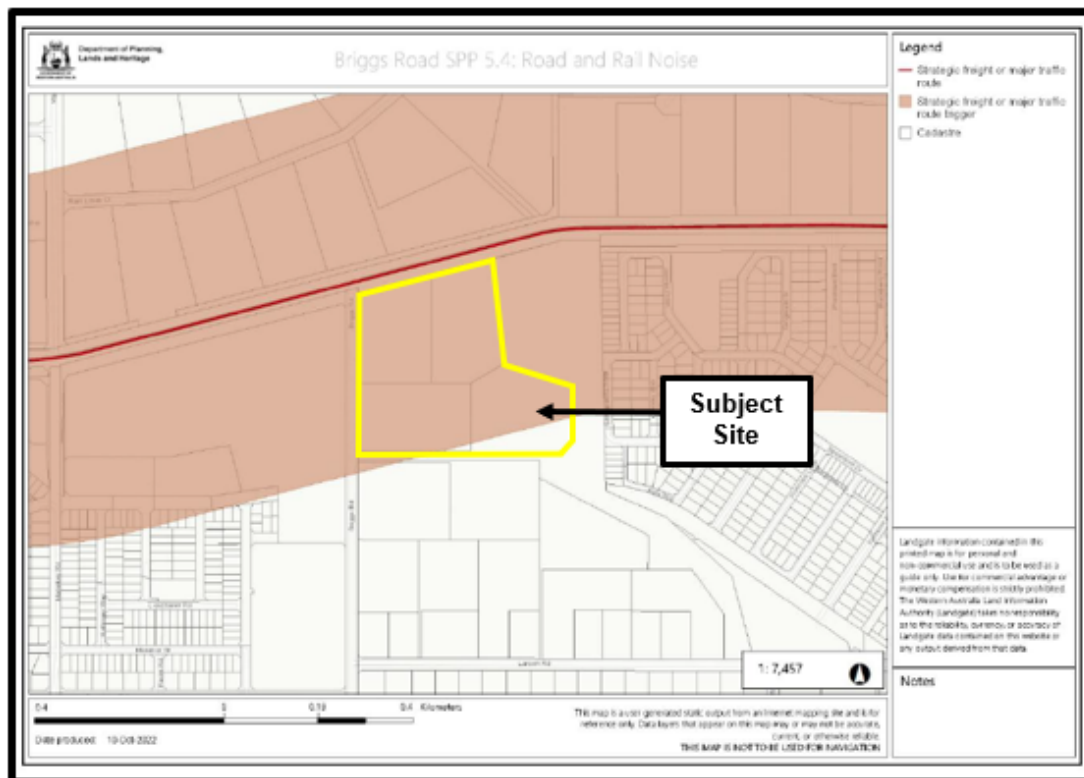
This building abuts public open space to the east where there is established vegetation. It is considered that due to the siting, form and external appearance of the clubhouse, it would not adversely impact upon the amenity of the locality or that of surrounding landowners. The design replicates the form and design features of the dwellings proposed.

#### *Noise*

Whilst the subject development is not considered noise generating, the site is located in close proximity to Thomas Road, an 'Other Regional Road' designated under the MRWA hierarchy. As such, it is important to ensure that traffic noise from Thomas Road does not adversely impact upon the residential amenity of the occupants of the site.

State Planning Policy 5.4 - Road and Rail Noise (SPP5.4) seeks to ensure that the community is protected from unreasonable levels of transport noise. Table 1 of SPP5.4 sets out distances between a road carriageway and a development site to determine whether an assessment against the policy is required. In this case, the distance is 300m and the site lies within this distance, as depicted below:





**Figure 7: The red shaded area is the 300m transport buffer distance**

To support the proposal and ensure consistency with SPP5.4, an Acoustic Assessment has been provided with the application. SPP5.4 sets out noise targets to be achieved for both within the dwelling and on land external to the dwelling. The Acoustic Assessment details that the dwellings located adjacent to Thomas Road would exceed the noise targets and proposes either a 2.4m high noise wall on the boundary facing Thomas Road, or design considerations to lot placement and public open space, combined with individual design by way of Quite House Design.

The proposed site plan indicates a Noise Wall located on the northern boundary adjacent to the drainage reserve. Based on the Acoustic Assessment provided, it is considered that this noise wall will ensure an appropriate level of amenity is afforded to occupants, consistent with SPP5.4. A condition requiring that the noise walls and boundary fencing to be in accordance with Local Planning Policy 4.25 - Uniform Fencing has been recommended by Officers which will address the visual appearance of the wall when viewed from the public realm.

### Traffic

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and whether the traffic generated by the proposal would be suitable considering the local road network. The category of the vehicles associated with the proposed development will predominantly comprise of resident's passenger vehicles and waste collection vehicles.

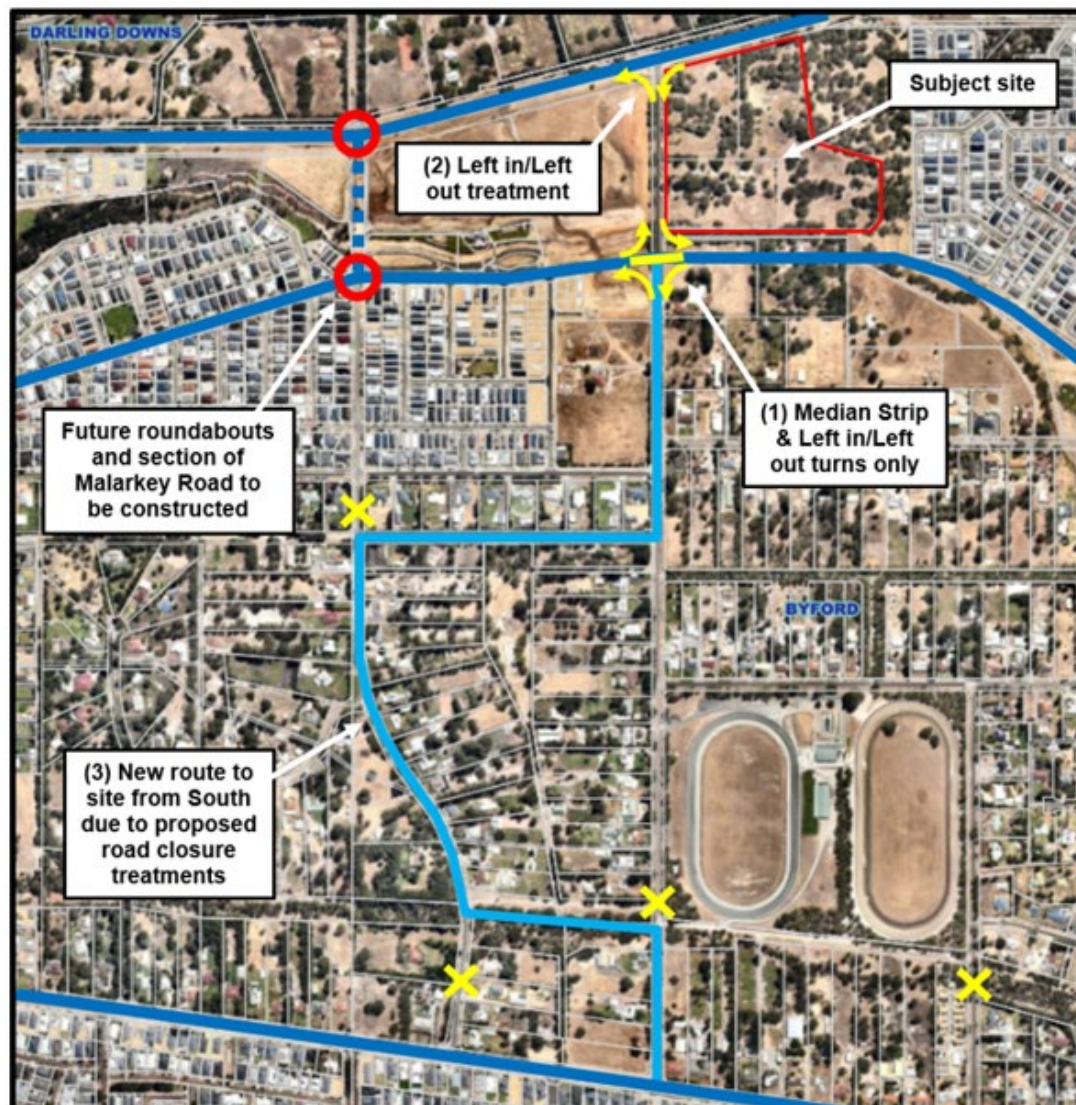
Several changes are currently being undertaken to the local road network, separate to this development. The section of Briggs Road where this development would take access is yet to be upgraded to an 'urban standard', however engineering plans have been approved which show the upgrade taking place in accordance with the subdivision of land opposite the subject site (Byford Meadows Stage 8). This does not include the section of verge however adjoining the subject land.

In order to address this, it is a standard requirement that the adjoining verge be upgraded as part of development taking place. This is required to match an urban standard, comprising a suitable footpath, drainage improvements, undergrounding of power and landscaping etc. This forms a recommended condition of approval.

In looking beyond Briggs Road, there are a number of planned road upgrades in the locality, which include:

- (1) The Thomas Road Upgrade Project is to include a left in left out treatment to the intersection of Thomas Road and Briggs Road;
- (2) A solid median strip and left in left out treatment to the intersection of Indigo Parkway and Briggs Road; and
- (3) A number of road closure treatments to the Byford road network to reduce through-traffic and 'rat runs' within the Byford Trotting Complex.

These are pictured in the following figure:



**Figure 8: Details of the future road upgrades to the local road network**

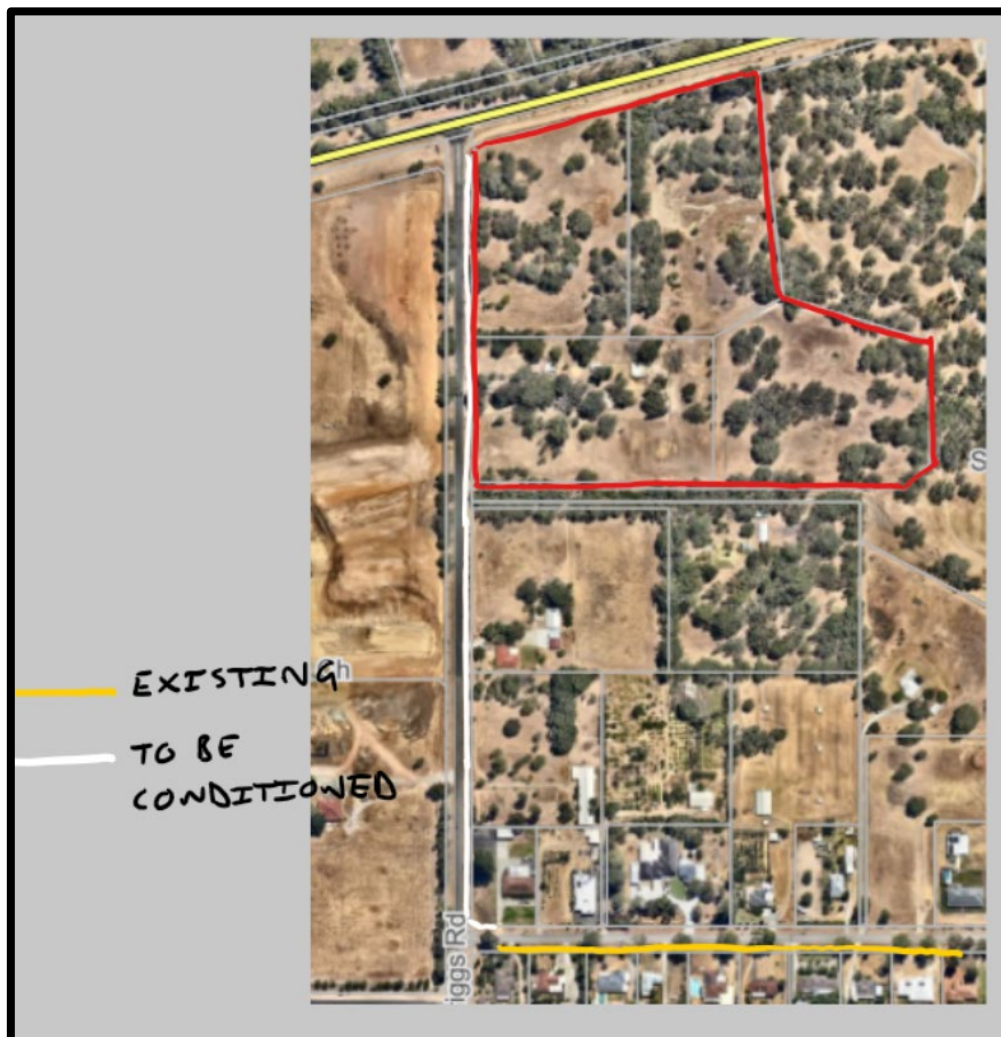
A Traffic Impact Statement (TIS) has been prepared to address the impact on the existing and future local road network. Submissions during the consultation period were received raising traffic concerns.

The standard trip generation rates for 'housing for aged and disabled persons' is less than a standard residential development rate. Therefore, it is considered that the number of vehicles generated by this development is less when compared with the residential development that the LSP initially allowed for. The TIS models that during the morning peak hour it is anticipated that only 40 vehicle movements would be generated by the proposal.

This would not substantially increase the traffic volume on the road network and is unlikely to have an adverse impact in the future. The TIS also concludes that no further upgrades to the local road network are warranted by this development.

Officers generally concur with this finding given the road upgrades taking place as part of the subdivision works for Byford Meadows Stage 8. However, there is a safety issue associated with the lack of an urban standard verge on the eastern verge area adjoining the subject land, and connecting the subject land southwards to the local footpath network on Larsen Rd.

As shown in the following image, the site will be isolated from a safe pedestrian path, and officers consider that this needs to be addressed as part of approval of the development. By including a footpath on the eastern verge that connects south to the existing network along Larsen Rd, elderly residents (specifically) will not be forced to cross Briggs Rd and access the path network being built by the adjoining subdivision. This will enable safer access to amenities like the Byford Town Centre.

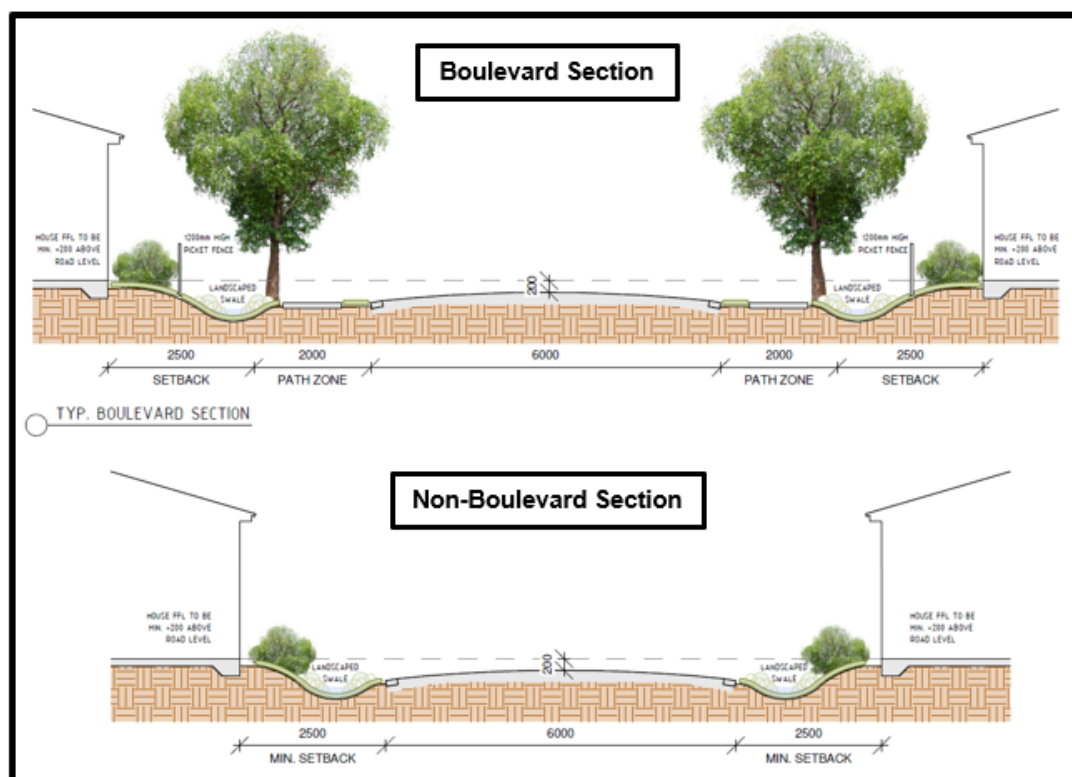


As a final note, the TIS also recommends the following matters to be addressed in the detailed design phase. A condition is secured on this basis:

- Design of trailer and caravan parking areas;
- Pedestrian connection points to the surrounding Byford network; and
- Design of pedestrian, gopher and cycling facilities.

#### *Internal Roads and Pedestrian Network*

In terms of carriageway widths associated with grouped dwelling developments the State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes) requires a 12m minimum total width, inclusive of a minimum 5.5m wide road and 1.2m wide footpath. The current layout of the communal streets provides a 6m wide road only. No footpaths are provided apart from on the main boulevard that leads to the communal facility to the east of site. This is detailed below.



**Figure 9: The main boulevard section is shown on the top image and the typical street elevation at the bottom**

The applicant proposes that internal roads, as private roads only, will be enforced through their design and development rules, to not exceed a speed limit of 8km/hr. This design and enforced speed regulation in the private estate, will enable safe sharing of space by both vehicles and pedestrians.

#### *Car Parking*

Clause 5.3.3 of the R-Codes requires for grouped dwellings, one visitor bay for every four dwellings. The development proposes 51 visitor parking bays for grouped dwelling developments.

#### Stormwater Management

Clause 67 (q) of the *Deemed Provisions*, relates to the suitability of the land for the proposed development, considering issues of stormwater. The applicant has provided

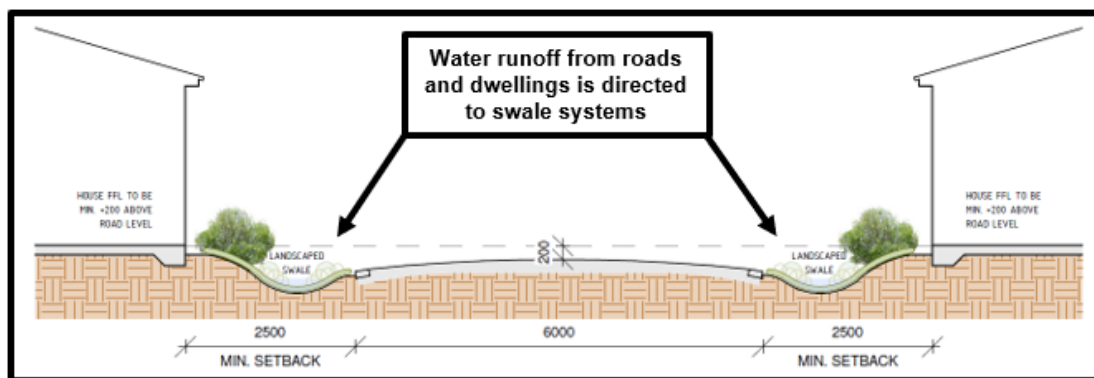
a Stormwater Management Plan (SWMP) to this effect, which is able to be viewed within **attachment 1**.

The site has a fall of 3m from the high point in the south-east to the low point at the north-west. The site is also classified as a ‘flood prone’ area, elevating the importance of effective stormwater management.



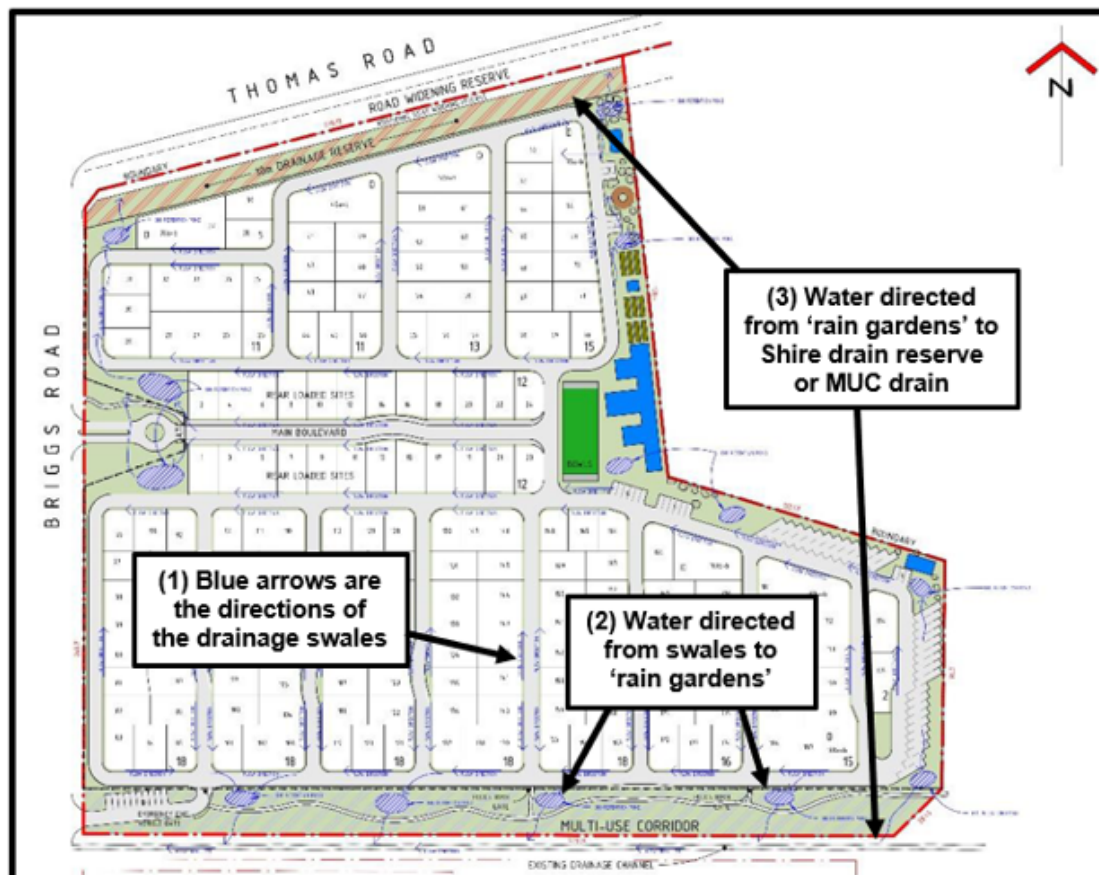
**Figure 10: Existing natural surface/groundwater movement (blue) towards the North-West corner of the lot**

The proposal seeks to manage stormwater runoff from the private roads and buildings through a series of roadside drainage swales adjacent to the internal roads of the development. The vegetation within the swales would strip nutrients from the water prior to infiltration.



**Figure 11: A section of a typical streetscape layout**

Water that is not infiltrated will be directed through the swale system to bio retention basins (‘rain gardens’) and eventually to the drainage infrastructure to the north of the site or the Multiple Use Corridor (MUC) drain to the south of site. This system is pictured below, and reflects the water management aspects contemplated by the approved LSP:



**Figure 12: Proposed stormwater management system pictured**

The applicant has not at this stage undertaken detailed engineering designs for the development. In order to ensure compliance with the Byford District Water Management Strategy and LWMS prepared as part of the original LSP, a condition is recommended to require an updated LWMS (which reflects also the advice of DWER) and subsequent to this, a detailed Urban Water Management Plan (UWMP). These processes will address the following matters:

- The capacity of the drainage infrastructure, including contingency for significant storm events;
- How the swales will direct water through obstacles such as road reserves, driveways and the acoustic wall on the north lot boundary;
- The location of the southern row of dwellings being positioned in the floodway of the drain to the south of site;
- The management measures to be employed to ensure water quality is maintained;
- How much fill is necessary to be imported into site; and
- What measures will be in place to ensure the survivability or replacement of vegetation within the swales and 'rain gardens'.

Officers consider the above are necessary to ensure appropriate stormwater management takes place.

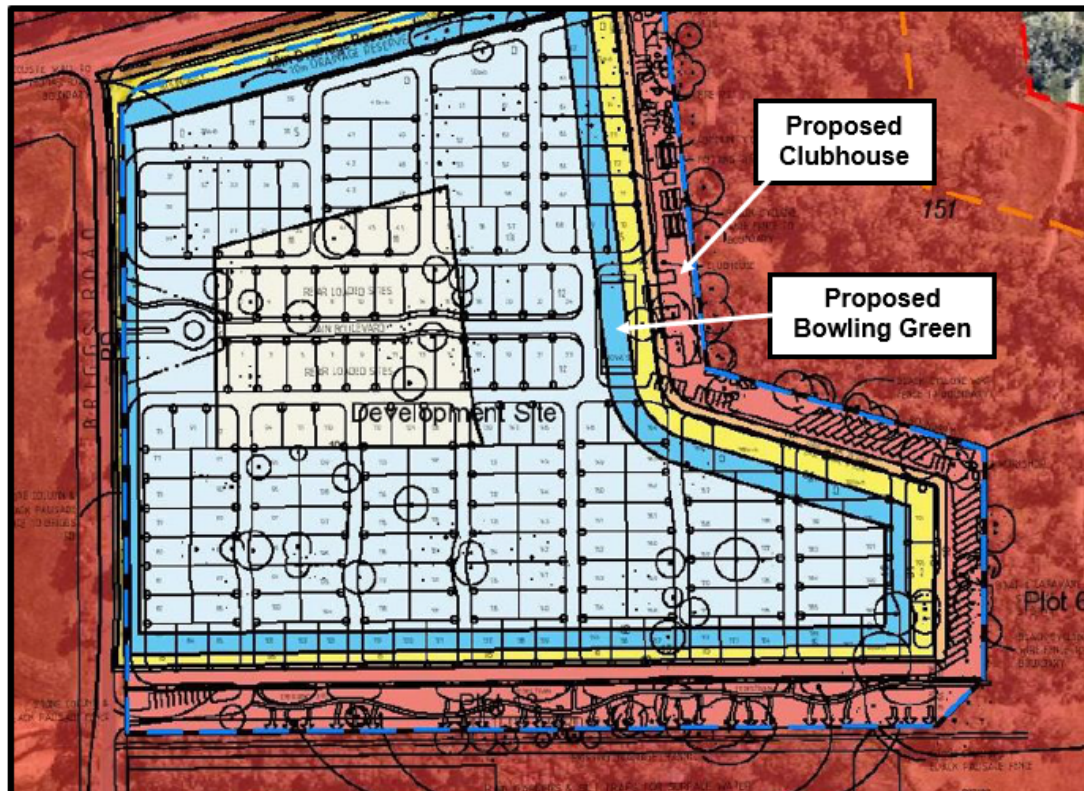
#### State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

The subject site lies within a bushfire prone area and as such, the provisions of SPP3.7 apply which seeks to "avoid any increase in the threat of bushfire to people, property

and infrastructure” through a balanced risk-based approach. A Bushfire Management Plan (BMP) was submitted with the application including an assessment against the criteria within the *Guidelines for Planning in Bushfire Prone Areas*. (Guidelines).

*Location, Siting and Design:*

The BMP demonstrates that a worst-case scenario bushfire attack level (BAL) rating for the dwellings would be BAL-29, consistent with the requirements of SPP3.7. The BAL contour map however identifies that the Clubhouse is within Flame Zone, as depicted below.



**Figure 13: Location of community facilities in the Flame Zone**

As the building is considered habitable (where people live, work, study or are entertained), Officers raised this as a concern with the applicant and recommended that the building be relocated to where the bowling green is situated and vice versa. SPP3.7 states that development applications that result in a rating of BAL-40 or Flame Zone will not be supported unless it is considered ‘minor development’ or ‘unavoidable development’, which the proposal is not considered.

In response to this, the applicant provided additional information which is summarised as follows:

- The clubhouse is capable of exemption under SPP3.7 as it is incidental to the dwellings and would be used infrequently by residents;
- Bushfire is well managed within these types of lifestyle developments and includes a fire warden, community volunteers to assist with fire safety and response and emergency evacuation plans/muster points;
- The site would be serviced by an independent fire water main;

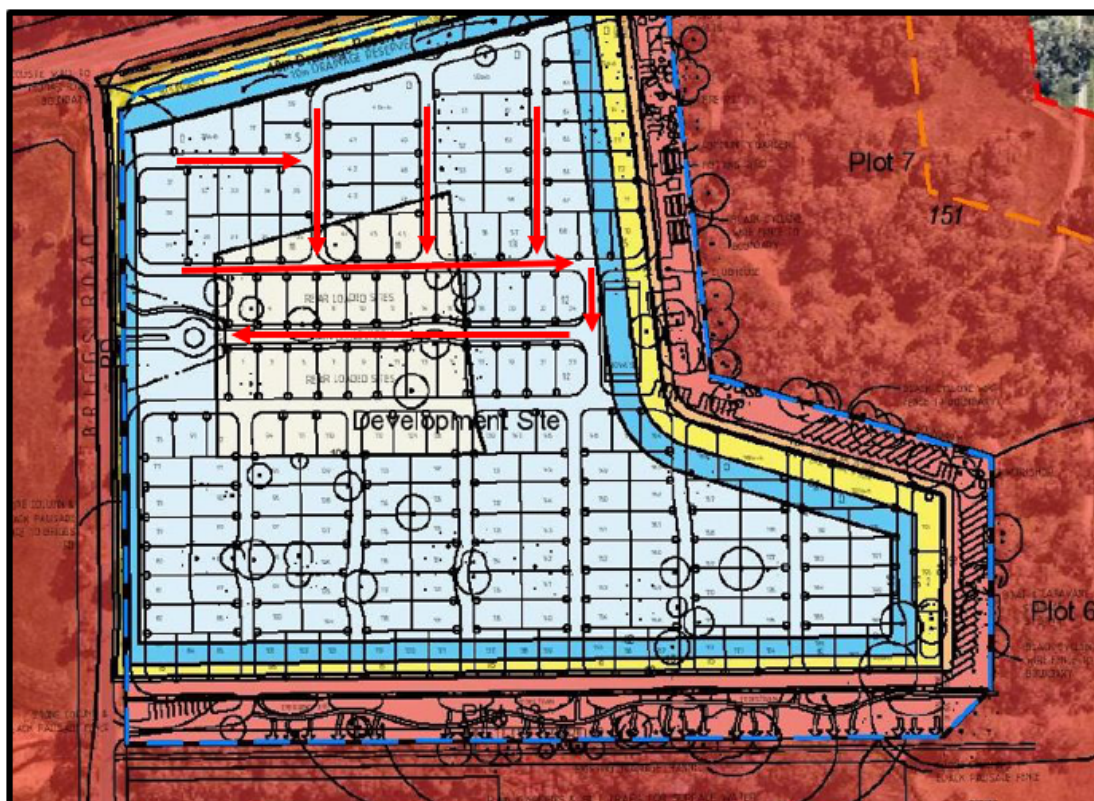
- The land to the east of the bushfire hazard contains an established residential development. Once the subject development is established the bushfire hazard would be contained by urban development to the west and east and constructed roads, resulting in any bushfire being capable of being responded to immediately; and
- The clubhouse and surrounding structures would have a comprehensive fire alarm system and evacuation process.

Officers consider that the justification provided by the applicant goes further to mitigate the risks associated with bushfire and that it could be appropriately managed. The building would be used by residents of the development who would be aware of their surroundings and the evacuation measures in place should a bushfire occur.

Furthermore, with the availability of reticulated fire hydrants and the new Cardup Career Fire Station targeted to be in operation prior to this development being completed, there is an acceptable risk management approach proposed.

#### *Vehicular Access:*

The Guidelines require that vehicular access allows for the provision of public road access in two different directions to at least two suitable destinations. The subject application satisfies this requirement. However, should a bushfire occur within the Flame Zone area to the east, residents located towards the north of the site would be required to travel towards the bushfire before exiting the site onto Briggs Road as depicted below:



**Figure 14: Emergency egress route (red arrows) during bushfire event**

Officers recommend to further substantiate the risk, a further emergency access is created for the residents to the north.

#### *Water:*



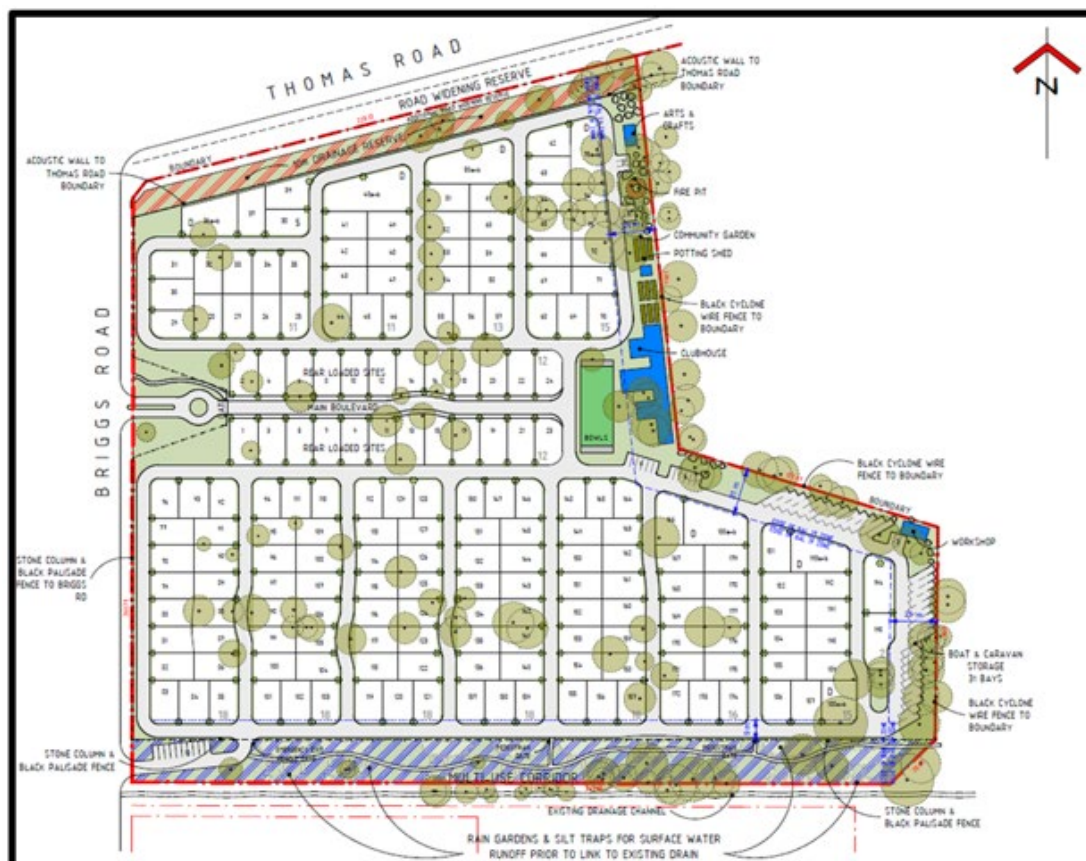
The subject site is serviced by a reticulated water supply enabling the installation of fire hydrants, in accordance with the Guidelines.

### Tree Removal

Clause 67 (q) of the Deemed Provisions requires consideration be given to the removal and retention of trees during applications for development approval. Further to this, the criteria of the LSP includes the following:

*“Future development shall ensure every effort is made to retain existing vegetation within communal open space/drainage areas.”*

The existing site features a large number of mature native Marri trees and several Eucalyptus species. In accordance with the LSP, the applicant has aimed to retain vegetation throughout the site and especially the eastern corridor as detailed following. The Multiple Use Corridor to the south of the site would feature a large amount of vegetation planting as well as the retention of existing mature trees.



**Figure 15: Site plan detailing vegetation intended to be retained**

However, vegetation loss will be required to facilitate development (i.e. the construction of roads, site works and dwellings). While Officers consider the intent of the planning framework is met to seek to retain as many existing trees as possible, it is recommended that prior to lodgement of a Building Permit a detailed Tree Survey is undertaken. The purpose of this would be to determine which trees can be retained, including a Landscaping Plan detailing tree replacement to offset vegetation loss and ensure an appropriate amenity outcome. A condition has been recommended in this regard.

### Development Contributions (DCA1)

This development falls within the development contribution area DCA1 (Area A) and as such is required to contribute towards the cost of common infrastructure under the Byford Traditional Development Contribution Plan.

Under a Development Application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot “yield” for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a development condition needing to be met prior to the issue of a Building Permit or commencement of civil works, whichever comes first.

#### Percent for art

A condition is recommended to ensure the necessary per cent for art provision of Local Planning Policy 1.6 is met. There are a range of opportunities in which to address the per cent for art component of the development, including elements surrounding the main driveway and feature external fencing, for example.

#### **Conclusion:**

The application seeks approval for a Lifestyle Village in the form of a ‘Grouped Dwelling’ development. The proposal would provide residential accommodation and community facilities for the aging population of Byford. It is considered that the development is consistent with the planning framework and would not adversely impact the character or amenity of the locality. It is therefore recommended that the MODAP approve the application subject to conditions.