

*The Mayor advised the meeting that Cr J Brown had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### **13.5.7 MAJOR MODIFICATION TO SOUTHERN RIVER PRECINCT 3A OUTLINE DEVELOPMENT PLAN**

Author: L Langford  
Author's Declaration Nil.  
of Interest:  
Reference: Various  
Application No: PF12/00010  
Applicant: Taylor Burrell Barnett  
Owner: Various  
Location: Southern River Precinct 3A  
Zoning: MRS: Urban, Urban Deferred, Other Regional Roads  
TPS No. 6: Residential Development, General Rural  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: Approximately 55ha  
Previous Ref: OCM 26 May 2009 (Resolutions 208-210)  
Appendices: 13.5.7A Current Southern River Precinct 3A ODP  
13.5.7B Draft Modified Southern River Precinct 3A ODP  
13.5.7C Schedule of Submissions  
13.5.7D Submission from Lot 3 Southern River Road  
13.5.7E Plan Illustrating Road Layout Changes

#### **PURPOSE OF REPORT**

For Council to consider a major modification to the Southern River Precinct 3A Outline Development Plan (ODP).

#### **BACKGROUND**

##### **History**

On 26 May 2009, Council considered a proposed ODP for the Southern River Precinct 3A area and resolved (Resolution 209) to adopt a modified version of the ODP to that which was advertised for public comment in late 2008. It also resolved (Resolution 210) to forward the proposal to the Western Australian Planning Commission (WAPC) for determination.

The ODP was then forwarded to the WAPC who did not determine the proposal within the statutory timeframe stipulated by Town Planning Scheme No. 6 (TPS 6). As such, the applicant sought review of the WAPC's deemed refusal by the State Administrative Tribunal (SAT).

On 13 November 2009, the SAT approved the Southern River Precinct 3A ODP with modifications, which the City subsequently adopted on 5 January 2010, pursuant to Clause 7.4.15 of Town Planning Scheme No. 6 (TPS 6).

A number of minor modifications have been made to the ODP since its adoption in 2010. A copy of the current approved ODP is contained as Appendix 13.5.7A.

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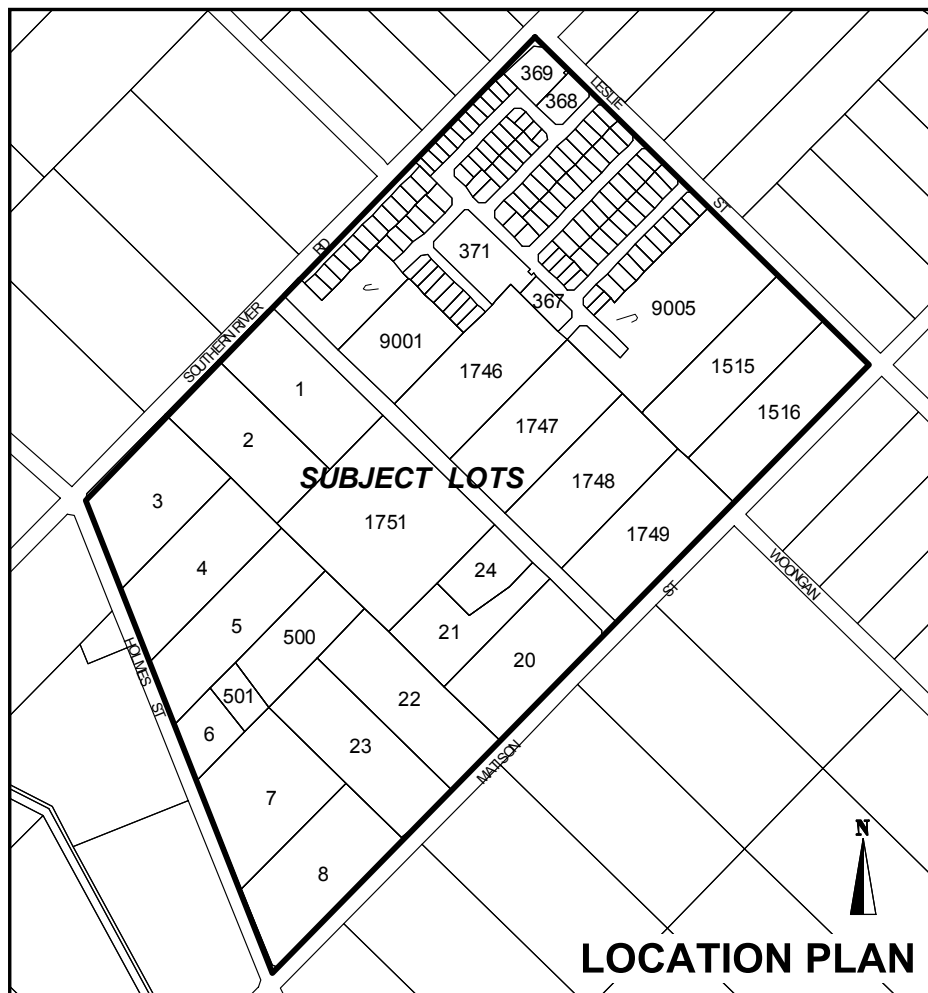
**Site Description and Planning Framework**

The Southern River Precinct 3A ODP area encompasses approximately 55ha of land bound by Southern River Road, Holmes Street, Matison Street and Leslie Street, Southern River. The ODP is intended to provide a framework to guide the subdivision and development of Precinct 3A.

Land within the northern portion of the ODP area, known as 'Riverbank Estate', has been recently subdivided for residential housing. The remainder of the ODP area comprises of undeveloped rural landholdings, most of which are used for rural-lifestyle purposes.

Land to the south of the ODP area, abutting Holmes Street, has been reserved under the Metropolitan Region Scheme (MRS) as an 'Other Regional Road', which relates to the future widening of Holmes Street.

A plan showing the Southern River Precinct 3A ODP area follows.



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### **Proposal**

The proposed modification to the Southern River Precinct 3A ODP involves the following:

- The southern entrance to the Precinct 3A ODP area from Holmes Street, located midway between Southern River Road and Matison Street, has been upgraded from left-in/left-out only, to a full movement intersection
- Minor redesign of the layout on the portions of land abutting Holmes Street, as a result of the revised draft alignment of Holmes Street under the MRS
- Left-in/left-out access only for the road which runs along the south-western boundary of the Primary School, where it joins the road which forms the southern entrance to the Precinct 3A ODP area from Holmes Street
- The removal of a road between Lots 1751, 24 and 21 Bradley Street
- The continuation of a road, which runs parallel to Bradley Street, from Matison Street through Lots 20, 21, 24 and 1751 Bradley Street
- The extension of the R30 zoning on Lot 1751 Bradley Street to allow for a possible 'Grouped Housing' site
- The realignment of a road abutting the north-eastern side of the Primary School site
- The reduction in size of the Primary School site from 4ha to 3.95ha.

Whilst in receipt of the ODP modification, it was recognised that a number of other changes should be included as part of this modification. These changes include:

- Modification to Notation 1 on the ODP plan to require a Centre Plan to be prepared for the commercial sites at the intersection of Southern River Road and Holmes Street, which includes land within the Southern River Precinct 2 ODP and the future Southern River Precinct 3A (South) ODP
- The inclusion of roundabouts along Matison Street.

A copy of the draft modified ODP is contained as Appendix 13.5.7B.

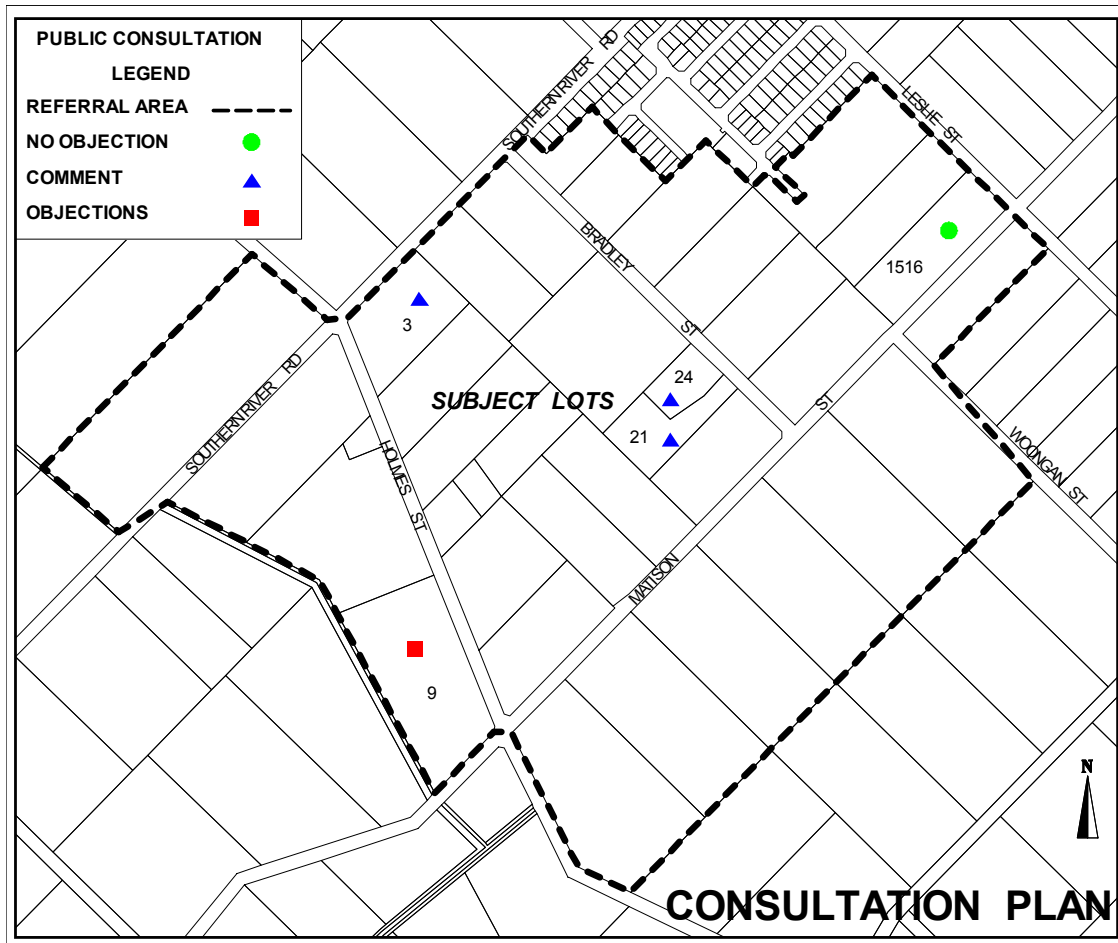
### **Consultation**

In accordance with Local Planning Policy 3.1 - Outline Development Plans, the proposal was originally considered to be a minor modification and as such was advertised for a period of 14 days by way of letters to directly affected and immediately surrounding landowners and relevant authorities.

The City received 12 submissions during the advertising period, with seven being received from government agencies and five being received from landowners. Of the five submissions received from landowners, one objected to the proposal, one raised no objection and three provided comment.

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A map identifying the extent of the consultation area and the origin of each submission follows.



A summary of submissions received and comments thereon are included in a Schedule of Submissions contained as Appendix 13.5.7C.

The main issues raised by the submissions include:

- Commercial floorspace allocation in accordance with the City's Draft Activity Centres Strategy
- The requirement for a Centre Plan for the commercial sites located at the intersection of Southern River Road and Holmes Street
- The constraints associated with the Primary School site, including the proposed reduction in size of the site
- The removal of the left-in/left-out access restriction onto Holmes Street and the proposal to make it a full movement intersection.

Each is discussed in the following sections, along with any other applicable technical matters.

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## **DISCUSSION**

### **Procedural Matters**

It was originally considered that the application constituted a minor modification to the ODP, however during the consultation period, the WAPC directed that it be treated as a major modification, and therefore be subject to WAPC consideration pursuant to Clause 7.4.10 of TPS 6.

Whilst the advertising period was seven days shorter than the 21 days normally required for a major modification, the WAPC, pursuant to Clause 7.5.2(b)(ii) of TPS 6, did not specifically require the City to readvertise the proposal. In any event, the marginally reduced advertising period is not considered a significant issue and does not warrant readvertising of the proposal.

### **Residential Density**

The proposed modification to the ODP involves minor increases in residential density from Residential R20 to Residential 30 on Lot 1751 Bradley Street. In this instance, the affected land is located within close proximity to proposed Public Open Space and the proposed commercial centre, which is consistent with the principles of the City's Local Housing Strategy.

The proposed modification will provide for housing diversity in locations that are within close proximity to key local facilities. The modification will not have any adverse impacts on the implementation of the ODP and is therefore supported.

### **Metropolitan Region Scheme Amendment 1227/57**

In May 2012, the WAPC released MRS Amendment 1227/57 for public comment which seeks to realign Holmes Street so as to not affect any land within Precinct 3A. As a result, the applicant has revised the layout of the affected portion of the ODP so that where additional developable area is created via the removal of the reserve, the adjacent street blocks have been extended to make use of that land.

The modification proposes a redesign of the layout on the portion of land abutting Holmes Street, which is affected by the revised draft alignment of Holmes Street. A 20m strip of land located in this portion of the ODP was excluded from having its 'Urban Deferred' status lifted specifically to accommodate a revised alignment of Holmes Street. As a result, a notation was placed on the ODP which indicated that the land use designations on this portion of the site would not become operative until such time that the MRS is amended to realign Holmes Street.

The WAPC, through the consultation process, indicated that it considers this modification (prior to the finalisation of the MRS amendment) to be premature. The City considered that the existing notation clearly indicates that any planning within that portion of the ODP area is uncertain until such time that the MRS amendment is finalised. If adopted, the draft modified ODP would eventually require a further modification, once the MRS amendment process is complete. For these reasons it is considered that the proposed modification would not have any negative impacts on the future planning of this area. Notwithstanding the above, if Council resolves to adopt the modification and forward it to the WAPC for approval, the WAPC are not likely to support this component of the modification.

*Item 13.5.7 Continued*

## **Movement Network**

### Changes to Road Layouts and Access

As indicated previously in the report, there are several changes proposed to the ODP road layout, including:

1. The removal of a road between Lots 1751, 24 and 21 Bradley Street.
2. The continuation of a road, which runs parallel to Bradley Street, from Matison Street through Lots 20, 21, 24 and 1751 Bradley Street.
3. The realignment of the road along the north-eastern boundary of the Primary School site.
4. The redesign of the road layout on the portions of land abutting Holmes Street, including the creation of a direct route along the south-western boundary of the school between a new roundabout intersection treatment at Matison Street and the road which forms the southern entrance to the ODP area from Holmes Street.
5. The provision for left-in/left-out access for the road which runs along the south-western boundary of the Primary School site where it joins the road which forms the southern entrance to the ODP area from Holmes Street.

A plan illustrating the above changes, excluding points 1 and 2, is contained as Appendix 13.5.7E.

With regard to point 1, the applicant (representing landowners of Lot 1751) is seeking to remove the road which is currently proposed to straddle the boundaries of Lots 1751, 21 and 24 Bradley Street. This is due to the landowners of Lots 21 and 24 indicating that they have no intention to develop their landholdings in the near future, which would impede the provision of a road and therefore the development of Lot 1751. The applicant investigated the possibility of providing the road entirely within the boundary of Lot 1751, however, due to difficulties associated with limited lot depth and the need to accommodate a significant level difference between natural ground level on Lot 21 and urban servicing levels on Lot 1751, it was found to be impractical.

As such, the removal of the road between Lots 1751, 21 and 24 could facilitate the development of a grouped housing site, being a form of housing which is not common within the immediate area.

With regard to point 2, the applicant is seeking to continue a road which runs parallel to Bradley Street, from Matison Street through Lots 20, 21, 24 and 1751 Bradley Street. This modification is supported as it will provide better accessibility to the public open space proposed on Lot 1751.

With regard to point 3, this modification has been proposed to reflect the current subdivision approval affecting Lot 1751. This modification is considered reasonable, and the impact that it has on the Primary School site is discussed in a later section of the report.

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With regard to point 4, the proposed road link along the south-western boundary of the Primary School is expected to improve traffic flow around the school as it will provide direct connections to Matison Street and the road which forms the southern entrance to the ODP area from Holmes Street.

With regard to point 5, it is considered that the proposed left-in/left-out access arrangement is appropriate due to proximity to the major intersection with Holmes Street and the necessity to provide for safe traffic movements from this road.

Roundabouts

The modification involves the designation of three additional roundabouts along Matison Street. Given that Matison Street is long and straight and will be a Neighbourhood Connector Road (carrying larger volumes of traffic), it is considered that roundabouts should be provided at approximately 250m intervals in order to reduce traffic speeds and to facilitate right turn movements on busy intersections. The roundabouts shown on the ODP abutting the Primary School site are expected to provide for better traffic flow around the Primary School site during peak periods and are therefore supported.

Holmes Street Access

The modification proposes to modify the southern entrance to the Precinct 3A ODP area from Holmes Street, located midway between Southern River Road and Matison Street, from left-in/left-out to a full movement intersection.

The modification was referred to the DoP for comment, with the resultant advice being that it did not support the removal of the left-in/left-out access restriction onto Holmes Street due to the proximity of the Southern River Road/Matison Street intersection. It is considered however that this full movement intersection is acceptable given that it is more than 200m from the nearest major intersection at Holmes Street and Southern River Road. As such, if Council resolves to adopt the modification and forward it to the WAPC for approval, the WAPC are not likely to support this component of the modification.

**Centre Planning and Commercial Site**

A submission was received from the landowners of Lot 3 Southern River Road, which is a site that is partly designated with a Local Centre zoning under the current ODP plan with a restriction of 400m<sup>2</sup> of retail floorspace. A copy of the detailed submission is contained as Appendix 13.5.7D.

Overall, the submission raises three matters:

1. Objection to the requirement to prepare a Centre Plan over the whole centre comprising lots within Southern River Precinct 2 and 3A (South) ODP areas, due to the potential difficulties associated with preparing a Centre Plan collaboratively with other landowners who are competing for limited retail floorspace.
2. The results of the Draft Activity Centres Strategy identifying a retail floorspace maximum of 7,000m<sup>2</sup> for the Centre (SR-08) and the request to have the current 400m<sup>2</sup> allocation increased to 2,200m<sup>2</sup> for this particular lot.

*Item 13.5.7 Continued*

3. A request to have the Local Centre zone extended across the whole of Lot 3 to provide for the landowners' desired development outcome. This will involve the minor reconfiguration of roads on the adjoining Lot 4 Holmes Street.

With regard to point 1, it is acknowledged that the requirement for a centre plan may be logistically challenging where it involves multiple landowners competing for similar land uses and tenants. As such, given the commercial sensitivity involved, it would be difficult for landowners to reach a consensus on the distribution of retail floorspace and the overall land use mix. This is particularly relevant to main street centres which essentially operate as individual commercial precincts separated by an intersection but are combined to form an activity centre.

However, it is considered appropriate for a centre plan to be submitted to address the broad level planning issues associated with activity centre development. With main street centres, it is considered appropriate for a centre plan to be prepared to address, as a minimum, issues of retail floorspace distribution across the entire centre and planning matters confined to an individual parcel of land.

In light of the above, rather than increase the floorspace allocation as requested in the submission, it is recommended that the 400m<sup>2</sup> floorspace limit be removed on the ODP altogether as any floorspace allocation should be determined at the Centre Planning stage. This would be consistent with the approach taken with the Southern River Precinct 2 ODP, which contains commercial land within the same centre as Lot 3, at the intersection of Southern River Road and Holmes Street.

With regard to point 3, given that any commercial development will need to be guided by an approved Centre Plan and that the proposed road network on the adjoining Lot 4 Holmes Street is acceptable, it is considered reasonable to include the requested change as part of this modification.

**Primary School Site**

Prior to lodging the subject application, the applicant, in discussion with the Department of Education (DoE), identified a number of issues with the existing ODP design, which were:

- The alignment of the primary school's south-western boundary road, which includes a bend around the south-western corner of the site that is unlikely to meet the relevant engineering standards.
- Opportunities to improve access in and around the primary school site, via the creation of a direct route along the south-western boundary of the school between (i) a new roundabout intersection treatment at Matison Street and (ii) the sole north-south aligned road within the Precinct 3A area that will provide access on to Holmes Street.
- The reluctance by the DoE to accept any outcome whereby the school was identified over a greater number of parent landholdings.



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The applicant has advised that the proposed modification, which seeks to reduce the primary school site from 4.043ha to 3.958ha (a net reduction of 850m<sup>2</sup>) is a result of the outcome of negotiations with the DoE, whereby it agreed to a slight reduction to their standard 4ha primary school site, in return for the developer agreeing to construct the entirety of the road's incursion into Lot 22.

Through the consultation process, the DoE raised concerns in relation to the existence of a Conservation Category Wetland (CCW) buffer over the site and the restrictions that the buffer would place on the future development of the school. It also highlighted that the proposed location of drainage swales on their site have the capacity to significantly limit access to the site.

Whilst CCW buffers generally present a restriction on land use, in this case the area of the site that is affected by the buffer is relatively small, and ultimately it is possible for development of environmentally benign nature, such as buildings, to occur within the buffer area, subject to it being demonstrated that the impacts of the development can be appropriately managed. An inappropriate use would be, for example, irrigated and fertilised playing fields. Notation 5 of the ODP does currently prevent the placement of a school oval within the buffer area affecting the site.

In terms of the drainage swales, it should be noted that the swales identified on the ODP will be gently graded and will not present a significant obstruction to gaining access to adjacent roads. At worst, it would simply require a small culvert to be installed to maintain a continuous flow during storm events.

**CONCLUSION**

In accordance with Clauses 7.4.7(a) and (b) of TPS 6, the following options are available to Council in progressing the modified ODP:

- Adopt the proposed modification to the ODP, with or without changes
- Refuse to adopt the proposed modification to the ODP.

It will be recommended that Council adopt the proposed modification to the ODP (as contained in Appendix 13.5.7B) subject to the following changes:

- The replacement of full movement access on to Holmes Street with left-in/left-out access only
- The removal of the 400m<sup>2</sup> retail floor space cap affecting Lot 3 Southern River Road
- Increase the Local Centre zoning on Lot 3 Southern River Road so that it covers the whole of Lot 3, and modify the road layout on Lot 4 Holmes Street accordingly, as shown in Appendix 13.5.7D.

**FINANCIAL IMPLICATIONS**

All costs associated with the Outline Development Plan will be borne by the applicant.

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### STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Local Planning Policy 3.1 - Outline Development Plans.

### VOTING REQUIREMENTS

Simple Majority required.

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| STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION |
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#### 550 Moved Cr R Hoffman Seconded Cr R Mitchell

That Council note the Western Australian Planning Commission's view that the application constitutes a major modification to the Southern River Precinct 3A Outline Development Plan and advise the Commission that, from Council's perspective, no further advertising is required.

CARRIED 9/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.

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| STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION |
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#### 551 Moved Cr R Hoffman Seconded Cr R Mitchell

That Council, pursuant to Clause 7.4.7 of Town Planning Scheme No. 6, note the submissions received in respect of the proposed modifications to the Southern River Precinct 3A Outline Development Plan and endorse the responses to those submissions, as contained in Appendix 13.5.7C.

CARRIED 9/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.

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| STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION |
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**552 Moved Cr R Hoffman Seconded Cr R Mitchell**

That Council, pursuant to Clause 7.4.7(a) of Town Planning Scheme No. 6, adopt the proposed modification to the Southern River Precinct 3A Outline Development Plan, as contained in Appendix 13.5.7B, after making the following modifications:

1. The replacement of full movement access on to Holmes Street with left-in/left-out access only.
2. The removal of the 400m<sup>2</sup> retail floor space cap affecting Lot 3 Southern River Road.
3. Increase the Local Centre zoning on Lot 3 Southern River Road so that it covers the whole of Lot 3, and modify the road layout on Lot 4 Holmes Street accordingly, as shown in Appendix 13.5.7D.

CARRIED 9/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.

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| STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION |
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**553 Moved Cr R Hoffman Seconded Cr R Mitchell**

That Council, pursuant to Clause 7.4.9 of Town Planning Scheme No. 6, forward the proposed modification to the Southern River Precinct 3A Outline Development Plan to the Western Australian Planning Commission for approval.

CARRIED 9/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr R Hoffman, Cr K Jones, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.