

PROPOSED LOCAL DEVELOPMENT PLAN



LOT 601 BROCKMAN STREET, GINGIN PROPOSED LOCAL DEVELOPMENT PLAN

OUR REF: 1508

Our Ref: 1508

29 June 2023

The Chief Executive Officer
Shire of Gingin
PO Box 510
Gingin WA 6503

Dear Sir/Madam

LOT 601 BROCKMAN STREET, GINGIN
PROPOSED LOCAL DEVELOPMENT PLAN

Dynamic Planning and Developments Pty Ltd (DPD) act on behalf of the registered proprietor of Lots 601 Brockman Street, Gingin (herein referred to as the 'subject site').

DPD has prepared the following submission in support of a Local Development Plan (LDP) which forms part of Condition No. 19 of the subdivision approval granted by the Western Australian Planning Commission (WAPC) for application no. 162831 dated 21 April 2023.

1.0 Background

The WAPC granted conditional approval for the freehold (green title) subdivision of the subject site on 21 April 2023 (WAPC Application No. 162831 – refer **Attachment 1**). The submission of the LDP relates specifically to Condition No. 19 of the granted approval which states the following:

19. *A Local Development Plan being prepared and approved to address the following:*
- a) Building envelopes and/or setbacks; and*
 - b) Designated land application areas (as required by the UWMP/site and soil evaluation); and*
 - c) Fencing; and*
 - d) Vehicle access points (crossovers).*

2.0 Proposed Local Development Plan

The development provisions contained in the LDP propose to apply those of State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes). Should the LDP be adopted, application of its development provisions and any variations allowed under its framework are considered to be acceptable and in line with the orderly and proper planning for the locality.

The LDP also seeks to circumvent the need for consultation where individual proposals satisfy the R-Codes or the provisions of the LDP. This is a common provision of LDP's and as such, is considered to be appropriate in this instance as well.

Building envelope and/or setbacks:

The proposed LDP specifies a nominal building envelope area for future residents to locate their house within. This building envelope area was governed by the nominated setbacks noted in the LDP of:

- 6m front setback.
- 3m secondary street setback.
- Setbacks to Weld Street will be a minimum of 7.5m.
- All other setbacks to be in accordance with the R-Codes.

The intent behind the nominated setbacks and prescribed building envelopes is to mirror the requirements of the R-Codes with the exception of:

1. The front setback – the nominated 6m front setback requirement is more akin to an R15-R25 type development. The intent here is to enable or encourage a streetscape that is more 'urban' in nature given the lots proximity to the town centre.
2. The secondary street setback for the R5 lots – the nominated secondary street setback is consistent with the R10 density coding under the R-Codes but including this within the LDP ensures it will apply to the R5 lots as well, which will promote more consistent design outcomes. In reality this only impacts Lot 83 and 85.
3. Setback to Weld Street – a larger setback of 7.5m has been proposed in order to protect the streetscape amenity along Weld Street and provide additional separation to the future buildings.

Ultimately, we feel the nominated setbacks and building envelopes propose an appropriate balance between affording future residents flexibility in dwelling design whilst also ensuring consistent design outcomes throughout.

Land application areas:

The proposed LDP requires residents to accommodate a land application area (LAA) on site of 225sqm which is consistent with the approved UWMP and site and soil evaluation. It doesn't specify an exact location for the LAA as we expect the location to be dependent on or respond to the design of the future dwellings which is not known at present, it does however suggest a preference to locate the LAA toward the rear of the lot as depicted on the LDP plan.

Whilst there is overlap between the building envelope and LAA areas depicted on the LDP, these areas are only nominal on the plan and this is not how it will occur in reality as at the building permit stage, dwelling designs will be located within the building envelope area and the 225sqm LAA area will be accommodated around the proposed dwelling design.

Fencing:

The proposed LDP includes provisions pertaining to fencing that limit the height of front fences to 1.2m high and of a rural design. The LDP also requires that front fences are not forward of the nominated building envelope. The intent of this provision is to encourage a landscaped front verge that almost looks a part of the road reserve

which will act to improve the appearance of the streetscape and provide quite attractive and open view corridors along the subdivisional roads.

Vehicle access points:

The proposed LDP has nominated a number of designated crossover locations for most of the lots fronting Brockman Street. The intent for nominating crossover locations for these lots is that we have identified the ability to retain existing trees within the verge area along Brockman Street and the nominated crossover locations avoid the need to remove significant vegetation in the verge to enable access.

In considering the appropriate crossover locations for Lot 80 and Lot 8, the prior traffic engineering advice received was considered and the recommended crossover location was adopted in order to ensure safe access and egress to these lots.

In addition to nominating crossover locations, the proposed LDP also illustrates the access limitations for the residential lots abutting Weld Street, which is consistent with the intent of Condition 10 on the subdivision approval.

3.0 Conclusion

The proposed LDP prescribes provisions that appropriately addresses Condition No. 19 of WAPC subdivision approval no. 162831. In light of the above, the LDP is considered to warrant favourable consideration and endorsement by the Shire on the basis that:

- The LDP is consistent in land use terms with the local zoning and approved subdivision design.
- The LDP is consistent with the intended development outcome allowed under the R-Codes with the site specific variations considered under the LDP being appropriate in the local context.

We trust the above satisfies the requirements of the Shire of Gingin to enable a favourable determination of the LDP.

Should you have any queries or require any clarification in regard to the matters raised, please do not hesitate to contact the undersigned on 9275 4433.

Yours Faithfully,



Reegan Cake

Planning Coordinator

ATTACHMENT 1 – WAPC Approval



Your Ref : 1508

Dynamic Planning And Developments Pty Ltd
P O Box 688
INGLEWOOD WA 6932

**Approval Subject To Condition(s)
Freehold (Green Title) Subdivision**

Application No : 162831

Planning and Development Act 2005

Applicant	:	Dynamic Planning And Developments Pty Ltd P O Box 688 INGLEWOOD WA 6932
Owner	:	George Alexander Gifford P O Box 233 GINGIN WA 6503
Application Receipt	:	23 September 2022

Lot Number	:	601
Diagram / Plan	:	Deposited Plan 38679
Location	:	-
C/T Volume/Folio	:	2565/945
Street Address	:	Lot 601 Brockman Street, Gingin
Local Government	:	Shire of Gingin

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped **23 September 2022** once the condition(s) set out have been fulfilled.

This decision is valid for **four years** from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **21 April 2027** or this approval no longer will remain valid.

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.dplh.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 section 251 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.dplh.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the



written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITIONS

Site works and drainage

1. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use; and
 - (b) finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.

(Local Government)
2. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation. (Local Government)

3. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) to the satisfaction of the Western Australian Planning Commission. (Local Government)

4. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

(Local Government)

5. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)

Movement network and access

6. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

(Local Government)

7. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken for construction of roads in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
- (a) street lighting in accordance with dark sky principles is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and
 - (c) temporary turning areas are provided to those subdivisional roads that are subject to future extension.

(Local Government)

8. Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of the intersections with the new subdivision roads in the locations as shown on the subdivision plan receipted 23 September 2022 (attached). (Local Government)
9. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area in accordance with the subdivision plan receipted 23 September 2022 (attached). The approved shared paths are to be constructed by the landowner/applicant. (Local Government)
10. Pursuant to Section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009* a covenant preventing vehicular access onto Weld Street being lodged on the certificates of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of the Shire of Gingin, in accordance with the subdivision plan receipted 23 September 2022 (attached) and the covenant is to specify:

“No vehicular access is permitted to and from Weld Street.”

(Local Government)

Public open space

11. The proposed reserve shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as a reserve for public open space and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

12. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and dark sky principles and to the specifications of the local government. (Local Government)

Services

13. Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation)
14. Arrangements being made with a licensed electricity network operator for the provision of an underground electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)
15. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)
16. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“A reticulated sewerage service is not available to the lots. As such, an on-site secondary treatment and disposal system for sewage (which includes nutrient removal) may be required. Therefore, the developable area of the lot is reduced. There are ongoing landowner obligations to ensure that the treatment and disposal system is regularly maintained in accordance with relevant health regulations. Contact the local government for further information.”

(Local Government)

Miscellaneous

17. Protection measures are to be implemented to ensure the vegetation identified for retention on the subdivision plan receipted 23 September 2022 (attached) is not impacted by subdivisional works. (Local Government)
18. Uniform fencing being constructed along the boundaries of lots abutting Weld Street. (Local Government)

19. A Local development plan being prepared and approved to address the following:
- (a) Building envelopes and/or setbacks; and
 - (b) Designated land application areas (as required by the UMWP/site and soil evaluation); and
 - (c) Fencing; and
 - (d) Vehicle access points (crossovers).
- (Local Government)
20. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply. (Local Government)

ADVICE:

1. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australasia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
2. In regard to Conditions 5, 6 and 8, the landowner/applicant is advised that the road reserves, including the constructed carriageways, truncations, and footpaths are to be generally consistent with the approved plan of subdivision.
3. In regard to Condition 7, the landowner/applicant is advised that to achieve the dark sky principles, new street lighting is to comply with a correlated colour temperature of 3,000 kelvins or less, shielded luminaires and in accordance with *AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting*.
4. In regard to Conditions 8, 9, 11, and 12, the upgrade/construction of new roads, intersections and public open space is subject to development staging as broadly indicated on the staging plan dated 15 September 2022 (Attached).
5. With regard to Condition 12, the landscaping plan is to be prepared in accordance with the approved urban water management plan. Development of the public open space is to include full earthworks, reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.

Any lighting within the public open space shall comply with the dark sky principles and *AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting*. Smart lighting should also be installed to ensure that lighting infrastructure is capable of remote operation and/or timing.

6. In regard to Condition 13, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/ applicant, a Land Development Agreement under Section 83 of the *Water Services Act 2012* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
7. With regard to condition 14, Western Power provides only one point of electricity supply per freehold (green title) lot.
8. The size and location of sewage disposal areas are to be consistent with Government Sewerage Policy. Best practice is provided in *AS/NZS 1547:2012 – On-site domestic wastewater management*.



Ms Sam Fagan
Secretary
Western Australian Planning Commission
21 April 2023

Enquiries : Timothy Leishman (Ph 6551 9069)

Condition 10
No vehicular access is permitted to and from Weld Street.



Road Reserves: 2.57ha
Town Centre: 3.18ha
(Including POS)

Total No. of Lots: 99
Minimum Lot Size: 980m²
Maximum Lot Size: 2463m²
Average Lot Size: 1205m²

- Legend:
- Landgate Contours
 - Existing Trees (Feature Survey) - To be retained
 - Existing Trees (Feature Survey) - To be removed
 - Existing Fence (Feature Survey)
 - Index Contours (Feature Survey)
 - Proposed Commercial Lots

SUBDIVISION FREEHOLD SUBDIVISION
LOT 601 BROCKMAN STREET
GINGIN

UDA Urban Development Institute of Australia WESTERN AUSTRALIA

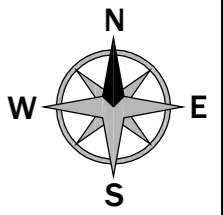
PIA Planning Institute Australia

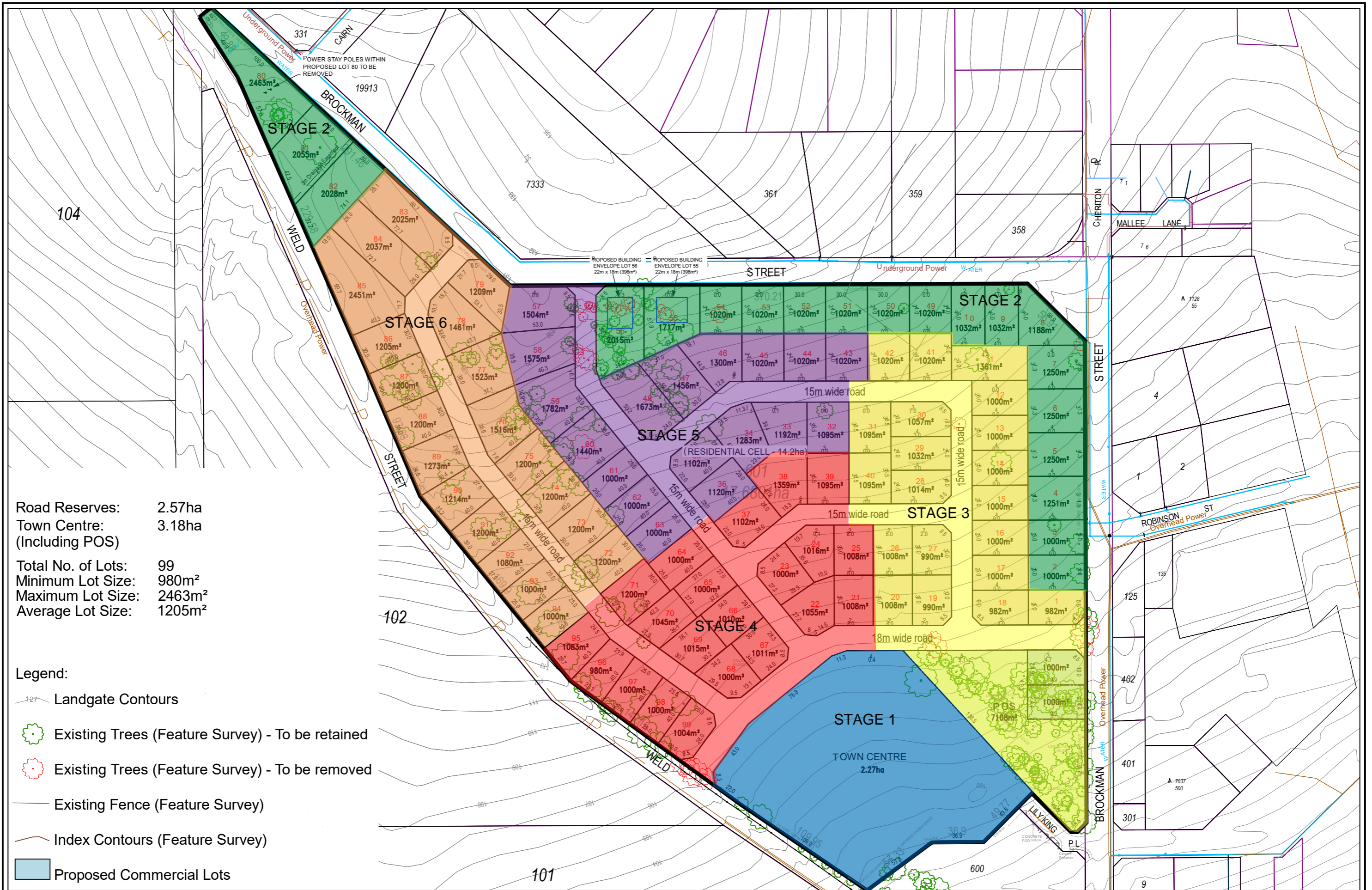
CPP CERTIFIED PRACTISING PLANNER

SCALE: 1:2500 @ A3
DATE: 15th SEPTEMBER 2022
FILE: 1508_15.09.2022.dwg
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CHECKED: -

DYNAMIC PLANNING AND DEVELOPMENTS

E: admin@dynamicplanning.net.au
T: (08) 9275 4433
W: www.dynamicplanning.net.au
SUITE 15, 29 COLLIER ROAD
MORLEY WA 6062
ABN: 99 169 411 705





Road Reserves: 2.57ha
 Town Centre: 3.18ha
 (Including POS)

Total No. of Lots: 99
 Minimum Lot Size: 980m²
 Maximum Lot Size: 2463m²
 Average Lot Size: 1205m²

- Legend:
- Landgate Contours
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 - Existing Fence (Feature Survey)
 - Index Contours (Feature Survey)
 - Proposed Commercial Lots

SUBDIVISION CONCEPT

LOT 601 BROCKMAN STREET
 GINGEN

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