

## 14.7 (2019/MINUTE NO 0046) PROPOSED STRUCTURE PLAN - LOT 176 (NO. 119) HAMMOND ROAD, SUCCESS

<b>Author(s)</b>	A Trosic
<b>Attachments</b>	1. Location Plan <a href="#">↓</a> 2. Structure Plan Map <a href="#">↓</a> 3. Schedule of Submissions <a href="#">↓</a>
<b>Location</b>	Lot 176 (No. 119) Hammond Road, Success
<b>Owner</b>	Dorothy Mary Guerini and Irene Anne Fruzynski
<b>Applicant</b>	Planning Solutions
<b>Application Reference</b>	110/193

### RECOMMENDATION

That Council, in pursuance of Clause 20(2)(e) of the Deemed Provisions (Schedule 2 Part 4), recommends to the Western Australian Planning Commission the approval of the proposed Structure Plan for Lot 176 (No. 119) Hammond Road, Success subject to the following modifications:

- (1) Part 1 to be modified as follows:
1. Section 3: the text within this section should be replaced with the text under section 4.6 and section 4.6 should then be deleted.
  2. Section 4: under subdivision – include; *“a further more detailed noise management plan will be required at subdivision stage to confirm mitigation requirements once ground levels are confirmed”*.
  3. Section 4: under subdivision – include; *“a Fauna Relocation Management Plan is to be prepared as a condition of subdivision approval”*.
  4. Section 4: under subdivision – include; *“intact remnant vegetation [trees] are to be retained in the nominated POS area where possible, to the satisfaction of the Local Government”*.
  5. Section 4: under subdivision – include; *“The proposal should be discussed with the Federal Department of Sustainability, Environment, Water, Population and Communities in terms of ensuring compliance with the EPBC Act.”*
  6. Section 4.1: reference to R-Codes should be amended to reference the “R-MD” codes. For example R30 should be ‘R-MD-R30’, R40 should be ‘R-MD-R40’ and R60 should be ‘R-



MD-R60'.

7. Structure Plan Map: reference to R-Codes should be amended to reference the "R-MD" codes. For example R30 should be 'R-MD-R30', R40 should be 'R-MD-R40' and R60 should be 'R-MD-R60'.
- (2) Part 2 to be amended as follows;
    1. Section 1.1: refer to the R-MD-R codes in this section.
    2. Section 3.3: refer to the R-MD-R codes in this section.
  - (3) endorse the Schedule of Submissions prepared in respect of the proposed Structure Plan (Attachment 3);
  - (4) advise the proponent and those persons who made a submission of Council's recommendation; and
  - (5) pursuant to Clause 22(7) of the Deemed Provisions request the Commission provides written notice of its decision on the Proposed Structure Plan.

**COUNCIL DECISION**

MOVED Cr P Eva SECONDED Cr C Reeve-Fowkes

**LOST 4/6**

**COUNCIL DECISION**

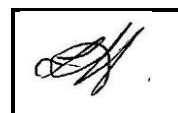
MOVED Cr P Eva SECONDED Cr C Sands

That Council defer the determination of the proposed structure plan for Lot 176 No. 119 Hammond Road Success, pending the receipt of additional information relating to the environmental assessment of the subject property.

**CARRIED 10/0**

**Reason for Decision**

A more detailed fauna and flora study for both day and night of the area in question in relation to this Agenda Item is required prior to further consideration by Council.



## Background

The Lakeside Success Structure Plan was originally adopted by Council in July 2012 and endorsed by the WAPC in March 2013, and the land is now largely built out. This subject land was not included in the original structure plan, by choice of the landowner. They have now prepared their own proposed structure plan, which seeks to essentially urbanise the land and connect it in with the remaining structural elements of the Lakeside Success Structure Plan.

## Submission

N/A

## Report

The subject site is approximately 2.0823 ha in area. The subject site is bound by Hammond Road to the west, Beeliar Drive to the north and Delaronde Drive to the south. Langan Chase abuts the south west corner of the subject site. The Armadale Road / Beeliar Drive interchange to the Kwinana Freeway is located approximately 1.5km east of the subject site providing connectivity to the wider metropolitan area.

Abutting the subject site to the south is the Lakeside Success Structure Plan area, comprising a mix of (existing) residential zoned land and public open space.

## Planning Background

The proposed Structure Plan was lodged with the City on 11 January 2019. Following subsequent discussions with the applicant, the proposal was later advertised for 28 days, from 29 January 2019 to 26 February 2019.

Council received a total of twelve submissions in response to the proposal during the advertising period of which ten were either in 'support', 'recommended referral', 'statements of no-objection', 'no comment' or 'support subject to technical advice' and two submissions were objecting to the proposal.

The submissions are identified in the Schedule of Submissions (refer Attachment 3). Each of these submissions are responded to in detail in the schedule and summarised (in part) within the report, for ease of reference.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ("Scheme"). The subject site is also located within Development Area No 13 ("DA 13"), Development Contribution



Area No. 1 (“DCA 1”) and Development Contribution Area No. 13 (“DCA 13”) under the Scheme.

Pursuant to Clause 5.2.3.1 of the Scheme; *“The development of land within a Development Area is to comply with Table 9 [of the Scheme]”*. Clause 5.2.1 of the Scheme specifies; *“Table 9 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas”*. Under Clause 5.2.3.2 of the Scheme; *“The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to the land.”*

On the above basis the specific provisions within Table 9 DA 13 of the Scheme are provided as follows:

1. *“An approved Structure Plan together with all approved amendments shall be given due regards in the assessment of applications for subdivision, land use and development in accordance with clause 27(1) of the Deemed Provisions.*

*Residential development”*.

Pursuant to the above Scheme provisions, the applicant has submitted a Structure Plan for assessment. This report aims to summarise the outcome of that assessment pursuant to the planning framework, the legislative requirements of the Regulations and that of the Scheme.

#### Onsite vegetation

The application as submitted for advertising included an Environmental Assessment Report (EAR) dated 11 January 2019. The EAR indicates;

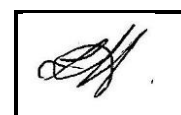
*“The [on site] vegetation is not considered to represent any state or federally listed Threatened or Priority Ecological Communities.”*

The subject site is zoned “Development” meaning;

*“To provide for future residential, industrial or commercial development to be guided by a comprehensive Structure Plan prepared under the Scheme.”*

The subject area is identified for residential under the State Governments Perth and Peel @ 3.5 Million documentation. The “comprehensive Structure Plan” proposal identifies the subject site as providing residential zoned land in line with State Government prescribed housing targets.

The future residential land is proposed to be serviced by future local roads (as per Attachment 2) which form part of the Structure Plan



proposal. Under Liveable Neighbourhoods (State Government operational policy) a Structure Plan area is required to give up 10% of the site area as public open space/ Parks and Recreation reserve.

What this means is that the subject lot is required to provide 10% of its area for future 'Parks and Recreation' with the remaining 90% of the site area to be cleared for future 'Residential' zoned land and 'Local Road' reserves to service the residential lots.

As extracted above, the EAR indicates the onsite vegetation is not considered to represent any state or federally listed; '*Threatened or Priority Ecological Communities*'.

Based on the information available, there are no known significant environmental factors which would impede development potential of the site. The (future) development of the site will be managed through the following:

- \* *"A Construction Environmental Management Plan (CEMP), written prior to commencement of the development site;*
- \* *Installation of wind fencing around the perimeter of the proposed clearing area to minimise impacts on adjacent vegetation;*
- \* *POS area and road reserves may retain significant trees where possible, subject to engineering and design considerations; and*
- \* *Implementation of the prepared Bushfire Management Plan."*

In addition to the above it is recommended that Part 1 of the Structure Plan Section 4: under "subdivision", be amended to include that; "*a Fauna Relocation Management Plan is to be prepared as a condition of subdivision*". This is recommended to protect any fauna that may be present on site at the time of (future) clearing.

It is mentioned within the EAR; "*intact remnant vegetation [trees] are to be retained in the nominated POS area where possible*". This is proposed to be conditioned under the Structure Plan subdivision conditions requirements as listed within the Council recommendation.

The 'Parks and Wildlife Service' (under submission 4 of Attachment 3 – Schedule of Submissions) provided comment during the advertising period as follows:

*"The proposal should be discussed with the Federal Department of Sustainability, Environment, Water, Population and Communities as there may be a requirement to refer the proposal under the EPBC Act."*

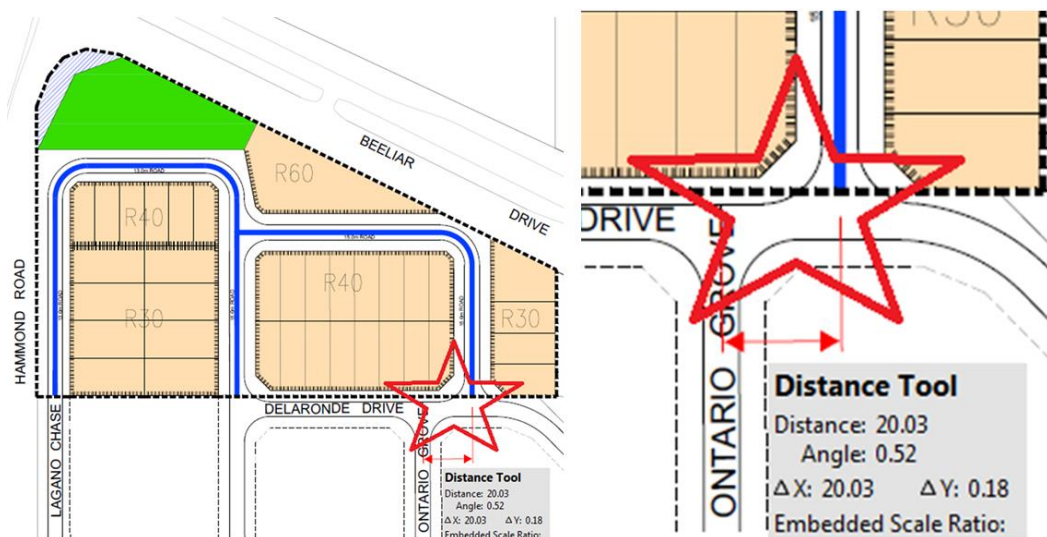


The applicant is obligated to ensure they address any requirements associated with the federal legislation, and it is appropriate that Council note this to the applicant.

### Traffic Safety

There has been concern raised by a resident under an objection in regards to traffic safety. Specifically the objection mentions that an adjacent (existing) property is positioned opposite a proposed (future) local road intersection. This is a traffic safety concern in the opinion of the objector.

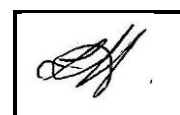
The proposed streets are defined as “access streets” under the State Governments’ operational policy ‘Liveable Neighbourhoods’ (LN). Table 5 under element 2 of LN indicates a 20m (minimum) *‘junction spacing measured from road reserve centreline to terminating street pavements’* to be required. In accordance with this guidance (safety standard) within LN, the proposed road is considered to be acceptable from a road safety aspect as follows:



The above image has been edited to identify the subject area in question by the red star. As can be seen the junction spacing is measured at the minimum 20m. As such the proposed road network is considered to be safe as it is designed in accordance with LN (safety) principles. The concerns from this objection are therefore considered to have been addressed by the applicants’ proposal in accordance with best practice (LN).

### Bushfire requirements

The subject site is identified as being classified under the State Governments ‘map of bushfire prone areas’. This is shown below in regard to the pink shading over the subject site and beyond;





On the above basis the applicant was required under State Planning Policy No. 3.7 to submit a Bushfire Management Plan in order to address the potential bushfire threats on future residential lots.

During the advertising period the Bushfire Management Plan (BMP) was referred to the *Department of Fire and Emergency Services* for their comment. Please refer to submission 11 under Attachment 3 for details.

As can be noted in Attachment 3 of this report, DFES advises that the BMP *“has adequately identified issues arising from the bushfire risk assessment and that DFES has considered how compliance with the bushfire protection criteria can be achieved for the Structure Plan”*.

The structure plan assumes a single stage of development meaning the bushfire threat is expected to be eliminated prior to dwellings being built over the subject site. On this basis whilst the current vegetation is a bushfire threat to existing residences the clearing (to facilitate the future residential development over the subject site) will significantly reduce the threat on current (existing) residences.

City officers do not have concerns with the details provided within the BMP; however, should a future subdivision propose a staged approach then the future subdivision application will then need to address the bushfire issues created by staged clearing. This is not considered to be an issue in need of addressing at the Structure Plan stage given SPP 3.7 applies separately at the subdivision stage in the manner described above.

As can be seen by Attachment 1 (aerial photograph) the subject site is the last parcel of residential land to be cleared in this pocket of Success. Historically the properties immediately south of the subject site were required to build to bushfire requirements (Bushfire Attack



Levels “BAL”) at the time of their respective Building Permits under the Building Act/ Building Code of Australia.

These property owners have now come to realise that the bushland over the subject site is likely to be cleared under a future subdivision application (should the proposed Structure Plan be approved by the Department of Planning, Lands and Heritage ‘DPLH’).

The potential for the existing bushland on the subject site to be cleared has been interpreted by some objectors to be justification for “reimbursement” of the BAL measures endured by existing adjacent residences.

To these objections it is noted as follows; building to AS3959-2009 Bushfire Constriction Standards is required under the Building Code of Australia where proposed Class 1, 2, 3 or 10a structures are impacted by designated Bushfire prone areas/ mapping.

The legislation applies at the time of housing assessment/determination pre-construction. On this basis should a dwelling be constructed to a particular Bushfire Attack Level (BAL) under AS3959-2009 that requirement (to mitigate the proposed dwelling from the impacts of bushfire at that time) is obligatory.

Should the bushfire threat vegetation be cleared at a future date (post construction) there is no right to compensation under the Building Code of Australia or under any other means with respect to either the Building Act or the Planning Act.

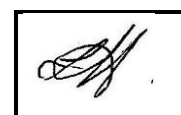
There is no way of knowing how long bushfire prone vegetation will be a treat for. It could be 1 year, 10 years, 50 years or 100+ years. On this basis there will be no reimbursement for the BAL measures that existing residents have had to incorporate.

The objectors are to note however, some bushfires are started by ember attack. Embers can travel over 2km (from a distant bushfire).

Being a BAL 19 (for example) the objectors’ house (in this example) should be built to withstand ember attack and therefore whilst the immediate bushland may/ may not be cleared the objectors’ property will continue to be protected from bushfire (at a level of BAL 19 in this instance). This is of importance in a drying climate as indicated under the bushfire guidelines;

*“Significant likely impacts of climate change for the State include the increased risk of bushfire and drought and decreased average rainfall in south-west Western Australia”.*

The clearing of part or all of the subject bushland will not remove the existing building improvements of BAL 19 (for example) in this



circumstance. The objector and their family will continue to benefit from a BAL 19 home (as is the case with this example) from a bushfire that may be outside of the bushland over the subject site.

Alternatively it is to be noted that a hypothetical Structure Plan approval does not necessarily imply that a Subdivision (clearing) will be undertaken. There could hypothetically be a period of years between Structure Plan approval and on site clearing. During this time bushfires (from the subject site) could eventuate and cause destruction of property and life. It is for this reason that the described practice is maintained irrespective of whether clearing may be undertaken in the future.

### Conclusion

The proposal is considered to be of moderate complexity generally compliant Structure Plan proposal. It meets the requirements of road safety as indicated under Liveable Neighbourhoods. In addition the vegetation (significant trees) on site will be partially protected where it will be retained within the proposed Parks and Recreation Reserve.

The bushfire concerns are not related to the subject proposal rather they have been raised by neighbours that are enquiring if compensation will be granted for their properties. This compensation is requested on the basis that their properties were (in the past) required to build to bushfire requirements due to the subject sites bushfire threat.

The future (potential) subdivision clearing of the subject site will not guarantee bushfire safety from existing adjacent residences. It is considered a positive housing asset to be built to AS3959-2009 as bushfires can cause house fires via embers which can travel 2km+. On this basis, and as described above, there will be no compensation as this is not a requirement under the legislation.

In conclusion the proposal is recommended for support to the Department of Planning Lands and Heritage subject to minor modifications as listed, and justified, above.

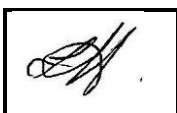
### **Strategic Plans/Policy Implications**

#### City Growth

Ensure a variation in housing density and housing type is available to residents.

#### Moving Around

Identify gaps and take action to extend the coverage of the cycle way, footpath and trail networks.



### **Budget/Financial Implications**

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent. There are no other direct financial implications associated with the Proposed Structure Plan.

### **Legal Implications**

Pursuant to Clause 20 of the Deemed Provisions, the local government must prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days after the close of advertising.

### **Community Consultation**

The proposed Structure Plan was lodged with the City on 11 January 2019.

Following subsequent discussions with the applicant the proposal was later advertised for 28 days, from 29 January 2019 to 26 February 2019.

Advertising included letters to the adjacent property owners and to various government agencies and service providers. Advertising was also undertaken via a notice in the local newspaper with all correspondence directing submitters to the City's website.

Council received a total of twelve submissions in response to the proposal during the advertising period of which ten submissions (83%) were generally in support of the proposal and two submissions were objecting to the proposal.

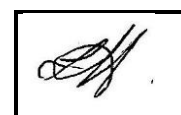
The submissions are identified in the Schedule of Submissions (refer Attachment 3). Each of these submissions are responded to in detail in the schedule and summarised (in part) within the report, for ease of reference.

### **Risk Management Implications**

There are no obvious risks from the City's perspective in implementing the recommendation. Should Council consider not implementing the recommendation the City could be faced with a suboptimal planning outcome.

Each of the above mentioned recommendations relate to separate components of the proposal and each is to be considered separately.

Whilst the recommendations might not entail financial risks to the Council, should they not be supported, however the associated risks in that regard relate to (potentially) fewer dwellings provided under the details of Perth and Peel @ 3.5 Million housing targets. Accordingly, in



light of the above, it is respectfully suggested Council recommend to the WAPC the above suite of conditions.

**Advice to Proponent(s)/Submitters**



The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 April 2019 Ordinary Council Meeting.

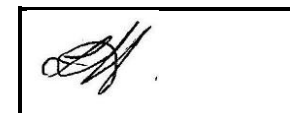
**Implications of Section 3.18(3) *Local Government Act, 1995***

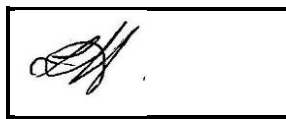
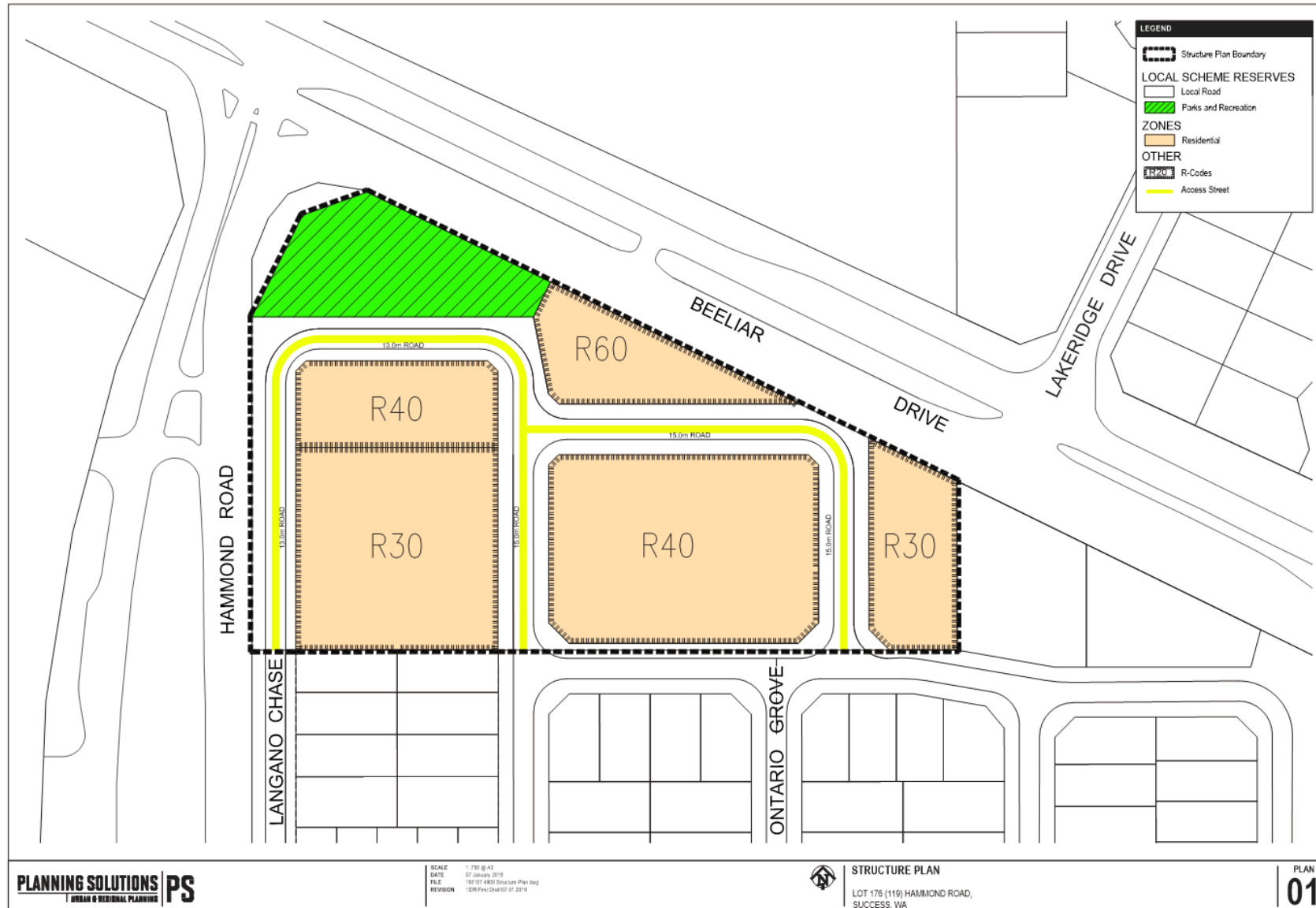
Nil.





 <p><b>City of Cockburn</b> G.I.S Services Department</p>	<p align="center"><b>Attachment 1: Location Plan</b> <b>Lot 176 (No. 119) Hammond Road, Success</b></p>	<p>PRINTED ON: 12/03/2019</p>	<p>SCALE = 1:2000</p>	 <p>NORTH</p>
<p><small>DISCLAIMER - The City of Cockburn provides the information contained herein and bears no responsibility or liability whatsoever for any errors, faults, defects or omissions of information contained in this document.</small></p>				

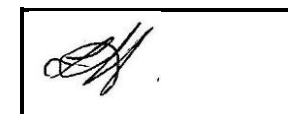





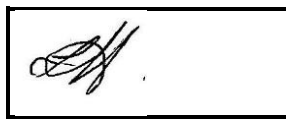
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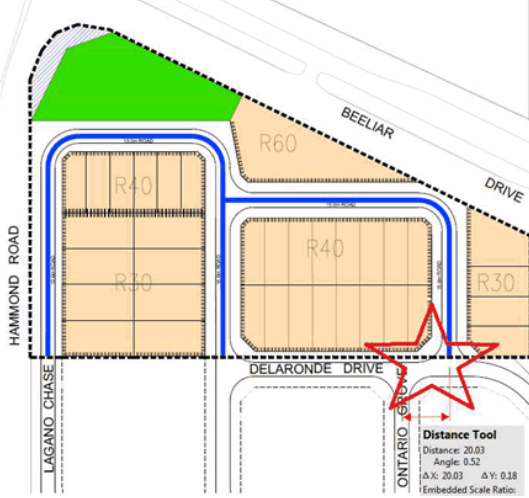
**SCHEDULE OF SUBMISSIONS  
PROPOSED STRUCTURE PLAN – LOT 176 (NO. 119) HAMMOND ROAD, SUCCESS**

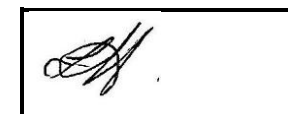
NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
1	Owner – Requested for details to be treated as confidential.	<b>SUPPORT</b>  No further details provided.	Noted.
2	Janice Wong of 44 Delaronde Drive Success	<b>SUPPORT</b>  I, Janice Wong of 44 Delaronde Drive Success fully support the above proposal. The reasons being less fire hazard and more roads to main-road and the addition of another park. Thank you for your consideration.	Noted.
3	Scott Clifford Walpole 64 Delaronde Drive Success WA 6164	<b>SUPPORT</b>  We are curious as to what is happening to the piece of land that isn't marked as being developed; we live adjacent to it and at the moment it serves as a dumping ground for people's rubbish.	Noted. The subject land is a Structure Planning zone owned by private owners. As such the development of this site is at the owner's discretion. Should the structure plan be approved (by the State government) the next step will be for the owner(s) to lodge a subdivision application. The timing of these two processes is at the discretion of the State government and the owner(s). As such there isn't a particular date in mind as to when 'development' may happen. However it seems the owners are intending to develop this land. Removal of rubbish is expected to take place as part of the process.
4	Parks and Wildlife Service Locked Bag 104, Bentley Delivery Centre, Western Australia 6983	<b>REFERRAL REQUIRED</b>  The proposed development may result in the loss of habitat for Carnaby's Black Cockatoo, Baudin's Black Cockatoo, and the Forest Red-tailed Black Cockatoo as defined in the Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act) referral guidelines for threatened black cockatoo species. These species are listed as 'Endangered' and 'Vulnerable' respectively under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999). These species are also listed as 'Specially Protected' under the Western Australian Wildlife Conservation Act 1950.	Noted. The application as submitted for advertising included an Environmental Assessment Report (EAR) dated 11 January 2019. The EAR indicates;  <i>"The vegetation is not considered to represent any state or federally listed Threatened or Priority Ecological Communities."</i>  Please refer also to page 18 section 2.1.1 and 2.1.2 of the



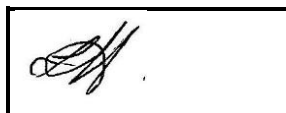
NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>The proposal should be discussed with the Federal Department of Sustainability, Environment, Water, Population and Communities as there may be a requirement to refer the proposal under the EPBC Act.</p>	<p>Structure Plan report which elaborates on these points further. There is no mention within the Structure Plan document or the EAR of there being any intention of referring the proposal to the Federal Department of Sustainability.</p> <p>Should the department of Parks and Wildlife recommend such a referral, in spite of the information identified above, it is recommended that the department of Parks and Wildlife recommend such conditions to the DPLH at subdivision stage. Likewise should the DPLH consider the SP to be amended accordingly the DPLH should make the necessary changes to the SP prior to the determination of the SP by the Statutory Planning Committee.</p>
5	<p>Yulius Rendy Wardhana Usman 54 Delaronde Drive Success WA 6164</p>	<p><b>OBJECTION</b></p> <p>My name is Rendy and we live in 54 Delaronde (see pic below – submitters house identified in blue “our house”)</p>  <p>We bought and built our house here 2 years ago and we picked this lot because Murray said that the bush in front of our house was going to be bush forever, And We didn't expect the current proposal. Firstly we don't mind that you build the house(s) there but these are the things that we</p>	<p>Noted. In relation to Point 1 the distance of the centreline to centreline is 20m. This is shown below (in red) as follows;</p>



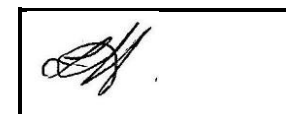
NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>didn't like it and disagree;</p> <ol style="list-style-type: none"> <li>1. If you see the picture, our house position is direct to the road which is basically dangerous for us because I heard so many accident happened in Australia, Some random cars drove into the house and we don't that happened to us.</li> <li>2. Why you didn't build a park in front of Our House makes better view and also good for environment.</li> <li>3. We pay extra when we build the house it's because if the bush but now the money that we spend seems for nothing</li> </ol> <p>Thank you for letting us put a comment; we hope you can consider this matter for Our family</p>	 <p>The proposed streets are defined as "access streets" under the State governments' operational policy 'Liveable Neighbourhoods' (LN). Table 5 under element 2 of LN has been extracted and inserted below. As can be seen from table 5 a 20m 'junction spacing measured from road reserve centreline to terminating street pavements'. As per LN the proposed road is considered to be acceptable from a road safety aspect.</p>



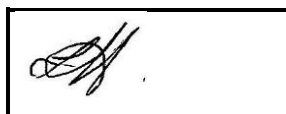
NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION												
			<p><b>Liveable Neighbourhoods</b> a Western Australian Government sust</p> <p><b>Element 2 - Movement network</b></p> <p><b>Table 5 – Junction spacing (measured from road reserve centreline to terminating street pavements)</b></p> <table border="1"> <thead> <tr> <th data-bbox="1375 411 1576 432">Street type</th> <th data-bbox="1576 411 1733 464">L/R stagger (to avoid overlapping right turns)</th> <th data-bbox="1733 411 1912 491">R/L stagger (To provide for left-turn deceleration lanes arterials and to avoid corner cutting on local streets)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1375 496 1576 517"><b>Local streets</b></td> <td data-bbox="1576 496 1733 517"></td> <td data-bbox="1733 496 1912 517"></td> </tr> <tr> <td data-bbox="1375 517 1576 537">Laneway</td> <td data-bbox="1576 517 1733 537">NA</td> <td data-bbox="1733 517 1912 537">NA</td> </tr> <tr> <td data-bbox="1375 537 1576 558">Access street*</td> <td data-bbox="1576 537 1733 558">20 m</td> <td data-bbox="1733 537 1912 558">20 m</td> </tr> </tbody> </table> <p>The notion that a car could potentially/ hypothetically drive into your house is not considered to be increased in likelihood as a result of the proposed road design. Traffic accidents generally result from driving under the influence and/or speeding. Approval of this application does not necessarily imply an increased level of safety risk to residents. On this point objection point 1 is respectfully dismissed.</p> <p>It is understood that the request is for the park to be built in front of your house for better views (your views presumably) and also 'good for the environment'. Whilst this position may benefit your family the planning merits for such modifications are not based on planning rationale and are therefore not supported.</p> <p>It is understood that there is fondness for the existing bush and its environmental significance. However, the land is zoned for residential development and therefore residential development is permissible (subject to the approval of a Structure Plan) which would allow clearing of the existing vegetation on site.</p>	Street type	L/R stagger (to avoid overlapping right turns)	R/L stagger (To provide for left-turn deceleration lanes arterials and to avoid corner cutting on local streets)	<b>Local streets</b>			Laneway	NA	NA	Access street*	20 m	20 m
Street type	L/R stagger (to avoid overlapping right turns)	R/L stagger (To provide for left-turn deceleration lanes arterials and to avoid corner cutting on local streets)													
<b>Local streets</b>															
Laneway	NA	NA													
Access street*	20 m	20 m													
6	Tanesh Naidoo 60 Delaronde Drive, Success WA 6164	<p><b>OBJECTION</b></p> <p>We purchased on the perimeter of the estate so that we may enjoy the beautiful view of the trees and the tranquil sound of the birds. We had a choice of lots to choose from at the time, but opted for this lot, in spite of</p>	<p>Noted. Building to AS3959 Bushfire Constriction Standards is required under the Building Code of Australia where proposed Class 1, 2, 3 or 10a structures are</p>												



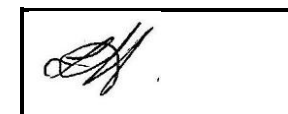
NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>the additional requirements of building in accordance with Bushfire Attack Level (BAL) 19 standards. We feel that this development will significantly impact our current experience of living here through the removal of the natural bush land. If this development were to go through, we would definitely need reimbursement of the BAL 19 measures we've had to incorporate at a minimum.</p>	<p>impacted by designated Bushfire prone areas/ mapping.</p> <p>The legislation applies at the time of assessment/ determination pre-construction. On this basis should a dwelling be constructed to a particular Bushfire Attack Level (BAL) under AS3959-2009 that requirement is obligatory to mitigate the proposed dwelling from the impacts of bushfire.</p> <p>Should the bushfire threat vegetation be cleared at a future date (post construction) there is no right to compensation under the Building Code of Australia or under any other means with respect to either the Building Act or the Planning Act.</p> <p>There is no way of knowing how long bushfire prone vegetation will be a treat for. It could be 1 year, 10 years, 50 years or 100+ years (who knows). On this basis there will be no reimbursement for the BAL measures you have had to incorporate.</p> <p>Please note however some bushfires are started by ember attack. Embers can travel over 2km at a time of a bushfire (a bushfire could be over 2km away from your property). Being a BAL 19 your house should be built to withstand ember attack and therefore whilst the immediate bushland may/ may not be cleared your property will continue to be protected from bushfire at a level of BAL 19.</p> <p>The clearing of part or all of the subject bushland is not a reason not to have a house to BAL 19 in this circumstance. You and your family will continue to benefit from a BAL 19 home which is a positive.</p>
7	Department of Water and Environmental Regulation PO Box 332 Mandurah Western Australia 6210	<p><b>NO OBJECTION</b></p> <p>Consistent with Better Urban Water Management (BUWM) (WAPC, 2008) and policy measures outlined in State Planning Policy 2.9, Water Resources the proposed Structure Plan should be supported by an</p>	<p>Noted. It is understood whilst the proposal does not have a LWMS it does however have a Drainage Strategy. It is understood that the proposed DS is therefore acceptable</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<p>approved Local Water Management Strategy (LWMS) prior to final approval of the Structure Plan.</p> <p>The LWMS should demonstrate how the subject area will address water use and stormwater management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources.</p> <p>The DWER reviewed the supporting document, Drainage Strategy – Lot 176 Hammond Road, Success (Porter, December 2018) and it was deemed satisfactory to the DWER. Accordingly, the DWER has no objections to this proposed Structure Plan proceeding.</p>	to the DWER for this stage of the development process on the basis of the relatively small size and scale of the proposed development.
8	ATCO Gas Land Management Coordinator Gas, Australia 81 Prinsep Road, Jandakot WA 6164	<p><b>NO OBJECTION</b></p> <p>ATCO Gas Australia (ATCO) has Medium Pressure (DN100PVC MP 70kPa) gas mains and gas infrastructure in the immediate vicinity of the identified Lot, within the road reserve of Hammond Road and medium pressure gas mains (DN63PE MP 70Kpa) within the road reserves of Langano Chase and Chrysoberyl Drive, Success</p> <p>ATCO has no objection to the proposed Structure Plan.</p>	Noted. The applicant will be made aware of these comments via this schedule of submission table.
9	Kulasinghe Gamaladalage Karadana 48 Delaronde Drive, Success WA 6164	<p><b>SUPPORT</b></p> <p>Please make sure this area only local traffic and residential parking only now Delaronde Drive get block with public parking always 20/30 cars parked along the Delaronde Drive every school days. Please let the school to provide enough parking students and stuff. Thanks</p>	Noted. The proposal will result in local traffic only, just the same as any other residential development. The school parking requirements is a separate matter which will be required to be considered under separate means.
10	Department of Transport Level 8, 140 William Street, Perth WA 6000	<p><b>NO COMMENT</b></p> <p>The Department of Transport (DoT) has no comment to provide for the proposal.</p> <p>DoT recommend that the application is formally referred to the Department Planning, Land, and Heritage (Infrastructure Planning).</p>	Noted.
11	Department of Fire & Emergency Services Rural Fire Division PO Box	<p><b>SUPPORT</b></p> <p>It should be noted that these comments relate only to State Planning</p>	Noted.



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	P1174 Perth WA 6844	<p>Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p> <p><b><u>Recommendation – supported compliant application</u></b></p> <p>DFES advises that the BMP has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved for the Structure Plan.</p>	
12	Main Roads Western Australia PO Box 6202, East Perth WA 6892	<p><b>SUPPORT – SUBJECT TO TECHNICAL ADVICE</b></p> <p>Main Roads acknowledges that neither Beelihar Drive nor Hammond Road are under Main Roads control; however as these are both important regional roads Main Roads offers the following advice.</p> <p><u>Noise</u></p> <p>Main Roads Environment Branch have reviewed the noise assessment conducted by Lloyd George Acoustics (Reference: 18054419-01 dated January 2019) and offer the following recommendations:</p> <ul style="list-style-type: none"> <li>• Noise walls along the boundary of the subdivision should be built to a suitable height to reduce noise levels to be below the SPP 5.4 limit, at a height that removes line of sight between the receiver and the traffic, and have a surface density no less than 15 kg/m<sup>2</sup>.</li> <li>• Building treatment packages applied to the development are to comply with the requirements of the SPP 5.4 Implementation Guidelines to ensure that noise levels achieve the noise criteria.</li> <li>• Notification on titles required for affected lots (i.e. lots predicted to receive noise levels above the target) are to be in accordance with SPP 5.4 Implementation Guidelines.</li> </ul>	<p>Noted. The acoustic report has been assessed by the City of Cockburn’s technical experts (Health Officers) for compliance with SPP 5.4. One of the unknowns at this stage with respect to noise is the final ground levels. These levels are required to accurately condition the required noise wall height. At this stage of development these details are unknown and therefore the SP is recommended to address this matter at the next stage of planning (subdivision). The Council recommendation makes such reference as to meet the requirements of SPP 5.4.</p>



NO.	NAME/ADDRESS	SUBMISSION	RECOMMENDATION
		<ul style="list-style-type: none"><li>• All affected lots are to provide at least one outdoor living space that complies with the SPP 5.4 target, or if not practicable, the limit. They should also be orientated away from traffic noise.</li><li>• Specialist acoustic advice should be sought for any 2-storey dwelling proposed.</li></ul>	

