

The Mayor advised the meeting that Acting Chief Executive Officer Mr Ron Bouwer due to owning land in the Outline Development Area, had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

13.5.3 PROPOSED MODIFICATIONS TO THE CANNING VALE OUTLINE DEVELOPMENT PLAN

Author:	S O'Sullivan
Application No:	PF07/0008
Applicant:	Nil
Owner:	Various
Location:	Canning Vale
Zoning: MRS:	Urban
TPS No. 6:	Residential Development
Review Rights:	Final determination is by the Western Australian Planning Commission, against which there is a right of review to the State Administrative Tribunal.
Area:	Approximately 470ha
Previous Ref:	OCM 19 December 2006 (Resolution 622)
Appendices:	13.5.3A Draft Revised Canning Vale Outline Development Plan (as advertised for public comment)
	13.5.3B Draft Canning Vale Outline Development Plan Text (as advertised for public comment)
	13.5.3C Location Plan showing consultation area and two Consultation Plans showing properties of landowners who lodged submissions.
	13.5.3D Plans relating to Submission No. 7 – Comparison between existing ODP, proposed revised ODP and a suggested modification and an indicative subdivision plan
	13.5.3E Plan attached to Submission No. 14 – Comparison between existing ODP, proposed revised ODP and a suggested modification
	13.5.3F Plan relating to Submission No. 33 – Suggested modification to expand higher density node
	13.5.3G Draft Revised Canning Vale Outline Development Plan (as amended following advertising)
	13.5.3H Draft Revised Canning Vale Outline Development Plan Text (as amended following advertising)

PURPOSE OF REPORT

For Council to consider whether to adopt proposed modifications to the Canning Vale Outline Development Plan (ODP).

BACKGROUND

In 2006, City Planning staff undertook a review of the Canning Vale ODP. The review made seven main findings and recommended that 19 modifications be made to the ODP.

The review findings and recommendations were detailed in a report considered by Council at its meeting on 19 December 2006, where it was resolved (Resolution 622) to advertise the draft revised Canning Vale ODP (as contained in Appendix 13.5.3A) and associated draft ODP Text (as contained in Appendix 13.5.3B) for public comment.

DISCUSSION

Consultation

The proposed revised Canning Vale ODP was advertised for public comment for 28 days in accordance with Council's resolution of 19 December 2006. The following methods were used to advertise the proposal:

- A notice published in each of the two local newspapers circulating in the ODP area.
- Letters to all landowners within the ODP area (approximately 3,000 in total).
- Details published on the City's website and on display at the City offices and libraries.
- Letters to Western Power, Water Corporation, Department of Environment and Conservation, Alinta Gas, Department of Water and Main Roads Western Australia seeking comment on the proposal and the Western Australian Planning Commission (WAPC) for information.

Thirty-nine submissions were received, comprised of the following responses:

- Two submissions supporting the proposal
- 15 submissions providing comment on the proposal, including six submissions from government and servicing authorities (submission Nos. 34-39) and three submissions suggesting additional modifications to the ODP (submission Nos. 6, 7 and 33)
- 22 submissions objecting to the proposal, including one submission that suggest additional modifications (submission No. 14)

Consultation Plans showing the affected properties of landowners who lodged a submission on the proposal are contained in Appendix 13.5.3C.

A summary of the submissions received and staff comments thereon are provided in the following Schedule of Submissions.

Schedule of Submissions

1	Name and Postal Address: Prestige Project Management On behalf of Wilmington Investments PO Box 271 Como WA 6952	Affected Property: 52 (Lot 1) Dumbarton Road Canning Vale
Summary of Submission		Staff Comment
<p>Supports the proposal.</p> <p>1.1 Supports the proposed changes to the ODP, including the change of the base residential code from R17.5 to R20 and requests that the ODP revision be finalised without delay, as the base coding change is holding up approval of the subdivision application for Lot 1 Dumbarton Road.</p>		Noted.

2	Name and Postal Address: A C and J S Van Den Dries 4 Central Park Avenue Canning Vale WA 6155	Affected Property: 4 (Lot 71) Central Park Avenue Canning Vale
Summary of Submission		Staff Comment
<p>Supports the proposal.</p> <p>Supports the proposed changes to the ODP, including the change of the base residential code from R17.5 to R20 as this is consistent with the principles of orderly and proper planning.</p>		Noted.

3	Name and Postal Address: TPC Urban 5 Coolgardie Terrace Perth WA 6000	Affected Property: Consultant for owners of various land in ODP area
Summary of Submission		Staff Comment
<p>Comments on proposal.</p> <p>3.1 It is encouraging to finally see an ODP text which further describes what Council requires as part of an application for mixed use or higher density housing.</p> <p>3.2 It is pleasing to see that the cadastre on the ODP map reflects that of actual lot boundaries to avoid confusion as to whether or not particular properties fall within one density provision or another.</p> <p>3.3 Clause 5.8 Mixed Use Centres (ODP text) - In many cases the implementation of the ODP's provision for mixed use centres has failed, however this clause would now allow the City to control what should be provided as a minimum for such centres. A similar provision should be used in all new ODP areas.</p> <p>3.4 Clause 5.9 Housing Variety (ODP text) - The increase of base residential density coding to R20 is supported, as this is consistent with state government policy and the Southern River ODP density provisions.</p>		<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

Summary of Submission	Staff Comment
<p>3.5 Clause 5.9.2 Higher Density Nodes (ODP text) - The minimum base density coding within “higher density nodes” needs to be greater than R25 to economically attract developers to construct at higher levels of density. At the moment, grouped dwellings are the main variation to the predominant housing type in Canning Vale with one area at Cambridge Waters approved for R80+. Suggests that a minimum density coding of R30 is more appropriate and expanding the R60 to R80 to encourage “High Density” rather than “Medium Density” as per Table 1 of the R-Codes. A good example of this is on the corner of Lakey Street and Holmes Street, Southern River (Claymont) where the R80 zoning provides the opportunity for a developer to produce built form similar to that found in Joondalup.</p>	<p>Noted. In the current ODP, there is no clear expression of what “Residential Density (Greater than R17.5)” means. This has raised issues in terms of certainty for landowners on what density of development may be permitted and how Council and Staff determine what density code standards to apply to applications for subdivision and development. The provision made in the advertised draft revised ODP for a residential density coding range of between R25 and R60 for “higher density nodes” was considered necessary for the purposes of clarity.</p> <p>The suggestion to lift the lower density range in high density nodes from R25 to R30 is considered to be a reasonable proposition. A density range of between R30 and R60 would generally be consistent with current City practice which interprets the allowable density range in the Residential Density (Greater than R17.5) areas on the ODP as between R30 and R60. This interpretation is based on the principle contained on the current ODP which states that “provision is made for a range of residential densities, with medium density development to be provided adjacent to mixed use centres, distributor roads, public transport and POS”. Table 1 of the R-Codes lists “medium density codes” as between the ranges of R30 and R60. The intent of clause 5.9.2 of the proposed ODP text is to clarify the allowable density range, which is otherwise not explicitly stated. Refer to modification 14 in the Table of Recommended Modifications later in this report.</p> <p>Making provision for development density of higher greater than R60, effectively as of right in all “higher density nodes”, is also considered inappropriate as most of the nodes have access to only a limited number of facilities and services. Some have a shopping centre, for others it is simply a bus stop. Few however have access or will in future have access to the combination of transit, retail, community and other facilities needed to warrant densities of R80 and above.</p> <p>It would still be open to Council to consider individual proposals for R80 development, though such proposals would need to be in the form of a proposal to amend the ODP and be supported by adequate justification.</p> <p>Proposed clause 5.9.2 provides a clear statement of the intent to ensure a minimum density occurs in “higher density nodes” to be consistent with the ODP’s principles for residential density. It should be appreciated however that Council can only influence density outcomes to a certain degree, given it is not the determining authority on subdivision applications and its decisions on development applications can be challenged in the State Administration Tribunal.</p>

Summary of Submission	Staff Comment
<p>3.6 Clause 6.1 Mixed Use Centres - In many cases a Detailed Area Plan (DAP) reflects the subdivision pattern desired by the original developer. In many cases this does not reflect the maximum density potential under the provisions of the ODP, for example Lot 980 Fraser Road North/ Amherst Road. This DAP reflects a density of approximately R20 whereby Council's proposal under Clause 5.9.2 of this policy requires a minimum density of R25. In that instance I do not believe that any applicant should be tied into a development pattern based on an adopted DAP which was adopted prior to this ODP revision. Council's ability to amend a DAP should not be diminished by implementation of this particular clause.</p>	<p>Council must have regard to the content of the ODP in considering a proposal for subdivision or development within an area covered by an already approved DAP, regardless of what changes may be made to the ODP.</p> <p>Council's ability to amend a DAP will not be diminished by clause 6.1 of the ODP text.</p>
<p>3.7 TPC Urban encourages and supports the coordinated use of DAPs to guide land use, however does not support density caps placed on DAP documents whereby land can/could be developed in a suitable manner at a higher density in the future.</p>	<p>Noted. However, Council must have regard to the content of the DAP, in considering a proposal for subdivision or development within an area covered by an already approved DAP, regardless of what changes may be made to the ODP.</p>
<p>3.8 Clause 6.2 Subdivision and Development-Higher Density Nodes. What is the defined "consistent form of development" within the higher density nodes as defined in the ODP's principles? This requires further clarification as it is not clear.</p>	<p>The words "consistent form of development" are not actually contained in clause 6.2 of the ODP text. This clause would however provide for proposals for subdivision and development to be supported without a DAP where certain circumstances apply (see clause 6.2.1). One of the circumstances is that the proposed development is consistent with the ODP's principles for development of "Higher Density Nodes".</p> <p>These principles are contained in clause 5.9.2 and include providing for "residential development at a density that will support the viability and vitality of Mixed Use Centres, make use of public transport infrastructure and cater for smaller sized households and those choosing more compact living." Other objectives include being within the density range between R30 and R60.</p> <p>Clause 6.2 is therefore not considered to require further clarification.</p>

Summary of Submission	Staff Comment
<p>3.9 Clause 6.2 iv) Compliance with the Residential Design Codes. Is this in general or does this include the performance based criteria and the requirements as allowed by the Residential Design Policy of the City? It states "and". This statement causes confusion as it does not clearly define if the City's policy overrides that of the R-Codes. Again it is unclear whether the ODP text will then disallow the Council to amend any DAP in the future.</p>	<p>This clause does not need modification as the intent is obvious. Proposals for development will need to comply with the R-Codes and related Council policies. Council's policies do not override the R-Codes unless specifically stated in the Policy and where permitted by the Codes. The Residential Development Policy in particular complements the R-Codes by providing interpretational guidance on its Performance Criteria.</p> <p>In considering a proposal for subdivision or development within an area covered by an already approved DAP Council must have regard to the content of the ODP, regardless of what changes may be made to the ODP. The ODP, DAPs, R-Codes and Council Policies will continue to co-exist and operate as they have always done. The proposed changes to the ODP will not affect this.</p>
<p>3.10 Higher Density Node on the ODP map conflicts with ODP text whereby a provision under Clause 6.2.1 allows for provisions whereby "there is no approved DAP". Map states that Density to be in accordance with an adopted DAP. Suggests that a sub-clause be referred to on the ODP map (ie "refer to clause 6.2.1".)</p> <p>3.11 Same applies to mixed use zones - a reference to the particular clause map is suggested.</p>	<p>The ODP map refers to the general requirement for a DAP in the Higher Density Nodes. The ODP text provides exceptions where subdivision and development can be supported without the need for a DAP. There is no conflict between the ODP map and text and no need for a modification to be made either.</p> <p>Refer to staff response to submission 3.10 above.</p>

4	<p>Name and Postal Address: Trevor Lannin 24 Campbell Road Canning Vale WA 6155</p>	<p>Affected Property: 24 (Lot 178) Campbell Road Canning Vale</p>
---	--	--

Summary of Submission	Staff Comment
<p>Comments on proposal</p> <p>4.1 The location of mixed use centres should be such as to fairly distribute traffic within our area and not channel it in one direction or to one road.</p> <p>4.2 The number of mixed use centres should be kept to a minimum as the area is heavily residential and already serviced by numerous such sites at nearby locations.</p>	<p>Noted. However, the location of mixed use centres was established when the ODP was adopted in 2001. The approach to road planning in the ODP was based on the use of roads that existed prior to development of the area and the creation of new roads on a network as opposed to hierarchy approach. This was done in order to distribute traffic across several distributor roads rather than a single dominant road. The main intent of the proposed revisions to the ODP in respect of mixed used centres is to clarify development requirements within them, rather than modify their location.</p> <p>Noted. However, the main intent of the proposed revisions to the ODP in respect of mixed used centres is to clarify development requirements within them, rather than modify their location or number.</p>

Summary of Submission	Staff Comment
<p>4.3 The residential density coding must be kept at R17.5. A change to R20 is not acceptable. Existing residents purchased land and built homes with R17.5 in place and a change to a greater density would adversely affect the current way of life through crowded housing, large increase in vehicular traffic on roads not built, nor planned, to cope with such increases on vehicle use and will provide no real quality of life gains for current residents.</p>	<p>The change of the base coding from R17.5 to R20 is considered to be justified on the basis of the following:</p> <ul style="list-style-type: none"> • A residential coding of R17.5 allows a minimum lot size of 500m² (subject to an average of 571m²), whereas R20 allows a minimum lot size of 440m² (subject to an average of 500m²). The difference is not significant and not likely to cause “crowded housing” or a “large increase in vehicular traffic”. It is not clear what “quality of life gains” are expected from the ODP, however the proposed changes are unlikely to lead to any quality of life loss. • Many developed lots within existing R17.5 coded areas in the ODP area are between 600m² and 750m² in area. A lot would need to be at least 1,000m² to have potential for subdivision into two lots or development with two dwellings. Existing lots up to 1,000m² in area will have no further subdivision or development potential under an R20 coding than is currently provided and therefore the proposed change will have little if any impact on the amenity or streetscape of established areas.
<p>4.4 The road structure including traffic management devices, signal and roundabouts needs full attention as I believe the existing plans do not address current needs and certainly not the future.</p> <p>4.5 The development of Campbell Road as a B road is an example of inadequate planning. Traffic currently exceeds 5,500 vehicles per day and the provision of adequate calming devices to control vehicle speed has not been provided.</p>	<ul style="list-style-type: none"> • A base residential coding of R20 would be consistent with the recommendations of Council’s Local Housing Strategy. The Strategy has been endorsed by the WAPC. • Staff have been advised that the WAPC and Minister for Planning and Infrastructure require ODPs and town planning schemes for new urban development areas to have a minimum density coding of R20. • A R20 base coding would generally be consistent with Network City strategies for the delivery of urban growth management. • It is apparent that there is increasing demand from subdividers seeking support for smaller lot sizes due to changing market attitudes since the ODP was first initiated. <p>As the Canning Vale ODP area is approximately 80% developed, the ODP has only a limited role in addressing traffic management issues and it is beyond the scope of the review of the ODP as a spatial and land use planning mechanism to deal with such matters. Any traffic management issues that arise will need to be addressed as part of the City’s normal approach to dealing with traffic management issues in established urban areas.</p> <p>It is beyond the scope of the review of the ODP as a spatial and land use planning mechanism to deal with traffic volumes and the behaviour of speeding drivers on a particular road.</p>

Summary of Submission	Staff Comment
4.6 To develop a major road through the area (Campbell) when it is flanked by Nicholson, Warton, Garden and Ranford Roads (all major roads with proposed dual lane capacity) seems totally needless and does not address residential area needs. Even traffic from distant areas is currently channeled through our streets (eg the opening/linking of the Broadway to Campbell Road). Road structure to divert traffic out and away from our area, rather than into and through it, should be considered. This is a residential area.	The approach to road planning in the ODP was based on the use of roads that existed prior to development of the area (including Campbell Road) and the creation of new roads on a network approach as opposed to a structured hierarchy approach. This was done in order to distribute traffic across several distributor roads rather than a single dominant road. As the Canning Vale ODP area is approximately 80% developed, the ODP has only a limited role in addressing traffic management issues and it is beyond the scope of the review of the ODP as a spatial and land use planning mechanism to deal with such matters.

5	<p>Name and Postal Address: Shane Collins 1 Moseley Vista Canning Vale WA 6155</p>	<p>Affected Property: 1 (Lot 322) Moseley Vista Canning Vale</p>
Summary of Submission		Staff Comment
<p>Comments on proposal</p> <p>5.1 I am concerned that the inclusion of the Conservation Category Wetland adjacent to Shreeve Road as Local Open Space/Public Open Space will encourage and facilitate ecologically-destructive recreational development, which is unnecessary given the existing public open space surrounding the Wetland.</p> <p>5.2 It will limit the allocation for open space required for subsequent developments and subdivisions.</p> <p>5.3 There is some ambiguity about the permitted land uses associated with land that is both Conservation Category Wetland and Public Open Space. Either the Wetland is strongly protected under existing legislation and policy, making the proposed relabelling unnecessary, or the proposed change threatens the ecological values of the Wetland by increasing the risk of misinterpretation as to the Conservation importance of the Wetland and the permitted land uses.</p> <p>5.4 The wetland's Conservation Category status is extremely important ecologically-we have plentiful waterbirds, frogs and lizards in the area that can even be seen coming up to our houses. The vegetation and water quality are still in good condition; an increasingly rare occurrence in Western Australia as increasing numbers of wetlands are lost to developers. The Wetland is a source of pride to residents-it is the reason we chose The Reserve estate to live in over all others in Canning Vale. I therefore oppose the relabelling of the Conservation Category Wetland as being unnecessary and risky.</p>		<p>Noted.</p> <p>Nothing in the proposed revisions to the ODP will alter the Conservation Category classification of the Shreeve Road wetland, change its intended purpose for conservation or impact upon the area's environmental values.</p> <p>The proposed change on the ODP from "Public Open Space" to "Local Open Space" is simply to ensure the terminology for the reserve used on the ODP is consistent with the same terminology used in Town Planning Scheme No's (TPS 6). This minor change is considered necessary as TPS 6 provides that an ODP may contain zones and reserves as if zoned or reserved under the TPS and therefore the terminology should be consistent.</p> <p>See staff response to submission 5.1.</p> <p>"Conservation Category Wetland" is the terminology used by the State Government's environmental agencies to classify wetlands of the highest conservation value. Nothing in the proposed revisions to the ODP will impact on this classification or the existing legislation and policy relating to wetlands. The reservation of the area under the ODP for "Local Open Space" is a separate matter and does not change the fact the wetland will remain in the conservation category.</p> <p>See staff response to submission 5.1 and 5.3.</p>

6	Name and Postal Address: Greg Rowe and Associates Level 3, 369 Newcastle Street Northbridge WA 6003 Attention: Matt Turnbull	Affected Property: 371 (Lot 150) Warton Road Canning Vale
Summary of Submission		Staff Comment
<p>Comments on proposal and suggests a modification.</p> <p>6.1 The subject site is located on the corner of Warton Road and Amherst Road, Canning Vale. The subject centre is zoned "Residential Development" under the provisions of the City of Gosnells Town Planning Scheme No. 6 (TPS 6). The ODP classifies the centre as a Mixed Use Site, with development being in accordance with a centres plan.</p> <p>6.2 Our client intends to relocate the Growers Market within the existing centre (<i>known as the Brookland Piazza</i>) to accommodate additional on-site storage. This may require additional floorspace (up to 200m²) to be allocated to that use. The proposed change of use will be the subject of a planning application and modification to the centre plan, which is expected to be submitted shortly.</p> <p>6.3 The proposed additional floorspace is not expected to have any impact on any of the existing and planned centres, due to minimal increase (less than 3% increase) and given that the proposed increase is only required to accommodate additional on-site storage of an existing retail use.</p> <p>6.4 We are also aware that Council has previously approved an additional retail floorspace allocation of approximately 600m² to the southwestern side of Amherst Road. We believe that the remainder of the proposed additional floorspace for the centre as shown on the proposed Outline Development Plan should be allocated to our client's site.</p>		<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Not supported. Land in the commercial centre that surrounds the intersection of Amherst and Warton Roads has been the subject of development proposals considered by Council in the past. Central to several of these proposals has been the issue of allocated floorspace for retail and other commercial uses.</p> <p>The most recent development application involving the issue of commercial floorspace for the centre was for Lots 151, 152 and 153 Warton Road (which adjoin Lot 150). This proposal was considered by Council at its meeting on 27 June 2006 and approved (Resolution 285).</p> <p>It should be noted that this application sought and obtained approval for retail floorspace up to the allocation permitted under the related strategic guidance for commercial development.</p> <p>It should also be noted that Council resolved that a Centre Plan be prepared for the commercial centre given the numerous development approvals that exist and need to control the extent of approved retail and other commercial floorspace. The Centre Plan has yet to be presented to Council.</p>

Summary of Submission	Staff Comment
<p>6.5 As such we respectfully request that the additional floorspace as provided by the ODP be designated to Lots 150 and 152 and that the floorspace for this Mixed Use Centre as designated on the ODP be either removed and refer only to an approved centre plan or increased by 200m² to reflect the increased floor area required for storage of the relocated Growers Market.</p>	<p>Not supported. As mentioned in the response to submission 6.4, there is no unallocated retail floorspace in this centre. The allocation on the ODP is already in excess of State Government policy guidance for a centre of this type. The proposed revised ODP reflects the total amount of retail floorspace approved to this centre, including the most recent approval in June 2006. It is therefore considered to be inappropriate to modify the ODP in the manner proposed in this submission.</p> <p>If the landowner wishes to apply for additional floorspace, then this would need to be justified as part of a development application. Assessment would be guided by the WAPCs Commercial Centres Policy, Council's draft Local Commercial Strategy, the ODP and the draft Centre Plan under preparation by City Planning staff and considered in the context of other current proposals for retail floorspace within the catchment or trade area of this centre.</p>

7	<p>Name and Postal Address: Dykstra Planning 6/2954 Albany Highway Kelmscott WA 6111 Attention: Nik Hidding</p>	<p>Affected Property: 34B (portion of Lot 34) Birnam Road Canning Vale</p>
---	--	---

Summary of Submission	Staff Comment
<p>Comments on proposal and suggests a modification to expand the Higher Density Node.</p> <p>7.1 Requests the ODP be amended to include portion of Lot 34 Birnam Road into the 200m catchment of the local centre on the corner of Campbell Road and Birnam Road. This is to facilitate an R25 density subdivision in accordance with the DAP attached to this submission (refer to Appendix 13.5.3D).</p> <p>7.2 The following planning rationale is presented in support of the proposed ODP modification:</p> <ul style="list-style-type: none"> The area designated under the ODP for higher density development within the 200m catchment around the local centre has been unable to take advantage of the higher density opportunities because the land has already been developed according to the R17.5 coding applicable to the land. Therefore, in respect to the subject land at Lot 34 Birnam Road, it is requested that portion of this land be included in the higher density catchment so that it can take advantage of the development opportunities. 	<p>Noted, however it will be recommended that the suggested modification not be supported. Refer to discussion under the heading Additional Comment on Submission No. 7 later in this report.</p> <p>Noted.</p>

Summary of Submission	Staff Comment
<ul style="list-style-type: none"> • Without the increased density it is not likely to be feasible to demolish the existing house on Lot 34 Birnam Road. This would impact the area in terms of amenity and irregular lot size, and therefore, if the higher density of R25 was applied to the lot, only then would it become viable to demolish the house. This would result in the creation of new housing lots with a standard that would incorporate high amenity and streetscape values. • The proposed density on the subject land could be R25, which would cater for 16 residential lots providing the existing dwelling is removed. • The suitability of modifying the higher density catchments around local centres in the immediate vicinity has already been established on the advertised Outline Development Plan including, for example, on the site on the corner of Amherst Road and Fraser Road North. Another example is Lot 9005 Birnam Road, where this particular lot was included in the higher density catchment after a submission was made. Therefore there is some precedent in amending the higher density catchments to include lots marginally beyond the original 200m catchment. • The reason why higher density catchments are proposed around local centres is to provide the local centre with support so that the land use can be viable. Whilst there has been no advantage taken of the higher density possibilities within this particular catchment, there could be demand for support for the local centre in the immediate vicinity. If the subject land was proposed to be coded at a higher density, eight more residential lots can be achieved, which would then boost the support of the nearby local centre. 	<p>Dismissed. The feasibility of development is not a valid planning consideration.</p> <p>Noted.</p> <p>Noted.</p> <p>The reference to land at the corner of Amherst Road and Fraser Road North is understood to be to the former Lot 111 Amherst Road. The advertised ODP proposes to expand the higher density node to ensure the ODP is generally consistent with the principle of providing for higher density development within 200m of a mixed use centre. It is noted that the proposed expanded higher density node, at its furthest extent, is approximately 240m from the mixed use centre. This aspect of the ODP modification proposal is discussed in response to submission No. 33.</p> <p>The reference to Lot 9005 Birnam Road is understood to be to Lot 9005 Totara Avenue, which was the subject of a proposal to modify the ODP that was adopted by Council on 26 October 2004. The modification saw the density node associated with the mixed use centre at the intersection of Nicholson Road and Comrie Road expanded to include Lot 9005. Lot 9005 was located between 220m and 320m from the Nicholson/Comrie intersection (straight-line distance) and has since been subdivided into lots ranging in area from 303m² to 403m².</p> <p>Noted.</p>

Summary of Submission	Staff Comment
<ul style="list-style-type: none"> The local centre in this particular location already exists and therefore if there was increased density applied to portion of Lot 34 Birnam Road that would help the local centre remain and develop as a community centre point. 	<p>Noted. The local centre referred to is a café/restaurant developed as part of the nursery on Lot 37 at the corner of Birnam Road and Campbell Road.</p>
<ul style="list-style-type: none"> If the subject land was coded at a higher density, it would be acceptable that a Detailed Area Plan would be produced at the subdivision stage to coordinate the subdivision and development in a detailed manner. Therefore, based on the preceding rationale it is requested that Council look favourably on the proposal to modify the revised ODP to include Lot 34B Birnam Road, Canning Vale in the higher density 200m catchment. 	<p>Noted.</p> <p>Noted, however it will be recommended that the suggested modification by the submitter not be supported. Refer to discussion under the heading Response to Submission No. 7 later in this report.</p>

8	<p>Name and Postal Address: Ian Lyne 6 Alpina Bend Canning Vale WA 6155</p>	<p>Affected Property: 6 (Lot 210) Alpina Bend Canning Vale</p>
---	---	---

Summary of Submission	Staff Comment
<p>Comments on proposal</p> <p>8.1 Changing the base residential coding lots from R17.5 to R20 - I believe that along with this change the amount of land set aside for public open space (or nature reserves) should increase proportionally in an effort to maintain the balance, as generally the gardens in high density housing areas do not allow the planting of large native trees and under growth. This is my comment and not an outright objection to the proposed change.</p> <p>8.2 Adjusting the location and configuration of public open space – This is accepted as long as in general agreement with my views on the ‘changing the base residential density’ above. Labeling the ‘Conservation Category Wetland’ as a ‘Local Open Space’ reserve.</p>	<p>Noted.</p> <p>Dismissed. The change to the base residential coding from R17.5 to R20 will have no impact on the development potential of residential lots up to 1,000m² in area.</p> <p>The proposed change would allow properties that are yet to be subdivided to create residential lots with a minimum land area of 440m², as opposed to 500m² which is presently the case, though the amount of land left to subdivide in the area is limited.</p> <p>The ODP area is 469ha. Approximately 70ha (or 14.9%) is identified for public open space and conservation purposes. The formula for calculating a subdivider’s obligation to contribute towards the provision of public open space is not dependant on the density potential of their land.</p> <p>The proposed changes to the base coding are not considered significant enough to warrant additional public open space being set aside.</p> <p>The ODP is a guide to subdivision and development. The proposed adjustments to the location and configuration of public open space generally reflect the final configuration of public open space approved by the WAPC through its approval of subdivision applications, as opposed to any intent or proposal to reduce land required for public purposes.</p>

Summary of Submission	Staff Comment
<p>8.3 I believe that the Council should be doing everything possible to protect the little remaining wetlands within the boundary of the ODP (and the boundary of the City). Changing the title as proposed appears to be the start of a process of down grading the wetlands, such that future developers could move in. I believe that existing and future conservation areas should be titled as such, and have no objections to renaming park lands as proposed.</p>	<p>The protection of wetlands is a key consideration in the planning of urban development areas in the district. Nothing in the proposed revisions to the ODP will alter the Conservation Category classification of the wetlands in the ODP area, change their intended purpose for conservation or impact upon the area's environmental values.</p> <p>The proposed change on the ODP from "Public Open Space" to "Local Open Space" is simply to ensure the terminology for the reserve used on the ODP is consistent with the same terminology used in Town Planning Scheme No's (TPS 6). This minor change is considered necessary as TPS 6 provides that an ODP may contain zones and reserves as if zoned or reserved under the TPS and therefore the terminology should be consistent to actually ensure protection for public purposes.</p>
<p>8.4 Although reviewing the proposed ODP map indicates that the amount of local open spaces has been slightly increased, there are no new proposed category wetlands. I believe an area in the Northern section of the ODP needs to be set aside for wetlands before the developers move in. It is also encouraging that the council appear to be taking control of the waste land left by the developer of Grevillea Park that bounds the Excelsior Primary School and the lake defined by Excelsior Drive, Spinifex Way and Cordata Street. Will the residents get to comment on the future of this site, ie parkland, return to wetland/natural bush (which is my preference as the school oval provides adequate open space)?</p>	<p>Wetlands that are worthy of protection are typically identified by State Government environmental agencies through environmental mapping and assessment initiatives. The City, through an ODP, cannot create or nominate a Conservation Category Wetland where one does not already exist.</p> <p>The provision of facilities and revegetation of parkland areas are outside the scope of the review of the ODP. However, the comment about engaging the community in plans for the parkland is noted and will be referred the City's Parks and Environmental Operations Branch.</p>

9	<p>Name and Postal Address: Steven Lea PO Box 1773 Canning Vale DC WA 6970</p>	<p>Affected Property: 47 (Lot 6) Hardwick Boulevard Canning Vale</p>
---	---	---

Summary of Submission	Staff Comment
<p>Comments on proposal</p> <p>9.1 The proposed revisions to the ODP do not indicate any change to the basin at 42 Hardwick Boulevard. I would like to formally request that consideration be given to the final appearance of that section of the park.</p> <p>9.2 The basin is very unsightly and does not compare to the quality of the development in the surrounding areas. I understand that the purpose of the basin is purely functional, however, I have a simple and inexpensive proposed solution to improve the appearance of the basin. At your discretion I would be happy to submit the proposal with an accurate costing which would come in at under \$700 and would not compromise the function or reduce the volumetric capacity of the basin.</p>	<p>Noted.</p> <p>The visual appearance of the drainage basin is outside the scope of the review of the ODP.</p> <p>The comment about possible changes to the drainage basin is noted and will be referred to the City's Technical Services Branch.</p>

10	Name and Postal Address: Mr P and Mrs J Napolitano 25 Waterperry Drive Canning Vale WA 6155	Affected Property: 75 (Lot 10) Amherst Road Canning Vale
Summary of Submission		Staff Comment
Comments on proposal		Noted.
10.1	We would like to ensure the body of water (lake) as currently shown on Lot 9 Amherst Road is clarified on the ODP as to exactly what it is intended to be (permanent water feature or a grassed swale). The reason being is we were previously advised by the City that this was being relocated to the opposite side of Amherst Road (next to Lot 111 Amherst).	The current ODP indicates a drainage compensating basin within the public open space (proposed Local Open Space) area on Lot 9. The proposed revisions to the ODP do not propose any change to the way the basin is indicated on Lot 9. The basin was identified in this location as an outcome of modification No. 11 to the ODP adopted by Council at its meeting on 6 December 2005. The actual construction of the basin is a matter of design detail addressed at the subdivision stage. It is outside the scope of the role and function of an ODP to specify these details.
10.2	We would like to ensure that public open space shown on Lot 10 Amherst Road is not a hard and fixed boundary line, but is indicative only and flexible, as previously advised by the City in writing.	Noted. The ODP is a planning framework to guide subdivision and development of the area. Proposals for subdivision and development in the area must therefore be generally in accordance with the ODP. The size, location and shape of public open space shown on the ODP is not intended to be absolute, but will be used as a guide for assessing future subdivision and development proposals within the ODP area. Variations to the public open space shown on the ODP commonly occur as a result of detailed subdivision design, and area assessed on their individual merits.
10.3	We would like to ensure that Lot 10 Amherst Road when subdivided can directly abut the public open space under a DAP as previously agreed by the City.	The interface between residential development on Lot 10 and public open space (proposed Local Open Space) will be a matter of detail that a DAP, subdivision and/or development proposal will need to address. These proposals would be assessed on their merit, in the context of the objectives of the ODP, the provisions of relevant planning legislation and policy and the principles of orderly and proper planning.
10.4	We would like to ensure that roads from the adjoining subdivision that are from 0.5m to 4.0m below the natural ground level of Lot 10 Amherst Road do not continue into Lot 10, which is now bounded by limestone walls up to 4m high. Lot 10 has become separated permanently from Mr Caratti and Mr Pollock or their entities abutting subdivision, due to the developers choosing to lower the natural ground levels by up to 4.0m.	The ODP does not illustrate any road layout over Lot 10, as that needs to be determined by a DAP. Any DAP submitted for Lot 10 will be assessed on its merits having regard to relevant planning requirements and the extensive discussions that have previously taken place on this matter between the submitter and Council staff.
10.5	Agree with density greater than R17.5 being given clarification and covering all of Lot 10.	Noted.

11	<p>Name and Postal Address: D J and D Y Finnie 82 Chancery Crescent Willetton WA 6155</p>	<p>Affected Property: 2 (Lot 212) Oman Pass Canning Vale</p>
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>11.1 The blanket change from R17.5 to R20 is simply creating higher density than that planned for in existing ODP and may cause planning confusion. Many existing lots are already properly planned to the R17.5 density and there is no valid reason to compromise amenity where already developed, or with planning approvals in place. For example an existing R17.5 (500-571m²) lot has to have 50% open space (250-285m²). If you now change to R20 (440-500m²) the 50% criteria requires only 220-250m² of open space. This could result in an existing 570m² lot having residence extended to leave only the new minimum of 220-250m² of open space. It would comply with R20 in theory but could become a contentious area calculation, especially when planning tolerance under the new guide rules are further added. The existing R17.5 zoning should not be compromised, as developers will exploit any resultant confusion. If new estates are designed from scratch R20 that's fine, but existing estates should not be tampered with retrospectively.</p> <p>11.2 Public open space should be correctly nominated on the ODP Map - The legend on proposed revised ODP map refers to "Local Open Space". This may cause future exploitable confusion. They need to be secured for prosperity as public open space and not later be changeable to residential or other uses. Text on the left side of ODP map refers to public open space but no public open space is shown in the ODP legend.</p>		<p>Noted.</p> <p>The change of the base coding from R17.5 to R20 is considered to be justified on the basis of the following:</p> <ul style="list-style-type: none"> • A residential coding of R17.5 allows a minimum lot size of 500m² (subject to minimum average of 571m²), where as R20 allows a minimum lot size of 440m² (subject to an average of 500m²). The difference is not significant and not likely to cause "planning confusion". • Many developed lots within existing R17.5 coded areas in the ODP are between 600m² and 750m² in area. A lot would need to be at least 1,000m² to have potential for subdivision for two lots or development for two dwellings. Existing lots up to 1,000m² in area will have no further subdivision or development potential under an R20 coding than is currently provided and therefore the proposed change will have little if any impact on the amenity or streetscape of established areas. • The difference in the amount of private open space between the R17.5 and R20 coding is considered minor and could, in any event, already be approved for R17.5 coded lots by application of the Performance Criteria of the R-Codes. • A base residential coding of R20 would be consistent with the recommendations of Council's Local Housing Strategy. The Strategy has been endorsed by the WAPC. • It is understood that the WAPC and Minister for Planning require ODPs and town planning schemes for new urban development areas to have a minimum density coding of R20. • A R20 base coding would generally be consistent with Network City strategies for the delivery of urban growth management. • It is apparent that there is increasing demand from subdividers seeking support for smaller lot sizes due to changing market attitudes since the ODP was first initiated. <p>The proposed change on the ODP from "Public Open Space" to "Local Open Space" is simply to ensure the terminology for the reserve used on the ODP is consistent with the same terminology used in Town Planning Scheme No's (TPS 6). This minor change is considered necessary as TPS 6 provides that an ODP may contain zones and reserves as if zoned or reserved under the TPS and therefore the terminology should be consistent to actually ensure protection for public purposes.</p>

Summary of Submission	Staff Comment
<p>11.3 The Gosnells letter refers to Labelling Conservation Category Wetland as a "Local Open Space" reserve; however there seems to be no definition of this in the ODP text. This needs to be properly defined to avoid future confusion.</p> <p>11.4 We are already a seriously affected party on Lot 212, having now two houses crammed (in place of one) on one of our boundaries (Lot 211) in spite of having its lower zoning confirmed by City of Gosnells. We strongly object to any revision to the existing higher density zone radiating from the intersection of Fraser Road and Gateway being extended- especially as Lots 211 to 214 and 219 are already planned, approved and/or established per the original ODP R17.5 density. There is therefore no valid reason to retrospectively expand the higher density zone into this area, and in particular, these lots should remain outside the higher density zone. Existing land/homeowners need protection, and should not suffer higher density around them to suit latecomers and second tier greedy developers.</p> <p>11.5 The proposed increased density zone radiating from the intersection of Fraser Road and Gateway Boulevard does not just simply attempt to standardise based on a 200m radius. It now wishes to extend to lots well outside even the dimension. For example it includes Lot 605 Stiletto Way in the higher density. But this lot is 240m from the intersection? Lot 396 Planetree Pass is also well outside the 200m dimension. This raises serious doubt about the accuracy and accountability of the revision, as it would not be supported by even the text principles of the ODP.</p>	<p>The reference to the text on the ODP map is noted. This text will be recommended to be removed from the ODP map, because clause 5.6 of the proposed ODP text adequately details that Local Open Space will have multiple functions including recreation, conservation and drainage. Other references to public open space on the ODP map and in the ODP text should be modified to ensure a consistent terminology of Local Open Space or LOS. Refer to the Table of Recommended Modifications – Modification No. 4.</p> <p>Nothing in the proposed revisions to the ODP will alter the Conservation Category classification of the wetlands in the ODP area, change their intended purpose for conservation or impact upon the area's environmental values. See also staff response to submission No. 11.2.</p> <p>The proposed revisions to the ODP include the proposed correction of anomalies in the current ODP in respect of land currently designated for "Residential Density Greater than R17.5". This is intended to address the following matters:</p> <ul style="list-style-type: none"> • The radius of some density nodes shown on the current ODP measures less than the 200m radius distance principle upon which the density node is based. • Density nodes on the current ODP, being circular in nature, do not translate well to typical road and lot layouts created through subdivision, which tend to be based on grid/modified grid configurations and regularly shaped lots. This has resulted in many lots located on the edge of density nodes that straddle boundaries between differing density codings, creating uncertainty and difficulties in proposal assessment. <p>The proposed ODP rationalises the extent of density nodes based on logical boundaries such as road reserves and cadastre.</p> <p>This comment illustrates the practical difficulties of determining the development potential of land where covered by a density area that is based on a circular radius established prior to the subdivision pattern being known.</p> <p>Complicating the matter is that the intersection of Fraser Road and Gateway Boulevard (around which the density node is based), is in a different position on the current ODP than has been developed in actuality, which raises the question of where the 200m radius is measured from.</p> <p>The density node shown on the proposed revised ODP around this particular intersection was rationalised based on a logical boundary that follows constructed roads (for example Stiletto Way, Gamenya Pass and Figtree Drive). While some lots lie marginally outside of 200m from the intersection, to apply a strict 200m radius would not provide the level of certainty that the ODP review is trying to achieve.</p>

Summary of Submission	Staff Comment
<p>11.6 Retitling “Greater than R17.5” to “Higher Density Node” still does not clarify or set actual limits. Areas should be clearly identified as R30, R40 etc, only then can land purchasers clearly check and establish the actual maximum density in their particular area.</p>	<p>The lack of clarity in the “Greater than R17.5” areas was acknowledged in the report to Council on 19 December 2006 on the ODP review as a practical difficulty with the implementation of the original ODP. It is a technique that was new at the time (around 2001), but given the implementation difficulties is not likely to be repeated in future ODPs. The proposed ODP text sets out provisions, through the use of DAPs, designed to achieve better clarity on the development potential of land within the higher density nodes.</p>
<p>11.7 The new ODP map does not indicate the lake in the park/public open space between Oman Pass and Admiralty Road in the correct location. It appears to show its circular shape only on Lot 4001, however it actually is constructed on both Lot 4001 and Lot 4003. The ODP illustration should now accurately reflect as “built” status.</p>	<p>An ODP is only a guide for subdivision and development of land. The ODP provides an indicative diagram of drainage facilities, simply to indicate that the public open space area has a drainage function. The ODP’s designation of the shape of a water body in public open space should not be construed as the actual shape of the water body or any requirement that it must be to the indicated dimension. The provision of drainage facilities and other water bodies is a matter of detailed design typically addressed at the subdivision stage.</p>
<p>11.8 The letter sent to land owners inviting comment was too vague and places the onus for research on the existing land owners. A much more accountable method would be to provide area specific extracts of maps relative to the address of the land owners showing the differences proposed. Also to suggest “the change will be insignificant” is pre-emptive and enough data should be provided for those affected to make the assessment without any City influence.</p>	<p>Approximately 3,000 landowners were written to advising of the opportunity to comment on the proposed changes to the ODP. Landowners were provided with an information sheet and details of how to obtain additional information. This was considered to be a very thorough approach to consultation given the number of landowners that were consulted.</p> <p>The existing ODP and the proposed changes were displayed on the City’s website and at the City administration centre and libraries. City Planning staff were available during office hours to answer any queries.</p> <p>It is unrealistic to expect that with such a large number of landowners to contact, that the City could tailor each letter to detail how the proposal might specifically impact on each landowner.</p> <p>The fact that only 32 landowners (ie about 1%) responded indicates that the proposed changes are of little interest or significance to most landowners in the ODP area.</p>

12	Name and Postal Address: De K Chua and Ah H Lee 20 Weddell Close Canning Vale WA 6155	Affected Property: 20 (Lot 25)Weddell Close Canning Vale
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>We are concerned that the proposed density coding (R20) may affect some areas around Weddell Close. At present Lot 24, next to Lot 25, is vacant. This vacant land is over 1,000m². With the proposed changes to the residential coding and high density nodes, Lot 24 should not be used to build group housing as this will significantly devalue the surround properties in the particular street. Our neighbours have the same concerns, and hope not to see group housing being built in our street.</p>		<p>Noted.</p> <p>Lot 24 Weddell Close is 2,094m² in area. It lies at the end of a cul-de-sac and abuts Garden Street. Under the current ODP residential coding of R17.5, the property could be developed for three grouped dwellings. Under the proposed changes to the ODP (for R20), it could be developed for four grouped dwellings.</p> <p>The change in the base residential coding from R17.5 to R20 is considered to have merit for the reasons outlined in response to submission 13.1 below.</p> <p>The allowance for an additional dwelling on Lot 24 is not considered to have a detrimental impact on the amenity of the area. The potential impact on the value of nearby properties is not a valid planning consideration.</p>

13	Name and Postal Address: Mitchell and Kathryn Young 19 Bradshaw Street Canning Vale WA 6155	Affected Property: 19 (Lot 786) Bradshaw Street Canning Vale
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>13.1 While in principle we agree with the majority of the proposals within the ODP, we strongly disagree with the rezoning proposal moving from R17.5 to R20. Since purchasing our "large" block in Canning Vale in 2004, we have seen a gradual reduction in the size of average lots becoming available. Where 700m² and above seemed to be common place, the lot sizes have progressively decreased in size through the 600m² range then into the 500m². This new proposal would see them smash through the 500m² barrier to be a minimum of 440m². This would be an extremely undesirable outcome for the community of Canning Vale.</p>		<p>Noted.</p> <p>The change of the base coding from R17.5 to R20 is considered to be justified on the basis of the following:</p> <ul style="list-style-type: none"> • A residential coding of R17.5 allows a minimum lot size of 500m² (subject to minimum average of 571m²), where as R20 allows a minimum lot size of 440m² (subject to an average of 500m²). • Many developed lots within existing R17.5 coded areas in the ODP area are between 600m² and 750m² in area. A lot would need to be at least 1,000m² to have potential for subdivision for two lots or development for two dwellings. Existing lots up to 1,000m² in area will have no further subdivision or development potential under an R20 coding than is currently provided and therefore the proposed change will have little if any impact on the amenity or streetscape of established areas.

Summary of Submission	Staff Comment
<p>13.2 The attraction of Canning Vale for us is a family area with large blocks for family living. Large blocks enable people to build a reasonable sized house with a modest back yard whilst having adequate space for pool or outdoor entertaining. It also allows for plenty of open space for children to play. Furthermore, there is a greater distance between houses meaning less disruption of neighbours. If these new changes were to come into effect, then potential buyers in Canning Vale would be forced to pay more for smaller blocks. The space between houses would decrease giving the suburb a more “cluttered” look and feel. This in turn would lead to a devaluation of the suburb in the eyes of potential land buyers and to the property value in general.</p> <p>13.3 Furthermore, it would lead to more two storey higher density dwellings. There is a much greater social cost to community in having higher density dwellings. With an abundance of land this is unnecessary in Canning Vale. There is already land zoned as a higher density opposite Canning Vale College. We believe the motive for the reduction of sizes is developer greed, rather than the best interests of a growing family or the community. If this proposal is not amended then we will see the ODP become a cheaper “poor man’s” looking Canning Vale with all the problems associated with higher density living.</p> <p>13.4 We would also like to see a street beautification program considered as part of the ODP. Such points of consideration could be the sinking of all overhead power lines such as those currently running down Fraser Road, Dumbarton Road and Comrie Road.</p>	<ul style="list-style-type: none"> • A base residential coding of R20 would be consistent with the recommendations of Council’s Local Housing Strategy. The Strategy has been endorsed by the WAPC. • It is understood that the WAPC and Minister for Planning require ODPs and town planning schemes for new urban development areas to have a minimum density coding of R20. • A R20 base coding would generally be consistent with Network City strategies for the delivery of urban growth management. • It is apparent that there is increasing demand from subdividers seeking support for smaller lot sizes due to changing market attitudes since the ODP was first initiated. <p>Nothing in the proposed changes to the ODP will deny those persons who wish to purchase a “large block” to do so. The difference between R17.5 and R20 is minor and unlikely to have any discernable impact on the appearance of the area.</p> <p>Under the R-Codes, the R20 code is classified as a “low density code”. Two storey dwellings are permitted under the current coding of R17.5.</p> <p>This is outside the scope of the ODP review and the changes proposed to the ODP. This request will, however be referred to the City’s Parks and Environmental Operations Branch.</p>

Summary of Submission	Staff Comment
<p>13.5 The City of Gosnells also has a unique opportunity to contribute to Canning Vale becoming a “greener” suburb both environmentally (reducing green house emissions) while also maintaining street beauty. We would like to see a program of tree planting along all streets in the ODP to make Canning Vale a “leafy green” suburb much like suburbs such as Applecross. Not only would this help to make the suburb more aesthetically pleasing and help maintain land values, but will also go some way towards removing carbon dioxide from the atmosphere. Gosnells could lead the way in making a mark as a “green” council.</p>	<p>See staff response to submission 13.4.</p>

<p>14</p>	<p>Name and Postal Address: Dykstra Planning 6/2954 Albany Highway Kelmscott WA 6111 Attention: Henry Dykstra</p>	<p>Affected Property: Lot 1 Shreeve Road Canning Vale</p>
-----------	--	--

Summary of Submission	Staff Comment
<p>Objects to proposal</p> <p>14.1 Objects to the manner in which the advertised ODP has effectively extended the open space wetland buffer over a further portion of Lot 1, in contrast to that depicted on the existing ODP.</p>	<p>Noted.</p> <p>The buffer has not been extended, however the area shown for Local Open Space on the ODP has. The review of the ODP found that the extent of the area identified for public open space on the ODP for Lot 1 Shreeve Road was not consistent with the defined wetland and buffer boundary contained in the Shreeve Road Wetland Management Plan prepared by ATA Environmental and accepted by the then Department of Environmental Protection as satisfying Ministerial conditions applicable to the Amendment 478 area (or what is now the Canning Vale ODP area)</p> <p>The public open space boundary on the ODP does not include all the land identified in the Wetland Management Plan as defined wetland and buffer boundary.</p> <p>The proposed revisions to the ODP include modification to the boundary of the Local Open Space boundary to reflect the approved Wetland Management Plan. This was proposed to ensure compliance with the Ministerial conditions.</p> <p>The submission by the EPA (submission No. 37) confirms the need for the adjustment to be made where it is stated:</p> <p><i>“Under Ministerial Statement 534, the Conservation Category wetland protection area is required to be “to the requirements of the Council with the concurrence of the EPA and the WRC”. It is expected that planning documents will reflect the defined wetland boundaries, as determined as part of the Amendment 478 process, unless an alternative is agreed by the relevant parties in accordance with Statement 534.”</i></p>

Summary of Submission	Staff Comment
<p>14.2 Request that the ODP be amended to clarify that where lots are significantly affected by public open space there will be acquisition in the short term based upon urban values of surrounding land.</p> <p>14.3 Request that the higher density area be extended over the remaining developable portion of Lot 1. This will enable development at R30-R40 to take advantage of the amenity offered by the large conservation reserve and the relative proximity to the primary school and local centre.</p> <p>14.4 The 50m wetland buffer has been significantly exceeded on the advertised ODP in respect to Lot 1 Shreeve Road. This alteration to the wetland buffer on the ODP is clear from the attached plan (Refer to Appendix 13.5.3E) which illustrates the existing ODP, the advertised ODP, and our clients' proposed ODP. Given that the site levels will be altered in any event as a consequence of development, the criteria for the buffer to include land up to 1m ADH above the wetland should not be applied to this particular case. We propose that the 50m buffer should be further reduced by 10m, by allowing the proposed roadway that will fringe the wetland reservation to straddle the 50m buffer alignment. This would be consistent with the 1999 ATA Wetland Report, which concluded that adjustment to the buffer could be made in order to resolve planning design matters associated with practical issues as road constructions and house building setbacks, etc. The proposed ODP contained in Appendix 13.5.3E proposes a public open space buffer that is more consistent with the existing adopted ODP, and also shows a road pattern that can function well and also achieve the desired roadway and pedestrian system that would abut the wetland and nearby drainage line.</p>	<p>Regardless of whether Council amends the ODP to reflect the approved wetland boundary, the advice of the EPA is that any subdivision or development would need to accord with this boundary unless the boundary is redefined in line with EPA processes.</p> <p>Not supported. The acquisition process for open space and the valuation methodology is outside the scope of the ODP review, which is mainly focused on the ODP as a spatial planning tool.</p> <p>Not supported. Refer to discussion under the heading Additional Comment on Submission No. 14 later in this report.</p> <p>It is open to a landowner to pursue a modification to the defined wetland boundaries, as stated in the response to submissions 14.1. As noted in the EPA's submission (No. 37), the EPA recommends that any proposed modification is duly supported by technical data and management proposals that ensure protection of key wetland values.</p> <p>It would therefore not be appropriate for Council to consider modifying the ODP to reduce the wetland buffer without supporting technical data and a management proposal.</p>

Summary of Submission	Staff Comment
<p>14.5 Whilst our clients understand that the City of Gosnells has been quite active in pursuing equitable acquisitions and compensation for landowners of properties that are substantially affected by public open space and Wetland Buffers, our clients do seek some clarification on the ODP on this issue. Accordingly, it is recommended that a statement be included on or within the ODP itself, to the effect that Council provides a commitment to acquire or compensate landowners where lots are significantly affected by public open space, and that such acquisition will be based upon urban values of surrounding land.</p>	<p>Not supported. The acquisition process for open space and the valuation methodology is outside the scope of the ODP review, which is mainly focused on the ODP as a spatial planning tool.</p>
<p>14.6 Higher Density Residential Area is proposed for our client's land (see Appendix 13.5.3E), as it is only 250m from the nearby mixed use centre, and is supported by existing and future road and pedestrian systems that make this distance extremely walkable.</p>	<p>Not supported. Refer to discussion under the heading Additional Comment on Submission No. 14 later in this report.</p>
<p>14.7 The land has an outlook over the adjoining Shreeve Road wetland open space system and the primary school opposite, and hence offers a very open and attractive outlook for the benefit of higher density housing development.</p>	<p>Noted, however it will be recommended that the suggested modification not be supported. Refer to discussion under heading Additional Comment on Submission No. 14.</p>
<p>14.8 The land that is within 200m walkable catchment of this nearby centre has predominantly not been developed at the higher density, and accordingly this nearby local centre would require increased density and population in order to allow it to function commercially.</p>	<p>Noted.</p>
<p>14.9 Lot 1 has lost a significant development opportunity in contrast to other surrounding landowners who have been able to develop their entire properties for urban development. The medium density offers some form of equitable treatment in terms of development opportunities and in other parts of the ODP, Council has already agreed to amending the higher density residential area beyond the 200m catchment.</p>	<p>Not supported. The fact remains that a portion of Lot 1 is undevelopable due to State Government wetland conservation policies. The existence of a wetland is not considered sufficient justification to warrant the provision for higher densities to increase the development potential in a location and manner that would be contrary to principles of the ODP.</p>

15	Name and Postal Address: Luke Dellaca 12 Hoop Place Canning Vale WA 6155	Affected Property: 12 (Lot 522) Hoop Place Canning Vale
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>15.1 Your development plan is incorrect because it shows Hoop Place as a dead end street which is a reason we bought our block, then without being told the road is now being extended to Fraser Road North for no reason other than to create a drag strip.</p> <p>15.2 Stacking people and families on top of each other in high density areas is a bad idea. If you look around Canning Vale now it is depressing, houses on houses on houses all looking the same with no room for trees or backyards. It is people living on top of each other getting in each others faces with no personal space. It is a recipe for disaster.</p>		<p>Noted.</p> <p>The proposed revised ODP is not incorrect. It actually shows the connection of Hoop Place to Fraser Road North, which is in accordance with an approved plan of subdivision. Inter-connected roads (as opposed to culs-de-sac) are consistent with contemporary planning guidance such as is contained in the WAPC's Liveable Neighbourhoods design code and the City's Safe City Urban Design Strategy.</p> <p>This is largely a subjective observation. The proposed revisions to the ODP are not considered to represent a "recipe for disaster", but rather an attempt to address several anomalies with the existing ODP so that it can appropriately guide subdivision and development in a manner that provides for certainty and efficiency of process.</p>

16	Name and Postal Address: Dr Mohammed Alhamoudi 21 The Bridgeway Canning Vale WA 6155	Affected Property: 21 (Lot 137) The Bridgeway Canning Vale
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>I have always wanted to complain against the fact that blocks around the intersection of The Bridgeway and Gateway Boulevard are zoned R17.5, compared to almost all blocks around the intersection which are considered high density and given R30/R60 zoning. This means that even this proposed revision will not affect our blocks, which makes us feel disadvantaged compared to our counterparts.</p>		<p>Noted.</p> <p>Land around the intersection of The Bridgeway and Gateway Boulevard is presently coded R17.5 and is proposed to be recoded to R20 as part of the proposed ODP revisions.</p> <p>While the ODP makes provision for development within higher density nodes, this provision is based on accessibility to facilities and services that warrant a more compact form of housing and to achieve objectives for more sustainable patterns of development. The proposed changes to the ODP are not intended to disadvantage certain residents.</p> <p>The ODP has been in place since 2001, prior to much of the development in the ODP area. The provision that the ODP makes for density development has existed throughout this time. If the landowner wanted to acquire a property with development potential, then they should have examined the ODP and informed their land purchase accordingly.</p>

17	Name and Postal Address: Tat Kien Li Kwok Cheong 10 Hoop Place Canning Vale WA 6155	Affected Property: 26 (Lot 441) Ponderosa Loop, Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
18	Name and Postal Address: Hue Phan Truong and Quang Danh Luong 8 Coulteri Nook Canning Vale WA 6155	Affected Property: 8 (Lot 419) Coulteri Nook Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
19	Name and Postal Address: Raymond Y Teng and Jolene A Ng 8 Hoop Place Canning Vale WA 6155	Affected Property: 8 (Lot 473) Hoop Place Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
20	Name and Postal Address: Tony Elie 17 Comrie Road Canning Vale WA 6155	Affected Property: 17 (Lot 317) Comrie Road Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
21	Name and Postal Address: Deborah Tania 11 Hoop Place Canning Vale WA 6155	Affected Property: 11 (Lot 415) Hoop Place Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
22	Name and Postal Address: Liong K Kikwok Cheong 10 Hoop Place Canning Vale WA 6155	Affected Property: 10 (Lot 474) Hoop Place Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
23	Name and Postal Address: Transciel Pty Ltd 10 Hoop Place Canning Vale	Affected Property: 4 (Lot 471) Hoop Place 20 (Lot 69) Samuel Loop Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.

24	Name and Postal Address: K Naveed Ghori 124 Fraser Road North Canning Vale WA 6155	Affected Property: 124 (Lot 706) Fraser Road North Canning Vale
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>I am mainly opposed to the scrapping of the community facilities at the corner of Amherst and Fraser Roads. I believe that property set aside for community purpose should be used as such, even if used as just an open space or a playground or park. Why was it set aside originally? Did it affect the buying decisions of people purchasing land. Why did the original ODP not see that another facility could be used instead of this one? What has changed?</p>		<p>Noted.</p> <p>The reasons for deletion of the community purpose site were detailed in the report considered by Council at its meeting on 19 December 2006, where Council resolved (Resolution 622) to advertise the proposed changes to the ODP for public comment. At the same meeting Council also resolved (Resolution 623) to approve a DAP for Lot 9 Amherst Road (where the community purpose site was originally shown on the ODP). The approved DAP does not provide for a community purpose site.</p>

25	Name and Postal Address: J and H M Hedley 8 Lansdowne Entrance Canning Vale WA 6155	Affected Property: Lot 17 Nicholson Court Canning Vale
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>As the land owner of Lot 17 Nicholson Court, Canning Vale, we have run a plant nursery production and retail business for the last 27 years and see no need to change this land from its current zoning.</p>		<p>Noted.</p> <p>Lot 17 falls within the area coded "Residential (17.5)" on the current ODP. The proposed ODP revisions include Lot 17 in the area proposed to be coded "Residential (R20)". This is consistent with the proposed lifting of the base coding on all residential coded lots in the ODP area.</p> <p>The proposed change will not affect the ability of the landowner to continue their nursery operation. While the landowner may consider they personally have no need for the change, the change is considered to be justified for the broader ODP area for following reasons:</p> <ul style="list-style-type: none"> • A residential coding of R17.5 allows a minimum lot size of 500m² (subject to minimum average of 571m²), where as R20 allows a minimum lot size of 440m² (subject to an average of 500m²). The difference is not significant. • Many developed lots within existing R17.5 coded areas in the ODP area are between 600m² and 750m² in area. A lot would need to be at least 1,000m² to have potential for subdivision for two lots or development for two dwellings. Existing lots up to 1,000m² in area will have no further subdivision or development potential under an R20 coding than is currently provided and therefore the proposed change will have little if any impact on the amenity or streetscape of established areas. • A base residential coding of R20 would be consistent with the recommendations of Council's Local Housing Strategy. The Strategy has been endorsed by the WAPC.

Summary of Submission	Staff Comment
	<ul style="list-style-type: none"> • It is understood that the WAPC and Minister for Planning require ODPs and town planning schemes for new urban development areas to have a minimum density coding of R20. • A R20 base coding would generally be consistent with Network City strategies for the delivery of urban growth management. • It is apparent that there is increasing demand from subdividers seeking support for smaller lot sizes due to changing market attitudes since the ODP was first initiated.

26	Name and Postal Address: Steve Baker 12 Fitzroy Court Gosnells WA 6110	Affected Property: 67 (Lot 214) Waterperry Drive Canning Vale
----	--	--

Summary of Submission	Staff Comment
<p>Objects to proposal</p> <p>26.1 Amending the reference to the Church Precinct to "Place of Worship Precinct" this all sounds pretty innocent, but where my concerns are in the Labelling the "Conservation Category Wetland" as a "Local Open Space Reserve".</p> <p>26.2 Do the words "Local Open Space Reserve" conjure up visions of pristine bushland abundant with native water fowl, frogs, fish, rare orchids, bandicoots, small native marsupials and old growth trees or does it conjure up visions of a couple of acres of weed infested grass with a cricket pitch and a couple of goal posts. I feel that if council is allowed to change the name, these pristine areas will lose their significance. Please don't even associate the words "Local Open Space Reserve" with these areas.</p>	<p>Noted.</p> <p>Nothing in the proposed revisions to the ODP will alter the Conservation Category classification of the wetlands in the ODP area, change their intended purpose for conservation or impact upon the area's environmental values.</p> <p>The proposed change on the ODP from "Public Open Space" to "Local Open Space" is simply to ensure the terminology for the reserve used on the ODP is consistent with the same terminology used in Town Planning Scheme No. 6 (TPS 6). This minor change is considered necessary as TPS 6 provides that an ODP may contain zones and reserves as if zoned or reserved under the TPS and therefore the terminology should be consistent.</p> <p>See staff response to submission 26.1.</p>

27	Name and Postal Address: Lenny Chua Cha 17 Totara Avenue Canning Vale WA 6155	Affected Property: 17 (Lot 393) Totara Avenue Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
28	Name and Postal Address: Sianny H Chang 17 Totara Avenue Canning Vale WA 6155	Affected Property: 17 (Lot 393) Totara Avenue Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
29	Name and Postal Address: Rudy Elisar 15 Totara Avenue Canning Vale WA 6155	Affected Property: 15 (Lot 394) Totara Avenue Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
30	Name and Postal Address: Kok Khiong Cheong 23 Totara Avenue Canning Vale WA 6155	Affected Property: 23 (Lot 375) Totara Avenue Canning Vale
Summary of Submission		Staff Comment
Objects to proposal		No reasons for the objection were provided.
31	Name and Postal Address: Vivian Chan and Family 9 Weddell Close Canning Vale WA 6155	Affected Property: 9 (Lot 22) Weddell Close Canning Vale
Summary of Submission		Staff Comment
Objects to proposal We object to what the Council is proposing to change in the Canning Vale area. We are happier with how things are now and just wished to inform you how we felt on the matter.		Noted. The landowners' happiness with the Canning Vale area is noted. However, it is not clear from the submission what aspect of the proposed ODP revisions they are objecting to.

32	<p>Name and Postal Address: Mr D and Mrs D Douglas 25 Waterperry Drive Canning Vale WA 6155</p>	<p>Affected Property: 25 (Lot 188) Waterperry Drive Canning Vale</p>
Summary of Submission		Staff Comment
<p>Objects to proposal</p> <p>32.1 What is the rationale for rezoning R17.5 to R20. As it is already becoming crammed in like other areas. We are not inner city; we are in beautiful Perth with its space. Unfortunately the dollars speak louder than anything else. Before long we will be just like the United Kingdom with all the social and environmental problems associated with high-density living. It saddens me to think that a 500m² block will be a large size block in the future. Please consider the long-term benefits to the value of this area when people will want a house without a neighbour with a parapet wall. There are a lot of high-density zones already within Canning Vale.</p> <p>32.2 I would be interested to know the reason for this very unnecessary change. I hope that large land developers or vultures are not an influence in this Council. Their desires are not in the interests of this environment, which you as the Council are here to protect. They are not interested now and definitely not in the future of this area.</p>		<p>Noted.</p> <p>The proposed lifting of the residential base coding to R20 is considered to be justified for the broader ODP area for following reasons:</p> <ul style="list-style-type: none"> • A residential coding of R17.5 allows a minimum lot size of 500m² (subject to minimum average of 571m²), where as R20 allows a minimum lot size of 440m² (subject to an average of 500m²). The difference is not significant. • Many developed lots within existing R17.5 coded areas in the ODP area are between 600m² and 750m² in area. A lot would need to be at least 1,000m² to have potential for subdivision for two lots or development for two dwellings. Existing lots up to 1,000m² in area will have no further subdivision or development potential under an R20 coding than is currently provided and therefore the proposed change will have little if any impact on the amenity or streetscape of established areas. • A base residential coding of R20 would be consistent with the recommendations of Council's Local Housing Strategy. The Strategy has been endorsed by the WAPC. • It is understood that the WAPC and Minister for Planning require ODPs and town planning schemes for new urban development areas to have a minimum density coding of R20. • A R20 base coding would generally be consistent with Network City strategies for the delivery of urban growth management. <p>It is apparent that there is increasing demand from subdividers seeking support for smaller lot sizes due to changing market attitudes since the ODP was first initiated.</p> <p>The proposed changes to the ODP reflect the outcome of a review completed by staff in 2006 of the ODP. The findings of the review were detailed in the report considered by Council at its meeting on 19 December 2006.</p>

33	<p>Name and Postal Address: Greg Rowe and Associates Level 3, 369 Newcastle Street Northbridge WA 6003 Attention: Simon Armstrong</p>	<p>Affected Property: Former Lot 111 Amherst Road Canning Vale (Note: Submission was lodged seven weeks after advertising closed)</p>
Summary of Submission		Staff Comment
<p>Supports the proposal and suggests a further modification to extend the Higher Density Node over the entirety of the former Lot 111 Amherst Road on the basis of an extensive justification report, which is summarised as follows:</p>		<p>Noted. A plan illustrating a comparison between the existing ODP (Plan 1), the proposed ODP, the suggested further modification made in the submission (Plan 2) and the recommended response by staff is contained in Appendix 13.5.3F (Plan 3). It will be recommended that a modification be made to the Higher Density node on the former Lot 111 Amherst Road to ensure newly created lots do not straddle the boundary between the Higher Density Node and the R20 coded area. Refer to discussion under the heading Additional Comment on Submission No. 33 later in this report.</p>
33.1	<p>Lot 111 has been approved for subdivision into 26 lots, with an area of public open space set aside. Construction was expected to be completed by May 2007.</p>	<p>Noted. The subdivision has been finalised and new lots have been created. The lots have been created in accordance with the R17.5 density code.</p>
33.2	<p>Extension of the Higher Density Node would be consistent with the MRS and TPS 6 zoning.</p>	<p>Noted, however not supporting the suggested modification would also be consistent with the MRS and TPS 6 zoning (Residential Development).</p>
33.3	<p>The indicative road layout shown on the proposed ODP does not accord with the actually constructed subdivisional road. Extension of the Higher Density Node should be rationalised on logical boundaries such as road reserves and cadastre.</p>	<p>Noted. It will be recommended that the cadastral layer of the ODP be updated to reflect the actual cadastre and road layouts. Modification of the Higher Density Node boundary is however only considered to be warranted on the basis of clarifying the applicable residential coding for new lots.</p>
33.4	<p>The Higher Density Node should be measured from the edge of the Mixed Use Centre and not the centre of the intersection.</p>	<p>The key aspect that the ODP review has sought to address is consistency between the ODP principles and what is reflected on the ODP itself. All Higher Density Nodes are measured from the centre of the Mixed Use Centre. To modify the ODP at this stage, to revise the manner in which the Higher Density Node radius is measured would represent a substantial and largely unnecessary change.</p>
33.5	<p>The requirement for a DAP to be prepared for Higher Density Nodes would represent an onerous requirement for (the former) Lot 111 given the approval of the property for subdivision into 26 lots. The landowner would be prepared to prepare a single DAP to provide an overall guide to density development.</p>	<p>Noted. The intention of clause 6.2.1 of the proposed ODP text is to establish the requirement for a DAP to be prepared to guide subdivision and development in a Higher Density Node and ensure subdivision and development occurs in accordance with the principles of the ODP and for better clarity on development potential. It is recognised that subdivision has already occurred in many Higher Density Nodes without a DAP and that in such circumstances the preparation of a DAP would serve little purpose given that the R-Codes is capable of appropriately guiding built form. Refer to modification No. 12 in the table of recommended modifications later in this report.</p>

Summary of Submission	Staff Comment
<p>33.6 Various State Government policy directives (Liveable Neighbourhoods, the State Planning Strategy, Development Control Policies and Statements of Planning Policy) recognise that increases in residential density are appropriate where land is located in proximity to regional and public transport routes, open space, commercial centres, employment areas and community facilities. The proposed ODP change would be consistent with these policies.</p>	<p>Noted.</p>
<p>33.7 Extension of the Higher Density Node would be consistent with the expanded Higher Density node on Lot 11 Amherst Road, opposite the subject site and proximity criteria for Mixed Use Centres.</p>	<p>Noted, though the density potential of Lot 11 is "capped" by a DAP to R25. It is noted that a similar cap has not been proposed by the applicant.</p>
<p>33.8 The subject land abuts an area of public open space and the new lots can take advantage of the proximity to this area and in doing so reduce car dependency, increase safety levels for parkland users and pedestrians and increase use of the parkland. Liveable Neighbourhoods provides for smaller lots in places with proximity to places of high amenity.</p>	<p>The subdivider of Lot 111 has done little (if anything) to make the open space it has set aside as an area of 'high amenity'.</p>
<p>33.9 The subject land is located 150m from a bus stop near the corner of Amherst/Fraser Roads and between 170m and 250m from two other bus stops.</p>	<p>Noted.</p>
<p>33.10 While the ODP is based on a principle of density being provided within 200m of a Mixed Use Centre, Liveable Neighbourhoods identifies 400m walkable catchments around neighbourhood centres. All of the former Lot 111 is within 400m of the Mixed Use Centre located at the intersection of Fraser Road North and Amherst Road. Expansion of the Higher Density Node will be consistent with Liveable Neighbourhoods and assist to achieve density targets of 20 to 30 dwellings within 400m of neighbourhood centres.</p>	<p>The Mixed Use Centre in question, by virtue of its size and limited take up of the commercial/mixed use opportunity would not provide the range of services and facilities that would normally be on offer at a neighbourhood centre.</p>
<p>33.11 Expansion of the Higher Density Node would be consistent with the provisions of the City's Local Housing Strategy to promote a range of lot sizes to cater for a range of housing types and household sizes.</p>	<p>Noted.</p>

34	Name and Postal Address: Western Power Locked Bag 2511 Perth WA 6001 Attention: Karen Hughes	
Summary of Submission		Staff Comment
No Objections		Noted.
34.1	Western Power advise that there are no objections to the proposed changes. Developers should call the Perth One Call Service to determine the location of Western Power's underground cables prior to any excavation commencing.	Noted.
34.2	Work Safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets.	Noted.

35	Name and Postal Address: Main Roads Western Australia PO Box 6202 East Perth WA 6892 Attention: T Hazebroek	
Summary of Submission		Staff Comment
Comments on proposal		Noted.
35.1	The ODP area contains no roads under Main Roads control and as such no comment is made. The ODP Report indicates that traffic signals may be required in the future. Traffic signals do not necessarily provide a solution to all road user problems and potentially lead to inefficiencies causing to delays and crashes, if unwarranted and inappropriately located close to other signalised locations.	The proposed revisions to the ODP do not include any changes to the location of traffic signals.
35.2	Main Roads approval is required for all traffic signals prior to implementation. Council needs to provide justification and an evaluation of alternative measures for any proposed traffic signals. Supporting information such as predicted traffic and pedestrian volumes, SIDRA analysis and traffic impact reports would need to be included in any formal submission.	Noted.

36	Name and Postal Address: Alinta PO Box 8491 Perth BC 6849 Attention: Lewis Searle	
Summary of Submission		Staff Comment
Comments on proposal		Noted.
36.1	Developers must contact Dial Before You Dig (1100) to reference Gas Network changes immediately prior to their proposals going ahead.	Noted.
36.2	If the gas network is affected by the proposal and Alinta works are required, then the following conditions must be met: <ul style="list-style-type: none"> • All work carried out on Alinta's existing Network to accommodate a proposed subdivision, amalgamation or any development will be at the proponents' expense. • Alinta requires one month's notice prior to the commencement of the work on site. Notice should be given to the Project Coordinator at Alinta Asset Management. 	Noted.

37	Name and Postal Address: Environmental Protection Authority PO Box K822 Perth WA 6842 Attention: Colin Murray/Maxine Dawson	Affected Property: Properties containing wetlands
Summary of Submission		Staff Comment
Comments on proposal		Noted.
37.1	Some discrepancies between Geomorphic Wetlands Swan Coastal Plain dataset designations, the outcomes agreed in 2000 by the Environmental Protection Authority (EPA) and the Water Rivers Commission (WRC) pursuant to the Minister for the Environment's Statement 534 (incorporated into City of Gosnells TPS No 6 Schedule 10), and the Canning Vale Outline Development Plan are evident.	The proposed modifications to the ODP are intended to address these discrepancies.
37.2	Under Ministerial Statement 534, the Conservation Category Wetland protection area is required to be "to the requirements of the Council with the concurrence of the EPA and the WRC". It is expected that planning documents will reflect the defined wetland boundaries, as determined as part of the Amendment 478 process, unless an alternative is agreed by the relevant parties in accordance with Statement 534.	Noted and agreed.

Summary of Submission	Staff Comment
<p>37.3 Should Council wish to pursue a modification to the defined wetland boundaries, it is recommended that any modification is duly supported by technical data and management proposals that ensure protection of key wetland values and that Council liaise with the Department of Water.</p>	<p>The review of the ODP found that the extent of the area identified for public open space on the ODP for Lot 1 Shreeve Road was not consistent with the defined wetland and buffer boundary contained in the Shreeve Road Wetland Management Plan prepared by ATA Environmental and accepted by the then Department of Environmental Protection as satisfying Ministerial conditions applicable to the Amendment 478 area (or what is now the Canning Vale ODP area).</p> <p>The public open space boundary on the ODP does not include all land identified in the Wetland Management Plan as defined wetland and buffer boundary.</p> <p>The proposed revisions to the ODP include modification to the Local Open Space boundary to reflect the approved Wetland Management Plan. This was proposed to ensure compliance with the Ministerial conditions.</p> <p>As the proposed Local Open Space area is to increase in size from that currently shown in the ODP in accordance with the approved Wetland Management Plan and in compliance with the Ministerial conditions, there is considered to be no need for the proposed modification to be supported by additional technical data and management proposals.</p> <p>The objection raised by the affected landowner is detailed in submission No. 14.</p>

38	<p>Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902 Attention: Andrew Bratley</p> <p>(Servicing Advice).</p>
----	--

Summary of Submission	Staff Comment
<p>Comments on proposal</p> <p>38.1 A supply of reticulated water is available for the development of this area, by extensions from the existing scheme such as the upgrading of water mains may be required at the developer's cost. The Corporation recommends that all water mains be contained within the existing and proposed road reserves on the concept alignment in accordance with the Utility Providers Code of Practice.</p> <p>38.2 Subdivision of this area will require sewerage in accordance with the Government Sewerage Policy. Connection to the reticulated sewerage scheme is available at the developer's costs. Improvements to the existing scheme such as the upgrading of sewer mains may be required at the developer's cost.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

Summary of Submission	Staff Comment
<p>38.3 The Corporation's information system indicates the presence of Acid Sulphate Soils (ASS). The disturbance of ASS in the subject area could have adverse changes to the quality of groundwater and the nearby waterways, leading to acidification of the water and damage to existing and future infrastructure resulting in increased development and maintenance costs. Water Corporation's recommendation is for the City of Gosnells to advise the developer to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of the ASS.</p>	<p>Noted. Where applicable, this will be addressed at the detailed subdivision stage.</p>
<p>38.4 Although this area can be serviced by existing Water Corporation water mains and reticulates sewerage the following comments with regard to funding should be noted. The principle followed by the Water Corporation for the funding of subdivision, development or redevelopment is one of user pays and the developer is expected to provide all water and sewerage reticulation and to contribute to headworks. In addition the developer may be required to fund new works or the upgrading of existing works to provide for the increase demand resulting from the development. The Water Corporation requires that the developers are advised to liaise with the Water Corporation Perth Office when proposed developments within the subject area are known for comprehensive infrastructure and planning advice.</p>	<p>Noted.</p>

39	<p>Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902 Attention: Ross Crockett/Frank Kroll</p> <p style="text-align: right;">(As property Manager)</p>
Summary of Submission	Staff Comment
<p>Comments on proposal. The Water Corporation has no objections in principle to the proposed Outline Development Plan revisions and their effect on the Water Corporation's Properties.</p>	<p>Noted.</p>

Submissions Requesting Additional Revisions to the ODP

Four submissions have suggested that the revised ODP (as advertised) be further modified, as follows:

- Submission No. 6 requests that 200m² of additional retail floorspace be allocated to the Growers Market within the Brookland Piazza at Lot 150 at the corner of Warton Road and Amherst Road.
- Submission No. 7 requests the expansion of the Higher Density Node to include portion of Lot 34 Birnam Road.
- Submission No. 14 requests a reduction in the extent of the Local Open Space area and allowance for R30/R40 development on Lot 1 Shreeve Road.
- Submission No. 33 requests the expansion of the Higher Density Node to include the entire extent of the former Lot 111 Amherst Road.

The staff comments relating to submission No. 6 in the Schedule of Submission explains why the proposed change is not supported. Further discussion on this matter is therefore not necessary.

Additional comment on submission No. 7, No. 14 and No. 33 is provided as follows.

Additional Comment on Submission No. 7

Lot 34 Birnam Road is 1.5176ha in area and is divided into two strata lots. Lot 34 previously contained two grouped dwellings (that is, a “side-by-side” duplex). One half of the duplex has been demolished and the strata lot upon which it previously sat has been approved for subdivision. The final approval of the subdivision is imminent. The remaining duplex-half sits on its own strata title. The submission relates to the portion of Lot 34 Birnam Road that has not been approved for subdivision.

The advertised revisions to the ODP include a proposal to modify the location of the mixed use centre from its location under the current ODP, which straddles the common boundary between Lots 37 and 78 Campbell Road, to a revised location on Lot 37 immediately adjacent to the intersection of Campbell Road and Birnam Road. The extent of the Higher Density Node is proposed to be adjusted to a 200m radius from the proposed new location of the mixed use centre. The revised Higher Density Node falls approximately 20m short of Lot 34 Birnam Road. The submission suggests extending the Higher Density Node to include the yet-to-be subdivided portion of Lot 34, referred to as Lot 34B. The plans contained in Appendix 13.5.3D illustrate a comparison between the existing and proposed ODP and the suggested further modification made in the submission. An indicative DAP showing subdivision at what is essentially a R25 density (that is lots ranging in area from 388m² to 407m²) is also contained in Appendix 13.5.3D.

The main reason for the proposed change to the location of the mixed use centre is because no centre has actually developed in the location currently shown on the ODP. A restaurant/café has however been established within the retail nursery operating on Lot 37 Campbell Road. The proposed relocation of the mixed use centre generally reflects the location of the restaurant/café. There is no other established commercial component within the proposed mixed use centre.

As noted in the submission, Council has previously approved changes to the extent of density nodes elsewhere in the ODP area, beyond the usual 200m radius. The submission also notes that lots already subdivided within the proposed Higher Density Node have each been developed with a single dwelling and there is no immediate potential to achieve higher density in the Node.

Staff consider that the subdivision of portion of Lot 34 in accordance with the indicative DAP contained Appendix 13.5.3D would be orderly, would not be significantly different to the predominant lot sizes prevailing in the immediate area, would have little impact on the streetscape of the immediate area and would generally be consistent with State Government planning strategies and policies that promote urban containment and more compact forms of housing. It is open to Council on this basis to support the suggested modification in accordance with the submission.

However, on principle staff consider that extending the Higher Density Node as proposed in the submission as a modification to the ODP should not be supported for the following reasons:

- The change would occur without prior reference to potentially affected landowners for their comment
- The density node would extend beyond the 200m radius, which is generally the principle upon which most other nodes in the ODP area are based (in this instance the subject portion of Lot 34 would be between 220m and 270m from the mixed use centre – if measured from the corner of Campbell/Birnam Roads and 25m less if measured from the closest edge of the mixed use centre)
- There is little in this mixed use centre, by way of pedestrian-based, convenience-goods services, to warrant higher density
- The subject portion of Lot 34 was proposed for R20 in the advertised ODP, which provides increased development potential over the current R17.5 coding

While the suggested modification is not an unreasonable or unrealistic proposal, it will not be recommended that Council support the change. It is open to the landowner to submit a stand-alone ODP modification proposal to be considered in due course and therefore allow a more formal assessment process, including provision for public comment.

Additional Comment on Submission No. 14

Submission No. 14 requests a reduction in the extent of the Local Open Space area and allowance for R30/R40 development on Lot 1 Shreeve Road, as shown on the plan contained in Appendix 13.5.3E.

The submission objects to the manner in which the advertised ODP has extended the open space wetland buffer over a further portion of Lot 1, in contrast to that depicted on the existing ODP.

The wetland buffer has not been extended, however the area shown for Local Open Space on the ODP has. The review of the ODP found that the extent of the area identified for public open space on the ODP for Lot 1 Shreeve Road was not consistent with the defined wetland and buffer boundary contained in the Shreeve Road Wetland Management Plan prepared by ATA Environmental and accepted by the then

Department of Environmental Protection as satisfying Ministerial conditions applicable to the Amendment 478 area (or what is now the Canning Vale ODP area).

The public open space boundary on the ODP does not include all the land identified in the Wetland Management Plan as defined wetland and buffer boundary.

The proposed revisions to the ODP include modification to the boundary of the Local Open Space boundary to reflect the approved Wetland Management Plan. This was proposed to ensure compliance with the Ministerial conditions.

The submission by the EPA (submission No. 37) confirms the need for the adjustment to be made where it is stated:

“Under Ministerial Statement 534, the Conservation Category Wetland protection area is required to be “to the requirements of the Council with the concurrence of the EPA and the WRC”. It is expected that planning documents will reflect the defined wetland boundaries, as determined as part of the Amendment 478 process, unless an alternative is agreed by the relevant parties in accordance with Statement 534.”

Regardless of whether Council amends the ODP to reflect the approved wetland boundary, the advice of the EPA is that any subdivision or development would need to accord with this boundary unless the boundary is redefined in line with EPA processes. It is open to a landowner to pursue a modification to the defined wetland boundaries providing that any modification is duly supported by technical data and management proposals that ensure protection of key wetland values.

It would therefore not be appropriate for Council to consider modifying the ODP to reduce the wetland buffer without supporting technical data and a management proposal.

The submission also requests that the higher density area be extended over the adjoining Lot 2 and the remaining developable portion of Lot 1 to enable development at a R30-R40 coding to take advantage of the amenity offered by the large conservation reserve and the relative proximity to the primary school and local centre.

On principle staff consider that extending the Higher Density Node as proposed in the submission, as a modification to the ODP should not be supported for the following reasons:

- The change would occur without prior reference to potentially affected landowners for their comment.
- The density node would extend beyond the 200m radius, which is generally the principle upon which most other nodes in the ODP area are based (in this instance the subject portion of Lot 1 would be between 280m and 360m from the nearest mixed use centre – if measured from the corner and of Campbell/Shreeve Roads and 25m less if measured from the closest edge of the mixed use centre).
- No commercial or community development has actually occurred at the Campbell/Shreeve Road centre.

- The ODP does not make provision for higher density around primary schools or open space elsewhere in the ODP, unless within close proximity to a mixed use or other commercial centre.
- The residential coded portion of Lot 1 was proposed for R20 in the advertised ODP, which already provides increased development potential than the current R17.5 coding.

It is open to the landowner to submit a stand-alone ODP modification proposal for either or both the reduction of the wetland boundary and increased residential density. If this occurs this would allow a more formal assessment process, including environmental assessment and advertising for public comment.

Additional Comment on Submission No. 33

Submission No. 33 has provided extensive justification for expanding the extent of the Higher Density Node over the entirety of the former Lot 111 Amherst Road.

The plan contained in Appendix 13.5.3F illustrates a comparison between the following:

- The current ODP which shows most of former Lot 111 as Residential R17.5 and portion as Public Open Space (Plan 1).
- The proposed ODP, which shows part of the residential coded portion of former Lot 111 for Higher Density Node (generally within 200m of the Mixed Use Centre at the intersection of Fraser Road North and Amherst Road) and the remaining residential portion for Residential R20. In addition the plan shows the suggested revision made in submission No. 33 to extend the Higher Density node over the entirety of former Lot 111 (Plan 2).
- The manner in which staff consider the boundary between the proposed Higher Density Node and the Residential R20 area ought to be rationalised (Plan 3).

The recommended rationalisation of the boundary between the proposed Higher Density Node and the Residential R20 area (Plan 3) responds to the fact that under the advertised proposed revised ODP, there would be three lots that have been created that would straddle the boundary between the Higher Density Node and Residential R20 area. The recommended modification ensures the density boundary aligns with cadastral boundaries so that the development density of the lots is made certain and all lots in the cul-de-sac have a consistent coding.

The proposed modification suggested in submission No. 33 to extend the Higher Density Node to the entirety of former Lot 111 (that is, to Coulthard Crescent) is not considered appropriate as all existing lots that lie outside of the former Lot 111 and front Coulthard Crescent are currently coded Residential R17.5 and proposed Residential R20 under the proposed revised ODP. The six lots on former Lot 111 that front Coulthard Crescent should be coded Residential R20 to be compatible with the same coding as other lots fronting Coulthard Crescent. This will ensure the streetscape on Coulthard Crescent is relatively uniform.

Recommended Modifications to the Revised ODP (as advertised)

It will be recommended that the proposed revised ODP (as advertised) be further modified to incorporate the changes set out in the following table. The recommended modifications generally reflect minor changes staff have identified as necessary since the proposed revised ODP was advertised for public comment. Three of the recommended modifications (modification Nos. 4, 5 and No. 13) are in response to comments made in submissions (submission Nos. 11 and 33 respectively).

Table of Recommended Modifications

No.	Recommended Modification	Reason
1.	Update the ODP to reflect the current cadastre.	To reflect the current cadastre for improved clarity and allow future translation of the ODP content into TPS 6 or future operative TPS.
2.	Rationalise the boundary between the proposed "Higher Density Node" and proposed "R20" area on former Lot 44 Birnam Road to ensure all lots created on Deposited Plan 50663 are wholly contained within either the higher density node or the R20 coded area.	At the time Council adopted the draft revised ODP for public comment, Lot 44 Birnam Road was approved for subdivision but not finalised. The subdivision has since been finalised and new lots have been created. It was found that several lots straddled the boundary between the proposed "Higher Density Node" and "R20" area. The recommended modification will clarify the residential coding and therefore the development potential of lots in the subdivision.
3.	Reinstate the "Mixed Use" classification on Lot 445 Fraser Road North.	The proposed revised ODP removed the "Mixed Use" classification on Lot 445. A DAP has been approved for Lot 445 and provides for dwellings on the lot to include a ground floor commercial component. Reinstatement of the "Mixed Use" classification is therefore considered appropriate.
4.	Remove the text on the ODP map that states as follows: <i>"The POS will incorporate the extension of the existing drainage system developed as part of the Brookland Greens estate and will contain a series of compensating/detention basins located within multiple use corridors. The system will be designed in accordance with water sensitive design principles and best management practices. This POS will also protect remnant vegetation."</i>	To address the comment raised in submission 11.2.
5.	Modify references on the ODP map and text to "Public Open Space" or "POS" to "Local Open Space" or "LOS".	To address the comment raised in submission 11.2.
6.	Amend the extent of mixed use centre and the indicative road layout for the area notated as "Special Control Area" near the intersection of Nicholson Road and Garden Street to reflect the amended DAP approved by Council at its meeting on 10 July 2007 (Resolution 315).	To ensure the extent of land identified for mixed use and residential purposes on the ODP is consistent with the same extent shown on the adopted Chelsea Village DAP.

No.	Recommended Modification	Reason
7.	Amend the boundary of the Local Open Space areas and indicative drainage swale line in the Brookland Grove Estate (between Comrie and Birnam Roads) to reflect the constructed subdivision and open space/residential boundary.	To ensure that the extent of Local Open Space and land for residential purposes is consistent with the actual subdivision boundaries approved by the WAPC.
8.	Amend the boundary of the Local Open Space area in the Brookland Grove Estate (on Anchorage Loop – off Birnam Road) to reflect the constructed subdivision and open space/residential boundary.	To ensure that the extent of Local Open Space and land for residential purposes is consistent with the actual subdivision boundaries approved by the WAPC.
9.	Amend the boundary of the Local Open Space area on former Lot 3 Shreeve Road (near corner of Waterperry Drive) to reflect the constructed subdivision and open space/road boundary.	To ensure that the extent of Local Open Space and land for residential purposes is consistent with the actual subdivision boundaries approved by the WAPC. This particular case reflects a revised boundary to the Shreeve Road wetland accepted by the EPA and WAPC.
10.	Modify the ODP text by deleting point iii) from section 6.1.1 and renumbering the points accordingly.	<p>The intention of the points under clause 6.1.1 is to outline when applications for subdivision or development within a mixed use area may be supported in the absence of a DAP.</p> <p>The exception outlined in point iii) (where development is exempt from requiring planning approval) is automatic and does not need to be stated and should therefore be deleted.</p>
11.	Modify the ODP text by deleting point iii) from section 6.2.1 and renumber the points accordingly.	<p>The intention of the points under clause 6.2.1 is to outline when applications for subdivision or development within a Higher Density Node may be supported in the absence of a DAP.</p> <p>The exception outlined in point iii) (where development is exempt from requiring planning approval) does not make sense and should be deleted.</p>
12.	<p>Insert a new point iv) to section 6.2.1 as follows:</p> <p>“Subdivision of the land has already occurred and the City considers that applications for development and building approval can be appropriately guided by the Residential Design Codes”</p>	<p>The intention of clause 6.2.1 is to establish the requirement for a DAP to be prepared to guide subdivision and development in a Higher Density Node and ensure subdivision and development occurs in accordance with the principles of the ODP and for better clarity on development potential.</p> <p>It is recognised that subdivision has already occurred in many Higher Density Nodes without a DAP and that in such circumstances the preparation of a DAP would serve little purpose given that the R-Codes is capable of appropriately guiding built form.</p>

No.	Recommended Modification	Reason
13.	Modify the location of the Higher Density node/R20 boundary on former Lot 111 Amherst Road in accordance with the plan in Appendix 13.5.3F (Plan 3).	To address the comment raised in submission 33. The recommended rationalisation of the boundary between the proposed Higher Density Node and the Residential R20 area responds to the fact that under the advertised proposed revised ODP, there would be three lots that have been created that would straddle the boundary between the Higher Density Node and Residential R20 area. The recommended modification ensures the density boundary aligns with cadastral boundaries so that the development density of the lots is made certain and all lots in the cul-de-sac have a consistent coding.
14.	Modify the ODP text by amending the reference in clause 5.9.2 from "R25" to R30".	To address the comment raised in submission 3.5.

These modifications are reflected in a further revised ODP map and text contained in Appendix 13.5.3G and Appendix 13.5.3H respectively. It will be recommended that Council adopt the revised ODP map and text and refer them to the Western Australian Planning Commission (WAPC) for approval.

CONCLUSION

The Canning Vale ODP represented an innovative approach to planning of an area with significant co-ordination and environmental challenges. It has been an effective mechanism to guide development, though some interpretation difficulties have been experienced. The review process has been useful in terms of learning from the interpretation difficulties and refining aspects of the way in which the ODP operates.

The revised ODP map and the associated ODP text are considered to represent an overall update and refinement of the ODP so that it can remain a contemporary tool for guiding appropriate subdivision and development within the Canning Vale ODP area.

The revised ODP map and the new ODP text, while likely to have only limited value in planning of the Canning Vale ODP area, given that a large percentage of the area is already developed, will provide a model for future approaches to structure planning of new urban areas.

It will be recommended that Council adopt the revised ODP map and text and refer them to the WAPC for approval.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
--

456 Moved Cr_P Wainwright Seconded Cr_J Brown

That Council, pursuant to Clause 7.4.7(a) of Town Planning Scheme No. 6:

1. Note the submissions received and endorse the staff responses in respect of the proposed revised Canning Vale Outline Development Plan (ODP) and associated proposed ODP Text.
2. Adopt the proposed ODP and ODP Text (as modified following advertising), as contained in Appendices 13.5.3G and 13.5.3H respectively and forward them to the Western Australian Planning Commission for approval in accordance with Clause 7.4.9 of the Scheme.

CARRIED 7/0

FOR: Cr P Wainwright, Cr O Searle, Cr J Henderson, Cr J Brown, Cr R Hoffman, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
--

457 Moved Cr P Wainwright Seconded Cr_J Brown

That Council authorise staff to advise those persons who made a submission on the proposed revised Outline Development Plan and associated text of its decision.

CARRIED 7/0

FOR: Cr P Wainwright, Cr O Searle, Cr J Henderson, Cr J Brown, Cr R Hoffman, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.