

PROPOSED LOCAL DEVELOPMENT PLAN



**LOT 201 (NO. 33) TURNER STREET, BOYANUP
PROPOSED LOCAL DEVELOPMENT PLAN**

OUR REF: 1724

Our Ref: 1724

14 December 2023

Chief Executive Officer
Shire of Capel
PO Box 369
CAPEL WA 6271

Dear Sir/Madam

LOT 201 (NO. 33) TURNER STREET, BOYANUP
PROPOSED LOCAL DEVELOPMENT PLAN

Dynamic Planning and Developments Pty Ltd (DPD) act on behalf of Aspen Living Villages Pty Ltd, the registered proprietor of Lot 201 (No. 33) Turner Street, Boyanup (herein referred to as the 'subject site').

DPD has prepared the following submission in support of a Local Development Plan (LDP) which is intended replace the prior approved 'Meadowbrooke Lifestyle Estate Development Guide Plan' and associated design guidelines to better guide development at the subject site moving forward.

1.0 Background

Recently the Shire of Capel have undertaken a considerable body of work to have their new Local Planning Scheme 8 (LPS8) approved which was gazetted on the 17 July 2023. Upon gazettal LPS8 dramatically changed the planning framework applicable to the subject site with the primary change being the removal of the 'Special Use' zoning and replacing it with a 'Residential' zoning with an 'Additional Use 7' designation. The effect of this change is that it simplified the planning framework applicable to the subject site.

The new planning framework encourages the continuation of development in the Meadowbrooke Lifestyle Estate for over 55's, commonly referred to as 'Aged and Dependent Persons Dwellings'. The 'Additional Use 7' provisions applicable to the site require due regard to be given to an approved local structure plan and local development plan, which presumably relates to the existing Meadowbrooke Lifestyle Estate Development Guide Plan and associated Design Guidelines. The intent of this proposed Local Development Plan is to supersede these prior approved documents and become the document to be given due regard in accordance with the 'Additional Use 7' provisions.

Development to date within the estate has occurred in accordance with the 'Park Home Park' land use which, through 'Additional Use 7' remains a 'Permitted (P)' land use. Unfortunately, there are a number of restrictions around construction associated with this land use and as such the new 'Residential' zoning and proposed Local Development Plan will also permit 'Grouped Dwelling' development (for aged and dependent persons) at the subject site.

2.0 Proposed Local Development Plan

The proposed Local Development Plan (LDP) broadly seeks to replicate the development layout and provisions applicable under the existing approved Meadowbrooke Lifestyle Estate Development Guide Plan and all associated supporting reports. There have been minor variations to the proposed development layout in the undeveloped portion of the subject site as a result of a recent Bushfire Management Plan that has been completed, which is discussed in detail below.

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

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

An overview of the proposed LDP framework has been discussed in detail below with the LDP provided in Attachment 1 of this submission.

Land Use

The intended development at the subject site is likely to be either 'Grouped Dwelling (Aged and Dependent Persons Dwellings)' or 'Park Home Park'. It is commented that the new 'Residential' zoning with the 'Additional Use 7' provisions make both land uses 'Permitted (P)' meaning planning approval is not required subject to compliance with the relevant deemed to comply requirements of the 'R-Codes' and the provisions of the 'Local Development Plan'. It is intended that once approved, development that is consistent with both the R-Codes, the provisions of the LDP and any mentioned supporting reports will be allowed to proceed straight to a building permit.

Development Provisions

The proposed LDP simply seeks to apply the provisions of the R-Codes in combination with any relevant requirements noted in the prior approved supporting reports. This is considered to result in a consistent built form outcome and allow flexibility for the developer in working toward completing the estate.

It is commented that the estate is not likely to be the subject of a subdivision application and the landowner/developer will be responsible for delivering development outcomes at the subject site as opposed to individual purchasers/residents. This will ensure that the provisions of the LDP and any associated supporting reports will be appropriately adhered to.

Supporting Reports

Under the prior planning framework, a range of supporting reports were prepared to guide development at the subject site, these reports were required by the 'Special Use' provisions at the time and included:

1. Bushfire Management Plan.
2. Foreshore Management Plan.
3. Local Water Management Strategy.
4. Sustainability and Implementation Management Plan.
5. Traffic Impact Assessment.
6. Transport Noise Assessment.

A copy of these supporting reports has been included in Attachment 2 of this submission.

Development in accordance with the abovementioned supporting reports and prior approved Development Guide Plan has already commenced on site and moving forward it is proposed to continue development in accordance with these supporting reports to ensure consistency in development outcomes and application of management measures.

One supporting report has been updated in order to address current day requirements is the Bushfire Management Plan (BMP). Bushfire Prone Planning were engaged to prepare an updated BMP for the proposed development which has impacted the modified development layout at the subject site. Critical findings from the revised BMP included:

- Proposed development sites in the western portion of subject site require a larger setback from the reserve vegetation than what was previously approved. This resulted in a reconfiguration of the development sites, a reduction in the area of some sites and an overall loss in yield of one site.
- Existing development sites that have been created all comply with the required bushfire setbacks in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
- A public road connection was required back to South Western Highway as well as between Lot 85 to Lot 165 in order to comply with bushfire access requirements.

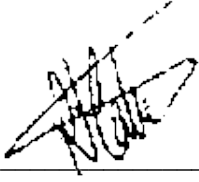
3.0 Conclusion

The proposed LDP is considered to prescribe an appropriate framework for development at the subject site that will replace the prior Meadowbrooke Lifestyle Estate Development Guide Plan and associated design guidelines. Once adopted, the LDP will better reflect the modified planning framework through the adopted LPS8 and enable increased flexibility for development within the estate.

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

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

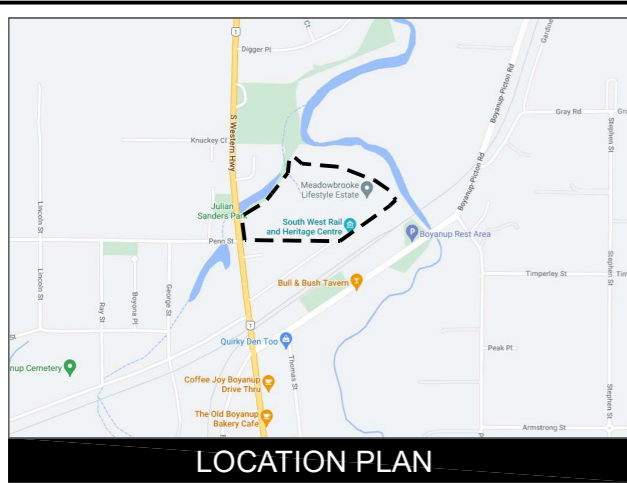
Yours Faithfully,



Reegan Cake

Planning Coordinator

ATTACHMENT 1 – LDP



LEGEND

- Subject Land
- Indigenous Site
- Foreshore Reserve (Subject to Foreshore Management Plan)
- Water Main
- Sewer Main
- Overhead Powerlines
- Gas Main
- BAL-29 Contour
- Landscaping Strip to achieve shade tree policy requirement
- Proposed Display Homes (Subject to compliance with the Design Guidelines at Building permit application stage)
- Proposed Drainage Basins
- Land Lease Areas to comply with Package A Noise Mitigation Requirements
- Department of Water approved extent of development line
- Bushfire Prone Area

**LOCAL DEVELOPMENT PLAN
LOT 201 (No. 33) TURNER STREET, BOYANUP**

This Local Development Plan has been prepared pursuant to Clause 52 (1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions and the Residential Design Codes (R-Codes), and in place of a planning approval for a Single House, Grouped Dwelling and Park Home where it meets:

General

1. The requirements of the Residential Design Codes (Volume 1), applicable to a density of R40.
2. Development shall only be occupied by persons aged 55 years or over.
3. Front fencing is permitted to a height of 1.8m with any fencing above 1.2m in height to be visually permeable.
4. Lots identified as being within a floodplain shall have a minimum floor level of any habitable room of 0.5m above the Department of Water and Environment Regulation 100-year ARI flood level for flood protection, as identified in the approved Local Water Management Strategy.
5. Buildings are to be constructed in accordance with the noise mitigation requirements specified in the Transportation Noise Assessment Report.
6. Any development within the identified bushfire prone area is to demonstrate compliance with the associated Australian Standards.
7. The proponent shall provide uniform fencing along the boundaries of lots adjacent to the South Western Highway to the satisfaction of Main Roads.



The provisions of this Local Development Plan are enforced through the following legislation:
 Clause 56 of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*.
 Section 214 of the *Planning and Development Act 2005* - Directions by responsible authority regarding unauthorised development.
APPROVAL
 Pursuant to Clause 52(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 1 - Deemed Provisions* this Local Development Plan is hereby approved.

 Executive Manager Engineering & Development Services Date

LOCAL DEVELOPMENT PLAN
 LOT 201 (No. 33) TURNER STREET
 BOYANUP

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UDA Urban Development Institute of Australia
PIA Planning Institute Australia
CPP CERTIFIED PRACTISING PLANNER

SCALE: 1:2500 @ A3
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 CHECKED: -

DYNAMIC PLANNING AND DEVELOPMENTS

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