

Special residential rezoning, subdivision and development, lot 1 Lakes Way, Jandakot

Chenal Nominees Pty. Ltd.

**Report and recommendations of the
Environmental Protection Authority**

**Environmental Protection Authority
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1. Background

The proposal relates to the development of Lot 1 Lakes Way Jandakot, a 31.57ha site located approximately 1.7km due west of Jandakot Airport bounded by Lakes Way, The Lakes Golf Course, the proposed southern extension of the Kwinana Freeway and the Fremantle-Welshpool rail link. The site is covered by good quality Banksia woodland over the deep infertile sands of the Bassendean soil system. Two ridges run in an east-west direction across the gently undulating site with topographic relief of 12m and a maximum slope of approximately 10%.

Lot 1 is currently zoned "Public Purposes - Special Use" under the MRS and the City of Cockburn Town Planning Scheme. The land was resumed from its original owners some time ago by the State government for the purpose of a cemetery site. This purpose was reviewed and as a consequence the land was sold back to the original owner before being resold to the current owners.

It is proposed to rezone the site to "Special Residential" and subdivide into 95 lots ranging in size from 2000m² to 1ha.

Land to the east of this site is developed as a "Special Rural" zone which has been existing for some time. To the south is the existing Lakes Golf course, an extension of which is currently undergoing environmental assessment at the Public Environmental Review (PER) level.

The site is over a Priority 2 Source Area as defined by the Water Authority of Western Australia (WAWA) for the protection of groundwater supplies and is also in the Jandakot Underground Water Pollution Control Area. Due to the potential impacts on this groundwater area, the Authority decided that formal assessment was warranted, and the level of assessment was set at Consultative Environmental Review (CER).

At the present time a land-use study (Jandakot Land Use and Water Management Study) for the Jandakot Water Mound is being prepared for the WAWA and the Department of Planning and Urban Development, and an Environmental Protection Policy for the same area is also being prepared under the Environmental Protection Act 1986. This and other developments over the water mound are therefore being assessed by the Authority in the interim phase before the finalisation of these documents. It is expected that these documents will clearly indicate the acceptability of various land uses and the requirement for management provisions to ensure the public water supply is protected.

2. Proposal

The development was first discussed with the Authority in mid 1989, at which time preliminary advice was offered. The proposal was subsequently referred to the Authority by a member of the public in April 1990. The current owners, Chenal Nominees Pty. Ltd., propose to rezone the land to Special Residential and subdivide into 95 lots consisting of 90 lots from 2000m² to 3300m², 1 lot of 8000m² and 4 lots of 1ha along the Lakes Way frontage as a landscape buffer to the Special Rural zone. The development would be connected to deep sewerage and it is proposed to impose various land use controls on the development (including vegetation clearing controls) by the application of special provisions through the local Town Planning Scheme (see Appendix 1). No stock will be allowed to be kept on lots within the development.

Some earthworks on the site will be required above the 40m contour to lower house sites so that they may be serviced with reticulated water.

3. Public submissions

For proposals assessed at the CER level, the Authority targets consultation on the proposal to those individuals, groups and agencies known to be directly interested or affected. In this case however, the proposal was included in a group of "expedited" assessments for which there was an additional, broader opportunity for input during two "open days" on 29 and 30 October 1990.

During this public review period, thirteen submissions on this proposal were received by the Authority, including eight individual submissions, one conservation group submission, three government department submissions and one local authority submission.

Of the thirteen submissions, seven were opposed to the proposal, one gave conditional support, two gave full support, one was awaiting the outcome of the environmental assessment and one believed more work should be done by the proponent before a decision was made on the proposal.

The information in the submissions has been divided into issue groups as follows:

Table 1. Issues raised in submissions

Issue	Number of submissions raising the issue
Environmental issues:	
Concerns for indigenous flora/fauna	6
Possibility of groundwater pollution (primarily from nutrients)	5
Object to proposed earthworks	2
Climatic change	1
Planning issues:	
Adverse impacts on lifestyle/character of the area	3
Special Rural in line with existing development more appropriate	2
Lack of access to the area	2
Concerns over land use planning generally	1
Block sizes are too small to preserve vegetation	1
Development should not be allowed until development guidelines agreed on	1
Large proportion of population dependant on water supplies from the Perth area	1
Other:	
Public submission period too short	1
Better co-operation in government is needed	1

As can be seen from the table, the predominant issues were those of impacts of the development on flora and fauna on the site and impacts on groundwater quality. Concerns related primarily to vegetation loss through clearing, loss of the bushland character of the area, displacement of wildlife and nutrient pollution of the groundwater.

Several planning issues were also raised and whilst the Authority agrees that they may be legitimate concerns, it does not believe it is the appropriate agency to address these issues, and that alternative avenues exist through the planning process.

One submission criticised the Authority on the small amount of time available to make a submission on the proposal. However, as explained above, the proposal was included in the expedited assessment process, and this led to a level of public exposure greater than that normally associated with assessment at the CER level.

4. Environmental issues

The main environmental issues affecting this site are:

- its location over the Jandakot water mound and the associated potential for pollution of the groundwater resource; and
- the loss of vegetation and fauna associated with development of the site.

These issues have, to a large degree, been addressed through the City of Cockburn's Town Planning Scheme Number 2 through the attachment of "special provisions" to that scheme as part of the rezoning process (Appendix 1). Those provisions of particular interest to the Authority include:

- connection of the development to deep sewerage unless exemption is obtained from WAWA;
- the provision of building envelopes and restrictions on vegetation clearing; and
- restriction of the allowable uses on the lots.

The conclusions reached in this report to the Minister for the Environment, are based on the assumption that these provisions will be effectively implemented by the City of Cockburn.

For this project, the Local Authority has been nominated as a proponent in addition to the developer of the site. This is so that two statements of Ministerial conditions can be issued. The first statement would apply to the proponent (developer) and will concentrate on those issues associated with the actual development of the site. The second statement would apply to the Local Authority and would concentrate on the on-going management of environmental impacts through the special provisions in the Town Planning Scheme.

For this particular site, taking into account the above local authority provisions and the following recommendations, the Environmental Protection Authority believes the environmental impacts associated with the proposed Special Residential development are manageable.

Recommendation 1

The Environmental Protection Authority has concluded that the proposed "Special Residential" development on Lot 1 Lakes Way, Jandakot as modified during the process of interaction between the proponent, the Environmental Protection Authority, the public and the government agencies that were consulted is environmentally acceptable.

In reaching this conclusion, the Environmental Protection Authority identified the main environmental factors requiring detailed consideration as:

- **impacts on the Jandakot Water Mound; and**
- **impacts on flora and fauna on the site.**

The Environmental Protection Authority notes that these environmental factors have been addressed adequately by either special provisions in the City of Cockburn Town Planning Scheme Number 2 or by the Environmental Protection Authority's recommendations in this report.

Accordingly, the Environmental Protection Authority recommends that the project could proceed subject to:

- **special provisions in the City of Cockburn Town Planning Scheme Number 2; and**
- **the Environmental Protection Authority's recommendations in this report.**

Although it is proposed to limit clearing on the lots through the Town Planning Scheme, the Authority is concerned that the provision of servicing (water, sewerage telephones etc...) will result in additional "necessary" clearing. The Authority believes that integrated design of the servicing requirements for the subdivision could minimise this loss.

Recommendation 2

The Environmental Protection Authority recommends that service corridors for the provision of power, water, sewerage and telephone services should be aligned with roads within the subdivision to minimise land clearing to the satisfaction of the Environmental Protection Authority.

Some earthworks will be required to service houses above RL 40m with reticulated water, and whilst the Authority has been advised that the amount of work proposed is not significant, it believes it would be appropriate to view (and modify if necessary) detailed plans for this work.

Recommendation 3

The Environmental Protection Authority recommends that before earthworks for the provision of reticulated water commence, plans detailing the proposed earthworks (including any plans for rehabilitation) are submitted to the Environmental Protection Authority for approval. Within the servicing constraints, any modifications to the plans should be carried out to the satisfaction of the Environmental Protection Authority.

The site is (or will be) affected by three major sources of noise in the vicinity. These include the proposed freeway to the west, the Fremantle-Welshpool rail link to the north and Jandakot airport to the east.

The site is within acceptable limits for aircraft noise under the Australian Noise Exposure Forecast (ANEF) system (see figure 1) which provides guidance to the Authority for determining the environmental acceptability of development around airports. However, it should be noted that this does not mean that there will not be any aircraft noise impact on the site, and in fact the level of noise may be unacceptable to some individuals.

In addition, the Council of the City of Cockburn has placed a condition on the proponent requiring the construction of noise/visual bunds to the satisfaction of the Main Roads Department along the proposed Kwinana Freeway alignment. A study of the impacts of traffic noise on land-use focussed on the Kwinana Freeway southern extension is currently being undertaken, and it is hoped that this study will resolve conflicting views on acceptable noise levels adjacent to major traffic flows.

Whilst recognising these points, the Authority makes the following recommendation.

Recommendation 4

The Environmental Protection Authority recommends that prior to subdivision approval, the proponent prepare a report to the Environmental Protection Authority detailing predicted or actual noise levels from the proposed freeway, the rail line on the northern boundary of the site and noise associated with the development of the site. If necessary, it is recommended that modifications be made to the design of the development, to ensure residents are not subjected to unreasonable noise levels. The investigative report and any modifications required shall be to the satisfaction of the Environmental Protection Authority.

Whilst the development is to be connected to deep sewerage, there is potential under the scheme provisions for some lots (notably the larger lots along the Lakes Way frontage) to forgo a requirement for connection. The Authority believes this is unacceptable and thus makes the following recommendation.

Recommendation 5

The Environmental Protection Authority recommends that all lots in the development be connected to reticulated sewerage provided by the Water Authority of Western Australia.

For the purposes of recharging the groundwater resource and maintaining the local water balance, the Authority believes that stormwater should be recharged on-site.

Recommendation 6

The Environmental Protection Authority recommends that stormwater should be disposed of on-site to the satisfaction of the Environmental Protection Authority.

Given the light Bassendean sands on the site, the Authority believes it will be important to utilise dust control measures during development. Thus an assessment of the site should be undertaken using the Authority's "Dust Control Guidelines - Guidelines for assessment and control of dust and wind borne material for land development sites". Copies of this document are available free of charge from the Authority.

The Authority believes that any approval for the project based on this assessment should be limited to five years. Accordingly, if the proposal has not been substantially commenced within five years of the date of this report, then such approval should lapse. After that time, further consideration of the proposal should occur only following a new referral to the Authority.

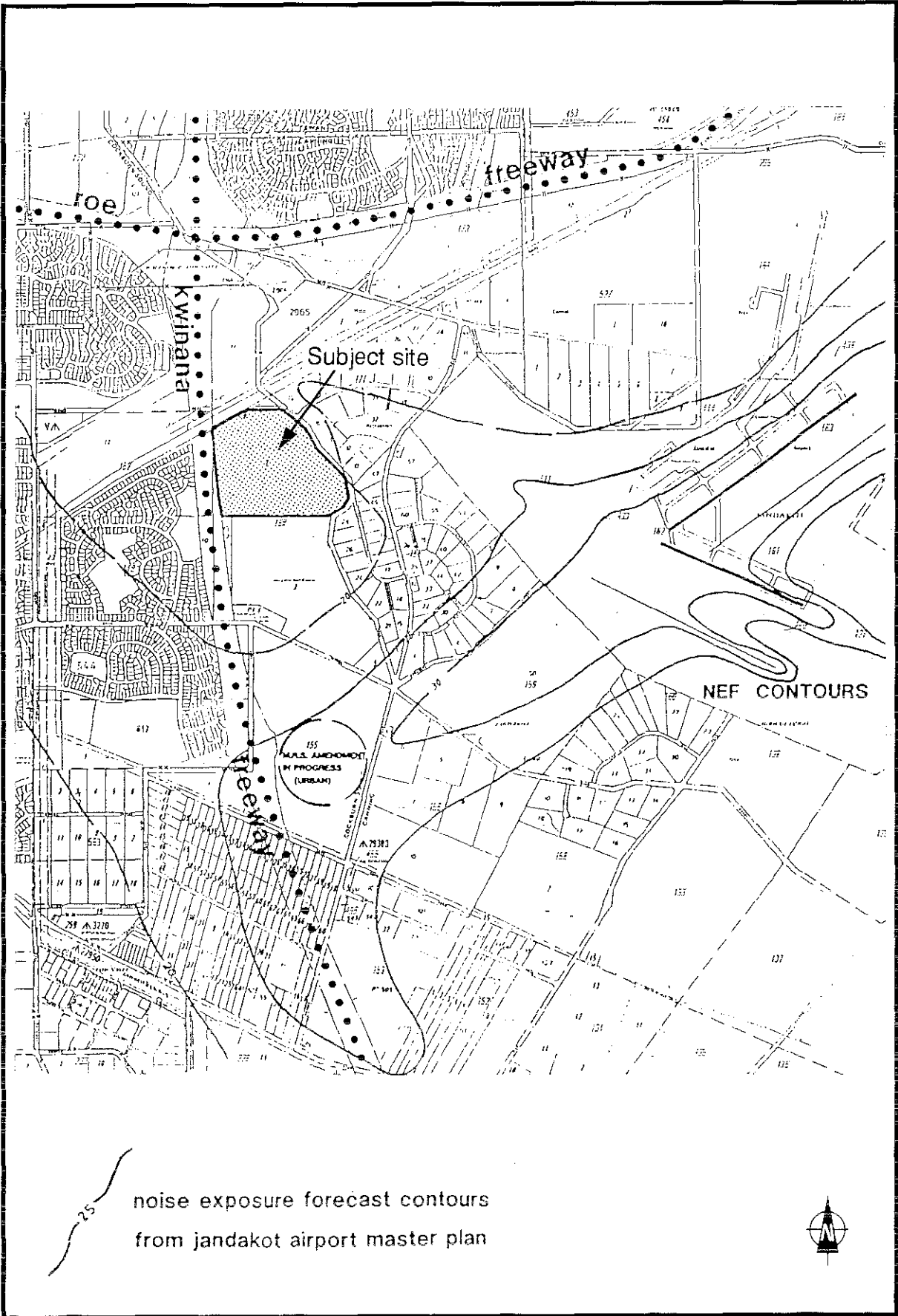


Figure 1. Location and noise impact



Figure 2. Special residential concept - Lot 1 Lakes Way

Appendix 1

**City of Cockburn
Town Planning Scheme No.2
Amendment No.49**

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

**CITY OF COCKBURN
TOWN PLANNING SCHEME NO. 2
AMENDMENT NO. 49**

The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), hereby amends the above Town Planning Scheme by:-

1. reclassifying J.A.A. 169; Lot 1 Lakes Way, Jandakot, from Public Purposes (Special Use) Reserve to Special Residential;
2. adding a new zone "Special Residential" under clause 3.1:1 of the Scheme Text after Special Rural;
3. adding a new Clause 5.10 Special Residential Zone, namely:-

"5.10 Special Residential Zone

5.10.1 General Provisions

In respect of any land in the Special Residential Zone the special provisions set opposite that Land in the ninth Schedule apply to that Land and to the extent that the following general provisions are not excluded or modified by those special provisions the following general provisions shall apply in respect of all Land in the Special Residential Zone.

(1) Water Supply

Where land in the Special Residential Zone is to be subdivided each lot shall be provided with a reticulated water supply unless on the recommendation of the Council the Water Authority of Western Australia determines that a reticulated water supply is not required to service some or all of the lots.

(2) Sewerage

Where land in the Special Residential Zone is to be subdivided each lot shall be connected to reticulated sewer unless on the recommendation of the Council the Water Authority of Western Australia determines that a reticulated sewer is not required to service some or all of the lots.

(3) Road Construction

Roads on Land within the Special Residential Zone shall be bituminised, kerbed and drained. Culverts shall be provided where considered necessary by the Council.

(4) Buildings

(a) A person shall not erect more than one single house per lot.

(b) When considering an application for Planning Consent within the Special Residential Zone the Council may either refuse or conditionally approve any application for any Building it considers to have more than one storey.

(5) Building Envelopes

On Land the subject of a Building Envelope a person shall not erect or cause, permit or suffer to be erected any Building or portion of a Building other than within the Building Envelope.

(6) Minimum Building Setbacks

A person shall not erect or cause, permit or suffer to be erected any Building or portion of a Building nearer to a Boundary of a Lot than the minimum Building Setback distance which shall be:

- (a) In the case of the
Street alignment : 10 metres
- (b) In all other cases : 5 metres

(7) Clearing of Flora

- (a) Subject to paragraph (b) of this sub-clause, a person shall not clear or cause, permit or suffer to be cleared any flora except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act unless the Council has in its discretion granted Planning Consent.
- (b) A person shall not clear or cause, permit or suffer to be cleared any flora nearer to a Boundary of a Lot than the minimum Building Setback distances referred to in sub-clause (6) of this Clause from any street alignment except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act.

- (c) The Council, in considering any application for Planning Consent to clear flora on any Land in the Special Residential Zone shall have regard to the effects of the proposed clearing on erosion, water quality and other elements of the physical environment and may refer such applications to the Department of Conservation and Environment or the Department of Agriculture or both for investigation and recommendations. In granting Planning Consent for the clearing of flora, the Council shall have due regard to those recommendations.
- (d) The Council may, by notice served upon any Owner or occupier of Land within the Special Residential Zone require the preservation of specified trees or groups of trees and thereafter no Owner or occupier shall cut remove or otherwise destroy or cause or suffer to be cut removed or otherwise destroyed any tree or trees so specified unless the Council rescinds the requirements.
- (e) The Council may by notice served upon any Owner or occupier of Land within the Special Residential Zone upon which a Building is erected require that person within the time limited by the notice to plant trees on that Land if the total of the number of trees then existing on that Land within the minimum building setback distance under Clause 5.10.1(6) together with the number specified in the notice does not exceed the product of the length in metres of the street alignment, or if more than one the longest street alignment, divided by four.

(8) Fencing

Fences erected in the Special Residential Zone shall be in accordance with Schedule Two of the Council's Fencing By-Laws to rural standard.

(9) Design

Where the Council is required to consider the suitability of land for Special Residential subdivision and development the Council shall have regard for any policies adopted by the Department of Planning and Urban Development from time to time which relate to Special Residential subdivision and development.

4. adding to the First Schedule Zoning Table a new column under Zones after the column Special Rural the zone Special Residential and in that column the words "as per Schedule 9";
5. adding a new schedule to the Scheme Text, the "Ninth Schedule - Special Residential Zone";
6. amending the index to Scheme Text accordingly;
7. 1. Adding a new schedule to the Scheme Text, the 'Ninth Schedule - Special Residential Zone' reading as follows:

"1.0 LAKES WAY, JANDAKOT

1.1 LOCALITY

The land comprising Lot 1 Lakes Way, Jandakot.

1.2 PROVISIONS

The following provisions shall apply specifically to the Special Residential Zone area referred to in Clause 1.1 of this Schedule.

1.2.1 ZONING TABLE

(1)	Commercial Vehicle Parking	AA
(2)	Display Home Centre	AA
(3)	Home Occupation	AA
(4)	Office Within a Dwelling	AA

- | | | |
|-----|--------------------|----|
| (5) | Private Recreation | AA |
| (6) | Public Utility | P |
| (7) | Single House | P |

1.2.2

A use that is not mentioned in Clause 1.2.1 of this Schedule shall not be permitted.

1.2.3

Subdivision within the area defined in Clause 1.1 of this Schedule shall be generally in accordance with the Subdivision Guide Plan - Special Residential Zone 1.0 Lakes Way, Jandakot.

1.2.4

The minimum lot size shall be 2000m².

1.2.5

Each lot shall contain a building envelope of 1500m² in the case of lots of 1 hectare or more and 700m² in all other cases.

1.2.6

On receipt of a written request from the land owner to amend the building envelope, the Council may:-

- (1) agree to relocate the building envelope;
- (2) agree to extend the building envelope; and
- (3) refuse to amend the boundaries of the envelope."

2. Include the Subdivision Guide Plan - Special Residential Zone 1.0 Lakes Way, Jandakot.

8. Adding to the legend on the Scheme Map a new zone after Special Industry 'C', Special Residential and be depicted on the Scheme Map by a solid black border and black diagonal over the colour designated to the rural zone.

Date 1990

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TOWN CLERK