

2 April 2020

Chief Executive Officer  
City of Melville  
10 Almondbury Road  
Booragoon, WA 6154

Attention: Mark Scarfone – Coordinator Planning Services

**PROPOSED LOCAL DEVELOPMENT PLAN - LOT 42 ON SURVEY STRATA PLAN 72429 (NO. 23) BUCKINGHAM CRESCENT, KARDINYA  
WAPC APPLICATION NO. 766-19**

On behalf of Pindan Capital Kardinya Pty Ltd, the registered proprietor of Lot 42 (No.23) Buckingham Crescent, Kardinya (subject site), we enclose a copy of the proposed Local Development Plan (LDP) in order to satisfy condition 10 of WAPC Approval 766-19.

In order to progress this Application, please find attached:

- A current copy of the Certificate of Title;
- A signed City of Melville Application for Development Approval Form;
- A copy of the proposed LDP;
- A copy of WAPC Approval 766-19; and
- Remittance to the City of Melville to the amount of \$1,654.00 as the applicable LDP application fee.

**BACKGROUND**

A Development Application was approved by the Metro Central Joint Development Assessment Panel in February 2016 for 107 Grouped Dwellings over the site. The Grouped Dwellings are being delivered over a three stage Survey Strata subdivision.

One of the key contributing factors in the establishment of a Grouped Dwelling initiative was the inability to provide a second permanent access point given the status of North Lake Road and limited access points from Buckingham Crescent due to the Alan Edward Park Reserve spanning a portion of the site's western boundary. The WAPC's position on creating a freehold estate required two dedicated access points, which for the above reason could not be readily achieved.

To date the Grouped Dwelling estate has been a popular choice of housing for a number of local Kardinya residents and residents from other nearby suburbs. Notwithstanding, since the projects inception the investor market has remained non-existent and has delayed the completion of the project.

The other unforeseen consequence of the development has been the diversity in housing product sought by the local community. Whilst over twenty (20) house typologies have been developed and offered within the estate, the local market remains specific in terms of their housing needs. To date we have amended the Development Approval on (6) separate occasions in order to cater for the ongoing diversity of housing product being sought by the local community.

In order to facilitate additional housing typologies and to better respond to the local communities housing needs without the need to continue amending the development approval(s), it was agreed with the City of Melville and the Western Australian Planning Commission (WAPC) to require local development plans for stage 2 and 3 of the Estate. On 13 December 2019 the WAPC approved the stage 2 subdivision approval (Application 766-19) requiring a LDP. This LDP has been prepared in clearance of Condition 10 of the subdivision approval, which requires an LDP to be prepared for the approved lots addressing the following design elements:

- a) Guidance for lots with an areas less than 260m<sup>2</sup>
- b) Interface with public open space for lots abutting; and
- c) Noise management requirements.

A separate LDP will be prepared for stage 3 under the Stage 3 Approval (WAPC ref: 765-19).

#### **PROPOSED LOCAL DEVELOPMENT PLAN**

The proposal seeks planning consent for an LDP to cover all lots within stage 2 and which fall under WAPC Survey Strata Approval 766-19. The intent of the LDP is to address specific development requirements as well as enabling a flexible framework of dwelling design standards.

The other main intent of the LDP is to enable prospective landowner's greater choice of housing whereby the LDP will enable a variety of single and two storey housing products to be offered over each lot, in contrast to the current situation where the lots are typically restricted to one house design under the Grouped Dwelling approval.

The proposed development controls under the proposed LDP match the built form outcomes under the existing development approval. That is to say that the LDP is not seeking any further variation to any development standards, but rather will facilitate a number of housing options which fit within the established design parameters set by the development approval. It is intended that housing designs that fit within the LDP controls will only require a building permit in accordance with clause 2.3 of State Planning Policy 7.3 – Residential Design Codes Volume 1.

The development requirements proposed under the LDP are addressed in further detail below.

#### **DWELLING SETBACKS**

The dwelling setback controls replicate the setbacks previously determined under the development approval(s) and which have previously established the streetscape design. The setbacks have also been designed to facilitate adequate open space, privacy and site planning provisions such as landscaping and utilities.

Provided in table 1 below is the list of approved street setbacks which the LDP seeks to maintain.

**Table 1 – Approved Communal Street Setbacks**

Approval reference DA-2018-7		
<b>Lot</b>	<b>Minimum ground floor setback (m)</b>	<b>Minimum upper floor setback (m)</b>
44	1.0m	N/A
45	1.4m	N/A
46	1.1m	0.9m
47	1.65m	1.65m
48	1.65m	1.35m
49	1.1m	0.9m
50	1.65m	1.35m
51	1.1m	0.8m
52	1.5m	1.6m
53	1.5m	N/A
54	1.5m	1.0m
55	1.5m	1.0m
56	1.5m	N/A
57	1.5m	1.0m
58	3.6m	3.6m
59	3.6m	3.6m
60	3.6m	3.6m
61	3.6m	3.6m
62	3.6m	3.6m
63	3.6m	3.6m
64	3.6m	3.6m
65	3.6m	3.6m
66	3.6m	3.6m
67	3.6m	3.6m
68	1.5m	N/A
69	1.65m	1.35m
70	2.0m	N/A
71	1.5m	N/A
72	2.0m	N/A
73	4.0m	N/A
74	1.36m	1.5m
75	1.36m	1.5m
76	1.36m	1.5m
77	1.36m	1.5m

The LDP will also facilitate minor projections within the front setback area including porch, balconies, verandas or the equivalent, on the proviso these projections do not exceed 50% of the frontage.

## **BOUNDARY WALLS**

The LDP prescribes specific controls relating to boundary walls for all lots. The proposed boundary wall controls are intended to facilitate flexible housing designs for future landowners and in order to optimise the development of the lots and maximise the available use of space.

In nearly all instances under the existing development approval all lots incorporate boundary walls to both side boundaries given the narrow lot typology of the estate. Two storey boundary walls are also a common theme under the development approval. The extensive use of boundary walls has facilitated the following design outcomes within the estate:

- Consistent streetscapes framed by terrace housing (boundary to boundary development).
- The designs in all instances have achieved the natural sunlight requirements and in some instances have incorporated skylights for additional natural light and building volume.
- The boundary to boundary nature of the estate has facilitated greater levels of privacy, noise control and general amenity.

The boundary walls are required to be located behind the front setback liens established under the LDP.

## **OPEN SPACE & OUTDOOR LIVING REQUIREMENTS**

The proposed open space requirements are similar to the open space requirements under the existing development approval and are consistent with the R60 medium density standards prescribed under Planning Bulletin 112/2016.

The proposed open space provision will ensure each dwelling incorporates adequate and functional courtyard areas, whilst also optimising the development potential of each lot. The open space provisions written into the LDP will achieve the Design Principles of the Residential Design Codes and maintain the intent of the built form under the existing development approval based on the following principles:

- The streetscape pattern will be maintained by the street setback and boundary wall built form controls.
- The building bulk and scale of development is consistent with the site's R60 density coding and how the built form has been progressing within the site.
- The buildings are framed by an attractive setting with landscaping zones and articulated elevations.
- Space for external fixtures and essential facilities are mandated under Part 5 of the Residential Design Codes and will dictate the extent of boundary walls or open areas for each design.

### **Noise Attenuation**

The Acoustic Report prepared by Lloyd George Acoustics does not identify any lots within stage 2 as requiring increased construction standards or notifications on title. The requirement for noise management requirements under the stage 2 LDP is an oversight.

For the above reasons the proposed LDP is considered appropriate and will facilitate the following:

- The LDP is consistent with the provisions of Part 6 of the *Planning and Development (Local Planning Scheme) Regulations 2015* – Schedule 2 – Deemed Provisions pertaining to Local Development Plans.
- The LDP will ensure the rollout of coordinated development consistent with the existing and intended built form development approved under the Grouped Dwelling Development Approval.

Should you have any queries or require further clarification in regard to the above matters please do not hesitate to contact the undersigned on [jordan.ennis@pindan.com.au](mailto:jordan.ennis@pindan.com.au).

Yours faithfully



**JORDAN ENNIS**





Your Ref : 14689

Brown Mcallister Surveyors  
43 Broadway  
NEDLANDS WA 6009

**Approval Subject To Condition(s)  
Survey-Strata Plan**

**Application No** : 766-19

***Planning and Development Act 2005***

Applicant	:	Brown Mcallister Surveyors 43 Broadway NEDLANDS WA 6009
Owner	:	Pindan Capital Kardinya Pty Ltd 191 Great Eastern Highway BELMONT WA 6104
Application Receipt	:	22 August 2019

Lot Number	:	42
Diagram / Plan	:	Survey Strata Plan 72429
Location	:	
C/T Volume/Folio	:	2937/886
Street Address	:	Lot 42 Buckingham Cr, Kardinya
Local Government	:	City of Melville

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a survey-strata plan in accordance with the plan date-stamped **22 August 2019** once the condition(s) set out have been fulfilled.

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

The survey-strata plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **13 December 2023** or this approval no longer will remain valid.



### **Reconsideration - 28 days**

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

### **Right to apply for a review - 28 days**

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

### **Survey-strata plan**

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

### **Condition(s)**

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

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

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

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the



survey-strata plan.

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

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

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

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

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

#### CONDITION(S):

1. The proposed reserve of 1,463m<sup>2</sup> (CP80) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)
2. A management statement being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 5C of the *Strata Titles Act 1985* (as amended), to include the following additions to the by-laws contained in Schedules 1, 2 and 2A of that Act:
  - a) The management and maintenance of the strata scheme shall include the funding of the operation and maintenance of the common property area, through a strata levy; and
  - b) Amendment to or repeal of the above provision cannot be effected without the Western Australian Planning Commission's agreement. (Local Government)
3. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development. In the event that remediation works are



required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).

4. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)
5. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)
6. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)
7.
  - a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation)
  - b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan). (Western Australian Planning Commission)
8.
  - a) Arrangements being made with the Water Corporation for the provision of a sewerage service to each of the lot(s) shown on the approved plan of subdivision. (Water Corporation)
  - b) Arrangements are to include the provision of a suitable sanitary drainage service to each lot on the strata scheme (plan) by a Licensed Plumbing Contractor. (Western Australian Planning Commission)
9. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an electricity supply to the survey- strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the *Transfer of Land Act 1893* for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)



10. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)
11. A Local Development Plan being prepared and approved for lots shown on the approved plan of subdivision dated 22 August 2019, that is consistent with the approved development, and addresses the following:
- a) guidance for lots with an area of less than 260m<sup>2</sup>;
  - b) interface with public open space for lots abutting; and
  - c) noise management requirements;
- to the satisfaction of the Western Australian Planning Commission. (Local Government)

ADVICE:

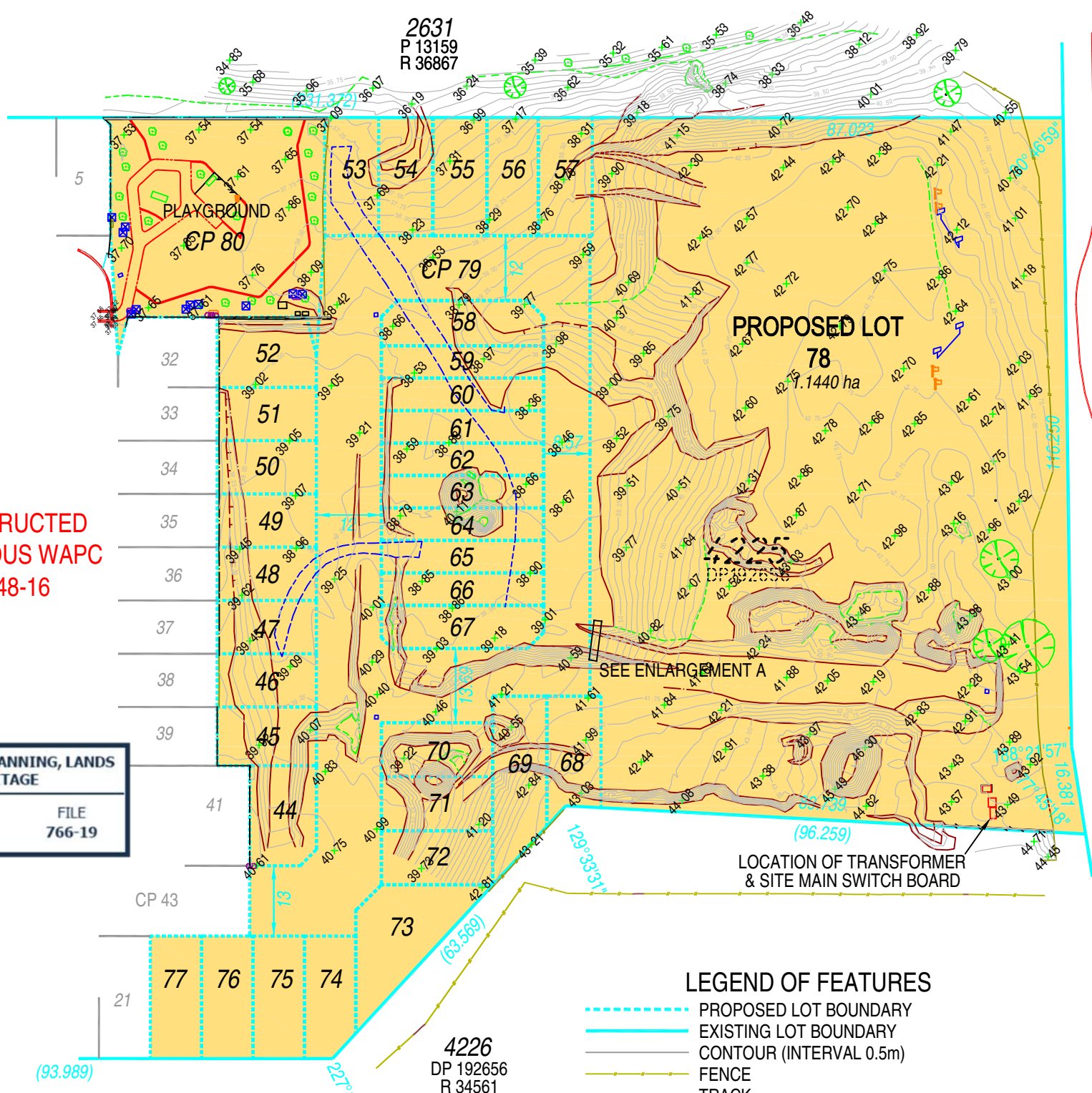
1. In regard to Condition(s) 7, 8 and 9, it is the Commission's expectation that each strata lot be provided with its own suitable utility service connection, which is protected by easements where necessary. This is to ensure that each strata lot is development ready and does not result in the need to extend services over adjacent strata lots after titles have been created.  
In relation to the provision of water and sewer service connections the applicant is required to provide direct services to the lots or enter into an agreement with the water service provider for multi metering.  
Where water and sewer drainage works are undertaken, a Certificate of Compliance and a Drainage Plumbing Diagram from a licensed plumbing contractor is to be provided, confirming the works have been undertaken in accordance with the conditions of subdivision approval and relevant standards.
2. In regard to Condition 9, Western Power provides only one underground point of electricity supply per freehold lot.
3. In regard to Condition 11, it is expected that the Local Development Plan will relate to both stages 2 and 3 of the approved development (WAPC Reference 765-19 and 766-19).

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission  
13 December 2019

Enquiries : Catherine Beamish (Ph 6551 9424)

(STAGE 1)  
EXISTING & CONSTRUCTED  
SUBJECT OF PREVIOUS WAPC  
APPLICATION 248-16

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
22-Aug-2019	766-19



NORTH LAKE ROAD

**LEGEND OF FEATURES**

- PROPOSED LOT BOUNDARY
- EXISTING LOT BOUNDARY
- CONTOUR (INTERVAL 0.5m)
- FENCE
- TRACK
- WALL
- TOP OF BANK
- BOTTOM OF BANK
- CONCRETE FOOTPATH
- NATURAL SURFACE LEVEL
- ⊗ RETIC CONTROL VALVE
- ⊙ TELSTRA PIT
- ⊕ COMMUNICATIONS PIT
- ⊚ FLAG POLE
- ⊚ SIGN
- ⊗ TREE
- PROPOSED SURVEY-STRATA LOTS

ORIGINAL AREAS:  
LOT 42 - 2.0968 ha  
No. OF PROPOSED LOTS - 37 (35 SURVEY-STRATA LOTS & 2 COMMON PROPERTY LOTS) BEING LOTS 44 - 78 (35) CP79 & CP80 (2)  
No. OF EXISTING LOTS - 1  
CITY OF MELVILLE

SCALE 1 : 1000

All distances in metres unless stated otherwise

ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION

FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION

EXISTING BOUNDARY DIMENSIONS AND LOT AREAS HAVE BEEN TAKEN FROM LANDGATE RECORD DP192656

THE BOUNDARIES WERE NOT RE-ESTABLISHED AS PART OF THIS SURVEY THEREFORE THIS PLAN DOES NOT GUARANTEE THEIR ACCURACY

**PROPOSED SURVEY-STRATA SUBDIVISION OF LOT 42 ON SP 72429 - STAGE 2**  
**NORTH LAKE ROAD & BUCKINGHAM CRESCENT, KARDINYA**  
Client **PINDAN CAPITAL KARDINYA PTY LTD**

**DATUM**  
HORIZONTAL - PCG94  
VERTICAL - AHD

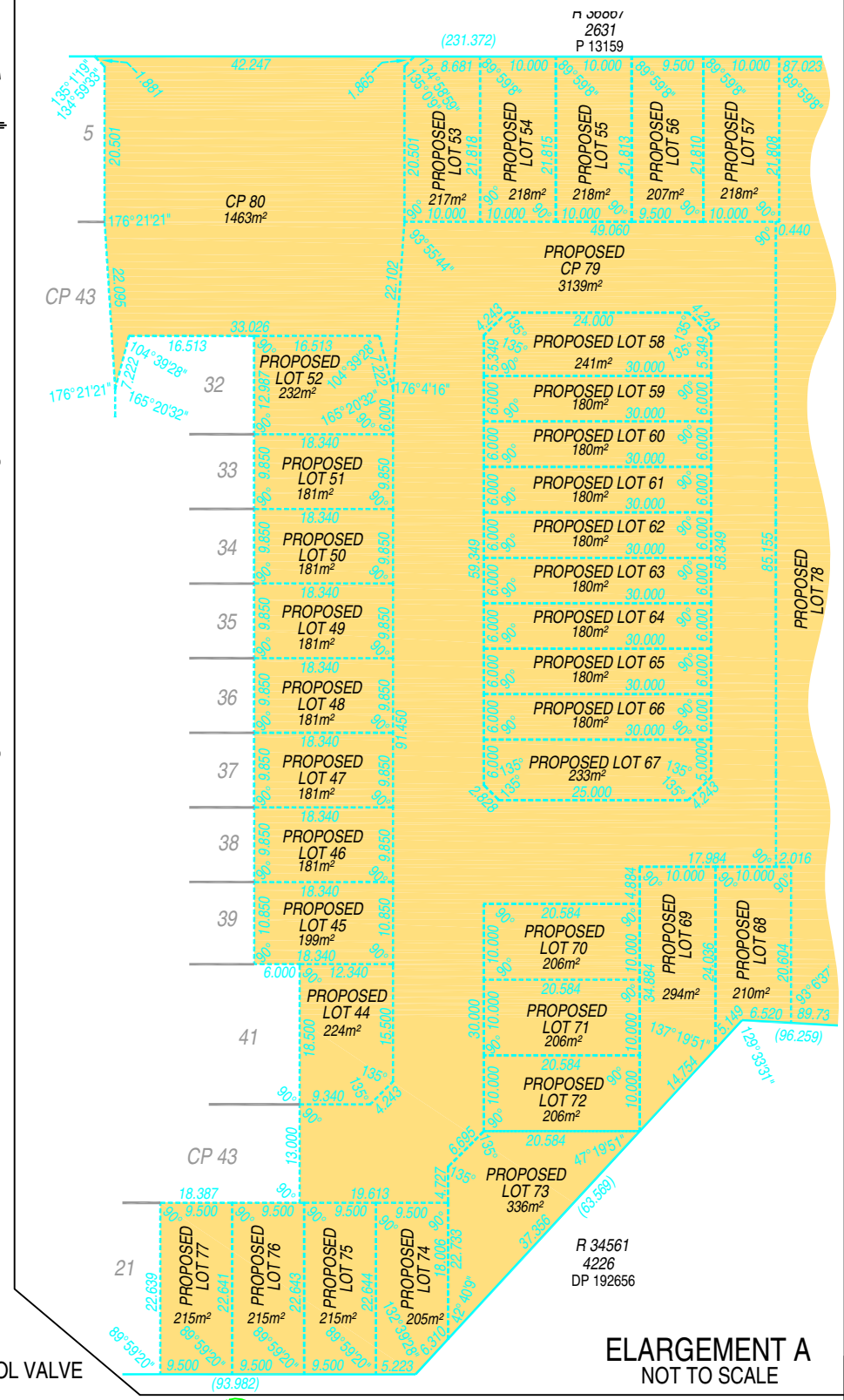
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0	APPROVED AND ISSUED TO CLIENT	15/07/2019	J.HUMPHREYS	J.DEMIRIS
No.	DETAILS	DATE	DRAWN	CHECKED

**Brown McAllister Surveyors**  
Licensed Surveyors | Land Development & Strata Consultants | Engineering Surveyors

Email : admin@brownmcallister.com.au Tel: (08) 9386 9688  
12B Pepler Avenue, Salter Point, WA 6152

SHEET	A3
SURVEYED	D.SMEDLEY - 08/07/2019
FIELD NOTES	
DRAWN	J.HUMPHREYS - 15/07/2019
CHECKED	
REFERENCE	14689-19SK



**ENLARGEMENT A**  
NOT TO SCALE