



Shire of Northam
Local Planning Scheme No. 6

Amendment No.22

Amendment to revise the uses and conditions to be considered on Lot 90 (No. 51) Jocoso Rise, Wundowie within areas designated Special Use (SU) 9 and 12.

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Northam Local Planning Scheme No.6. Amendment No. 22

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- a) Modifying Schedule 4 No.SU9 by inserting the following provisions:
 - i. 'At subdivision stage use restrictions shall be imposed on lots to limit occupancy to persons 45 years and older.'
 - ii. Inserting land use 'Independent living complex' to the special use column as well as, inserting '(D)' after each of all the land use.
- b) Modifying Schedule 4 No.SU12 by deleting the following land use:
'and Residential aged care facility and associated uses.
- c) Modifying Schedule 4 No.SU12 by inserting the following land use:
 - i. 'Independent living complex (D)'
- d) Modifying Schedule 4 No.SU12 by deleting the following provisions:
 - i. '6. No development will be permitted within 500m of the Linley Valley abattoir and its associated wastewater ponds.'
 - ii. '7. Construction of the residential aged care facility is to be substantially commenced prior to approval of the 41st lot in SU12.'
- e) Modifying Schedule 4 No.SU12 by rewording the following provisions:
 - i. '4. The R-Codes are to apply. Subdivision and development is to be in accordance with the R40 density code.'
 - ii. '9. (BMP provision) Include words ', separation to any identified habitat protection areas' after 'siting and design' and delete words 'of development'.
- f) Modifying Schedule 4 No.SU12 by inserting the following provisions:
 - i. 'Prior to any application for subdivision or development impacting native vegetation, a flora and fauna survey shall be conducted, inclusive of a black cockatoo habitat survey, to identify building exclusion areas for habitat protection.'
- g) Modifying Schedule 1 – Dictionary of defined words and expressions by inserting the land use and definition for 'independent living complex' as per WAPC Position Statement – Residential accommodation for ageing persons.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. it is generally consistent with the objectives of the Local Planning Strategy.
2. it is anticipated to have minimal impact on surrounding land; and
3. it is anticipated to have no significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 21st day of August 2024



(Chief Executive Officer)



LOT 90 (NO. 51) JOCOSO RISE, WUNDOWIE WA

AMENDMENT TO SHIRE OF NORTHAM LOCAL PLANNING SCHEME NO.6

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Direct all inquiries and correspondence to:



15/29 Collier Road
MORLEY WA 6062

PO Box 688
INGLEWOOD WA 6932

Phone: (08) 9275 4433
E-mail: admin@dynamicplanning.net.au
Web: www.dynamicplanning.net.au

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FIGURES

Figure 1 – Local Context of Subject Site

1.0 LOCAL PLANNING SCHEME AMENDMENT

The proposed amendment will amend the Shire of Northam Local Planning Scheme No.6 in accordance as follows:

- h) *Modify Schedule 4 No.SU9 by inserting the following provisions:*
 - iii. *'At subdivision stage use restrictions shall be imposed on lots to limit occupancy to persons 45 years and older.'*
 - iv. *Inserting land use 'Independent living complex' to the special use column as well as, inserting '(D)' after each of all the land use.*
- i) *Modify Schedule 4 No.SU12 by deleting the following land use:*
'and Residential aged care facility and associated uses.'
- j) *Modify Schedule 4 No.SU12 by inserting the following land use:*
 - ii. *'Independent living complex (D)'*
- k) *Modify Schedule 4 No.SU12 by deleting the following provisions:*
 - iii. *'6. No development will be permitted within 500m of the Linley Valley abattoir and its associated wastewater ponds.'*
 - iv. *'7. Construction of the residential aged care facility is to be substantially commenced prior to approval of the 41st lot in SU12.'*
- l) *Modify Schedule 4 No.SU12 by rewording the following provisions:*
 - iii. *'4. The R-Codes are to apply. Subdivision and development is to be in accordance with the R40 density code.'*
 - iv. *'9. (BMP provision) Include words ', separation to any identified habitat protection areas' after 'siting and design' and delete words 'of development'.*
- m) *Modify Schedule 4 No.SU12 by inserting the following provisions:*
 - ii. *'Prior to any application for subdivision or development impacting native vegetation, a flora and fauna survey shall be conducted, inclusive of a black cockatoo habitat survey, to identify building exclusion areas for habitat protection.'*
- n) *Modify Schedule 1 – Dictionary of defined words and expressions by inserting the land use and definition for 'independent living complex' as per WAPC Position Statement – Residential accommodation for ageing persons.*

2.0 BACKGROUND AND SITE DESCRIPTION

2.1 Introduction and Purpose

This report has been prepared on behalf of Realise Retirement WA 1 Pty Ltd, the registered proprietor of Lot 90 (No. 51) Jocososo Rise, Wundowie, in support of a scheme amendment to the Shire of Northam Local Planning Scheme No.6. The amendment seeks to amend the existing Special Use 9 and Special Use 12 provisions in Schedule 4. The primary change to the Special Use provisions pertaining to site is enabling the construction of dwellings on site by introducing an alternative land use into the list of uses capable of approval. This is in order to assist the landowner to provide flexibility in future development outcomes and delivery of the estate.

2.1.1 Legal Description and Land Ownership

The subject site is described as Lot 90 (No. 51) Jocososo Rise, Wundowie, and covers an area of 389,508 sqm.

The registered proprietor of the subject site is Realise Retirement WA 1 Pty Ltd.

A copy of the Certificate of Title pertaining to the subject site is contained within the appendices as **Attachment 1**.

2.2 Land Description

The subject site is located within the locality of Windowie and within the municipality of the Shire of Northam. The site abuts the northern boundary of the El Cabello golf course with the primary access into the estate being from Jocososo Rise. The site also has an existing emergency access point back onto Great Eastern Highway in the sites south western corner. The subject site is currently operating as a lifestyle village which has been developed in accordance with the existing Special Use provisions.

The subject site is also in close proximity and impacted by buffers associated with the Linley Valley Abattoir and existing anaerobic ponds. Development has and will continue to avoid these buffer areas.

2.3 Sale History

Historically, the site has been through a number of planning framework changes to enable the development of the then El Cabello Lifestyle Estate. This was responsible for the delivery of the existing dwellings on site and a significant amount of infrastructure that was intended to support further development.

In 2020, the site was sold by the operator of El Cabello to Equity Trustees Wealth Securities and to the best of our knowledge no development occurred under their ownership with our understanding being that they had no intent on continuing the development of the lifestyle estate.

In 2023, the site was sold again to the current owner Realise Retirement WA 1 Pty Ltd which is an entity owned and managed by Aspen Group. Since acquiring the site Aspen have been active in undertaking renovations to existing buildings on site and continuing the development of the lifestyle estate which is now rebranded as 'Sierra Lifestyle Estate'.

Figure 1 below illustrates the subject site within its local context.



Figure 1 – Local Context

3.0 PLANNING FRAMEWORK

3.1 Shire of Northam Local Planning Scheme No. 6

Under the provisions of the Shire of Northam Local Planning Scheme No. 6 (LPS6), the subject site is zoned 'Special Use 9' and 'Special Use 12'. Provisions associated with these Special Use zone designation have been provided below:

No	Description of Land	Special Use	Conditions
SU9	Portion of Lot 90 (No. 51) Jocosso Rise, Wundowie as designated on the Scheme Map	Park home park, Motel, Office, Club premises, Reception centre and associated uses	<ol style="list-style-type: none"> 1. Maximum development of 131 park homes and uses ancillary thereto including swimming pool, bowling green, kitchen, toilets and storage area, as approved by the local government. 2. Maximum development of 19 motel units and uses ancillary thereto including swimming pool, gym and tennis court, as approved by the local government. 3. Development on the land shall be subject to a notification on title to advise landowners of potential impact from the operation of the Linley Valley abattoir. 4. Any expansion is to be considered via a local planning scheme amendment to modify the provisions of the Special Use zone.
SU12	Portion of Lot 90 (No. 51) Jocosso Rise, Wundowie as designated on the Scheme Map	Grouped dwellings and residential aged care facility and associated uses.	<ol style="list-style-type: none"> 1. Subdivision of land shall be limited to built or survey strata subdivision. 2. At subdivision stage use restrictions shall be imposed on lots to limit occupancy to person 45 years and older. 3. At subdivision or development stage lots shall be subject to a notification on title to advise landowners of potential impact from the operation of the Linley Valley abattoir. 4. The R-Codes are to apply. Subdivision and development is to be in accordance with the 'R30' density code. 5. Lots shall be connected to a reticulated water supply and sewerage system. 6. No development will be permitted within 500 of the Linley Valley abattoir and its associated wastewater ponds. 7. Construction of the residential aged care facility is to be substantially commenced prior to approval of the 41st lot in SU12. 8. Prior to the submission of an application for development approval, a Local Development Plan (LDP) for the land is to be prepared and approved by the local government. The LDP should provide sufficient information to address the requirements of the Scheme including traffic

			<p>management, car parking, waste management and pedestrian access and walk ways.</p> <p>9. Prior to subdivision or development, a Bushfire Management Plan (BMP) and Emergency Evacuation Plan is to be prepared and approved, in accordance with the Guidelines for Planning in Bushfire Prone Areas (as amended). The BMP should provide sufficient information to address the bushfire protection criteria including siting and design of development and vehicle access</p>
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The proposed scheme amendment simply seeks to amend the two Special Use zones with some minor changes zone provisions which can be summarised as follows:

1. Introduction of 'Independent Living Complex' and 'Grouped Dwellings' as land uses that can be approved throughout the entire estate. This enables flexibility in construction of dwellings on site.
2. Removal of the restriction in the number of dwellings able to be constructed. This will instead be guided by an assigned residential density, constraints impacting the property i.e. bushfire, land use buffers etc. and a future Local Development Plan.
3. An adjustment of the assigned density coding from R30 to R40. This is a result of the new R-Codes, particularly Part C which no longer allow lot size dispensations for the delivery of aged persons dwellings. In this regard the amended density coding simply allows the delivery of lot sizes consistent with what is existing at the site.
4. Removal of the requirement to deliver an aged care facility as infrastructure, demand and servicing doesn't enable the delivery of this aspect of the estate.
5. A general alignment and overlap of scheme provisions between the two Special Use zones to encourage a consistent development outcome throughout the estate whilst retaining the restriction on subdivision within SU9 to protect the tenure of existing residents.

In light of the above, the proposed scheme amendment represents minor changes to the existing Special Use provisions with the development intent remaining the delivery of a lifestyle estate. In this regard, the proposed amendment remains consistent LPS6.

3.2 Shire of Northam Local Planning Strategy

The Shire of Northam Local Planning Strategy sets out the medium to long term planning directions for the Town over the next 10 years and provides a rationale for the zones and provisions of LPS 6.

There are specific objectives for six (6) themed areas listed in the strategy. The themed area applicable to the subject site is 'Development of Lot 90 On DP 72807 Jocoso Rise, Wundowie'. The applicable themed area has the following objective:

- To provide a variety and choice of high-quality rural living opportunities in the Shire where it is economically, socially and environmentally sustainable.

- Develop the Shire's development potential so that it becomes an increasingly popular destination, provides opportunity for local employment, complements established land uses and protects and enhances the natural environment and local heritage values.
- To facilitate the development of the lifestyle village to ensure it creates a development that is attractive, well planned, comprehensively serviced and its amenity does not conflict with adjoining land uses.

The proposed scheme amendment will facilitate the improved delivery of Sierra Lifestyle Estate by enabling ease of construction on site. This is entirely consistent with the applicable Local Planning Strategy objectives for the subject site.

3.3 State Planning Policy 3.7 – Planning in Bush fire Prone Areas

State Planning Policy 3.7 – Planning in Bush fire Prone Areas is concerned with bushfire risk management in land use planning and development. SPP3.7 is applicable to the proposed scheme amendment due to the subject site's location a bushfire prone area as shown in Figure 4. SPP3.7 seeks to guide and reduce the impact of bushfire on property and infrastructure.

In considering the provisions of SPP3.7, it is important to stress we are not necessarily seeking an intensification in development at the site, rather it is a minor change to the existing framework to enable ease of delivery. Regardless, we acknowledge the threat of bushfire and have engaged Bushfire Prone Planning to prepare a revised Bushfire Management Plan to support the proposed scheme amendment which is contained in **Attachment 2**.

In accordance with the revised Bushfire Management Plan, the below is of relevance in progressing the proposed scheme amendment:

- The proposed development complies with the provisions of SPP3.7 with the exception of the vehicular access element and specifically:
 - Provision of multiple access routes.
 - Emergency access ways.
 - Through-road.
- The non-compliance is a direct result of the relevant requirements changing over time and applying to a legacy development that has existed for many years.
- To combat the non-compliance, it is proposed that residents, in the event of a bushfire, will shelter on site as there is sufficient cleared area free from vegetation that will allow shelter on site.

3.4 Separation Distances between Industrial and Sensitive Land Uses (GS3)

The EPA Guidance Note 3 - Separation Distances between Industrial and Sensitive Land Use provides generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses. This is relevant in considering the proposed developments proximity to both the Linley Valley Abattoir and the associated anaerobic ponds.

The proposed development seeks to maintain the existing approved 500m separation distance to this adjoining development which is consistent with the recommended separation distance in Guidance Note 3.

4.0 PROPOSED DEVELOPMENT

The proposed development is intended to be an aged care lifestyle village. The final layout of the estate will be determined through the preparation of a Local Development Plan which will also include built form controls (beyond the R-Codes) that will apply to the site. This Local Development Plan will be a requirement of the proposed Special Use provisions.

5.0 JUSTIFICATION

The proposed amendment to the Shire of Northam Local Planning Scheme No. 6 as described in Section 1 above is considered to be entirely appropriate for approval as:

1. It will support the improved delivery and expansion of the existing planned lifestyle village as it enables the development of an 'Independent Living Complex' at the site. The key distinction between these uses and the existing 'Park Home Park' (which can be constructed now) is that an 'Independent Living Complex' can be permanent and constructed on site where 'Park Home Parks' must be constructed offsite and transported to the subject site. This will rapidly improve the ability to deliver additional dwellings, should the demand be there.
2. The amendment represents a very minor change to the existing framework applicable at the site with the intended development outcome remaining entirely consistent with the existing approved planning framework.
3. The amendment has demonstrated that the most recent requirements of SPP3.7 can be appropriately addressed with development on site able to successfully mitigate against the relevant bushfire threat.
4. The amendment will not result in development that varies the existing approved separation distances from the Linley Valley Abattoir and the associated anaerobic ponds.

5. The amendment and retention of the prohibition on strata titling within the SU9 provision will ensure the existing residents maintain their security of tenure at the site.

Ultimately, we consider the proposed amendment appropriate for initiation as the proposal is expected to have no negative impact on the community's current social and economic needs.

6.0 CONCLUSION

In light of the above, the proposed scheme amendment to LPS6 is considered appropriate and justified given the comprehensive assessment above demonstrating the suitability against the prevailing context of the site and existing development context. The proposed amendment to provisions of Special Use 9 and Special Use 12 will assist in an improved delivery of the proposed lifestyle estate.

As a result, we are of the view that the proposed amendment to the Shire of Northam Local Planning Scheme No. 6 warrants favourable consideration, initiation and subsequent approval by the Shire of Northam and the Western Australian Planning Commission.



ATTACHMENT 1

Certificate of Title



ATTACHMENT 2

Bushfire Management Plan

Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Shire of Northam Local Planning Scheme No. 6

Amendment No. 22

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- a) Modifying Schedule 4 No.SU9 by inserting the following provisions:
 - v. 'At subdivision stage use restrictions shall be imposed on lots to limit occupancy to persons 45 years and older.'
 - vi. Inserting land use 'Independent living complex' to the special use column as well as, inserting '(D)' after each of all the land use.
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- g) Modifying Schedule 1 – Dictionary of defined words and expressions by inserting the land use and definition for 'independent living complex' as per WAPC Position Statement – Residential accommodation for ageing persons.

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Northam at the Ordinary Meeting of the Council held on the 21st day of August 2024.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Shire of Northam at the Ordinary Meeting of the Council held on the 21st day of August 2024, proceed to advertise this Amendment.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the Shire of Northam at the Ordinary Meeting of the Council held on the ____ day of ____, 20____ and the Common Seal of the Shire of Northam was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....