

## **Statutory Planning Committee**

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### **Attendance**

#### **Members**

Mr Gary Prattley  
Mayor Carol Adams  
Ms Sue Burrows

Mr Henty Farrar  
Mr Ian Holloway  
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)  
Local Government nominee  
Nominee of the Director General, Department of  
Planning  
Regional Minister's nominee  
Professional representative  
Community representative

#### **Officers**

Ms Emma-Lee Groser  
Ms Frances Page-Croft  
Mr Mat Selby

#### **Department of Planning**

Planning Officer, Metropolitan North East  
Senior Planning Officer, Perth and Peel Planning  
Planning Director, Perth and Peel Planning

#### **Presenters**

Mr David Caddy  
Mr Paul Kotsoglo  
Mr Brian McCubbing  
Mr Edward Turner

TPG Town Planning  
Planning Solutions  
Landowner  
Turner Master Planners Australia

#### **Observers**

Mr George Hajigabriel  
Mr David Lombardo  
Mr William Natlor  
Ms Claire Richards  
Mr Mehran Zare

Greg Rowe & Associates  
Landowner  
Planning Solutions  
Greg Rowe & Associates  
Lakewide Pty Ltd

#### **Committee Support**

Mr Luke Downes

Committee Support Officer - Department of Planning

### **7456.1 Declaration of Opening**

The Presiding Member declared the meeting open at 10.03 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### 7456.2 Apologies

Nil.

### 7456.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

### 7456.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Sue Burrows	9.1	4	Impartiality
Mayor Carol Adams	9.2	9	Impartiality

#### Resolved

***Moved by Mr Holloway seconded by Ms Taylor***

*In accordance with clause 6.10(7) of the Standing Orders 2008, members of the Statutory Planning Committee agree that the members listed above, who have disclosed an impartiality interest, are permitted to participate in discussion on the items, however will not be voting.*

***The motion was put and carried.***

### 7456.5 Declaration of Due Consideration

No declarations were made.

### 7456.6 Deputations and Presentations

#### 7456.6.1 Adoption of Drovers Place Precinct Local Structure Plan No.80

Presenters Mr David Caddy, TPG Town Planning;  
Mr Mehran Zare, Lakewide Pty Ltd;  
Mr David Lombardo, landowner;  
Mr Edward Turner, Turner Master Planners  
Australia

Mr Turner and Mr Caddy presented to the Committee supporting the item.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

7456.6.2

### **Adoption of Drovers Place Precinct Local Structure Plan No.80**

Presenters Ms Claire Richards, Greg Rowe & Associates;  
Mr George Hajigabriel, Greg Rowe & Associates;  
Mr Brian McCubbing, landowner

Mr McCubbing presented to the Committee concerns with the land uses proposed in Precinct C as they are inconsistent with State Planning Policy 4.2, the City of Wanneroo's draft Activity Centres Strategy and Council resolution of 6 March 2012.

A 'Deputation to Statutory Planning Committee, Tuesday 10 April 2012, Drovers Place Precinct Local Structure Plan No.80' was tabled at the meeting. A copy has been placed on file.

**Moved to item 9.1 •**

7456.6.3

### **Subdivision of Lot 26 Riverview Place, Lot 27 The Coombe, Mosman Park**

Presenters Mr Paul Kotsoglo, Planning Solutions;  
Mr William Natlor, Planning Solutions

Mr Kotsoglo presented to the Committee his support for the proposed subdivision as he believes the proposal meeting the relevant performance criteria of the residential design codes.

**Moved to item 9.3 •**

### **7456.7 Announcements by the Chairperson of the Board and communication from the WAPC**

Nil.

### **7456.8 Confirmation of Minutes**

7456.8.1

### **Minutes of the Statutory Planning Committee meeting held on Tuesday 27 March 2012**

Ms Taylor noted that her name should not have been recorded in the minutes as voting on the item 7456.10.1, as she had declared an interest impartiality interest and had left the room during discussion by members.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

The Committee agreed that movements of members from the room after item 7455.6.4 for a short period should be removed as the item was not discussed during this time.

### Resolved

#### ***Moved by Mayor Adams, seconded by Mr Holloway***

1. *to amend the minutes of the Statutory Planning Committee meeting of 27 March 2012 to show that Ms Taylor was not present and did not vote on item 7456.10.1.*
2. *to amend the minutes of the Statutory Planning Committee meeting of 27 March 2012 to remove movements of members from the room after item 7455.6.4 as the item was not discussed during this time;*
3. *that the minutes of the Statutory Planning Committee meeting held on Tuesday 27 March 2012 as amended, be confirmed as a true and correct record of the proceedings.*

***The motion was put and carried.***

## 7456.9 Reports

### 7456.9.1

#### **Adoption of Drovers Place Precinct Local Structure Plan No.80**

File	SPN/0125
Report Number	SPC/162
Agenda Part	C
Reporting Officer	Senior Planning Officer: Schemes and Appeals

<b>Member</b>	<b>Nature of Interest</b>
Ms Burrows	Impartiality

The Committee agreed to remove the words 'liquor store' from Recommendation 1, point 1.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. adopt the Drovers Place Precinct Local Structure Plan No.80, subject to the schedule of modifications as follows:
  - Table C of Part 1 to include the following additional discretionary uses and any associated development provisions: car wash; club (non-residential); dry cleaning premises; liquor store; mast or antennae; place of assembly; recreation centre; telecommunications infrastructure; and vehicle sales/hire premises;
  - Table C of Part 1 to replace the discretionary uses of 'Plant Nursery' with 'Retail Nursery'. In addition, the following definition of 'Retail Nursery' is to be included in Section 2.4 of Table C of Part 1: "Retail Nursery - means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees, and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental cafe";
  - Table D of Part 1 to include the average lot size requirement of 3000m<sup>2</sup> in the "Special Residential" zone in accordance with Clause 3.19.1 of the City's District Planning Scheme No.2;
  - The "Site Contamination" section of Table E of Part 1 to read as follows: "Prior to commencement of site works on Lots 1, 10 and 132 Wanneroo Road and Lot 5 Drovers Place, investigation for soil and groundwater contamination is to be carried out to the specifications of the Department of Environment and Conservation. Any remediation works, including validation of remediation, is to be completed to the specifications of the Department of Environment and Conservation prior to the commencement of any site works";

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

- The "Urban Water Management" section of Table E of Part 1 to read as follows: "An Urban Water Management Plan is to be prepared prior to the commencement of site works to the specifications of the Department of Water. The approved Urban Water Management Plan is to be implemented by the landowner, including construction of identified wastewater, stormwater and groundwater management systems";
  - The "Acid Sulphate Soils" section of Table E of Part 1 to read as follows: "Acid sulfate soils investigations are required at the subdivision and development stages of the planning process. The submission of an acid sulfate soils self-assessment form and preparation of an acid sulfate soils management plan is required as a condition of subdivision and development approval for proposals in moderate to high risk areas" in accordance with the WAPC's Planning Bulletin 64/2009 "Acid Sulphate Soils";
  - Plan 1 to identify the 12 metre wide north-south local access road in the Southern Precinct from Ashley Road to Wanneroo Road with a width of 15 metres;
  - Plan 1 to depict the Metropolitan Region Scheme "Primary Regional Roads" reserve affecting the Structure Plan area;
  - The "Conditions - Lots 6, 7 and 8 Drovers Place" section of Table B of Part 1 to include reference to FESA in terms of a traffic impact assessment being prepared and submitted to the specifications of the City, in consultation with FESA, as part of a development application for any educational establishment, advertised for public comment and referred to MRWA for comment prior to determination by the City;
2. advise the City of Wanneroo to submit a request to the Western Australian Planning Commission to revoke existing Drovers Place Precinct Local Structure Plan No.47 in accordance with Clause 9.7 of the City's District Planning Scheme No.2.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### Resolved

#### ***Moved by Mayor Adams, seconded by Mr Holloway***

*That the Western Australian Planning Commission resolves to:*

*1. adopt the Drovers Place Precinct Local Structure Plan No.80, subject to the schedule of modifications as follows:*

- Table C of Part 1 to include the following additional discretionary uses and any associated development provisions: car wash; club (non-residential); dry cleaning premises; mast or antennae; place of assembly; recreation centre; telecommunications infrastructure; and vehicle sales/hire premises;*
- Table C of Part 1 to replace the discretionary uses of 'Plant Nursery' with 'Retail Nursery'. In addition, the following definition of 'Retail Nursery' is to be included in Section 2.4 of Table C of Part 1: "Retail Nursery - means land and/or buildings used for the storage, display and retail sale of nursery and horticultural products including plants, seeds, bulbs, seedlings, trees, and other nursery stock and products associated with horticulture, domestic gardens, outdoor living, garden decor and clothing for gardening and may include associated outdoor leisure products and an incidental cafe";*
- Table D of Part 1 to include the average lot size requirement of 3000m<sup>2</sup> in the "Special Residential" zone in accordance with Clause 3.19.1 of the City's District Planning Scheme No.2;*
- The "Site Contamination" section of Table E of Part 1 to read as follows: "Prior to commencement of site works on Lots 1, 10 and 132 Wanneroo*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

*Road and Lot 5 Drovers Place, investigation for soil and groundwater contamination is to be carried out to the specifications of the Department of Environment and Conservation. Any remediation works, including validation of remediation, is to be completed to the specifications of the Department of Environment and Conservation prior to the commencement of any site works";*

- *The "Urban Water Management" section of Table E of Part 1 to read as follows: "An Urban Water Management Plan is to be prepared prior to the commencement of site works to the specifications of the Department of Water. The approved Urban Water Management Plan is to be implemented by the landowner, including construction of identified wastewater, stormwater and groundwater management systems";*
- *The "Acid Sulphate Soils" section of Table E of Part 1 to read as follows: "Acid sulphate soils investigations are required at the subdivision and development stages of the planning process. The submission of an acid sulphate soils self-assessment form and preparation of an acid sulphate soils management plan is required as a condition of subdivision and development approval for proposals in moderate to high risk areas" in accordance with the WAPC's Planning Bulletin 64/2009 "Acid Sulphate Soils";*
- *Plan 1 to identify the 12 metre wide north-south local access road in the Southern Precinct from Ashley Road to Wanneroo Road with a width of 15 metres;*
- *Plan 1 to depict the Metropolitan Region Scheme "Primary Regional*



## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

*Roads" reserve affecting the  
Structure Plan area;*

- *The "Conditions - Lots 6, 7 and 8 Drovers Place" section of Table B of Part 1 to include reference to FESA in terms of a traffic impact assessment being prepared and submitted to the specifications of the City, in consultation with FESA, as part of a development application for any educational establishment, advertised for public comment and referred to MRWA for comment prior to determination by the City;*
- 2. *advise the City of Wanneroo to submit a request to the Western Australian Planning Commission to revoke existing Drovers Place Precinct Local Structure Plan No.47 in accordance with Clause 9.7 of the City's District Planning Scheme No.2.*

***The motion was put and carried.***

**Moved to item 6.3 •**

### **7456.9.2 10 Dwellings for Aged and/or Dependant Persons at Lot 697 Hennessy Avenue Orelia**

File	26-50166-1
Report Number	SPC/163
Agenda Part	C
Reporting Officer	Senior Planning Officer Metropolitan South West

<b>Member</b>	<b>Nature of Interest</b>
Mayor Adams	Impartiality

The item was deferred to allow further discussion to take place with the Department of Housing and review of the suggested conditions from council officers with a view of relocating the communal open space.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### Officer's Recommendation

That the Western Australian Planning Commission resolves to approve amended plans received 19 January 2012 for the development of 10 dwellings for aged and/or dependant persons at Lot 697 Hennessy Avenue, Orelia subject to the following condition:

Condition:

1. Stormwater being contained on site.

### Resolved

***Moved by Mr Farrar, seconded by Ms Taylor***

*That the item be deferred to allow further discussion to take place with the Department of Housing and review of the suggested conditions from council officers with a view of relocating the communal open space.*

***The motion was put and carried.***

Moved to item 9.4 •

#### **7456.9.3 Subdivision of Lot 26 Riverview Place, Lot 27 The Coombe, Mosman Park**

File	144722
Report Number	SPC/164
Agenda Part	G
Reporting Officer	Manager Metropolitan Central

Members discussed the wording of condition 2 and resolved to make changes to replace the words 'Dwellings being constructed to plate height' with 'On site civil works including retaining walls and laying of slabs be undertaken'.

A paper titled 'Memorandum – Riverview Place Aged Persons Dwelling Application' was tabled at the meeting. A copy has been placed on file.

### Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the subdivision of Lot 26 Riverview Place, Mosman Park subject to the following conditions:

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

1. Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan;
2. Dwellings being constructed to plate height on proposed Lots X and Y, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design Codes 2010, prior to the approval of the Deposited Plan by the WAPC; (Local Government)
3. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to bind the owner, their heirs and successors in title to the requirement that at least one occupant is disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person;
4. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision; (Water Corporation)
5. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision; (Water Corporation)
6. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)

### Advice:

1. In order to fulfil Condition 2, the applicant must first obtain development approval for the development of an aged or dependent persons' dwelling on each of the approved lot(s), in accordance with clause 6.11.2 of the Residential Design Codes 2010.
2. The approval to subdivide issued by the WAPC should not be construed as an approval to commence

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.

3. With regard to Conditions 4 and 5, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.
4. Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.
5. With regard to Condition 6, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.
6. If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.

### Resolved

#### ***Moved by Mr Holloway by Ms Taylor***

*That the Western Australian Planning Commission resolves to approve the subdivision of Lot 26 Riverview Place, Mosman Park subject to the following conditions and advice:*

1. *Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan;*
2. *On site civil works including retaining walls and laying of slabs be undertaken on proposed Lots X and Y, consistent with the Aged or Dependent Persons' Dwellings clause 6.11.2 of the Residential Design*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

*Codes 2010, prior to the approval of the Deposited Plan by the WAPC; (Local Government)*

3. *A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to bind the owner, their heirs and successors in title to the requirement that at least one occupant is disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person;*
4. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision; (Water Corporation)*
5. *Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision; (Water Corporation)*
6. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision; (Western Power)*

### *Advice:*

1. *In order to fulfil Condition 2, the applicant must first obtain development approval for the development of an aged or dependent persons' dwelling on each of the approved lot(s), in accordance with clause 6.11.2 of the Residential Design Codes 2010.*
2. *The approval to subdivide issued by the WAPC should not be construed as an*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

*approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.*

3. *With regard to Conditions 4 and 5, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.*
4. *Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.*
5. *With regard to Condition 6, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
6. *If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*

**Two members of the Committee voted against the item but wished not to be named.**

***The motion was put and carried.***

**Moved to item 9.2 •**

**7456.9.4**

**Endorsement of Foreshore Management Plan.  
Scarborough Beach Urban Design Master Plan**

File	DP/11/01792
Report Number	SPC/165
Agenda Part	G
Reporting Officer	Planning Officer

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### Resolved

#### ***Moved by Ms Burrows, seconded by Mr Holloway***

*That the Western Australian Planning Commission resolves to:*

- 1. endorse the revised Scarborough Beach Urban Design Master Plan dated July 2011 as recommended by the City of Stirling at the ordinary meeting of Council on 2 August 2011;*
- 2. advise the City of Stirling that a coastal hazard risk management and adaptation plan should be prepared in accordance with the requirements outlined in the draft revised State Planning Policy 2.6, sections 5.5, 5.7 and 5.11, Schedule One and Parts 4, 6 and 10 of the draft SPP 2.6 Guidelines, prior to the commencement of any development within any Parks and Recreation reserved land.*

***The motion was put and carried.***

**7456.9.5**

#### **Endorsement of Dwellingup Structure Plan, Shire of Murray**

File	SPN/0051/3 and 801/6/16/4P
Report Number	SPC/166
Agenda Part	G
Reporting Officer	Planning Manager

### Resolved

#### ***Moved by Mr Farrar, seconded by Ms Taylor***

*That the Western Australian Planning Commission resolves to:*

- 1. determine the submissions received on the Dwellingup Structure Plan in accordance with the Schedule of Submissions at Attachment 5 of this report;*
- 2. endorse the Dwellingup Structure Plan, subject to the schedule of modifications at Attachment 6 of this report.*

***The motion was put and carried.***

## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### 7456.10 Confidential Items

#### 7456.10.1 **Proposed Subdivision: Lot 251 Victoria Road, Wattle Grove**

File 143036  
Report Number SPC/167  
Agenda Part C  
Reporting Officer A/Planning Manager - Metropolitan North East

**THIS ITEM IS CONFIDENTIAL**

#### 7456.10.2 **Shire Of Chittering - Local Planning Scheme Amendment - For Final Approval**

File TPS/0580/1  
Report Number SPC/168  
Agenda Part E  
Reporting Officer Director – Wheatbelt Region

**THIS ITEM IS CONFIDENTIAL**

### 7456.11 General Business

#### 7456.11.1 **Progress of Residential Codes and local authorities submitting under SP3.6 for developer contributions**

Mr Holloway sought information regarding progress of Residential Codes and local authorities submitting under SP3.6 for developer contributions. Mr Prattley advised that the review is still progressing and undertook to seek advice on the progress of the review of the Residential Codes.

#### 7456.11.2 **Metropolitan Region Scheme (MRS) and Local Scheme Amendments**

Ms Taylor enquired whether the MRS and Local Scheme Amendments would be brought to the meeting. Ms Burrows noted that they were available and would be distributed to members.

#### 7456.11.3 **Site visit to Lancaster Winery**

The Committee noted that they would be attending a site visit to Lancaster Winery on Monday 16 April 2012 ahead of the item being put on the agenda for the meeting of 24 April 2012.



## Statutory Planning Committee

Minutes  
of ordinary meeting 7456  
held on Tuesday 10 April 2012

### 7456.12 Items for Consideration at a Future Meeting

Nil.

### 7456.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 24 April 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.54 am.

**PRESIDING MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_