

Statutory Planning Committee

Minutes
of ordinary meeting 7483
held on Tuesday 11 June 2013

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
	Director General, Department of Planning
Mayor Carol Adams	Local government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Henty Farrar	Nominee of the Regional Minister
Mr Ian Holloway	Professions representative
Ms Elizabeth Taylor	Community representative

Officers

Ms Natalie Cox	Planning Manager, Perth and Peel Planning (Item 10.1)
Ms Emma-Lee Groser	Planning Officer, Perth and Peel Planning (Item 9.1)
Ms Kym Petani	Acting Director Metro North East, Perth and Peel Planning (Item 9.1)
Ms Lisa Powell	Senior Planning Officer, Perth and Peel Planning (Item 9.2)
Mr Craig Shepherd	Planning Manager, Perth and Peel Planning (Item 9.2)
Ms Jasmine Tohill	Senior Planning Officer, Perth and Peel Planning (Item 10.1)

Observers

Mr David Kilpatrick	Carey Baptist College (Item 6.2)
Mr Terry Walsh	(Item 6.1)

Presenters

Mr David Davidson	Landowner (Item 6.1)
Ms Karen Wright	(Item 6.1)
Mr Steve Carter	Chappell Lambert Everitt (Item 6.2)
Mr Darren Levey	Uloth & Associates (Item 6.2)
Mr Paul Oates	Carey Baptist College (Item 6.2)

Committee Support

Ms Leah Carr	Committee Support Officer – Department of Planning
Ms Christina Sanders	Committee Support Officer - Department of Planning

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7483.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.03 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7483.2 Apologies

Nil.

7483.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7483.4 Disclosure of Interests

Nil.

7483.5 Declaration of Due Consideration

Mayor Adams, Ms Bartle and Mr Holloway had not received Agenda items 10.1 to 10.3 and hence are unable to deliberate on these items. However, as there is still a quorum of members present, these items will be determined accordingly.

7483.6 Deputations and Presentations

7483.6.1 **Lot 4 George Road, Lesmurdie: Subdivision to Create Two Lots for Residential Purpose.**

Presenters Mr David Davidson
Ms Karen Wright

Mr Davidson and Ms Wright spoke in support of the subdivision of Lot 4, George Road, Lesmurdie.

7483.6.2 **Development Application for an Educational Establishment - Lot 2 (540) Nicholson Road, Forrestdale**

Presenters Mr Steve Carter
Mr Darren Levey
Mr Paul Oates

Messrs Carter, Levey and Oates gave a powerpoint presentation in support of the development application for Lot 2 (540) Nicholson Road, Forrestdale and spoke to the Department's concerns on:

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- Traffic impact and modelling;
- Planning framework issues;
- Poultry farm use to the south;
- Environmental action being taken;
- Bush fire management reports / plans; and
- Acid sulphate soil work undertaken...

A copy of the presentation has been placed on file.

7483.7 Announcements by the Chairperson of the Board and communication from the WAPC

There were no announcements.

7483.8 Confirmation of Minutes

7483.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 28 May 2013

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on Tuesday 28 May 2013, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7483.9 Reports

7483.9.1 Lot 4 George Road, Lesmurdie: Subdivision to Create Two Lots for Residential Purpose.

File 147641
Report Number SPC/441
Agenda Part G
Reporting Officer Planning Director - Metropolitan North West

Resolved

Moved by Mayor Adams, seconded by Mr Holloway

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That the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 4 Grove Road, Lesmurdie subject to the following conditions:

Conditions:

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)*
- 2. Other than buildings, outbuildings and or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures, including the swimming pool, present on lots(s) fronting Bailey Road at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*
- 3. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of an underground power supply to the lots shown on the approved plan of subdivision. (Western Power)*
- 4. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lot(s) shown on the approved plan of subdivision. (Water Corporation)*
- 5. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*

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6. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'A reticulated sewerage service is not available to the lots'. (Local Government)

Advice:

1. *With regard to Condition 3, Western Power provides only one point of electricity supply per freehold (green title) lot.*
2. *With regard to Conditions 4 and 5, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

The motion was put and carried.

Mr Farrar voted against the item.

7483.9.2

Development Application for an Educational Establishment - Lot 2 (540) Nicholson Road, Forrestdale

File 22-50149-1

Report Number SPC/442

Agenda Part G

Reporting Officer Director Planning, Metropolitan South-East

Officer's Recommendation

That the Western Australian Planning Commission resolves to refuse the application for an Education Establishment on Lot 2 (No. 540) Nicholson Road, Forrestdale for the following reasons:

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The development does not comply with State Planning Policy 1 - State Planning Framework Policy as it does not:

- (a) facilitate the efficient use of existing urban infrastructure and prevent development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services,
 - (b) integrate land use and transport planning which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars,
 - (c) encourage a safe environment, high standard of urban design and a sense of neighbourhood and community identity, and
 - (d) avoid land use conflicts by separating sensitive and incompatible uses.
2. The development does not comply with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning as it requires the installation of traffic signals and a reduced speed limit that will compromise the integrity and function of Nicholson Road as an important regional north-south freight route.
3. The development does not comply with State Planning Policy 4.3 - Poultry Farms Policy as it:
- (a) impinges the recommended buffer distance to the existing poultry farm as per State Planning Policy 4.3 and the City of Armadale Town Planning Scheme No. 4, and
 - (b) will impact upon the operational requirements and capabilities of the existing poultry farm causing land use conflict.

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4. The development does not comply with Development Control Policy 5.1 - Regional Roads (Vehicular Access) which seeks to reduce and rationalise crossovers and junctions to regional roads as it proposes two access points to the site with traffic treatments and alterations to Nicholson Road.
5. The proposed development would prejudice the orderly and proper planning of the locality by reason of intensifying the land use on the subject site contrary to the objectives of the 'Rural Living X' zone of the City of Armadale Town Planning Scheme No. 4, as it does not:
 - (a) provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics,
 - (b) provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites,
 - (c) ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.
6. The development has not demonstrated that it complies with Planning for Bush Fire Protection Guidelines and Planning Bulletin 64/2009 - Acid Sulfate Soils.

Mr Farrar advised that he was in favour of the application for an education establishment on Lot 2 Nicholson Road and believed that the issues had been addressed.

Resolved

Moved by Mr Farrar

That the Western Australian Planning Commission resolves to endorse the application for an Education Establishment on Lot 2 (No. 540) Nicholson Road.

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The motion lapsed for the want of a seconder.

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to refuse the application for an Education Establishment on Lot 2 (No. 540) Nicholson Road, Forrestdale for the following reasons:

1. *The development does not comply with State Planning Policy 1 - State Planning Framework Policy as it does not:*
 - (a) *facilitate the efficient use of existing urban infrastructure and prevent development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services,*
 - (b) *integrate land use and transport planning which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars,*
 - (c) *encourage a safe environment, high standard of urban design and a sense of neighbourhood and community identity, and*
 - (d) *avoid land use conflicts by separating sensitive and incompatible uses.*
2. *The development does not comply with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning as it requires the installation of traffic signals and a reduced speed limit that will compromise the integrity and function of Nicholson Road as an important regional north-south freight route.*

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3. *The development does not comply with State Planning Policy 4.3 - Poultry Farms Policy as it:*
 - (a) *impinges the recommended buffer distance to the existing poultry farm as per State Planning Policy 4.3 and the City of Armadale Town Planning Scheme No. 4, and*
 - (b) *will impact upon the operational requirements and capabilities of the existing poultry farm causing land use conflict.*
4. *The development does not comply with Development Control Policy 5.1 - Regional Roads (Vehicular Access) which seeks to reduce and rationalise crossovers and junctions to regional roads as it proposes two access points to the site with traffic treatments and alterations to Nicholson Road.*
5. *The proposed development would prejudice the orderly and proper planning of the locality by reason of intensifying the land use on the subject site contrary to the objectives of the 'Rural Living X' zone of the City of Armadale Town Planning Scheme No. 4, as it does not:*
 - (a) *provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics,*
 - (b) *provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites,*
 - (c) *ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.*

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6. *The development has not demonstrated that it complies with Planning for Bush Fire Protection Guidelines and Planning Bulletin 64/2009 - Acid Sulfate Soils.*

The motion was put and carried.

Mr Farrar voted against the item.

7483.9.3

Modification of Local Subdivision and Infrastructure Plan No. 204: Flora Road, Hovea

File 001/02/27/0005P0026
Report Number SPC/443
Agenda Part G
Reporting Officer Planning Manager, Metropolitan
Planning North East

Resolved

Moved by Ms Taylor, seconded by Mayor Adams

That the Western Australian Planning Commission resolves to:

1. *adopt the proposed modification to Local Subdivision and Infrastructure Plan No. 204, subject to the following additional modification;*
 - *The plan being modified in accordance with the attached modified plan date stamped 28 May 2013 by the Department of Planning to include the emergency access easement over Lot 31 and the requirement for buildings to be constructed in accordance with the requirements of Australian Standard 3959;*
2. *advise the Shire of Mundaring of its decision accordingly.*

The motion was put and carried.

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7483.10 Confidential Items

7483.10.1 Shire of Serpentine Jarrahdale - Local Planning Scheme No.2 Amendment No.167 (Scheme Provisions/ Development Contributions) - For Final Approval

File TPS/0395/1
Report Number SPC/444
Agenda Part B
Reporting Officer Planning Manager - Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7483.10.2 Consent to Advertise Shire of Katanning's Draft Local Planning Strategy

File DP/13100161/1
Report Number SPC/445
Agenda Part B
Reporting Officer Regional Manager - Great Southern Planning

THIS ITEM IS CONFIDENTIAL

7483.10.3 Shire of Dowerin – Local Planning Strategy and Local Planning Scheme No. 2 – Final Approval

File TPS/0520/1
Report Number SPC/446
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7483.11 General Business

Nil.

7483.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah.	13/8/13

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		(Subsequently resolved on 28/5/13) to omit the SPC meeting in Mandurah and to hold the site visit on a date when a cancelled SPC meeting would occur and to include a site visit to Preston Beach)	
7477.11.1	The Wheatbelt – Towns of York and Toodyay	To request Committee Support to arrange a site visit with regard to water and bush fire issues and in relation to future approvals for rural living subdivisions due to lack of water resources, and a possible need for consolidation of the local towns. (to be combined with 7477.11.2) (Subsequently resolved on 28/5/13 to hold the site visit on a date when a cancelled SPC meeting would occur)	8/10/13
7477.11.2	Avon Arc Study	To request Committee Support to invite Avon Arc to advise the Committee on issues such as sustainability, identifying priority areas, royalties for regions and capability. (to be combined with 7477.11.1) (as above)	8/10/13
7477.11.3	Private Arrangements for obtaining money for public open space by agreement	To request the Department to prepare a report to the WAPC regarding these types of arrangements.	TBA
7482.9.1	Update of Planning Bulletin 67: Guidelines for Wind Farm Development	To request the Department to liaise with the Department of Lands and the Department of Agriculture and consult with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy. To incorporate comments from SPC members and to represent the policy to a future SPC meeting.	TBA

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7483.13 Closure

The next ordinary meeting is scheduled for 9.00 am on Tuesday 25 June 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.45 am.

PRESIDING MEMBER _____

DATE _____

Unconfirmed