

Statutory Planning Committee

Minutes
of ordinary meeting 7510
held on Tuesday 23 September 2014

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Ms Megan Bartle	WAPC appointee
Mr Martin Clifford	Regional Minister's nominee (Deputy)
Mr Ian Holloway	Professions representative
Ms Gail McGowan	Acting Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Gemma Basley	Senior Planner, Perth and Peel Planning
Ms Natalie Cox	Planning Manager, Perth and Peel Planning
Mr Stephen Ferguson	Senior Solicitor, Legislative and Legal Services
Ms Rebecca Fuller	Senior Planning Officer, Schemes and Amendments
Ms Anne Hill	Executive Director, Infrastructure, Projects, Policy and Research
Mr Mat Selby	Planning Director – Metropolitan Central Perth and Peel Planning
Ms Jasmine Tohill	Senior Planning Officer, Perth and Peel Planning
Mr Emille van Heyningen	Planning Manager, Perth and Peel Planning
Mr Alex Watson	Senior Planning Officer, Schemes, Strategies and Amendments

Presenters

Mr David Caddy	TPG
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Committee Support

Ms Leah Carr	Committee Support Officer - Department of Planning
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7510.1 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.

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7510.2 Apologies

Nil.

7510.3 Members on Leave of Absence and Applications for Leave of Absence

7510.3.1 Ms Sue Burrows has previously been granted a leave of absence for the Statutory Planning Committee meetings for the period 25 August to 6 October 2014.

7510.3.2 Mr Lumsden has made an application for a leave of absence for the Policy SPC Meeting to be held on 28 October 2014.

Resolved

Moved by Ms Bartle, seconded by Ms Taylor

That approval for a leave of absence be granted to Mr Lumsden for the Statutory Planning Committee meeting of 28 October 2014.

The motion was put and carried.

7510.4 Disclosure of Interests

Nil.

7510.5 Declaration of Due Consideration

No declarations were made.

7510.6 Deputations and Presentations

7510.6.1 Retrospective Application for a Stairway at Lot 13 Cliff Way, Claremont (refer item 9.1)
Presenter Mr David Caddy

Mr Caddy advised Members of his support for the report's recommendations but requested:

- that Conditions 3 and 4 be reconsidered as the work has already been carried out;
- that Advice Note 2 be removed as it pertains to Condition 3;
- that Advice Note 6 be amended as it is not part of the development application and is beyond the control of the applicant - to therefore remove wording after 'Reserve'.

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7510.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman requested that the following Items for Consideration at a Future Meeting be provided to the SPC at the next meeting scheduled for 14 October 2014.

1. Statistics on Planning Schemes, Amendments and Structure Plans; and
2. Policy Review Update.

The Chairman also requested:

- that an update on small lot products 50²-80m² be provided before the end of 2014; and
- that the Legal Services' review of delegations be presented to the 14 October 2014 SPC Meeting.

7510.8 Confirmation of Minutes

7510.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 9 September 2014

Resolved

Moved by Mr Clifford, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday 9 September 2014, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7510.9 Statutory Items for Decision

7510.9.1 Retrospective Application for a Stairway at Lot 13 Cliff Way, Claremont

File 02-25680-5
Report Number SPC/707
Agenda Part D
Reporting Officer Senior Planner Metropolitan Central

Members agreed to administratively amend the wording of:

1. Recommendation 1 to clarify the retrospective approval statement - to put the last sentence first;
2. Advice Note 6 to put a full stop after "RetrospectiveReserve"; removing the words ".....and should not be

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considered a precedent for similar development on surrounding lots”.

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Statutory Planning Committee resolves to retrospectively approve the construction of a wooden stairway at Lot 13 Cliff Way, Claremont subject to the following conditions:

- 1. If and when the Parks and Recreation reserve is purchased, or ceded to the Crown, to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission, the stairway shall be removed in its entirety, including all related structures, from within the Parks and Recreation reserve and the area be reinstated;*
- 2. The landowner indemnifying the Western Australian Planning Commission against any claim for compensation for the improvements located on land reserved for Parks and Recreation when the land is ultimately acquired, to the satisfaction of the Western Australian Planning Commission;*
- 3. The visual impact of the stairway, and its related structures, when viewed from Crown Reserve 24523 and the Swan River shall be addressed to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission and with the necessary improvements being carried out within 2 months of the date of this approval;*
- 4. A Landscaping plan for the Parks and Recreation Reserve (to replace removed vegetation and to ameliorate the visual impact of stairway) shall be approved and implemented to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission and with the landscaping being completed within 5 months of the date of this approval;*

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5. *A geotechnical report undertaken by a suitably qualified and practising specialist to conform that the stability of the escarpment has not been adversely impacted as a result of the stairway construction and any recommendations made in this geotechnical report to be implemented to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission within 3 months of the date of this approval; and*
6. *No further vegetation removal or disturbance to the natural and river park environment shall occur within the Swan River Trust Development Control Area or the 'Parks and Recreation' Reserve.*

ADVICE NOTE

1. *With regard to Condition 2, it is recommended that a legal agreement is put in place to ensure that at such time that the WAPC acquires the P&R, the land shall be acquired at the unimproved value of the land, and that if the improvements are required to be removed by the WAPC, the owner of the land must do so at their cost. This is to ensure the improvements to the land will not prejudice the timely transfer to the Crown in the future.*
2. *With regard to Condition 3, the intent of the condition is to address the bulk, contrasting colour, including the limestone block retaining walls and consideration should be given to treating these in a darker colour in an effort to make them blend with the escarpment landscape.*
3. *Any landscaping within the Parks and Recreation Reserve should be locally native species that are suited to the soil type of the area and strategically placed vegetation should be used to screen the more prominent parts of the stairway structure, where visible from Crown Reserve 24523 and the river. The*

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revegetation shall also be done in such a way to offset the trees that were removed and trimmed during the construction of the stairway.

5. *A planning approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works.*
6. *Retrospective Approval to this development should not be constructed as support for any further structures within the Parks and Recreation Reserve.*

The motion was put and carried.

7510.9.2 Proposed Extension to Existing Shed – 98 Railway Parade, Middle Swan

File 21-50436-1
Report Number SPC/708
Agenda Part G
Reporting Officer A/Director Metropolitan North East

In respect to Items 7510.9.2 and 7510.9.3 Legal Services circulated a handout entitled "Primacy of Swan Valley Planning Act and City of Swan Scheme" and advised Members that the WAPC in its functions under the MRS must have 'due regard' to the City of Swan's decisions, the Swan Valley Planning Act and the Swan Valley Interim Policy.

Resolved

Moved by Ms Taylor, seconded by Mr Clifford

That the Statutory Planning Committee resolves to refuse the development application for the lean-to extension to the existing shed for the following reasons:

1. *The application is inconsistent with the objectives of 'Area B' of the Swan Valley Planning Act 1995 and the Swan Valley Interim Planning Policy;*
2. *The subject land is zoned 'Rural' under the Metropolitan Region Scheme and 'Swan Valley Rural' under the City of Swan Local*

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Planning Scheme No.17. The application is contrary to the intent of the rural zoning which is to preserve the rural character and landscape of the area; and

3. *The proposal constitutes 'storage' which is a use not permitted in the 'Swan Valley Rural' zone under the City of Swan Local Planning Scheme No.17.*

The motion was put and carried.

7510.9.3

Proposed Place of Worship - Lot 627 Hyem Road Herne Hill

File 21-50431-1
Report Number SPC/709
Agenda Part G
Reporting Officer A/Planning Manager Metropolitan North East

Officer's Recommendation

That the Western Australian Planning Commission resolves to refuse the development application for a Place of Public Worship at Lot 627 Hyem Road Herne Hill for the following reasons:

1. The proposed development is inconsistent with the objectives of Area B of the Swan Valley Planning Act 1995.
2. The land is zoned 'Rural' in the Metropolitan Region Scheme and 'Swan Valley Rural' within the City of Swan Local Planning Scheme No.17. The proposed development is contrary to the intent of the rural zoning which is to preserve the rural character and landscape of the area.
3. The proposal is inconsistent with the Swan Valley Interim Policy whereby the use of land within Area B of the Swan Valley Planning Act 1995 as a 'Place of Worship' is not permitted unless it is incidental to the predominant use of the subject land.
4. Approval of the proposal would create a precedent for the introduction of development contrary to the objectives of the Swan Valley

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Planning Act 1995 and inconsistent with the rural character of the area.

Members noted that a written submission on behalf of the proponent was circulated prior to the meeting for their consideration.

In discussion it was noted that this Item had been deferred at the SPC meeting on 9 September 2014 in order for additional information and an alternate recommendation to be provided to Members, this was not considered to have occurred.

Ms Bartle advised that she did not support the recommendation in its current form due to the total area of the land being of a lower intensification of use which is currently in use and therefore consideration should be given for appropriate use.

The intent of the Swan Valley Interim Policy is to provide consistent advice and the Policy application must be tested against each proposal.

Members agreed they had two options, ie:

- to uphold the officer's recommendation; or
- to approve the proposal.

The Director General circulated an alternate motion and supporting Conditions and Advice for the Members' consideration (a copy has been placed on file).

Resolved

Motion to Defer

Moved by Ms Bartle, seconded by Mr Holloway

That the item relating to 'Proposed Place of Worship - Lot 627 Hyem Road Herne Hill' as detailed in the report dated 23 June 2014 be deferred to the next meeting of the Statutory Planning Committee to allow further information to be obtained by the Department of Planning including an alternate recommendation.

The motion to defer was put and carried.

The votes were recorded as follows:

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For: Ms Bartle, Ms McGowan, Mr Clifford,
Mr Holloway and Mr Lumsden

Against: Ms Taylor

7510.10 Policy Items for Discussion/Decision

7510.10.1 Residential Design Codes (R-Codes) Variations – Issues Scoping Paper

File 9 September 2014
Report Number SPC/710
Agenda Part DP/14/00301/1
Reporting Officer Executive Director, IPPR

Officer's Recommendation

That the Statutory Planning Committee resolves to:

1. approve the preparation of amendments to the R-Codes to address variations being made to 'deemed-to-comply' standards on a systematic basis;
2. note that this work will be progressed through a working group including the outer metropolitan growth councils and the development/building industry.

Members recommended that Ms Jane Bennett (CLE Town Planning and Design) be invited to join the working group and also nominated fellow member, Mr Holloway, to be part of the working group. The Chairman requested that this working group meet as soon as possible and to report back to the SPC, hopefully before the year end.

It was recommended that a Planning Bulletin be issued for public comment accompanied by a media release by the Chairman indicating that this was an interim measure until such time that the amendments to the R-Codes were completed.

It was noted that Mr Holloway, who has recently resigned from his position with JWH Group and is now acting in a private capacity, made a conscious decision in raising concerns by both the development and housing industries and the urgency for something to be done about it as soon as possible.

Resolved

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Moved by Ms Bartle, seconded by Ms McGowan

That the Statutory Planning Committee resolves to:

- 1. approve the preparation of amendments to the R-Codes to address variations being made to 'deemed-to-comply' standards on a systematic basis, including the publishing of a planning bulletin to be issued by the Chairman in the interim;*
- 2. note that this work will be progressed through a working group to include SPC Member, Mr Ian Holloway, the outer metropolitan growth councils and the development/building industry.*

The motion was put and carried.

7510.11 Confidential Reports

file 14/10/14
11.1
7510.10.1 Lifting of Urban Deferment (Clause 27) – Portion of The Upper Swan Urban Precinct
File RLS/0451
Report Number SPC/714
Reporting Officer Senior Planning Officer

THIS ITEM IS CONFIDENTIAL

7510.11.2 City of Fremantle Local Planning Scheme No.4 Amendment No. 57 - For Final Approval
File TPS.1112
Report Number SPC/711
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

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- 7510.11.3 Shire of Peppermint Grove Draft Local Planning Strategy and Local Planning Scheme No. 4 - Consent To Advertise**
File 853/2/19/7PV
Report Number SPC/712
Agenda Part B
Reporting Officer Manager, Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

- 7510.11.4 Shire of Cocos (Keeling) Islands Local Planning Scheme Amendment No. 1 - For Final Approval**
File TPS/0489/2
Report Number SPC/713
Agenda Part E
Reporting Officer Senior Planning Officer

THIS ITEM IS CONFIDENTIAL

7510.12 Stakeholder engagements and site visits

Members discussed and agreed that a site visit to the Swan Valley policy area should be held in the near future.

7510.13 General Business

Nil.

7510.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7509.6.1	Statistics on planning schemes, amendments and structure plans	Briefing required containing appropriate data and reasoning behind delays to approvals for schemes, amendments and structure plans with an outline of financial implications as a result of delays.	14 October 2014
7509.14.2	Policy Review Update	Follow up report to be provided by Ms Burrows.	14 October 2014

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| 7509.14.3 | Small lot products 50-80m ² | An update is required to be submitted to the Committee. | TBA |
| 7510.7 | Legal Services' review of delegations | Report to be presented. | 14 October 2014 |
| 7510.9.3 | Proposed Place of Worship - Lot 627 Hyem Road Herne Hill | Report with alternate recommendation and supporting relevant conditions/advice. | 14 October 2014 |
| 7510.13 | Closure | The next ordinary meeting is scheduled for 9:00 am on 14 October 2014. | |

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10:55am.

PRESIDING MEMBER 

DATE 14/10/2014