

Statutory Planning Committee

Minutes
of ordinary meeting 7522
held on Tuesday, 12 May 2015

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Mayor Russell Aubrey	Local government representative
Ms Megan Bartle	WAPC appointee
Mr Martin Clifford	Regional Minister's nominee (Deputy)
Mr Ray Glickman	WAPC appointee
Mr Stephen Hiller	WAPC appointee
Ms Gail McGowan	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Mr Chau Chong	Principal Planning Officer; Perth and Peel Planning
Mr Robert Cull	Senior Planning Officer; Perth and Peel Planning
Mr James Dorn	Senior Planning Officer; Perth and Peel Planning
Mr Nik Lamat	Planning Officer; Perth and Peel Planning
Ms Lee O'Donohue	Manager, Metro Planning Central; Perth and Peel Planning
Ms Kym Petani	A/Executive Director; Perth and Peel Planning
Mr Andrew Thomas	Senior Planning Officer; Perth and Peel Planning

Presenters

Mr Jeremy Hofland	Rowe Group (item 6.1 for item 9.1)
Mr Stephen Kargotich	Kargotich Industries (item 6.2 for item 11.2)
Mr Trevor Moran	Landvision (item 6.2 for item 11.2)
Mr Paul Garbett	City of Fremantle (item 6.3 for item 11.4)
Ms Bridie Howe	City of Fremantle (item 6.3 for item 11.4)

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7522.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.00 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

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7522.2 Apologies

Mr Ian Holloway

Professions representative

7522.3 Members on Leave of Absence and Applications for Leave of Absence

Ms Burrows had previously submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 12 May 2015.

Ms Bartle, Mr Clifford, Mr Hiller and Ms McGowan have submitted applications for a leave of absence for the Statutory Planning Committee meeting scheduled for 26 May 2015.

Resolved

Moved by Ms Taylor, seconded Ms Bartle

That the approval for a leave of absence be granted to Ms Bartle, Mr Clifford, Mr Hiller and Ms McGowan for the Statutory Planning Committee meeting to be held on 26 May 2015.

The motion was put and carried.

7522.4 Disclosure of Interests

Nil.

7522.5 Declaration of Due Consideration

No declarations were made.

7522.6 Deputations and Presentations

7522.6.1 Subdivision to Create 3 Single Residential Lots

Presenter Mr Jeremy Hofland, Rowe Group

Mr Hofland made a presentation to the Committee and answered questions from members.

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7522.6.2 City of Armadale Town Planning Scheme No. 4 – Amendment 48 – for Final Approval

Presenter Mr Stephen Kargotich, Kargotich Industries

Mr Kargotich made a PowerPoint presentation to the Committee and answered questions from members.

A copy has been placed on file.

7522.6.3 City of Fremantle - Local Planning Scheme Amendment 43 - for Final Approval

Presenter Mr Paul Garbett, City of Fremantle

Mr Garbett made a PowerPoint presentation to the Committee and answered questions from members.

A copy has been placed on file.

7522.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman advised members that the sub-regional framework has been publicly released and has been published on the internet. The Chairman also advised that the Western Australian Planning Commission have made amendments to the R-Codes and Multi-Unit Housing Codes.

Comments on the proposed Terms of Reference for the Statutory Planning Committee had been received and the Chairman asked members to submit their comments if necessary.

7522.8 Confirmation of Minutes

7522.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 28 April 2015

Resolved

Moved by Mr Glickman, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 28 April 2015, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

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7522.9 Statutory Items for Decision

7522.9.1

Subdivision to Create 3 Single Residential Lots

File 151244
Report Number SPC/828
Agenda Part C
Reporting Officer Metropolitan Central, Planning Officer

Members agreed to amend condition 6 for clarification purposes as follows:

"The 9.7 metre length of right-of-way adjoining the north east boundary of proposed Lot 1 being widened by 1.0 metre and the entire right-of-way, including the widening is to be constructed and drained at the landowner/applicants cost along the rear boundary of the subject land."

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 12 Shepperton Road, East Victoria Park as shown on the plan dated 23 December 2014. This decision is valid for three years subject to the following conditions and advice:

CONDITION(S):

1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the proposed lots at the time of subdivision approval being demolished and materials removed from the lots. (Local Government)
2. All dwelling(s) being constructed to plate height prior to the submission of the diagram or plan of survey (deposited plan). (Local Government)
3. Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Shepperton Road being lodged on the certificate(s) of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to specify:

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"No vehicular access is permitted from Shepperton Road." (Main Roads Western Australia)

4. The land required for the widening of Shepperton Road is to be set aside as a separate lot for acquisition pending future road widening requirements. (Western Australian Planning Commission)
5. Easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of proposed Lots 2 and 3 are to be placed on the certificate(s) of title of the proposed Lots 1 and 2 specifying access rights. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). (Western Australian Planning Commission)
6. A 1 metre wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the rear boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the [Diagram or Plan of Survey (Deposited Plan)] 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)
7. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)
8. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

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'The lot/s is/are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.' (Local Government)

9. The land being filled, stabilised, drained and/or graded as required to ensure that:
- (a) lots can accommodate their intended development;
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.

(Local Government)

10. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

11. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)

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12. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
13. 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)
14. 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 to the lot(s) shown on the approved plan of subdivision. (Western Power)

ADVICE:

1. Main Roads Western Australia advises that:
 - (a) No earthworks are to encroach onto the road reserve;
 - (b) No stormwater drainage is to be discharged onto the road reserve; and
 - (c) The landowner/applicant should make good any damage to the existing verge vegetation within the Shepperton Road reservation, at their full expense.
2. With regard to Condition 1, a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.
3. With regard to Condition 2, the Town of Victoria Park advises that given the size and shape of the proposed lots, and the development constraints that exist, the landowner/applicant is required to demonstrate via submission of a development application that the proposed lots can be developed in accordance with

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the relevant provisions of the Residential Design Codes and the Town of Victoria Park Town Planning Scheme No. 1. Such application is to be submitted and approved by the Town, and construction completed to plate height prior to the issue of any subdivision clearance.

4. With regard to Conditions 11, 12 and 13, 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 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
5. With regard to Condition 14, Western Power provides only one underground point of electricity supply per freehold lot.

Resolved

Moved by Ms McGowan seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 12 Shepperton Road, East Victoria Park as shown on the plan dated 23 December 2014. This decision is valid for three years subject to the following conditions and advice:

CONDITION(S):

1. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the proposed lots at the time of subdivision approval being demolished and materials removed from the lots. (Local Government)*
2. *All dwelling(s) being constructed to plate height prior to the submission of the diagram or plan of survey (deposited plan). (Local Government)*

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3. Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Shepperton Road being lodged on the certificate(s) of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to specify:

"No vehicular access is permitted from Shepperton Road." (Main Roads Western Australia)

4. The land required for the widening of Shepperton Road is to be set aside as a separate lot for acquisition pending future road widening requirements. (Western Australian Planning Commission)
5. Easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of proposed Lots 2 and 3 are to be placed on the certificate(s) of title of the proposed Lots 1 and 2 specifying access rights. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). (Western Australian Planning Commission)
6. The 9.7 metre length of right-of-way adjoining the north east boundary of proposed Lot 1 being widened by 1.0 metre and the entire right-of-way, including the widening is to be constructed and drained at the landowner/applicants cost along the rear boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the [Diagram or Plan of Survey (Deposited Plan) 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)
7. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with

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grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)

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

'The lot/s is/are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.' (Local Government)

9. *The land being filled, stabilised, drained and/or graded as required to ensure that:*

- (a) lots can accommodate their intended development;*
- (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
- (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.*

(Local Government)

10. *All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the*

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landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

11. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
12. *Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
13. *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)*
14. *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 to the lot(s) shown on the approved plan of subdivision. (Western Power)*

ADVICE:

1. *Main Roads Western Australia advises that:*
 - (a) *No earthworks are to encroach onto the road reserve;*
 - (b) *No stormwater drainage is to be discharged onto the road reserve; and*
 - (c) *The landowner/applicant should make good any damage to the existing verge vegetation within the Shepperton Road reservation, at their full expense.*

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2. *With regard to Condition 1, a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
3. *With regard to Condition 2, the Town of Victoria Park advises that given the size and shape of the proposed lots, and the development constraints that exist, the landowner/applicant is required to demonstrate via submission of a development application that the proposed lots can be developed in accordance with the relevant provisions of the Residential Design Codes and the Town of Victoria Park Town Planning Scheme No. 1. Such application is to be submitted and approved by the Town, and construction completed to plate height prior to the issue of any subdivision clearance.*
4. *With regard to Conditions 11, 12 and 13, 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 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
5. *With regard to Condition 14, Western Power provides only one underground point of electricity supply per freehold lot.*

7522.9.2

Request for Clearance of Condition 12 and Endorsement of Deposited Plan 69273

File 142459
Report Number SPC/829
Agenda Part G
Reporting Officer A/Planning Manager: Metropolitan Planning North East

Resolved

Moved by Ms McGowan, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to note the background to

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the issue arising in relation to the clearance of Condition 12 of WAPC 142459 and the endorsement of Deposited Plan 69273 for Lot 9067 The Broadway, Aveley.

The motion was put and carried.

7522.9.3

Proposed Rural Shed - Lot 102 West Swan Road Henley Brook

File	21-50449-1
Report Number	SPC/830
Agenda Part	G
Reporting Officer	A/Planning Manager Metropolitan Planning North East

Resolved

Moved by Mr Hiller, seconded by Mayor Aubrey

That the Western Australian Planning Commission resolves to refuse the application to commence development for the construction of a shed on Lot 102 West Swan Road Henley Brook 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 proposed development is inconsistent with the Swan Valley Interim Planning Policy whereby the development of shed above the 200m² total floor area in Area B of the Swan Valley Planning Act 1995 is not consistent with the aims of the policy to protect rural uses of the area;*

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4. *Approval of the proposed development would be inconsistent with the rural character of the area and would create a precedent for the introduction of development contrary to the objectives of the Swan Valley Planning Act 1995.*

The motion was put and carried.

7522.10 Policy Items for Discussion/Decision

Nil.

7522.11 Confidential Reports

7522.11.1 City of Canning - Town Planning Scheme No. 40 Amendment No. 192 - for Final Approval

File TPS/0936/1
Report Number SPC/831
Agenda Part B
Reporting Officer Planning Manager – Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7522.11.2 City of Armadale Town Planning Scheme No. 4 – Amendment 48 – for Final Approval

File TPS/0319/2
Report Number SPC/832
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7522.11.3 City of Stirling - Local Planning Scheme No. 3, Amendment No. 48 - for Final Approval

File TPS/1421
Report Number SPC/833
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

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7522.11.4 City of Fremantle - Local Planning Scheme Amendment 43 - for Final Approval

File TPS/0898
Report Number SPC/834
Agenda Part B
Reporting Officer Planning Manager - Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7522.11.5 Shire of Coorow - Local Planning Strategy and Local Planning Scheme No. 3 - for Final Approval

File TPS/1192/1
Report Number SPC/835
Agenda Part E
Reporting Officer Statutory Planning Manager, Central Regions

THIS ITEM IS CONFIDENTIAL

7522.11.6 Shire of Wyndham East Kimberley - Consent to Advertise Local Planning Scheme No. 9 and the Local Planning Strategy

File TPS 1344/1 and DP/10/00078/2
Report Number SPC/836
Agenda Part E
Reporting Officer A/Director Northern Regions

THIS ITEM IS CONFIDENTIAL

7522.12 Stakeholder Engagement and Site Visits

Nil.

7522.13 Urgent Business

Nil.

7522.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required
7510.7	Legal Services' review of delegations	Report to be presented to the Committee	TBA

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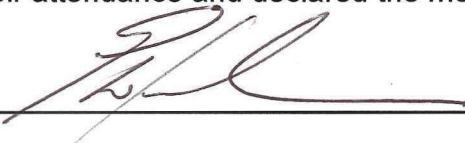
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| 7515.14.1 | DAP report | Establishment report to be TBA
presented to the Committee |
| 7517.14.1 | Building Codes | To be discussed at a future TBA
meeting of the Committee |
| 7517.14.2 | Sub-Regional
Planning Frameworks | A presentation to be made to the TBA
Committee at a future meeting |
| 7519.14.1 | Housing Choice by
Construction | Member Ian Holloway to present 26/05/2015
(20 minutes) to the next SPC
meeting |
| 75.22.14.1 | Aged Pension Housing | Discussion to be held at the 26/05/2015
meeting of 26 May 2015 |

7522.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 26 May 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.00 am.

PRESIDING MEMBER



DATE
