

Statutory Planning Committee

Minutes
of ordinary meeting 7525
held on Tuesday, 14 July 2015

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Mayor Russell Aubrey	Local government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	A/Director General, Department of Planning
Mr Ray Glickman	WAPC appointee
Mr Stephen Hiller	WAPC appointee
Mr Ian Holloway	Professions representative
Ms Elizabeth Taylor	Community representative

Officers

Ms Lindsay Baxter	A/Executive Director; Perth and Peel Planning
Ms Rebecca Fuller	Senior Planning Officer; Schemes and Amendments
Mr Scott Haine	Planning Manager; Perth and Peel Planning
Ms Lee O'Donohue	Manager; Schemes and Amendments
Mr Mat Selby	Planning Director, Metropolitan Central; Perth and Peel Planning

Presenters

Mr Chris Elliot	Madora Bay Singleton Community Group (item 6.1 for item 9.3)
Mr Craig Salt	Madora Bay Singleton Community Group (item 6.1 for item 9.3)
Mr Garry Brandli	CLE Town Planning & Urban Design (item 6.2 for item 9.3)
Ms Phillida Rodic	CLE Town Planning & Urban Design (item 6.2 for item 9.3)
Mr Craig Wallace	Lavan Legal (item 6.2 for item 9.3)
Mr Tony Free	City of Mandurah (item 6.3 for item 9.3)
Cr Caroline Knight	City of Mandurah (item 6.3 for item 9.3)
Mr George Arena	Scentre Group (item 6.4 for item 9.6)
Mr Sean Morrison	Urbis (item 6.4 for item 9.6)
Ms Karen Wright	Urbis (item 6.4 for item 9.6)
Mr Remo Formato	City of Stirling (item 6.5 for item 11.2)
Mr Fraser Henderson	City of Stirling (item 6.5 for item 11.2)
Cr David Lagan	City of Stirling (item 6.5 for item 11.2)

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7525.1 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.

7525.2 Apologies

Mr Martin Clifford Regional Minister's nominee (Deputy)

7525.3 Members on Leave of Absence and Applications for Leave of Absence

Ms McGowan had previously submitted a leave of absence for the 14 July 2015 Statutory Planning Committee meeting.

Mr Glickman submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 11 August 2015.

Resolved

Moved by Mr Holloway, seconded Ms Taylor

That the approval for a leave of absence be granted to Mr Glickman for the Statutory Planning Committee meeting to be held on 11 August 2015.

The motion was put and carried.

7525.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Mr Ray Glickman	7525.11.2	15	Impartiality
Ms Elizabeth Taylor	7525.11.5	19	Impartiality

Resolved

Unanimous agreement from all members

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Mr Glickman, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on item 7525.11.2, as the interest is insignificant and is unlikely to influence Mr Glickman's conduct in relation to the matter.

The motion was put and carried.

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Resolved

Unanimous agreement from all members

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Ms Taylor, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on item 7525.11.5, as the interest is insignificant and is unlikely to influence Ms Taylor's conduct in relation to the matter.

The motion was put and carried.

7525.5 Declaration of Due Consideration

No declarations were made.

7525.6 Deputations and Presentations

7525.6.1 Refusal of Outline Development Plan – Madora Bay North

Presenter Mr Craig Salt; Madora Bay Singleton Community Group

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

A copy has been placed on file.

7525.6.2 Refusal of Outline Development Plan – Madora Bay North

Presenter Ms Phillida Rodic; CLE Town Planning & Urban Design

Ms Rodic made a PowerPoint presentation to the Committee and answered questions from members.

A copy has been placed on file.

7525.6.3 Refusal of Outline Development Plan – Madora Bay North

Presenter Mr Tony Free; City of Mandurah

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

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7525.6.4 Endorsement Westfield Innaloo Detailed Area Plan

Presenter Ms Karen Wright; Urbis

Ms Wright made a PowerPoint presentation to the Committee and answered questions from members.

A copy has been placed on file.

7525.6.5 City of Stirling Local Planning Scheme No. 3 Amendment No. 32 – for Final Approval

Presenter Mr Fraser Henderson; City of Stirling

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

A copy has been placed on file.

Mr Holloway left the meeting at 10.27 am and returned at 10.30 am.

7525.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman announced to members the passing of Dr Russell Perry and noted his highly valued contribution to the Executive, Finance and Property Committee and to the Western Australian Planning Commission. A notice would be published in a forthcoming West Australian newspaper.

The Chairman also announced that at the last Western Australian Planning Commission meeting, it was resolved that a review would be carried out to obtain opinions from members regarding the current status of the Commission and its Committees. Copies of the Strategic Plan and Board Charter would be distributed to members.

7525.8 Confirmation of Minutes

7525.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 23 June 2015

Resolved

Moved by Mr Hiller, seconded by Mr Glickman

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 23 June 2015, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

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7525.9 Statutory Items for Decision

7525.9.1 Endorsement of Subdivision Guide Plan - Lot 7 Dunkeld Drive, Herron - City of Mandurah

File SPN/0757
Report Number SPC/852
Agenda Part C
Reporting Officer Planning Manager, Peel

Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. endorse the Subdivision Guide Plan (Plan ID: 7353-SUB-01-D) for Lot 7 Dunkeld Drive, Herron, subject to the following modifications:
 - a) notation 1 on the subdivision guide plan being modified to read:

'This plan shall be updated to incorporate building envelopes prior to subdivision.'
 - b) notation 6 on the subdivision guide plan being modified to read:

'An updated Fire Management Plan shall be approved by the Department of Fire and Emergency Services prior to subdivision.'
 - c) a notation being added to clarify that details on the SGP that relate to Rural zoned land are indicative only.
2. advise the City of Mandurah of its decision accordingly.

Resolved

Motion to defer

Moved by Ms Taylor, seconded by Mr Holloway

That the item relating to Endorsement of Subdivision Guide Plan - Lot 7 Dunkeld Drive, Herron - City of Mandurah as detailed in the

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report dated 23 June 2015 be deferred to the next meeting of the Statutory Planning Committee for further clarification on Amendment 121.

The motion to defer was put and carried.

7525.9.2

Madora Bay East Outline Development Plan - City of Mandurah Town Planning Scheme No. 3

File 25 June 2015
Report Number SPC/853
Agenda Part SPN/0662
Reporting Officer Planning Manager - Peel

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

- 1. endorse the proposed Madora Bay East Outline Development Plan (Drawing No. 2046-101D-01) dated 17 February 2015 (attached) subject to Notations 4 and 6 on the plan being deleted;*
- 2. advise the City of Mandurah of its decision accordingly.*

The motion was put and carried.

7525.9.3

Refusal of Outline Development Plan - Madora Bay North

File SPN/0628
Report Number SPC/854
Agenda Part C
Reporting Officer Planning Manager - Peel

Officer's Recommendation

That the Western Australian Planning Commission resolves to refuse to approve the Madora Bay North Outline Development Plan for the following reasons:

1. the proposed configuration and distribution of POS does not produce the optimum outcome in terms of achieving functional and useable POS;

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2. the provision of a large proportion of public open space along the northern boundary of the site is not adequately justified and provides only limited environmental benefit given that most of the vegetation on this land is mapped as being in a 'degraded' or 'completely degraded' condition;
3. the proposed Mixed Use sites do not correspond with an existing zone under Town Planning Scheme No.3;
4. the proposed variations to the land use permissibility provisions of the Commercial zone under Town Planning Scheme No.3 should be addressed via a proposed town planning scheme amendment rather than via an ODP provisions;
5. the boundary of the ODP extends beyond the Urban Development zone;
6. there is ambiguity between the ODP map and the related report (i.e. there is reference to the R12.5/20 in the ODP report but not on the ODP Map);
7. the statutory section of the ODP report does not adequately set out the proponent's obligations in respect of upgrading the existing intersection of Madora Beach Road and Mandurah Road and constructing a new signalised intersection at Mandurah Road.

Resolved

Moved by Mr Lumsden, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to endorse the Outline Development Plan as adopted by council, subject to the central east-west public open space being increased to a width of 100m as initially proposed by the proponent.

The motion was put and carried.

In accordance with clause 9.1(2) of the Standing Orders 2009, the reason for the decision made being significantly different from that recommended is due to members agreeing to approve the Madora Bay North Outline Development Plan with modification and recognising the provision of TPS No. 3.

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7525.9.4

Modification of Frasers Landing Outline Development Plan

File SPN/0719
Report Number SPC/855
Agenda Part C
Reporting Officer Planning Manager - Peel

Members agreed to remove recommendation 3 as it was deemed unnecessary.

Officer's Recommendation

That the Western Australian Planning Commission resolve to:

1. approve the modified Frasers Landing outline development plan, subject to the attached Schedule of Modifications;
2. advise the City of Mandurah of its decision;
3. advise the City of Mandurah that the WAPC is no longer prepared to approve local structure plans which contain provisions that seek to vary the provisions of the local planning scheme, as this is considered to be inconsistent with the process set out in Part 5 of the Planning and Development Act which relates to preparing and amending a local planning scheme.

Resolved

Moved by Mr Hiller, seconded by Ms Bartle

That the Western Australian Planning Commission resolve to:

1. *approve the modified Frasers Landing outline development plan, subject to the attached Schedule of Modifications;*
2. *advise the City of Mandurah of its decision.*

The motion was put and carried.

The Chairman indicated after the meeting that the above decision be revoked and that the item be deferred to a future meeting pending further information being provided in relation to statutory issues discussed in the officers report.

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7525.9.5

Endorsement Victoria Quay Commercial Precinct Plan and Fremantle Station Precinct Plan

File DP/12/011990/1
Report Number SPC/856
Agenda Part C
Reporting Officer Senior Planner Metropolitan Planning Central

Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. endorse the Victoria Quay Commercial Precinct Plan and the Fremantle Station Precinct Plan, subject to the following modifications:
 - i) A Regulatory Section to be included within each Precinct Plan to summarise key development requirements including urban structure, land use, public open space, built form design/building heights, pedestrian and cycling, public transport, access and parking and heritage protection, and to be prepared in consultation with the Department of Planning and the City of Fremantle.
 - ii) The Regulatory Section to refer to the requirements of the Signage and Way Finding Strategy (endorsed by the WAPC as part of the Fremantle Waterfront Project) and the Victoria Quay Signage Guidelines 2010.
 - iii) The Regulatory Section to stipulate that traffic studies will be a requirement of future development applications.
 - iv) The Regulatory Section to stipulate that the proposed new rail crossing is subject to the approval of the Office of Rail Safety.
 - v) The Regulatory Section to stipulate that future development applications will be assessed against State Planning Policy

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5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

- vi) The Regulatory Section to stipulate the requirement for an Implementation Plan to be prepared prior to the lodgement of development applications, that addresses staging and the process and responsibilities for delivery of the relevant elements, including funding arrangements, with a key commitment to delivering key public realm infrastructure.
 - vii) The Implementation Plan to address the requirements of Fremantle Ports, Fremantle City Council, the Public Transport Authority and the State Heritage Office.
 - viii) Development can proceed before the preparation of the Implementation Plan, if it can be demonstrated it will not impact on the delivery of the Implementation Plan.
 - ix) Building heights to be consistently referred to in storeys or in metres.
 - x) Discretionary Performance Criteria to reference the need to preserve the Fremantle Ports Administration Building as the landmark building in terms of height and scale, for the waterfront.
2. advise the City of Fremantle and the Fremantle Ports Authority of its decision accordingly.

Resolved

Motion to defer

Moved by Mr Hiller, seconded by Ms Bartle

That the item relating to Endorsement Victoria Quay Commercial Precinct Plan and Fremantle Station Precinct Plan as detailed in the report

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dated 29 June 2015 be deferred to the next meeting of the Statutory Planning Committee to obtain further information and to allow the City of Fremantle to make a presentation on the item.

The motion was put and carried.

7525.9.6

Endorsement Westfield Innaloo Detailed Area Plan

File SPN/0572
Report Number SPC/857
Agenda Part C
Reporting Officer Senior Planner Metro Planning Central

Resolved

Moved by Ms Taylor, seconded by Mr Glickman

That the Statutory Planning Committee resolves to:

- 1. endorse the Westfield Innaloo Detailed Area Plan, subject to the schedule of modifications (in Attachment 12) in consultation with the Department of Planning and the Local Government;*
- 2. advise the City of Stirling of its decision accordingly.*

The motion was put and carried.

7525.9.7

Subdivision to Create Two Lots for Residential Purpose at Lot 450 No. 27 Wrexham Street, Bicton

File 151607
Report Number SPC/858
Agenda Part G
Reporting Officer Planning Officer - Metropolitan Planning Central

Members agreed to refuse the application because it is not consistent with the scheme provisions.

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 450 Wrexham Street as shown on the plan date stamped 18 March 2015 subject to the following conditions and advice:

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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 proposed lots 1 and 2 at the time of subdivision approval being demolished and materials removed from the lots. (Local Government).
2. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - a) Lots can accommodate their intended development; and
 - b) finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) storm water is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)
3. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision. (Local Government).
4. 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 lots shown on the approved plan of subdivision. (Western Power).
5. 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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6. 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).
7. The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation).

ADVICE:

1. In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.
2. In regard to Condition 4, Western Power provides only one underground point of electricity per freehold lot.
3. In regard to Conditions 5, 6 and 7, 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 the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.

Resolved

Moved by Mr Glickman, seconded by Mr Hiller

That the Western Australian Planning Commission resolves to refuse the application for subdivision of Lot 450 Wrexham Street as shown on the plan date stamped 18 March 2015 due to the following reasons:

1. *The proposed subdivision does not comply with the Western Australian Planning*

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Commission's Development Control Policy No. 2.2 'Residential Subdivision', Residential Design Codes 2013 or the City of Melville Community Planning Scheme No. 5 by reason that the proposed lots do not fulfil the minimum and average lot size requirements for the R17.5 density code as specified in Table 1 of the Residential Design Codes;

2. *The proposed subdivision does not comply with the minimum frontage requirements of the Residential Design Codes 2013 for the R17.5 density coding as specified by Table 1 of the Residential Design Codes.*

The motion was put and carried.

The votes were recorded as follows:-

For: Mr Lumsden, Mayor Aubrey, Ms Bartle,
Ms Burrows, Mr Glickman, Mr Hiller,
Mr Holloway

Against: Ms Taylor

7525.10 Policy Items for Discussion/Decision

Nil.

7525.11 Confidential Reports

7525.11.1 Shire of Murray - Local Planning Scheme No. 4 Amendment 283 - for Final Approval

File TPS/1422
Report Number SPC/859
Agenda Part B
Reporting Officer Planning Manager, Peel Planning

THIS ITEM IS CONFIDENTIAL

Moved to item 11.3.

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- 7525.11.2 City of Stirling Local Planning Scheme No. 3
Amendment No. 32 - for Final Approval**
File TPS/0973
Report Number SPC/860
Agenda Part B
Reporting Officer Planning Manager, Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

Mr Glickman left the meeting at 11.13 am and returned at 11.16 am

Moved to item 12.

- 7525.11.3 Shire of Murray - Local Planning Scheme Amendment
No. 4 - Amendment 273 - for Consent to Advertise**
File TPS/1480
Report Number SPC/861
Agenda Part E
Reporting Officer Planning Manager - Peel

THIS ITEM IS CONFIDENTIAL

- 7525.11.4 Shire of Gingin Local Planning Scheme No. 9
Amendment No. 3 for Final Approval**
File TPS/1340/1
Report Number SPC/862
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

- 7525.11.5 Consent to Advertise - Proposed Major Amendment to
the Canning Vale Outline Development Plan**
File SPN/0389M-2
Report Number SPC/863
Agenda Part C
Reporting Officer Manager - Metropolitan South East

THIS ITEM IS CONFIDENTIAL

Moved to item 11.2.

7525.12 Stakeholder Engagements & Site Visits

Nil.

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7525.13 Urgent Business

7525.13.1 Update on Policy Documents

Ms Burrows advised that an update on policy documents would be provided to members at an upcoming meeting.

7525.14 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
7515.14.1	Detailed Area Plan report	Establishment report to be presented to the Committee	TBA
7517.14.1	Building Codes	To be discussed at a future meeting of the Committee	TBA
7517.14.2	Sub-Regional Planning Frameworks	A presentation to be made to the Committee at a future meeting	TBA

7525.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 28 July 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.48 am.

PRESIDING MEMBER *Elizabeth Taylor*
DATE *28/07/2015*