

Statutory Planning Committee

Minutes
of ordinary meeting 7532
held on Tuesday 13 October 2015

Attendance

Members

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

Officers

Mr Cameron Bulstrode
Mr Shau Chong
Ms Vanessa Crispe
Mr Robert Cull
Ms Kym Davis
Mr Johan Gildenhuys
Mr Ben Harvey
Mr Robert Hodges
Ms Ingrid Lardicos
Mr David MacLennan

Department of Planning

Planning Director, Peel Planning
Principal Planning Officer, Perth and Peel Planning
Executive Assistant WAPC
Senior Planning Officer, Perth and Peel Planning
A/Assistant Director General, Policy and Priority Initiatives
Planning Manager, Regional Planning and Strategy
Director, Policy and Research
Planning Manager, Metro Planning North East
Committee Support Officer
A/Assistant Director General, Regional Planning and Strategy
Manager, Schemes and Amendments
Planning Director, Metropolitan Central

Presenters

Mr Sean L'Estrange MLA	Member for Churchlands (Item 8.1)
Ms Keri Shannon	Coast Ward Ratepayer Association (Item 8.2)
Mr Ian Everett	CLE Town Planning and Design (Item 8.3)
Mr Jennifer Marschner	Architect (Item 8.3)
Mr Simon Withers	Mayor Town of Cambridge (Item 8.4)
Mr Terry Martin	Resident Town of Cambridge (Item 8.4)
Mr Jason Buckley	CEO Town of Cambridge (Item 8.4)
Mr Matt Burnett	Senior Strategic Planning Officer, Town of Cambridge (Item 8.4)
Mr Jamie Douglas	Manager Planning Services, Town of East Fremantle (Item 8.5)
Mr Eugene Ferraro	Town Planning Consultant (Item 8.5)

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Mr David Caddy	TPG Town Planning, Urban Design & Heritage (Item 8.6)
Mr Adrian Fini	Landowner (Item 8.6)
Mr Ben Dreckow	City of Mandurah (Item 8.7)
Cr Mark Elliott	City of Swan (Item 8.8)
Cr David Lucas	City of Swan (Item 8.8)
Mr Luke Martino	Indian Ocean Group (Item 8.9)
Mr Jeff Braddock	BPG Australia (Item 8.9)
Mr Tony Paduano	TPG Town Planning, Urban Design & Heritage (Item 8.9)
Mr Tim Trefry	RobertsDay (Item 8.10)
Mr Ryan Darby	RobertsDay (Item 8.10)
Ms Megan Buckland	LWP Property Group (Item 8.10)

Committee Support

Mrs Melanie Dawson Commission Support Officer

7532.1 Declaration of Opening

The Presiding Member declared the meeting open at 9:01 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7532.2 Apologies

Mayor Russell Aubrey Local government representative

7532.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7532.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ian Holloway	7532.11.7	21	Impartiality

Resolved

Moved by Ms Bartle, seconded by Ms McGowan

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Mr Holloway, who has disclosed an impartiality interest is permitted to participate in discussion but not vote on item 7532.11.7 Endorsement of Modification to Ellenbrook Town Centre Development Plan.

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The motion was put and carried.

7532.5 Declaration of Due Consideration

All members indicated that they had received and considered the agenda items before the meeting.

7532.6 Announcements by the Chairperson Without Discussion

Nil.

7532.7 Confirmation of Minutes

7532.7.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 22 September 2015

The members discussed a minor change to item 7531.11.2.

Resolved

Moved by Ms Taylor, seconded by Mr Clifford

That the amended minutes of the Statutory Planning Committee meeting held on Tuesday 22 October 2015, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7532.8 Deputations and Presentations

7532.8.1 Town of Cambridge – Local Planning Scheme No.1 Amendment 31 – for Final Approval (Item 11.6) Presenter Sean L'Estrange MLA, Member for Churchlands Nicola Milsom, Research Officer

Mr L'Estrange made a presentation to the Committee against the Amendment in its current form and answered questions from members.

7532.8.2 Town of Cambridge – Local Planning Scheme No.1 Amendment 31 – for Final Approval (Item 11.6) Presenter Keri Shannon, Coast Ward Ratepayer Association

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Ms Shannon made a presentation to the Committee against the Amendment.

- 7532.8.3 Town of Cambridge – Local Planning Scheme No.1
Amendment 31 – for Final Approval (Item 11.6)**
Presenters Ian Everett, CLE Town Planning and Design
 Jennifer Marschner, Architect

Mr Everett and Ms Marschner made a presentation to the Committee against the Amendment in its current form, proposed an alternative solution and answered questions from members.

- 7532.8.4 Town of Cambridge – Local Planning Scheme No.1
Amendment 31 – for Final Approval (Item 11.6)**
Presenter Simon Withers, Mayor Town of Cambridge
 Terry Martin, Resident Town of Cambridge
 Jason Buckley, CEO Town of Cambridge
 Matt Burnett, Senior Strategic Planning
 Officer, Town of Cambridge

Mr Withers, Mr Martin, Mr Buckley and Mr Burnett made a presentation to the Committee in support of the Amendment and answered questions from members.

- 7532.8.5 Town of East Fremantle Local Planning Strategy –
Submitted for Consent to Advertise (Item 9.4)**
Presenters Jamie Douglas, Manager Planning Services,
 Town of East Fremantle
 Eugene Ferraro, Town Planning Consultant

Mr Ferraro made a presentation to the Committee in support of the Local Planning Strategy.

- 7532.8.6 Application for Planning Approval for a Stairway at Lot
200 Bindaring Parade Claremont (Item 9.5)**
Presenters David Caddy, TPG Town Planning, Urban
 Design & Heritage
 Adrian Fini, landowner

Mr Caddy and Mr Fini made a presentation to the Committee in support of the application and answered questions from members.

Mr Caddy and Mr Fini presented in support of the Alternative Recommendation as outlined in the report.

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- 7532.8.7** **City of Mandurah Town Planning Scheme No.3 – Amendment 121 – for Final Approval (Item 11.3)** (and in part Endorsement of Subdivision Guide Plan – Lot 7 Dunkeld Drive, Herron – City of Mandurah **Item 9.1**)
Presenter Ben Dreckow, City of Mandurah
- Mr Dreckow made a presentation to the Committee regarding City of Mandurah Town Planning Scheme No.3 – Amendment 121.
- 7532.8.8** **City of Swan – Local Planning Scheme No.17 – Amendment No.121 – Proposed Additional Use Multiple Dwellings, Guilford Hotel Site, James St, Guildford (Item 11.5)**
Presenters Cr Mark Elliott, City of Swan
 Cr David Lucas, City of Swan
- Cr Elliott and Cr Lucas made a presentation to the Committee in support of a two storey restriction on the additional use multiple dwellings and answered questions from members.
- 7532.8.9** **City of Swan – Local Planning Scheme No.17 – Amendment No.121 – Proposed Additional Use Multiple Dwellings, Guilford Hotel Site, James St, Guildford (Item 11.5)**
Presenters Luke Martino, Indian Ocean Group
 Jeff Braddock, BPG Australia
 Tony Paduano, TPG Town Planning, Urban Design & Heritage
- Mr Martino, Mr Braddock, Mr Paduano made a presentation to the Committee in support of the Amendment and answered questions from members.
- 7532.8.10** **Endorsement of Modification to Ellenbrook Town Centre Development Plan (Item 11.7)**
Presenter Tim Trefry, RobertsDay
 Ryan Darby, RobertsDay
 Megan Buckland, LWP Property Group
- Mr Darby and Mr Trefry made a presentation to the Committee on the Modification to Ellenbrook Town Centre Development Plan.
- 7532.8.11** **Residential Subdivision and Development on Lots Less than 100m2 (Item 11.1)**
Presenter Ben Harvey, Director Policy and Research, Department of Planning
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Mr Harvey made a presentation to the Committee and answered questions from members.

The members stopped for a break at 11:47 am and recommenced the meeting at 11: 56 am with all members present.

7532.9 Statutory Items for Decision

7532.9.1 Endorsement of Subdivision Guide Plan – Lot 7 Dunkeld Drive, Herron - City of Mandurah
File SPN/0757
Agenda Part C
Reporting Officer Planning Manager, Peel

Resolved

Moved by Ms Taylor, seconded by Ms McGowan

That the Statutory Planning Committee 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 Subdivision Guide Plan that relate to Rural zoned land are indicative only.*

2. *advise the City of Mandurah of its decision accordingly.*

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The motion was put and carried.

7532.9.2

Endorsement of a Local Structure Plan for Lot 9001 Forrest Street and River Road, Boddington

File SPN/0684
Agenda Part C
Reporting Officer Planning Manager (Peel region)

Officer's recommendation:

That the Statutory Planning Committee resolve to:

1. endorse the structure plan for Lot 9001 Forrest Street and River Road, Boddington, subject to the attached Schedule of Modifications; and
2. advise the Shire of Boddington of its decision.

Members were provided with further proposed revisions to 1.5.7 Natural Resource Management.

Resolved

Moved by Mr Glickman, seconded by Ms Taylor

That the Statutory Planning Committee resolve to:

1. *endorse the structure plan for Lot 9001 Forrest Street and River Road, Boddington, subject to the attached Schedule of Modifications subject to the change to 1.5.7(b) to read:*
 - a. *Within the Landscape Protections Areas shown on the endorsed Structure Plan, no clearing is permitted unless in accordance with clause 1.5.7(a) above.*
2. *advise the Shire of Boddington of its decision.*

The motion was put and carried.

Dissent from Mr Hiller

7532.9.3

Shire of Northampton Amendment 1 Kalbarri Townsite Strategy – Consent to Advertise

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File	DP/15/00172
Agenda Part	E
Reporting Officer	Manager - Statutory Planning, Central Regions

Resolved

Moved by Mr Glickman, seconded by Mr Hiller

That the Statutory Planning Committee resolves to:

- 1. certify that the Shire of Northampton - Amendment 1 Kalbarri Townsite Strategy is consistent with regulation 12A(3) of the Town Planning Regulations 1967 (as amended); and*
- 2. grant consent to advertise the Shire of Northampton - Amendment 1 Kalbarri Townsite Strategy in accordance with regulation 12B of the Town Planning Regulations 1967 (as amended).*

The motion was put and carried.

7532.9.4

Town of East Fremantle Local Planning Strategy – Submitted for Consent to Advertise

File	DP/13/00452
Agenda Part	E
Reporting Officer	Planning Manager, Schemes and Amendments

Officer's recommendations:

That the Statutory Planning Committee resolves to:

1. certify that the draft local planning strategy is consistent with Regulation 12A(3) of the Town Planning Regulations (as amended) subject to the modifications outlined in the attached Schedule of Modifications being undertaken prior to advertising; and
2. require the draft local planning strategy to be advertised for not less than 21 days

Members discussed the need for an appropriate heritage tool for retaining heritage buildings.

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Members acknowledged the deputation by the Town of East Fremantle and agreed that the WAPC Chairman could approve the modifications once they had been made so that the Strategy could be advertised.

Resolved

Moved by Ms Bartle, seconded by Ms Taylor

That the Statutory Planning Committee resolves to:

- 1. certify that the draft local planning strategy is consistent with Regulation 12A(3) of the Town Planning Regulations (as amended) subject to the modifications outlined in the attached Schedule of Modifications being undertaken prior to advertising including a modification that the Town of East Fremantle investigate an appropriate heritage tool for retaining heritage buildings, other than the heritage inventory;*
- 2. delegate responsibility to the WAPC Chairman to approve the modifications; and*
- 3. require the draft local planning strategy to be advertised for not less than 21 days;*

The motion was put and carried.

7532.9.5

Application for Planning Approval for a Stairway at Lot 200 Bindaring Parade Claremont

File 02-50002-3
Agenda Part C
Reporting Officer Senior Planner Metropolitan Central

Officer's recommendations:

That the Statutory Planning Committee in relation to the application for the construction of a wooden stairway at Lot 200 Bindaring Parade, Claremont resolves to refuse the application for the following reasons:

1. The proposed development is predominantly located over land reserved for Parks and Recreation and is therefore contrary to the purpose and intent of the Reservation and would prejudice future use of the

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reservation for recreation and conservation of the escarpment and foreshore;

2. The proposed development will adversely impact on the natural quality of land reserved for Parks and Recreation under the Metropolitan Region Scheme and is therefore contrary to the long term purpose and intent of the reservation; and
3. Approval to the development would set an undesirable precedent for similar development on surrounding lots along the escarpment and would be to the detriment of the long term and significant landscape value of the Freshwater Bay escarpment.

The members agreed to move the alternative recommendation as outlined in the report.

Resolved

Moved by Ms McGowan, seconded by Mr Clifford

That the Statutory Planning Committee in relation to the application for the construction of a wooden stairway at Lot 200 Bindaring Parade, Claremont resolves to:

1. *Refer the application to the Minister for Planning in accordance with clause 30 (a) (7) of the Metropolitan Region Scheme.*
2. *Requests the Minister for Planning to liaise with the Minister for Environment in relation to this application.*
3. *Requests the Minister for Planning to form a view on the application and advise the Western Australian Planning Commission to disregard the advice of the Swan River Trust and approve the subject application subject to the following conditions:*
 - a) *The stairway shall be removed in its entirety, including all related structures, from within the Parks and Recreation reserve and the area reinstated, if and when the Parks and Recreation reserve is purchased, or ceded to the Crown, to the*

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specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission.

- b) 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.*
- c) 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.*
- d) 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.*
- e) A geotechnical report undertaken by a suitably qualified and practising specialist to conform that that the stability of the escarpment will not be adversely impacted as a result of the stairway construction and any recommendations made in this geotechnical report to be implemented prior to construction to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission.*
- f) No further vegetation removal or disturbance to the natural and river park environment shall occur within the Swan River Trust Development Control Area or*

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the 'Parks and Recreation' Reserve.

ADVICE

1. *With regard to Condition b, 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 c, 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 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.*

The motion was put and carried.

7532.9.6

Development: Proposed Rural Shed - Lot 14 Gngara Road, Henley Brook

File 21-50458-1

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Agenda Part G
Reporting Officer Planning Manager, Metro Planning
North East, Perth and Peel Planning

Resolved

Moved by Mr Glickman, seconded by Mr Hiller

That the Statutory Planning Committee resolves to approve the application for the proposed development on Lot 14 Gnangara Road, Henley Brook subject to the following conditions and advice:

CONDITIONS:

1. *Development must be in accordance with the following plans:*
 - a. *Proposed Plan, Dwg No. 1 of 4, date stamped 17 June 2015;*
 - b. *Proposed Elevations 1 & 2, Dwg No. 2 of 4, date stamped 17 June 2015;*
 - c. *Proposed Elevations 3 & 4, Dwg No. 3 of 4, date stamped 17 June 2015; and*
 - d. *Proposed Site Plan, Dwg No. 4 of 4, date stamped 17 June 2015.*
2. *Storm water shall be contained on-site, or appropriately treated and connected to the local drainage system to the specifications of the City of Swan.*
3. *A Landscaping Plan addressing the screening of the proposed shed is to be prepared, implemented and maintained to the specifications of the City of Swan.*
4. *The shed shall only be used for domestic and/or rural purposes associated with the existing dwelling on the land, and not for human habitation.*
5. *The shed is to be constructed and finished in materials and colours reflecting the rural nature of the locality to the specifications of*

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the City of Swan.

ADVICE TO APPLICANT

1. *The subject land is partially located within the Henley Brook floodplain and may be susceptible to flood damage during major flood events.*

The motion was put and carried.

7532.9.7

Proposed Reduction in Boundary Setback for Rural Shed – Lot 116 (No. 151) Padbury Avenue, Millendon

File 21-50461-1
Agenda Part G
Reporting Officer Planning Officer

Resolved

Moved by Mr Glickman, seconded by Mr Hiller

That the Statutory Planning Committee resolves to retrospectively approve the application for development, subject to the following conditions:

1. *Development must be in accordance with the following plans:*
 - a. *Site Plan, Drg No. VS-5-2009-1, date stamped 5 Aug 2015;*
 - b. *Plan, Drg No. VS-5-2009-2, date stamped 5 Aug 2015; and*
 - c. *Structural Details, Drg No. VS-5-2009-7, date stamped 5 Aug 2015.*
2. *Stormwater must be contained on-site, or appropriately treated and connected to the local drainage system to the specifications of the City of Swan.*
3. *The lean-to must only be used for domestic and/or rural purposes associated with the existing dwelling on the land and not for human habitation.*
4. *Development being wholly contained within the property boundaries of Lot 116 (No. 151) Padbury Avenue, Millendon.*

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The motion was put and carried.

7532.10 Policy Items for Discussion/Decision

Nil.

7532.11 Confidential Reports

7532.11.1 Residential Subdivision and Development on Lots Less than 100m²

File DP/14/000301/1
Agenda Part A
Reporting Officer Director Policy and Research

THIS ITEM IS CONFIDENTIAL

Moved to item 7532.11.8.

7532.11.2 City of Cockburn – Consolidation of Town Planning Scheme No. 3

File TPS/1644
Agenda Part B
Reporting Officer Planning Manager

THIS ITEM IS CONFIDENTIAL

7532.11.3 City of Mandurah Town Planning Scheme No.3 - Amendment 121 – for Final Approval

File TPS/1159/2
Agenda Part B
Reporting Officer Planning Manager, Peel

THIS ITEM IS CONFIDENTIAL

7532.11.4 City of Subiaco Town Planning Scheme No. 4 - Amendment 23 – for Final Approval

File TPS/1360
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7532.11.5 City of Swan - Local Planning Scheme No. 17 - Amendment No. 121 – Proposed Additional Use

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Multiple Dwellings, Guildford Hotel Site, James St Guildford

File TPS/1555
Agenda Part B
Reporting Officer Planning Manager, Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

7532.11.6 Town of Cambridge - Local Planning Scheme No. 1 Amendment 31 – for Final Approval

File TPS/1624
Agenda Part B
Reporting Officer Planning Manager - Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

7532.11.7 Endorsement of Modification to Ellenbrook Town Centre Development Plan

File SPN/0342/M
Agenda Part C
Reporting Officer Planning Manager, Metro Planning
North East, Perth and Peel Planning

THIS ITEM IS CONFIDENTIAL

7532.11.8 Amendment No. 69 to the Shire of Carnarvon Town Planning Scheme No. 10 – for Approval

File TPS/1504
Agenda Part E
Reporting Officer Statutory Planning Manager, Central
Regions

THIS ITEM IS CONFIDENTIAL

7532.11.9 City of Karratha Draft Local Planning Strategy – Consent to Advertise

File DP/15/00337/1
Agenda Part E
Reporting Officer Senior Planning Officer

THIS ITEM IS CONFIDENTIAL

Moved to item 7532.11.5.

7532.11.10 City of Stirling - Local Planning Scheme Amendment 53

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– for Final Approval

File TPS/1443/1
Agenda Part E
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7532.11.11 Shire of Irwin Local Planning Strategy - Consent to Advertise

File DP/15/00239/1
Agenda Part E
Reporting Officer Manager Statutory Planning

THIS ITEM IS CONFIDENTIAL

7532.11.12 Shire of Northampton Horrocks Beach Local Planning Strategy – for Final Endorsement

File DP/09/00777/1
Agenda Part E
Reporting Officer Statutory Planning Manager - Central Regions

THIS ITEM IS CONFIDENTIAL

7532.11.13 City of Albany, Subdivision to Create 4 Lot(s) for Conservation Purpose

File 151916
Agenda Part G
Reporting Officer Senior Planning Officer, Great Southern Planning Office, Regional Planning and Strategy

THIS ITEM IS CONFIDENTIAL

7532.12 Stakeholder Engagement and Site Visits

Nil.

7532.13 Urgent or Other Business

7532.13.1 The Chair noted that this would be the last Statutory Planning Committee meeting for Mr Clifford. The Committee thanked Mr Clifford for his work.

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7532.14 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
7527.9.1	Proposed "Lifestyle Village" (Park Home Park) Within the Jandakot Groundwater Protection Policy Area	Report to be presented to the Committee on 'retirement villages' and the DOP's policy setting in regards to land use and the policy/merit discussion.	TBA
7531.14.1	SAT Applications	The Members are to be advised of the current applications before SAT and requests for reconsideration. The current exercise of delegated authority is to be reconsidered at the next Committee's Policy meeting.	27 October 2015

7532.15 Closure

The next meeting is scheduled for 9:00 am on Tuesday 27 October 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 1:10 pm.

PRESIDING MEMBER



DATE
