

Statutory Planning Committee

Minutes
of ordinary meeting 7543
held on Tuesday 26 April 2016

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Ms Megan Adair	WAPC appointee
Mayor Russell Aubrey	Local government representative
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

Ms Lindsay Baxter	Planning Director, Metro Planning South East
Ms Kerrine Blenkinsop	WAPC Secretary
Ms Vanessa Crispe	Executive Assistant, WAPC
Mrs Melanie Dawson	A/Commission Support Manager
Mr Stephen Ferguson	Senior Solicitor, Legislative and Legal Services
Mr Glen Finn	A/Assistant Director General, Perth and Peel Planning
Mr Ben Harvey	Director, Policy and Research
Mr Emille van Heyningen	A/Planning Director, Metro North West
Mr David MacLennan	Assistant Director General, Policy & Priority Initiatives
Ms Vivienne Panizza	Planning Manager, Policy Development and Review
Mr Michael Schramm	A/Assistant Director General, Regional Planning
Mr Philip Woodward	Planning Director, Northern Regions
Mr Wayne Zimmerman	Planning Director, Statutory Policy Implementation

Presenters

Mr Aaron Lohman	Rowe Group ^{Item 8.1}
Mr Ray Haeren	Urbis ^{Item 8.2}
Mr Stephen White	Universal Property ^{Item 8.2}
Mr Nigel Oakey	The Dome Café Group ^{Item 8.3}
Ms Stephanie Norgaard	Urbis ^{Item 8.3}
Mr Tayne Evershed	Planning Solutions (Town Planning Consultant) ^{Item 8.4}
Mr Nick Allengame	Pindan (proponent) ^{Item 8.4}
Mr Jordan Ennis	Pindan (proponent) ^{Item 8.4}
Mr Dale Newsome	Strategen (Environmental Consultant) ^{Item 8.4}
Mr Ian Yull	Chevron Australia Pty Ltd ^{Item 8.5}
Mr Sam Cutt	Chevron Australia Pty Ltd ^{Item 8.5}
Ms Belinda Moharich	Moharich & More ^{Item 8.5}

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Committee Support

Mrs Irene Obales

Commission Support Officer

7543.1 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.

7543.2 Apologies

Ms Sue Burrows

WAPC appointee

7543.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7543.4 Disclosure of Interests

Nil.

7543.5 Declaration of Due Consideration

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

7543.6 Announcements by the Chairperson of the Board and Communication from the WAPC

Nil.

7543.7 Confirmation of Minutes

7543.7.1 Amendments to the Minutes of the Statutory Planning Committee meeting held on Tuesday 12 April 2016

A motion was moved to amend the minutes from SPC Meeting No. 7542 for the following item:

Item 9.3 Subdivision to Create Two (2) Lots for Residential Purposes – Lot 27 (No. 4) Pleasant Grove Circle, Falcon, Resolution was moved by Mr Glickman, seconded by Ms Taylor.

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Resolved

Moved by Mayor Aubrey, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on Tuesday 12 April 2016 as amended, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7543.8 Deputations and Presentations

7543.8.1 Consideration of Hatch Court – Stirling Crescent Local Structure Plan (Item 9.1)

Presenter Mr Aaron Lohman, Rowe Group

Mr Lohman made a presentation to the Committee in support of the structure plan.

7543.8.2 Modification of Byford Town Centre Local Structure Plan (Item 9.3)

Presenter Mr Ray Haeren, Urbis
Mr Stephen White, Universal Property

Mr Haeren and Mr White made a presentation to the Committee in support of the modification of Byford Town Centre Local Structure Plan and answered questions from members.

A copy has been placed on file.

7543.8.3 Modification of Byford Town Centre Local Structure Plan (Item 9.3)

Presenter Mr Nigel Oakey, The Dome Café Group
Ms Stephanie Norgaard, Urbis

Mr Oakey made a presentation to the Committee in support of the modification of Byford Town Centre Local Structure Plan and answered questions from members.

A copy has been placed on file.

7543.8.4 Subdivision to Create 75 Lots for Residential Purposes – Lots 1 and 206 Winston Crescent and Lots 210-213 Bernley Drive, Viveash (Item 9.4)

Presenter Mr Dale Newsome, Strategen
Mr Nick Allengame, Pindan
Mr Jordan Ennis, Pindan

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Tayne Evershed, Planning Solutions

Mr Newsome made a presentation to the Committee in support of the subdivision and answered questions from members.

7543.8.5

Ashburton North Strategic Industrial Area Improvement Scheme No. 1 – For Final Approval (Item 11.4)

Presenter Mr Ian Yull, Chevron Australia Pty Ltd
Mr Sam Cutt, Chevron Australia Pty Ltd
Ms Belinda Moharich, Moharich & More

Mr Yull and Ms Moharich made a presentation to the Committee in support of the scheme and answered questions from members.

A copy has been placed on file.

7543.9 Statutory Items for Decision

7543.9.1

Consideration of Hatch Court – Stirling Crescent Local Structure Plan

File SPN/0539/1
Agenda Part C
Reporting Officer A/Planning Manager, Metropolitan Planning North East

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Statutory Planning Committee resolves to refuse the Hatch Court - Stirling Crescent Local Structure Plan for the following reasons:

- 1. The proposal has not demonstrated an adequate separation and interface between industrial and sensitive land uses and will result in the introduction of sensitive land uses adjacent to existing industrial uses, which is not consistent with State Planning Policy 1 - State Planning Framework Policy (SPP 1) and State Planning Policy 4.1 - State Industrial Buffer Policy (SPP 4.1) which aim to avoid land use conflict between incompatible uses.*
- 2. The proposed local structure plan is in*

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conflict with the proposed Amendment No. 80 to the Shire of Kalamunda Local Planning Scheme No.3 which has been initiated by the Shire and proposes to rezone the land to Light Industry. Supporting the proposed local structure plan in order to facilitate residential development may prejudice the decision of the Minister for Planning on the proposed amendment.

3. *The proposal results in residential development within the 25-30 Australian Noise Exposure Forecast (ANEF) in the vicinity of Perth Airport and residential development with a density greater than R20 within the 20-25 ANEF which is not consistent with State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport.*
4. *A noise assessment has not been undertaken to determine the impact existing industrial uses have on the proposed sensitive land use.*

The motion was put and carried.

7543.9.2

Consideration Of North Two Rocks Local Structure Plan No.91

File	SPN/0497
Agenda Part	C
Reporting Officer	Senior Planning Officer, Metro Planning North West

Resolved

Moved by Mr Glickman, seconded by Mr Hiller

That the Statutory Planning Committee resolves to:

1. *note the North Two Rocks Local Structure Plan is not consistent with State Planning Policy 2.6 State Coastal Planning Policy;*
2. *require that the North Two Rocks Local Structure Plan No. 91, dated June 2014, be modified in accordance with the*

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schedule of modifications appended as Attachment 6 before final approval is given; and

3. *following the completion of the modifications, upon approval of the structure plan, the approval shall be valid for a period of 10 years.*

The motion was put and carried.

7543.9.3

Modification Of Byford Town Centre Local Structure Plan

File	SPN/0098M-2
Agenda Part	C
Reporting Officer	Planning Manager, Metropolitan South-East

Officer's recommendations:

That the Statutory Planning Committee resolves to:

1. Refuse the modification to the Byford Town Centre Local Structure Plan in accordance with Clause 22(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - (a) The development does not comply with State Planning Policy 2.9 - Water Resources as it does not:
 - (i) protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values; and
 - (ii) promote and assist in the management and sustainable use of water resources.
 - (b) The proposal is contrary to, and would undermine the following objectives of the Byford Town Centre LSP:
 - (i) Provide land for public purposes,
 - (ii) Provide for an appropriate distribution of active and passive

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- public open space; and
 - (iii) Provide for the sensitive incorporation of cultural heritage and rural character elements.
- (c) The proposal is contrary to the following guiding principles of the Byford Town Centre LSP:
 - (i) Identifiable character and distinct sense of place,
 - Natural, cultural and heritage features, landmarks and public art within the public realm contribute to sense of place,
 - A network of public space and open space corridors contribute to the rural and bushland feel of the area,
 - (ii) A place that capitalises on its environmental assets,
 - Existing natural assets such as mature and remnant vegetation and streams are central to public realm theming,
 - (iii) A Water Integrated Place,
 - Living streams and swales are a feature of the Town Centre and contribute to sense of place as well as perform a bio-retention and recreation role.
- (d) The reclassification of the site and its retention in private ownership is inconsistent with the implementation and expectations of the approved Development Contribution Arrangements as per State Planning Policy 3.6 - Development Contributions for Infrastructure.
- (e) The proposed development would prejudice the orderly and proper planning of the area as the ability to

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protect and promote the creekline and existing vegetation on the site, for the benefit of the public, will be compromised and contrary to the objectives of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, including:

- (i) to reserve land for future and present public use,
- (ii) to make provisions for the conservation and preservation of places of natural beauty, historic buildings and objects of history or scientific interest.

2. Advise the Shire of Serpentine Jarrahdale of its decision accordingly.

The members discussed the deputations and agreed to defer the item to enable discussion with the Shire and Department of Planning staff.

Resolved

Motion to defer

Moved by Mr Lumsden, seconded by Ms McGowan

That the item relating to Modification Of Byford Town Centre Local Structure Plan be deferred to enable discussion with the Shire and Department of Planning staff.

The motion was put and carried.

7543.9.4

Subdivision to Create 75 Lots for Residential Purposes – Lots 1 and 206 Winston Crescent and Lots 210-213 Bernley Drive, Viveash

File 153103
Agenda Part G
Reporting Officer A/Planning Manager, Metropolitan Planning North East

The members discussed the issues raised in the Officer's report, notably the comments by the Department of Fire & Emergency Services (DFES) with regards to bushfire risk and Department of Environment Regulation (DER) with regards to noise management. It was agreed that

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recommended conditions adequately addresses the concerns raised.

Resolved

Moved by Ms Taylor, seconded by Mr Glickman

That the Statutory Planning Committee resolves to approve the application for subdivision of Lots 1 and 206 Winston Crescent and Lots 210-213 Bernley Drive, Viveash as shown on the plan date-stamped 23 December 2015. This decision is valid for four years subject to the following conditions and advice:

CONDITIONS:

1. *The two areas of land shown as public open space are to be shown as pedestrian access ways on the deposited plan. (Western Australian Planning Commission)*
2. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.*

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

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3. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:*
 - a) *street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or*
 - b) *roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or*
 - c) *temporary turning areas are provided to those subdivisional roads that are subject to future extension to the satisfaction of the Western Australian Planning Commission. (Local Government)*
4. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission. The approved shared paths are to be constructed by the landowner/applicant. (Local Government)*
5. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy. (Local Government)*
6. *All pedestrian access way(s) within the subdivision being constructed and drained at the landowner/applicant's cost and shown on the diagram or plan of survey (deposited plan) as such and vested in the Crown under Section 152 of*

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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. *Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:*

- a) lots can accommodate their intended use; and*
- 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.*

(Local Government)

8. *Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Drainage and Water Management Plan. (Local Government)*

9. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

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10. *Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and*

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).

11. *Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government)*

12. *A management plan detailing how risk of erosion and sedimentation impacts into nearby water bodies will be minimised during subdivision is to be:*

- a) prepared by the landowner/applicant and approved prior to the commencement of subdivisional works; and*
- b) implemented during subdivisional works.*

(Department of Parks and Wildlife)

13. *Prior to the commencement of subdivision works a foreshore management plan for the Reg Bond Reserve and Billabong is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Department of Parks and Wildlife)*

14. *A bushfire management plan being*

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prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline for Planning in Bushfire Prone Areas, December 2015 to the specifications of the local government. (Local Government)

15. *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 lots are subject to a fire management plan.' (Local Government)

16. *Uniform fencing being constructed along the boundaries of all of the proposed lots abutting the pedestrian access ways. (Local Government)*

17. *An area of land at least 4,500m² in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation 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)*

18. *Local Development Plan(s) being prepared and approved for the lots shown on the approved plan of subdivision (attached) that address the noise impacts from the adjoining brick works facility to the satisfaction of the Western Australian Planning Commission. (Local Government)*

19. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lots advising of the*

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existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'This lot is in close proximity to brick works and may be adversely affected by virtue of noise and dust emissions from that facility.'

(Western Australian Planning Commission)

20. *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)*
21. *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)*
22. *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)*
23. *Arrangements being made to the satisfaction of the WAPC and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)*
24. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*

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ADVICE:

1. *In regard to Condition 2, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*
2. *Condition 8 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Department of Water 2008).*
3. *In regard to Condition 11, the landowner/applicant is required to make a contribution to the City of Swan in accordance with the City of Swan policy Pol-C-040 "Midland District Drainage Development Fund".*
4. *The landowner/applicant is advised that a separate approval will be required for works proposed in the Swan Canning Development Control Area under Part 5 of the Swan and Canning Rivers Management Act 2006.*
5. *With regard to Condition 17, provisions of section 153 of the Planning and Development Act 2005 provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government.*
6. *In regard to Condition 18, the requirements of the Local Development Plans should be informed by an Environmental Noise Assessment endorsed by the local government and/or*

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*the Department of Environment
Regulation.*

- 7. In regard to Conditions 20 & 21, 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.*
- 8. In regard to Condition 22, Western Power provides only one underground point of electricity supply per freehold lot.*
- 9. The landowner/applicant is advised that the Department of Environment and Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by Local Government.*

The motion was put and carried.

7543.10 Policy Items for Discussion/Decision

Nil.

7543.11 Confidential Items

**7543.11.1 Review Of Development Control Policies And Planning
Bulletins**
File DP/10/01648
Agenda Part A
Reporting Officer Director Statutory Policy
Implementation

THIS ITEM IS CONFIDENTIAL

7543.11.2 Seniors Housing- Facts And Challenges Discussion

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Paper

File DP/14/00327
Agenda Part Policy
Reporting Officer Project Manager- OLHS

THIS ITEM IS CONFIDENTIAL

7543.11.3 SPP 3.7 Planning In Bushfire Prone Areas – Various Administrative Amendments

File DP/12/01170
Agenda Part A
Reporting Officer Director Policy

THIS ITEM IS CONFIDENTIAL

7543.11.4 Ashburton North Strategic Industrial Area Improvement Scheme No. 1 – For Final Approval

File DP/14/00349/1
Agenda Part B
Reporting Officer Director – Northern Regions

THIS ITEM IS CONFIDENTIAL

7543.11.5 Shire Of Katanning Local Planning Scheme No. 5 – Examination Prior To Advertising

File TPS/1098
Agenda Part E
Reporting Officer Planning Manager - Great Southern

THIS ITEM IS CONFIDENTIAL

7543.12 Freedom of Information (FOI) Status Report

7543.13 WAPC Monthly Report

7543.14 The Landing Page

7543.15 Stakeholder engagement and site visits

7543.16 Urgent or Other Business

7543.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required
7527.9.1 (28 Jul 2015)	Proposed "Lifestyle Village" (Park Home Park) Within	Report to be presented to the Committee on 'retirement villages' and the DOP's policy setting in regard to	David MacLennan/ Ben Harvey

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	the Jandakot Groundwater Protection Policy Area	land use and the policy/ merit discussion. Members agreed that they were specifically looking at park home lifestyle villages which fall under the caravan park legislation, not the retirement village's legislation.	Mid 2016
7533.13.3 (27 Oct 2015)	Report Templates	Members discussed the report templates and agreed that they need to be revised.	David MacLennan May 2016
7541.9.5 (22 March 2016)	Addition of Deck to Existing Heritage Building – Kidogo Arthouse, Bather's Beach, Fremantle	Members agreed to defer the item to enable discussion between the State Heritage Office, Department of Planning and the applicant with regards to retrospective approval of the works that have been conducted.	Mathew Selby/ Date to be advised
7542.9.3 (12 April 2016)	Subdivision to Create Two (2) Lots for Residential Purposes – Lot 27 (No. 4) Pleasant Grove Circle, Falcon	Deferred	Cameron Bulstrode/ May 2016

7543.15 Meeting Closure

The next ordinary meeting is scheduled for 9:00 am on Tuesday 10 May 2016.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10:41 am.

PRESIDING MEMBER

Elizabeth Taylor

DATE

10th May 2016