



Statutory Planning Committee

Minutes

Meeting No. 7593
Tuesday, 17 July, 2018

- Members:
- Mr David Caddy - Chairman WAPC
 - Ms Megan Adair - WAPC Appointee
 - Ms Sue Burrows - Nominee of the Director General
 - Mr Ray Glickman - WAPC Appointee
 - Mr Steve Hiller - WAPC Appointee
 - Mr Ian Holloway - Professions representative
 - Ms Elizabeth Taylor - Local government representative
 - Mr Ross Thornton - Nominee of the Minister for Regional Development
- Others Present:
- Ms Victoria Brown, Senior Planning Officer, Metro Planning South East
 - Mr Rob Cull – Senior Planning Officer, Schemes and Amendments
 - Mr Michael Daymond – Planning Manager, Metro Planning Central North
 - Ms Jemma Douglas, Senior Planning Officer, Metro Planning North West
 - Ms Sam Fagan – Commission Support Manager
 - Ms Lisa Hall, Senior Planning Officer, Peel Region Scheme Project
 - Mr Scott Penford, Senior Planning Officer, South West Statutory Planning
 - Ms Eleanor Richards, Senior Planning Officer, Metro Planning North East
 - Mr Mike Schramm, Planning Director, South West Regions

1. Declaration of opening

The Chairman declared the meeting open at 9:25 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

2. Apologies

Nil.

3. Members on leave of absence and applications for leave of absence

Previously approved: Mr Ross Thornton - 14 August 2018

Ms Burrows made an application for a leave of absence for the Statutory Planning Committee from 31 August 2018 to 15 October 2018.

Moved by Mr Holloway
Seconded by Ms Taylor

That approval for a leave of absence for the SPC be granted to Ms Sue Burrows from 31 August 2018 to 15 October 2018.

The motion was put and carried

4. Disclosure of interests

Mr Caddy declared an impartiality interest in Item 10.2, City of South Perth Town Planning Scheme 6 Amendment No. 56 due to having spoken in favour of the amendment publically in his previous role. Mr Caddy declared that he would depart the meeting for Item 10.2, and take no part in discussion or voting on the item.

Mr Glickman declared an impartiality interest in Item 10.2, City of South Perth Town Planning Scheme 6 Amendment No. 56 due to a client owning an adjacent site. Mr Glickman declared that he would depart the meeting for Item 10.2, and take no part in discussion or voting on the item.

Ms Adair declared that she had received a telephone call from Mr Damien Giudici in relation to item 8.2, Proposed telecommunications infrastructure and lighting pole, Lot 14219 (17) Hamer Parade, Inglewood.

Due to Mr Caddy's disclosure of interest on Item 10.2 and in accordance with Clause 1.18 of the Standing Orders 2017, a member was chosen to preside over the meeting when Mr Caddy leaves the room during Item 10.2.

Moved by Mr Holloway
Seconded by Mr Glickman

That Ms Adair presides over the meeting in the absence of the Chairman for Item 10.2.

The motion was put and carried

5. Declaration of due consideration

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

6. Minutes

6.1 Confirmation of minutes from the previous Statutory Planning Committee meeting

Moved by Ms Taylor
Seconded by Mr Thornton

That the minutes of the SPC meeting held on 26 June 2018, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

6.2 Ratification of Out of Session Item - Subdivision to Create Eight Residential Lot(s) less than 100sqm and One Balance Lot in the Ellenbrook Town Centre

Moved by Ms Taylor
Seconded by Ms Adair

That the Statutory Planning Committee confirms it's out of session resolution as follows:

"That the Statutory Planning Committee resolves to approve the subdivision of Lot 9328 Hesperia Parade, Ellenbrook into eight lots of less than 100m², as shown on the plan dated 22 March 2018, for the following reasons:

- *The proposal is consistent with the endorsed amended Ellenbrook Town Centre Development Plan, which allows for 'Innovation Lots' to be accommodated within the Ellenbrook Town Centre;*
- *The proposal is considered to meet specific locational criteria identified in the draft Position Statement Housing on Lots Less than 100m² including:*
 - *Accommodates an entire street block end fronting Proclaim Avenue;*
 - *Directly abuts a large, constructed area of public open space;*
 - *Is located within an area which accommodates a diversity of lot sizes and configurations, where it will not be the predominant lot and development type;*
 - *Is located on land guided by an approved local structure plan;*
 - *Is within proximity of future public transport proposals (Morley- Ellenbrook Rail Line); and*
 - *Is within 800 metres of the Ellenbrook Central Shopping Centre.*

and subject to the following conditions:

CONDITION(S):

Movement Network

1. *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.*
2. *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).*
3. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods (Local Government).*
4. *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. *four embayment parking bays lost on Proclaim Avenue are re-located and constructed; and*
 - b. *the impacted services are relocated*

to the satisfaction of the Western Australian Planning Commission. (Local Government)

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)

Drainage

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

- 1. lots can accommodate their intended development; and*
- 2. 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*
- 3. stormwater is contained on-site, or appropriately treated and connected to the local drainage system (Local Government)*

Lot Design

Local Development Plan(s) being prepared and approved for all lots shown on the plan dated 22 March 2018 (attached) that address the following:

a) Vehicular access

b) Dwelling orientation

c) Outline all Residential Design Code variations applicable to the 'Innovation Area'.

to the satisfaction of the Western Australian Planning Commission. (Local Government)

The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply (Local Government).

Services

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)

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)

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)

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)

The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)

ADVICE:

1. *In regard to Condition/s 9, 10 and 11, 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.*
2. *In regard to Condition 12, Western Power provides only one underground point of electricity supply per freehold lot."*

The motion was put and carried

7. Deputations and presentations

7.1 City of South Perth Town Planning Scheme No.6 - Amendment No.56 (Item 10.2)

Presenters from the City of South Perth: Ms Vicki Lummer, Director Development Services and Mr Aaron Augustson, Senior Strategic Planning Officer

Ms Lummer and Mr Augustson presented to the Committee in favour of Amendment No. 56 to the City of South Perth Town Planning Scheme No. 6 and answered questions from members.

Ms Lummer advised members that the Local Planning Scheme is in the consultation stage and should be considered by council in August 2018, whilst the Activity Centre Plan should be considered by council in September 2018.

The City of South Perth has formed a stakeholder engagement group, which includes developers, local businesses and community groups.

Members raised concerns in relation to traffic movement, access and parking. Mr Augustson advised that Main Roads have been included in the consultation process to date and will work with the city of South Perth and the applicant.

A copy of the PowerPoint presentation has been placed on file.

7.2 Proposed telecommunication infrastructure and lighting pole, Lot 14219 (17) Hamer Parade, Inglewood (Item 8.2)

Presenters: Mr Damien Giudici and Ms Bianca Sandri, Inglewood Residents

Mr Giudici and Ms Sandri presented to the Committee against the recommendation from the Department of Planning, Lands and Heritage and answered questions from members.

Mr Giudici advised that the proposed telecommunication infrastructure and lighting pole would adversely impact on the visual character of the residential area. Mr Giudici identified alternative sites that would be less visually intrusive to the residents.

Ms Sandri requested that the SPC defer the item in order for the City of Stirling to discuss alternative locations with Telstra.

A copy of the PowerPoint presentation has been placed on file.

7.3 Proposed Subdivision (Amalgamation) of Eight Lots into Two Lots - Lots 405, 406, 407, 500 and 511 Great Eastern Hwy and Lots 498 and 499 Blackburn Road, Bellevue (Item 8.3)

Presenters: Mr Tim Dawkins, Urbis and Mr Geoff Loxton, Property Development Solutions

Mr Dawkins and Mr Loxton presented to the Committee in favour of the application for Proposed Subdivision (Amalgamation) of Eight Lots into Two Lots - Lots 405, 406, 407, 500 and 511 Great Eastern Hwy and Lots 498 and 499 Blackburn Road, Bellevue and answered members questions.

Messrs Dawkins and Loxton provided members with an outline of the applications timeline and development progress.

The purpose of the subdivision application is to have one lot for the Darling Range Hotel and one lot for the petrol station and commercial development.

Members raised concerns for the fate of the Moreton Bay Fig Tree and were advised that the applicant intends to keep the tree in place.

Members also raised concerns in relation to vehicle access and parking.

A copy of the PowerPoint presentation has been placed on file.

7.4 Proposed Subdivision - Lot 2002 Marina Quay Drive, Erskine (Item 8.4)

Presenters: Ms Annette Walker and Mr Geoff Hart-Davies, Mandurah Quay Home Owners Association Inc. (MQHOA)

Ms Walker presented to the Committee against the Proposed Subdivision - Lot 2002 Marina Quay drive, Erskine and answered questions from members.

Ms Walker provided the members with a brief history of the jetty licence and requested that the Committee refuse the subdivision application unless the Mandurah Quay Home Owners Association Inc's proprietary rights can be protected.

7.5 Proposed Subdivision - Lot 2002 Marina Quay Drive, Erskine (Item 8.4)

Presenters: Mr Paul Cunningham, Rowe Group and Mr Chris Carman, Benchmark Projects Australasia

Mr Cunningham and Mr Carman presented to the Committee in favour of the application for Proposed Subdivision - Lot 2002 Marina Quay Drive, Erskine and answered questions from members.

Messrs Cunningham and Carman advised the Committee that the Mandurah Quay Home Owners Association Inc (MQHOA) have a perception that they have certain rights to access the jetty, however the former caveat has been discharged, the jetty is a private facility required to be maintained by the current licence holder and there is no requirement for the current licence holder to allow access to residents.

When the caveat was lifted, a 28 day period was granted for the MQHOA to object and no objection was lodged.

This subdivision application has no impact on the jetty licence.

7.6 Reconsideration of a Condition of Subdivision – Developer Contributions (Item 10.1)

Presenters: Mr Frank Arangio, Creative Design + Planning and Mr Tony Aleksovski, Mirvac (WA) Pty Ltd

Mr Arangio and Mr Aleksovski presented to the committee in support of the application for Reconsideration of a Condition of Subdivision - Developer Contributions and answered members questions.

Mr Aleksovski provided the Committee with details of the developer contributions paid by Mirvac (WA) Pty Ltd to the City of Swan to date.

Mr Aleksovski suggested that an officer of the Department of Planning, Lands and Heritage should be responsible for resolving the DCP issues as currently housing lot affordability in the City of Swan is in grave danger due to the amount of development contributions developers are required to pay.

Developers are constructing and delivering the requested infrastructure.

A copy of the PowerPoint presentation has been placed on file.

7.7 Reconsideration of a Condition of Subdivision – Developer Contributions (Item 10.1)

Presenter: Mr Philip Russell, City of Swan

Mr Russell presented to the Committee against changing the existing approved DCP condition and answered questions from members.

Mr Russell advised members that:

- The City of Swan (CoS) is working proactively with developers;
- The CoS and Mirvac (WA) Pty Ltd have a contractual deed;
- The CoS has a charging caveat over the land;
- If developer contributions are not paid to the CoS, Mirvac (WA) Pty Ltd cannot develop;
- Having a deed in place is important, otherwise developers may promise to deliver infrastructure, then sell the land and the new owners may not commit to delivering the promises of the previous owners.

Members raised concerns over the timeline of the DCP. Mr Russell advised that DCPs are extraordinarily complicated and the CoS have three or four that are being progressed at this time and the CoS is working to the best of their ability.

ITEMS FOR DECISION

8.1 Morley Activity Centre Plan

**Moved by Mr Glickman
Seconded by Ms Taylor**

That, in accordance with clause 38 (1)(a), Schedule 2 - Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the Statutory Planning Committee resolves to approve the Morley Activity Centre Plan, as modified and submitted on 30 May 2018.

The motion was put and carried

10.3 Shire of Boyup Brook Local Planning Strategy - Consent to Advertise

THIS ITEM IS CONFIDENTIAL

8.2 Proposed telecommunications infrastructure and lighting pole, Lot 14219 (17) Hamer Parade, Inglewood

Members were advised by Department of Planning, Lands and Heritage staff that should the new lighting pole be built in the currently intended position, the existing equipment shelters can remain. Should the lighting pole be placed in an alternative location, the existing equipment shelters would need to be relocated. The new structure will provide better service to the local residents, including 3G and 4G.

The members discussed the deputation and agreed to defer the item for one month to allow time for Telstra and the City of Stirling to discuss alternative locations for the telecommunications infrastructure and lighting pole.

Motion to defer

**Moved by Ms Burrows
Seconded by Ms Taylor**

That the item relating to Development application for telecommunications infrastructure and lighting pole at Lot 14219 (17) Hamer Parade, Inglewood as detailed in the report dated 17 July 2018 be deferred for one month, to allow for Telstra and the City of Stirling to discuss alternative locations for the telecommunications infrastructure and lighting pole.

The motion was put and carried

8.3 Proposed Subdivision (Amalgamation) of Eight Lots into Two Lots - Lots 405, 406, 407, 500 and 511 Great Eastern Hwy and Lots 498 and 499 Blackburn Road, Bellevue

Members discussed the deputation.

Members discussed the Moreton Bay Fig Tree's heritage listing.

Members agreed with the recommendation from the Department of Planning, Lands and Heritage, and agreed to amend the final sentence in condition number one from:

"No vehicular access is permitted to and from Great Eastern Highway and Horace Street." (Main Roads WA)

to:

"No vehicular access is permitted to and from Great Eastern Highway and Horace Street, with the exception of the 11m wide crossover approved by the Metropolitan North East Joint Development Assessment Panel on 7 July 2017" (WAPC on advice from Main Roads WA).

Moved by Mr Caddy
Seconded by Ms Adair

That the Statutory Planning Committee resolves to approve the application (in relation to the amalgamation of eight lots into two lots at Lots 405, 406, 407, 500, 501 & 511 (No.49) Great Eastern Highway and Lots 498 & 499 (No.49) Blackburn Road, Bellevue) subject to the following conditions:

1. 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 Great Eastern Highway and Horace Street being lodged on the certificates of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads WA, in accordance with the plan dated 22 June 2016 (attached) and the covenant is to specify:

"No vehicular access is permitted to and from Great Eastern Highway and Horace Street, with the exception of the 11m wide crossover approved by the Metropolitan North East Joint Development Assessment Panel on 7 July 2017" (WAPC on advice from Main Roads WA).

2. Easements in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public at large are to be placed on the certificates of title of proposed Lot 101 and Lot 102 specifying access rights. Notice of these easements are to be included on the diagram or plan of survey (deposited plan). The easements are to state as follows: "Easement in gross for public access to allow for coordinated vehicle and pedestrian access and car parking arrangements." (Local Government)

3. No earthworks shall encroach into the Great Eastern Highway road reservation. (Main Roads Western Australia)

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 lot(s) shown on the approved plan of subdivision. (Western Power)

5. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)

6. 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)

7. 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)

ADVICE:

1. In respect to Condition 3, the landowner applicant is advised to liaise with Main Roads Western Australia.

2. The landowner/applicant is advised that the subject site, including the existing Darling Range Hotel and the Moreton Bay Fig tree, is listed on the City of Swan Municipal Heritage Inventory. In respect of this, the City of Swan has recommended that a suitably qualified heritage consultant is engaged and is on site for the duration of any remediation works and that the existing Moreton Bay Fig tree is protected in accordance with AS 4970-2009.

3. In regard to Condition 4, Western Power provides only one underground point of electricity supply per freehold lot.

4. In regard to Conditions 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 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.

The motion was put and carried

8.4 Proposed Subdivision - Lot 2002 Marina Quay Drive, Erskine

Members discussed the deputation.

Members agreed with the recommendation from the Department of Planning, Lands and Heritage.

Moved by Mr Glickman
Seconded by Ms Taylor

That the Statutory Planning Committee resolves to approve the application for subdivision of Lot 2002 Marina Quay Drive, Erskine as shown on the plan date stamped 01 March 2018. This decision is valid for three years subject to the following conditions and advice:

CONDITIONS:

1. *Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government).*
2. *The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access between proposed Lots 1 and 2. (Local Government)*
3. *A pedestrian access way 'A', in accordance with the approved plan dated 1 March 2018 (attached) being shown on the diagram or plan of survey (deposited plan) as such 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)*
4. *A pedestrian access way 'B', in accordance with the approved plan dated 1 March 2018 (attached) being shown on the diagram or plan of survey (deposited plan) as such 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)*
5. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the 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:
'Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.' (Western Australian Planning Commission)*
6. *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)*
7. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision/plan dated 1 March 2018 (attached). (Western Power)*
8. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
9. *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)*
10. *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)*
11. *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. *It is noted that there are annotations on the submitted plan of subdivision stating that vegetation is to be cleared. No approval for the clearing of such vegetation should be implied by this subdivision approval. The applicant is advised to liaise with the local government in respect to Condition 1 relating to measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention.*
2. *In regard to Condition 6, Western Power provides only one underground point of electricity supply per freehold lot.*
3. *In regard to Conditions 9 and 10, 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.*

The motion was put and carried

10.1 Reconsideration of a Condition of Subdivision - Developer Contributions

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11. Reports for noting

Nil.

12. Stakeholder engagement and site visits

Nil.

13. Urgent or other business

Nil.

14. Items for consideration at a future meeting

As at 17 July 2018.

ITEMS FOR DECISION

10.2 City of South Perth Town Planning Scheme No.6 - Amendment No.56

Mr Glickman declared a conflict on this item (Impartiality), left the meeting at 11:46 am and did not return to the meeting.

Mr Caddy declared a conflict on this item (Impartiality) and left the meeting at 11:46 am.

Ms Adair presided over the meeting in the absence of the Chairman.

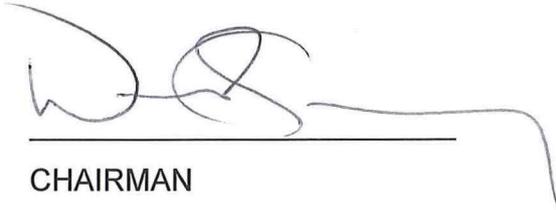
THIS ITEM IS CONFIDENTIAL

Mr Caddy joined the meeting at 12:02 pm.

15. Meeting closure

The next ordinary meeting is scheduled for 9:30 am on Tuesday, 31 July 2018.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 12:02 pm.



CHAIRMAN

02.08.2018

DATE