



Statutory Planning Committee

Minutes

Meeting No. 7661
Tuesday, 20 July, 2021

- Members:**
- David Caddy - Chairman WAPC
 - Lynne Craigie - Nominee of the Regional Minister
 - Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage
 - Kym Davis - Community Representative
 - Lino Iacomella - WAPC Appointee
 - Leonard Kosova - Local Government Representative
 - Nina Lyhne - WAPC Appointee
 - Marion Thompson - Professions Representative
 - Ross Thornton - WAPC Appointee
- Others present:**
- Emily Berry - Planning Officer, Metro Central North
 - David Carter - Senior Planning Officer, Metro South East
 - Garrett Chivell - Planning Manager, Schemes and Amendments
 - Chau Chong - Principal Planning Officer, Schemes and Amendments
 - Andrew Cook - Planning Manager, Metro North East
 - Mike Critch - Senior Planning Officer, Reform, Design and State Assessment
 - Leah Elliott - Senior Planning Officer, Schemes and Amendments
 - Sam Fagan - Manager, Commission Business
 - Sally Grebe - Director, Planning Appeals, Reform, Design and State Assessment
 - Ben Hesketh - Planning Manager, Metro Central North
 - Poppy Justice - Commission Support Officer
 - Darren Leicester - Planning Officer, Metro Central North
 - Tim Leishman - Senior Planning Officer, Regional South East
 - Nicole Lucas-Smith - Planning Director, Metro South & Peel
 - Nina Lytton - Senior Planning Officer, Metro Central North
 - Danielle Matthews - Senior Planning Officer, Metro North East
 - Rohan Miller - Planning Director, Schemes and Amendments and Administration
 - Irene Obales - Commission Support Officer
 - Frances Page-Croft - Senior Planning Officer, Metro South East
 - David Sands - Senior Planning Officer, Metro North East
 - Will Schaefer - Manager Strategy, Metro Central North
 - Ryan Shaw - Senior Planning Officer, Reform, Design and State Assessment

1. Declaration of opening

The Chairman declared the meeting open at 9:25 am, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place, welcomed members and acknowledged the majority of members were attending the meeting via Zoom video conference. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

2. Apologies

Nil.

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

Nil.

4. Disclosure of interests

Mr Kosova declared Actual Indirect Pecuniary Interests on Item 8.2 - City of Nedlands - Parking Local Planning Policy - Request to Modify Deemed-to-Comply Provisions of R-Codes and Item 9.3 - Section 31 SAT Reconsideration Byford Structure Plan Amendment Modifications - Lot 2 South Western Hwy, Byford. Mr Kosova informed members that the City of Nedlands and the Shire of Serpentine-Jarrahdale are both clients of his consultancy, LK Advisory. Mr Kosova stated that he has not had any involvement or discussion with either the City of Nedlands or Shire of Serpentine-Jarrahdale in respect of the two agenda items. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the items as this is unlikely to influence Mr Kosova's conduct in relation to the items.

5. Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Statutory Planning Committee meeting.

5.1 Questions from members and responses from DPLH Staff provided prior to the meeting

All members indicated that they had received and considered the agenda items prior to the Statutory Planning Committee meeting.

6. Minutes

6.1 Proposed amendment to the minutes of Meeting No. 7660 on Tuesday, 29 June 2021

A motion was moved to amend the minutes from the Statutory Planning Committee Meeting No. 7660 held on 29 June 2021 for agenda Item 8.2 - Shire of Serpentine-Jarrahdale Local Development Plans – Variations under Clause 7.3.2 of the Residential Design Codes as follows:

That the word 'R30' needs to be corrected to say 'R20' in the second sentence of the second paragraph of the minutes.

**Moved by Mr Iacomella
Seconded by Ms Craigie**

That the Statutory Planning Committee resolves to amend the minutes for agenda Item 8.2 - Shire of Serpentine-Jarrahdale Local Development Plans – Variations under Clause 7.3.2 of the Residential Design Codes as follows:

That the word 'R30' needs to be corrected to say 'R20' in the second sentence of the second paragraph of the minutes.

The motion was put and carried

6.2 Confirmation of minutes - Meeting No. 7660 on Tuesday, 29 June 2021

**Moved by Ms Thompson
Seconded by Mr Iacomella**

That the minutes of the Statutory Planning Committee meeting held on 29 June 2021 as amended, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 Subdivision - Lot 108 (No. 45) Irvine Street, Peppermint Grove (Item 8.3)

Presenters: David Read - element and Leigh Ferguson - Landowner

Mr Read made a presentation to the Committee against the recommendation of the Department of Planning, Lands and Heritage.

Mr Read expressed that the proposed widening for the east west right-of-way can be accommodated but stated that the proposed widening of the north south right-of-way can cause significant concern. Mr Read informed members that a development approval has been issued on Lot 2 on the western boundary, but will be required to be removed. Mr Read stated that the Shire's proposed laneway policy is strongly opposed by the community.

Mr Read expressed his objection to the north-south laneway widening outlining that there is no community benefit for it as it will always be a single width carriageway. Mr Read highlighted that the Shire did not request the widening of this right-of-way and that he is seeking the removal of widening for north-south right-of-way.

Mr Read answered questions from members.

7.2 Subdivision - Lot 108 (No. 45) Irvine Street, Peppermint Grove (Item 8.3)

7.3 Subdivision - Lot 84 (No. 153) Forrest Street, Peppermint Grove (Item 8.4)

Presenters: Ross Montgomery - Manager Development Services, Shire of Peppermint Grove; Don Burnett - Chief Executive Officer, Shire of Peppermint Grove and Michael Stocco - Planning and Administration Officer, Shire of Peppermint Grove

Mr Montgomery made a presentation to the Committee on Item 8.3 - Subdivision - Lot 108 (No. 45) Irvine Street, Peppermint Grove and Item 8.4 - Subdivision - Lot 84 (No. 153) Forrest Street, Peppermint Grove.

Mr Montgomery provided an overview of the working partnership of the Shire and the Commission in managing infill subdivision for single residential development since the 1960's. Mr Montgomery discussed the WAPC policy that allows infill rear lots to be created without a 3.5 metre access leg for the driveway connection to the gazetted road. Mr Montgomery stated that the Commission had consistently supported the Shire's right-of-way system and its request for widening, usually to the policy standard of 4.27 metres. Mr Montgomery expressed that the Department of Planning, Lands and Heritage's reports do not expand on the extent of the past practice of requiring 4.27 metres to be ceded for infill rear lot residential subdivision.

Mr Montgomery presented a plan showing the extent of land that has already been ceded to the Crown, which shows that much of the ceding is located on the east west right-of-way. Mr Montgomery stated that the Shire has focused future widening and enhancements to occur on east west laneways.

Mr Montgomery expressed that the Shire needs the support of the Commission in creating new infill housing that addresses the right-of-way and has convenient access for visitor parking, service and emergency vehicles.

Mr Montgomery informed members that the Shire is working towards updating the Local Planning Policy and had two rounds of consultation to seek feedback from the community. Mr Montgomery stated that the Shire had consulted with engineers and landscape architects to obtain advice on the minimum amount of widening necessary for vehicle access along the right-of-way; visitor or service vehicle parking parallel to the right-of-way; and truncations at right-of-way intersections.

Mr Montgomery answered questions from members.

7.4 Proposed Change of Use (Restaurant to Tavern) and additions - Lot 211 West Swan Road, Caversham (Item 8.6)

Presenter: Gino Menchetti - Pasta in the Valley

Mr Menchetti made a presentation to the Committee in support of the recommendation of the Department of Planning, Lands and Heritage.

Mr Menchetti provided an overview of his restaurant business and its operation. He stated that the restaurant is very popular and has brought tourism to the Valley. Mr Menchetti expressed that the problem is the manner of serving alcohol to his patrons, which requires them to bring the orders to customers' table. Mr Menchetti stated that the proposed change of use from Restaurant to Tavern is needed to allow the sale of alcohol to patrons from an existing bar within the restaurant. Mr Menchetti expressed his dislike to the word 'tavern' and informed members that they have no intention of changing the name of the restaurant.

Mr Menchetti discussed his original business plan and his plan moving forward. Mr Menchetti stated that initially, they had seating capacity for 300 patrons in the restaurant and have 40 staff. He informed members that their current licence allows them to sell alcohol with or without food. He stated that their restaurant is a family friendly restaurant and that it is getting popular, with school kids visiting the restaurant in buses. Mr Menchetti informed members that the proposed change of use from Restaurant to Tavern includes an increase in capacity by 200 seating.

Mr Menchetti answered questions from members.

7.5 Proposed Amendment to Hazelmere Enterprise Area Precinct 9A Local Structure Plan (Item 8.7)

Presenters: Mark Szabo - Burgess Design Group and Mitch Bisby - Burgess Design Group

Mr Szabo and Mr Bisby made a presentation to the Committee on the Proposed Amendment to Hazelmere Enterprise Area Precinct 9A Local Structure Plan.

Mr Szabo highlighted a point in the Department of Planning, Lands and Heritage's report that reticulated sewerage infrastructure is not available in the area. Mr Szabo wanted to correct this and stated that the site can be provided reticulated sewer.

Mr Szabo discussed the historic designation of the subject site which was Urban Deferred and stated that it was rezoned to Urban on the basis that the land would be developed for light industrial uses.

Mr Szabo outlined that the proposed amendment is to replace the light industrial classification over the subject land with residential classification. Mr Szabo stated that there is a need for residential land in the area.

Mr Szabo discussed the Precinct 9A Local Structure Plan which was originally approved by the Commission in 2019. He stated that the inclusion of public open space will allow them to provide effective vegetation retention on the proposed public open space. He further stated that the area affected by the Western Power easement can be used for larger commercial vehicle parking.

Mr Szabo expressed that the proposed residential zone for the subject land within the Local Structure Plan is consistent with planning frameworks and requested support from the Committee.

Mr Szabo answered questions from members.

7.6 City of Wanneroo District Planning Scheme No. 2, Amendment No. 182 (Item 9.1)

Presenters: Charles Johnson - Planning Context and Mike Dean - Bridgeleigh reception centre

Mr Johnson made a presentation to the Committee on the City of Wanneroo District Planning Scheme No. 2 - Amendment No. 182 and indicated support to the City's recommendation of approval.

Mr Johnson outlined that the existing facility on the subject site is no longer viable and that it was virtually shut down in December 2020. Mr Johnson stated that they want to create a repurposed centre while keeping community access to the gardens. Mr Johnson informed members that the concept proposal for a retirement village is based on

environmental assessment. He indicated that if the amendment is finalised the next stage is the preparation of the development and the protection of significant trees on the site. Mr Johnson further stated that the proposed retirement village is self-contained and that it does not rely on other developments.

Mr Johnson answered questions from members.

7.7 Section 31 SAT Reconsideration Byford Structure Plan Amendment Modifications - Lot 2 South Western Hwy, Byford (Item 9.3)

Presenter: Andrew Trosic - Director Development Services, Shire of Serpentine-Jarrahdale and Ms Lauren Dujmovic, Shire of Serpentine-Jarrahdale

Mr Trosic made a presentation to the Committee on Section 31 SAT Reconsideration Byford Structure Plan Amendments Modifications - Lot 2 South Western Highway, Byford.

Mr Trosic discussed the previous decision of Scheme Amendment No. 178 - Rezone 'Urban Development' to 'Commercial, which was refused by the previous Minister for Planning in 2013. Mr Trosic stated that the refusal was for the following reasons:

- that it was inconsistent with State Planning Policy 4.2 and constitutes an out of centre development; and
- that it was not supported by the planning framework and could undermine efforts to develop the Byford Town Centre and Neighbourhood Centres.

Mr Trosic also discussed the Development Application for a Service Station on the subject site, which was refused by the Metro East Joint Development Assessment Panel (JDAP) in 2018. Mr Trosic stated that the concerns were around traffic access potential.

Mr Trosic informed members that in 2020, the Byford District Structure Plan was approved. Mr Trosic indicated that the supported outcomes from the Shire's perspective are as follows:

- Local mixed use node that offers local convenience;
- Land uses compatible with existing residential amenity;
- Sensitive built form that is consistent with established character;
- Development that addresses prominent, landmark and keynote location; and
- Development that provides for the local community.

Mr Trosic expressed concerns for a development with no local mixed use node, which creates negative impacts to current and intended future residential amenity. He stated that the Shire is also concerned with the local road network and the access into and from the site.

Mr Trosic answered questions from members.

- 7.8 State Administrative Tribunal Section 31 Reconsideration – Development Application – Ancillary Dwelling – Bromley Road, Herne Hill (Swan Valley) (Item 9.4)**

Presenter: Lynette Stone - Private Applicant

Ms Stone made a presentation to the Committee on the State Administrative Tribunal Section 31 Reconsideration - Development Application - Ancillary Dwelling - Bromley Road, Herne Hill (Swan Valley).

Ms Stone provided an overview of the proposed ancillary dwelling, which is for disabled family members. Ms Stone indicated that the front of the home will be the primary living area for family members who provide the care and support. She stated that the proposed development will be one large communal dwelling and that the dining room will be used by all family members at mealtime. Ms Stone explained that the co-habitation will facilitate all the support in one place. Ms Stone expressed that being able to provide specific dwelling for their family is important to them.

Ms Stone answered questions from members.

- 7.9 City of Wanneroo District Planning Scheme No. 2, Amendment No. 182 (Item 9.1)**

Written Deputation: Greg Bowering - Manager, Approval Services, City of Wanneroo

Members noted the written submission on Item 9.1 - City of Wanneroo District Planning Scheme No. 2, Amendment No. 182.

- 7.10 Section 31 SAT Reconsideration Byford Structure Plan Amendment Modifications - Lot 2 South Western Hwy, Byford**

Written Deputation: Paul Kotsoglo - Planning Solutions

Members noted the written submission on Item 9.3 - Section 31 SAT Reconsideration Byford Structure Plan Amendment Modifications - Lot 2 South Western Hwy, Byford.

The Chairman declared a break at 10:32 am.

The meeting resumed at 10:45 am.

ITEMS FOR DECISION

8.1 Reconsideration of Public Open Space Condition - Lots 74 and 100 Porter Street, Gwelup (159626)

Moved by Mr Iacomella
Seconded by Ms Thompson

That the Statutory Planning Committee resolves to retain Condition 8 and Advice Note 3 of the Western Australian Planning Commission's subdivision approval relating to Lots 74 and 100, Porter Street, Gwelup (WAPC 159626) as follows:

Condition 8:

An area of land at least 605.4 square metres 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.

Associated advice note 3:

In regard to Condition 8, the Western Australian Planning Commission hereby agrees to a cash-in-lieu contribution in accordance with Section 153 of the Planning and Development Act 2005.

The motion was put and carried

8.2 City of Nedlands - Parking Local Planning Policy - Request to Modify Deemed-to-Comply Provisions of R-Codes (TPS/0062)

Moved by Mr Iacomella
Seconded by Ms Thompson

That the Statutory Planning Committee resolves to refuse the amended provision relating to residential minimum car parking requirements for the following reasons:

1. *the proposed amended deemed-to-comply provision does not comply with Clause 7.3.2 of State Planning Policy 7.3 - Residential Design Codes Volume 1, as it is not warranted due to a specific need related to the Nedlands locality; and*

2. *the proposed amended deemed-to-comply provision does not comply with Clause 7.3.2 of State Planning Policy 7.3 - Residential Design Codes Volume 1, as it is inconsistent with the corresponding design principles under Clause 5.3.3 of the R-Codes Volume 1.*

The motion was put and carried

8.5 Development Application for Multiple Dwellings - Lot 23 Excalibur Circle, Camillo (22-50237-1)

**Moved by Mr Iacomella
Seconded by Ms Thompson**

That the Statutory Planning Committee resolves to approve the development application for Lot 32 Excalibur Circle, Camillo, subject to the following conditions and advice:

CONDITIONS

1. *The development shall be carried out in accordance with the development plans date stamped 13 April 2021 (attached) subject to any modifications as required by the conditions of approval.*
2. *The development approval is valid for two years from the date of this letter. If the subject development is not substantially commenced within a two year period, the approval shall lapse and be of no further effect.*
3. *Prior to occupation, to meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the Housing Authority on advice of the City:*
 - a. *Construct/seal all such areas, including drainage and kerbing/marking where necessary, in accordance with the approved site plan;*
 - b. *Relocate/remove any services/infrastructure as necessary;*
 - c. *Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;*
 - d. *Utilise brick paving or other high quality finish. Untreated concrete and black asphalt finishes are not permitted; and,*
 - e. *Arrange for continuous maintenance of all such areas thereafter.*
4. *To meet drainage requirements, prior to occupation of the development the developer/owner shall, to the specifications and satisfaction of the Housing Authority on advice of the City:*

- a. Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan;
 - b. Show any drainage easements as may be required on the Certificate of Title in favour of the City; and
 - c. Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development; and,
5. Car parking demand shall not exceed the number of parking bays approved for the development, being seven vehicle bays, at any one time.
6. A cash-in-lieu payment for footpath construction shall be paid to the City's Technical Services Directorate, within 30 days of commencement of construction, at the rate of 5 metres of footpath per unit.
7. Existing crossover(s) shall be removed and all kerbing/footpaths/verge areas shall be reinstated to the specifications and satisfaction of the Housing Authority on advice of the City prior to occupation/use of the development.
8. The external surfaces of all parapet walls that are on or adjoining a property boundary shall be painted and finished to a high standard in accordance with the schedule of colours provided.
9. Any walls or fencing fronting the public realm (e.g. streets or public open space) are to be treated with an anti-graffiti finish to the satisfaction of the City of Armadale.
10. A Lighting Plan showing lighting to pathways, car parking and communal areas shall be submitted to and approved by the Housing Authority. All lighting shall be installed prior to the occupation of the new dwelling(s) and operated as per approved plan.
11. Bin storage areas shall be conveniently located and screened from view, to the satisfaction of the Housing Authority on advice of the City.
12. Prior to the occupation of the new dwelling(s), visitor parking spaces shall be clearly marked and signposted.
13. All external fixtures (i.e. water heaters, television aerials, meter boxes etc.) shall be located so as to comply with Clause A4.18.1 of the Residential Design Codes Volume 2 - Apartments in

terms of minimising visual obtrusiveness to the satisfaction of the Housing Authority on advice of the City.

14. *A storeroom shall be provided for all units prior to the occupation of the new dwellings in accordance with Clause A4.6.1 of the Residential Design Codes Volume 2 – Apartments.*
15. *Prior to the occupation of the new dwellings, a clothes drying area shall be provided for each unit, screened from view of the primary and secondary street in accordance with Clause A4.18.3 of the Residential Design Codes Volume 2 – Apartments.*
16. *If new fencing is proposed, or where fencing that exists does not meet these standards, fencing shall be installed prior to occupation or the creation of multiple lots from the development (whichever is the earlier) in accordance with the following and maintained thereafter:*
 - a. *Internal fencing and other property boundary fencing shall be at least 1.8m high measured from the new ground level / top of retaining walls in accordance with Part 2 of the City's Fencing Local Law 2011 (or superseding standard); and,*
 - b. *Fencing within the front street setback area or abutting the public realm shall be visually permeable above 1.2m and truncated adjacent to driveways in accordance with Part 3 of the City's Fencing Local Law 2011 (or superseding standard).*
17. *Each multiple dwelling shall be provided with a clearly numbered masonry letterbox located at the front of the dwelling adjacent to the pedestrian access way as shown on the approved plans.*
18. *A minimum of four (4) 'End of trip bicycle facilities' shall be provided prior to occupation of the development in a location agreed to by the Housing Authority on advice of the City and continuously maintained thereafter.*
19. *The existing verge tree in front of the property shall be protected from damage during construction works.*
20. *All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Housing Authority on advice of the City.*

Advice to Applicants

1. *This decision constitutes planning approval under the Metropolitan Region Scheme only. It is the proponent's responsibility to comply with all other applicable legislation and*

obtain all required approvals, licences and permits prior to commencement of this development.

2. *With regard to Condition 3 regarding construction of vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.*

The motion was put and carried

- 9.1 City of Wanneroo District Planning Scheme No. 2, Amendment No. 182 (TPS/2640)**

THIS ITEM IS CONFIDENTIAL

- 9.2 City of Kalamunda – Local Planning Scheme No. 3, Amendment No. 103 – Final Approval (TPS/2669)**

THIS ITEM IS CONFIDENTIAL

- 8.3 Subdivision - Lot 108 (No. 45) Irvine Street, Peppermint Grove (160654)**

Members discussed the deputations that had been heard and the condition to widen the right-of-ways adjoining the northern and western boundaries of the subject site by 0.75 metres in the Department of Planning, Lands and Heritage's report.

Members noted that the residential lots parallel to the western right-of-way do not have subdivision potential.

Members discussed the proposed Lot 2, which will be affected by the widening and will require the removal of a mature tree, subject to an investigation of the condition of the tree.

Members also discussed that the Shire has not set out the long term vision for the widening and that there is a lot of community backlash against it.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by Ms Thompson
Seconded by Mr Kosova**

That the Statutory Planning Committee resolves to approve the subdivision of Lot 108 (No. 45) Irvine Street, Peppermint Grove in accordance with the plan date stamped 29 April 2021, subject to the following conditions:

CONDITIONS:

1. *The right-of-ways adjoining the northern and western boundaries of the lot being widened by 0.75 metres and the widening accurately shown on the diagram or plan of survey (deposited plan) and vested in the Crown under section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.*
2. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on proposed lot 2 the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*
3. *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 lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting; and*
 - c. *stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)*
4. *Prior to the commencement of subdivisional works, measures being undertaken to identify any mature trees on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure the identified mature trees are not impacted by subdivisional works. (Local Government)*
5. *Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation)*
6. *Arrangements being made with the Water Corporation for the provision of a sewerage service to each of the lot(s) shown on the approved plan of subdivision. (Water Corporation)*
7. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)*

ADVICE NOTES:

1. *In regard to Condition 1, the intent of the 0.75 metre right-of-way to the north and west boundaries is to widen the rights-of-ways to a minimum width of 5 metres. At deposited plan stage, where it can be demonstrated that 0.75 metres is in excess of an equal width to both boundaries of the rights-of-way to create a minimum width of 5 metres, the Western Australian Planning Committee may be prepared to accept a reduced width to be ceded free of cost and reserved.*
2. *In regard to Condition 2, a demolition permit may be required to be obtained from the local government prior to the commencement of demolition works.*
3. *The Shire of Peppermint Grove advises the landowner/applicant that:*
 - a. *The proposed Lot 1 contains a property which is on the Shire of Peppermint Grove Heritage List. The landowner/applicant is requested to assign the parent lot details (Lot 108) to the proposed Lot 1 lot for the purposes of retaining this current scheme listing.*
 - b. *Proposed Lot 2 will be considered to have its 'frontage' from the right of way on the northern boundary for the purpose of assessment of setbacks, vehicular access and other site conditions.*
4. *In regard to Conditions 5 and 6, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
5. *In regard to Condition 7, Western Power provides only one underground point of electricity supply per freehold lot.*
6. *The landowner/applicant is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at: www.infrastructure.gov.au*

The motion was put and carried

8.4 Subdivision - Lot 84 (No. 153) Forrest Street, Peppermint Grove (160492)

Members discussed the deputation that had been made and agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Kosova
Seconded by Ms Davis

That the Statutory Planning Committee resolves to approve the subdivision of Lot 84 (No. 153) Forrest Road, Peppermint Grove in accordance with the plan date stamped 24 February 2021, subject to the following conditions:

CONDITIONS

1. *The right-of-way adjoining the site along the southern boundary is to be widened by 0.75 metres and the widening accurately shown on the diagram or plan of survey 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)*
2. *Suitable arrangements being made with the local government for the provision of a vehicular crossover to service the lots shown on the approved plan of subdivision. (Local Government)*
3. *An easement, in accordance with Section 136C of the Transfer of Land Act 1893, is to be placed on the certificate of title of proposed Lot 2 specifying vehicular access rights for the benefit of Lot 1 over a portion of Lot 2 as shown on the attached plan. Notice of the easement is to be included on the diagram or plan of survey. (Local Government)*
4. *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 lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
 - c. *stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)*
5. *Arrangements being made with a licensed electricity network operator for the provision of an underground electricity*

distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)

6. *Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation)*
7. *Arrangements being made with the Water Corporation for the provision of a sewerage service to each lot shown on the approved plan of subdivision. (Water Corporation)*

ADVICE

1. *The Shire of Peppermint Grove advises that:*
 - o *In regard to Condition 1, the widening is a requirement to achieve satisfactory vehicular access to the southern boundary of Lots 2, in the event future development elects to orient vehicular access from this boundary; and*
 - o *with regard to Condition 2, the Shire will allow a single crossover to the street up to 3.5 metres in width.*
2. *In regard to Condition 5, Western Power provides only one point of electricity supply per freehold (green title) lot.*
3. *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.*
4. *The landowner/applicant is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at: www.infrastructure.gov.au*

The motion was put and carried

8.6 Proposed Change of Use (Restaurant to Tavern) and additions - Lot 211 West Swan Road, Caversham (21-50211-4)

Members discussed the deputation that had been heard and the concerns that the proposed change of use from restaurant to tavern may not fit with the planning framework for the Swan Valley. Members

also discussed the Draft Swan Valley Planning Scheme No. 1, which has been advertised. Members were advised that the landowner made a submission to this new scheme and that the Tavern use may be accommodated under the draft Scheme.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Thornton
Seconded by Mr Iacomella

That the Statutory Planning Committee resolves to approve the Proposed Change of Use (Restaurant to Tavern) and additions at Lot 211 West Swan Road, Caversham subject to the following conditions:

1. *This approval relates to the proposed change of use from 'Restaurant' to 'Tavern', patio extension, shade sails, and additional car parking in accordance with the development plans date stamped 15 April 2021 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission. It does not relate to any other development on the lot.*
2. *The premises shall have a maximum capacity of 500 patrons.*
3. *A Landscaping Plan being prepared in consultation with the City of Swan for approval by the Western Australian Planning Commission to require mature (>2 metres) evergreen trees to be planted and maintained to screen the interface of the development with West Swan Road. The approved Landscape Plan is thereafter to be implemented to the satisfaction of the Western Australian Planning Commission.*

Advice:

1. *This decision constitutes planning approval under the Metropolitan Region Scheme only. It is the proponent's responsibility to comply with all other applicable legislation and obtain all required approvals, licences and permits prior to commencement of this development.*
2. *This approval does not allow for any extension to the current hours of operation (including public holidays) being:*

*Monday 8:30am - 8:00pm
Tuesday 8:30am - 8:00pm
Wednesday 8:30am - 8:00pm
Thursday 8:30am - 8:00pm
Friday 8:30am - 9:00pm
Saturday 8:30am - 9:00pm
Sunday 8:30am - 8:00pm*

The motion was put and carried

8.7 Proposed Amendment to Hazelmere Enterprise Area Precinct 9A Local Structure Plan (SPN/2133M-1)

Members discussed the previous rezoning of the subject land which was from Urban Deferred to Urban on the basis that the land would be developed for light industrial purposes.

Members were advised that the Department of Planning, Lands and Heritage is now satisfied that the necessary infrastructure to service residential land uses can be provided, including reticulated sewer.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with recommendation 'd' being deleted.

**Moved by Mr Caddy
Seconded by Ms Thompson**

That the Statutory Planning Committee resolves to refuse the Hazelmere Enterprise Area Precinct 9A Local Structure Plan amendment due to the following reasons:

- a. *residential land uses would be contrary to the objectives of the Industrial Development zoning of the land under the City of Swan Local Planning Scheme No.17;*
- b. *the current Light Industrial classification of the land under the approved Structure Plan represents an appropriate land use transition between the General Industry zone to the west and Residential zone to the east;*
- c. *it would result in an ad hoc isolated residential cell that would potentially be subject to poor residential amenity; and*

The motion was put and carried

8.8 Shire of Chapman Valley – Local Planning Strategy – Certification prior to advertising – request to reconsider WAPC decision (801/03/17/0002P)

Members discussed the Shire of Chapman Valley - Local Planning Strategy and the Shire's request to reconsider the Commission's decision in July 2019 in relation to a modification to the Strategy to reduce the amount of land designated for Rural Smallholdings by approximately 75 per cent.

Members considered the four options that were developed in consultation with the Shire to resolve the Shire's disagreement to the Commission's decision. Members agreed to endorse 'Option 4 -

Maintain the Commission's decision of July 2019 without variation' and endorse an alternative resolution reflecting this Option.

Moved by Mr Thornton
Seconded by Mr Iacomella

That the Statutory Planning Committee resolves to:

1. advise the Shire of Chapman Valley that its draft Local Planning Strategy received on 30 July 2020 is to be modified to reduce the classification of land for Rural Smallholdings, along with related text amendments, in accordance with the amended Schedule of Modifications; and
2. once modified, certify that the draft Shire of Chapman Valley Local Planning Strategy is consistent with Regulation 11(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 and is to be advertised in accordance with the Regulations.

The motion was put and carried

9.3 Section 31 SAT Reconsideration Byford Structure Plan Amendment Modifications - Lot 2 South Western Hwy, Byford (SPN/0165M-1 DR292/2020)

THIS ITEM IS CONFIDENTIAL

9.4 State Administrative Tribunal Section 31 Reconsideration – Development Application – Ancillary Dwelling – Bromley Road, Herne Hill (Swan Valley)

THIS ITEM IS CONFIDENTIAL

10. Reports for noting

Nil

11. Stakeholder engagement and site visits

Nil.

12. Urgent or other business

Nil.

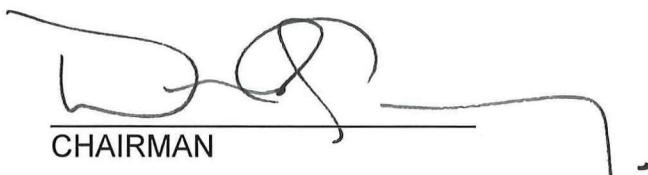
13. Items for consideration at a future meeting

Nil.

14. Meeting closure

The next ordinary meeting is scheduled for 9:30 am on Tuesday, 3 August 2021.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 11:42 am.



CHAIRMAN
09.08.21
DATE