



Statutory Planning Committee

Minutes

Meeting No. 7668
Tuesday, 26 October, 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
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee
- Apologies: Leonard Kosova - Local Government Representative
- Others present: Garreth Chivell - Planning Manager, Schemes and
Amendments
Michael Daymond - Manager Special Projects
Leah Elliott - Senior Planning Officer, Schemes and
Amendments
Sam Fagan - Manager Commission Business
Tristram French - Senior Planning Officer, Schemes and
Amendments
Ben Hesketh - Planning Manager, Metro Central North
Poppy Justice - Commission Support Officer
Rohan Miller - Planning Director, Schemes, Amendments
and Administration
Irene Obales - Commission Support Officer
David Saunders - Assistant Director General, Land Use
Planning

1. Declaration of opening

The Chairman declared the meeting open at 9:28 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 that 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

Leonard Kosova - Local Government Representative

4. Disclosure of interests

Nil.

5. Declaration of due consideration

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 Confirmation of minutes - Meeting No. 7667 on Tuesday, 12 October 2021

Moved by Ms Craigie

Seconded by Mr Iacomella

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 12 October 2021, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 City of Stirling - Local Planning Policy 6.15 - Request to Vary Deemed-to-Comply Provisions of the Residential Design Codes (TPS/0095) (Item 8.1)

Presenters: Travis Wright – City of Stirling and Austin Donaghey – City of Stirling

Mr Wright and Mr Donaghey made a presentation to the Committee on the City of Stirling - Local Planning Policy 6.15 - Request to Vary Deemed-to-Comply Provisions of the Residential Design Codes. Mr Wright stated that the City of Stirling supports the recommendation of the Department of Planning, Lands and Heritage, especially in relation to development applications for patios.

Mr Wright outlined that the Local Planning Policy 6.15 was adopted by the City of Stirling in May 2020 and was the result of the City's small business approval project which is a project that aimed to streamline and simplify the approvals process for small businesses.

Mr Wright stated that as a result of the R-Codes Interim Review amendments, which came into effect in July 2021, the City of Stirling has identified several conflicts and inconsistencies between Local Planning Policy 6.15 and the current R-Codes.

Mr Wright requested the following modifications to Local Planning Policy 6.15 and outlined a number of the clauses to be removed:

1. In 'Clause 4. Definitions' delete the defined term and the definition of 'Boundary Walls'.
2. Delete 'Clause 5.c), 5.d) and 5.e)'.
3. Delete 'Clause 6.d)' and subsequently re-letter 'Clause 6.e) and f)'.
4. Amend 'Clause 5. Requirements for Residential Dwellings' as follows:

“These provisions amend or replace the deemed-to-comply requirements of the R-Codes Volume 1, except where modified elsewhere by the local planning framework (i.e. Character Retention Guidelines):”

5. Replace 'Clause 5.a)' by deleting the current provision and inserting the following:

“a) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK C3.1 is amended to include:

Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:

- vii. for patios, verandahs or equivalent structures, (with pillars and posts with a horizontal dimension of 450mm by 450mm, or less), that are additions to an existing dwelling, the lot boundary setbacks in Table 1 and Tables 2a and 2b may be reduced to nil to the posts where the structure:
 - a. is not more than 10m in length or 3.5m in height; and
 - b. is located behind the primary street setback; and

- c. has eaves, gutters and roofs set back at least 450mm from the lot boundary.”

6. Inserting a new ‘Clause 5.c)’ as follows:

“c) R-CODES CLAUSE 5.3.1 OUTDOOR LIVING AREA is amended to include:

C1.3 Where patios are an addition to an existing dwelling, the outdoor living area is to be provided:

- i. in accordance with Table 1;
- ii. behind the street setback area;
- iii. directly accessible from the primary living space of the dwelling;
- iv. with a minimum length and width dimension of 4m; and
- v. with at least one-third of the required area without permanent roof cover.”

7.2 City of Bayswater - Draft Local Planning Strategy - Certification for Advertising (PLH2019P0234) (Item 8.3)

Presenter: Alix Bray – City of Bayswater and Helen Smith – City of Bayswater

Ms Bray and Ms Smith made a presentation to the Committee on the City of Bayswater - Draft Local Planning Strategy - Certification for Advertising.

Ms Bray provided an overview of the Strategy and outlined that the City of Bayswater submitted the draft Strategy to the Western Australian Planning Commission in May 2019 and that there have been numerous delays in the process. Ms Bray stated that the City is supportive of the majority of the proposed modifications to the Strategy but indicated that there are a number of modifications to bring the Strategy in line with the Local Planning Strategy Guidelines.

Ms Bray stated that they were advised by the Department of Planning, Lands and Heritage that the Guidelines will not be retrospectively applied to submitted local planning strategies as the City was in the process of submitting their Local Planning Strategy. Ms Bray expressed that they are disappointed to see that the Guidelines have been applied to the Strategy and that updating the Strategy to reflect the Guidelines will further delay advertising. However, Ms Bray acknowledged that the changes will result in a better Strategy for the City overall.

Ms Bray stated that they do not support the inclusion of Ashfield as a precinct within the Strategy and informed members that the PTA advised them that the station is no longer proposed to occur close to

the border between the City of Bayswater and Town of Bassendean. Ms Bray stated that it is no longer appropriate to plan for a station precinct in Bayswater as it is over 500 metres away from the Ashfield train station, and that District Centres walkable catchments are 400m.

Ms Bray informed members that the City does not support the removal of the detail surrounding the Building Bayswater engagement process.

Ms Bray expressed concerns about the inclusion of further details on the Urban Corridors in which the City does not intend to undertake detailed planning in the next 10 years. However, Ms Bray indicated that they understand that the additional information was needed to reflect the state planning framework.

Ms Bray and Ms Smith answered questions from members.

7.3 City of Bayswater - Town Planning Scheme No. 24, Amendment No. 87 - For Final Determination (TPS/2522) (Item 9.1)

Presenter: Alix Bray – City of Bayswater and Helen Smith – City of Bayswater

Ms Bray made a presentation to the Committee on the City of Bayswater - Town Planning Scheme No. 24, Amendment No. 87 - For Final Determination.

Ms Bray provided an overview of the Meltham surrounds scheme amendment and outlined that it commenced at the request of the WAPC, when the Meltham Station Precinct Structure Plan was adopted. Ms Bray indicated that they understand that the proposed amendment is recommended to be modified in light of the limited availability of services in the area, due to the increased capacity required for the Bayswater Station Precinct.

Ms Bray expressed concern with the amendment as the community has an expectation of rezoning in the area due to the previous resolution by the WAPC and the engagement process on the proposed amendment. However, Ms Bray requested that some form of advice is provided to the community to advise of the outcome of the amendment and the reasoning behind it.

Ms Bray indicated that the City of Bayswater is highly supportive of the rezoning of Sussex Street industrial land.

7.4 City of Bayswater - Town Planning Scheme No. 24, Amendment No. 87 - For Final Determination (TPS/2522) (Item 9.1)

Presenter: Andrew Watt – Local Resident

Mr Watt made a presentation to the Committee on the City of Bayswater - Town Planning Scheme No. 24, Amendment No.87 - For Final Determination.

Mr Watt discussed the integration of Scheme Amendment 87 and Scheme Amendment 79 and outlined some key suggested improvements to the proposed Scheme Amendment No. 87 to generate greater urban development outcomes. Mr Watt suggested the integration of planning for both Scheme Amendment 87 and Scheme Amendment 79 to ensure greatest densities are located closest to the train station and shops.

Mr Watt discussed the R60 zoning proposed which deletes the frame area near the station from Scheme Amendment 79 and no transition of R60/R80 across an area of up to 800 metres. Mr Watt suggested the upzoning of Scheme Amendment 79 Frame Area from R60 to RAC3 or RAC 2 and the Core area from RAC3 to RAC0 or RAC1, to enable more viable conditions to develop near the station and to provide a more sensible transition of densities.

Mr Watt stated that Scheme Amendment 87 makes it more attractive to invest in sites further from the station as they are the same or higher coding than lots closer to the station in the frame of Scheme Amendment 79. Mr Watt suggested that the amount of R60 be reduced and compensated by increasing the densities of properties within the core and frame areas of Scheme Amendment 79 close to the Meltham Train Station.

Mr Watt stated that large blocks of 1,008m² further from the station are given the same zoning and planning conditions as small blocks of 490m² near the station, with an expectation that the larger blocks will develop first. Mr Watt suggested that small lots closer to the station be incentivised to amalgamate, e.g. split coding.

Mr Watt expressed that his proposed changes to Scheme Amendment 87 and Scheme Amendment 79 ensure an integrated quality planning outcome for the Meltham Precinct as one plan.

Mr Watt indicated that he discussed his proposed changes to the City of Bayswater and stated that his suggestions did not get pursued.

7.5 City of Bayswater - Town Planning Scheme No. 24, Amendment No. 87 - For Final Determination (TPS/2522) (Item 9.1)

Written Deputations:

**Greg Da Rui – Bayswater Traders Association
Paul Shanahan – Chairperson, Future Bayswater Community Group Inc.
Rebecca Travaglione - Resident of 29 Roseberry Street, Bayswater**

Members noted the written submission on Item 9.1 - City of Bayswater - Town Planning Scheme No. 24, Amendment No. 87 - For Final Determination (TPS/2522).

The Chairman declared a break at 10:00 am.

The meeting resumed at 10:11am with all members present.

ITEMS FOR DECISION

8.1 City of Stirling - Local Planning Policy 6.15 - Request to Vary Deemed-to-Comply Provisions of the Residential Design Codes (TPS/0095)

Members discussed the requested amendments to the Local Planning Policy 6.15 from the City of Stirling. The Department of Planning, Lands and Heritage advised Members that the Statutory Planning Committee does not have the authority to approve the changes.

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

Moved by Mr Thornton
Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to approve the amended deemed to comply provisions as shown in Attachment 2 - Modified City of Stirling Local Planning Policy Local Planning Policy 6.15 - Exemption from Requiring Development Approval, pursuant to Clause 7.3.2 of State Planning Policy 7.3 – Residential Design Codes Volume 1.

The motion was put and carried

8.2 City of Wanneroo - District Planning Scheme No. 2, Amendment No. 199 - Consideration Prior to Advertising (TPS/2784)

Members were provided an overview of the City of Wanneroo - District Planning Scheme No. 2, Amendment No. 199 - Consideration Prior to

Advertising. Members were advised that the consent to advertise cannot be refused.

Members agreed to advise the City of Wanneroo that the Department of Planning, Lands and Heritage is not endorsing the proposed Amendment 199 to the District Planning Scheme No. 2 as it is inconsistent with State Planning Policy 2.5 - Rural Planning and State Planning Policy 3.7 - Planning in Bushfire Prone Areas.

Members agreed to defer the item for a modified recommendation to be circulated out of session.

Moved by Ms Lyhne
Seconded by Ms Davis

That the Statutory Planning Committee resolves to defer the item for a modified recommendation to be circulated out of session.

The motion was put and carried

8.3 City of Bayswater - Draft Local Planning Strategy - Certification for Advertising (PLH2019P0234)

Members discussed the deputation that had been made and indicated support on the inclusion of the identified longer term planning areas in the Strategy. Members were advised that the City is not proposing for the identified areas to be included in the Strategy. The Department of Planning, Lands and Heritage advised that annotations on the Strategy map can be included to indicate the areas identified as longer term areas.

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

Moved by Mr Iacomella
Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to:

- 1. Support the draft Local Planning Strategy subject to the modifications being undertaken in accordance with Attachment 5, prior to consent to advertise being granted; and*
- 2. Authorise the WAPC Chairman to review the draft Strategy and give consent to advertise the Strategy in accordance with Regulation 11(2).*

The motion was put and carried

9.1 City of Bayswater - Town Planning Scheme No. 24, Amendment No. 87 - For Final Determination (TPS/2522)

THIS ITEM IS CONFIDENTIAL

13. Items for consideration at a future meeting

Nil.

12. Urgent or other business

Nil.

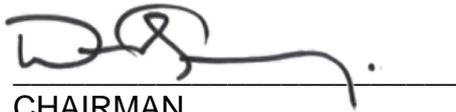
11. Stakeholder engagement and site visits

Nil.

14. Meeting closure

The next ordinary meeting is scheduled for 9:30 am on 9 November 2021.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 10:35 am.



CHAIRMAN

11 January 2022

DATE