



## **Statutory Planning Committee**

### **Minutes**

Meeting No. 7669  
Tuesday, 9 November, 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: Garreth Chivell - Planning Manager, Schemes and Amendments  
Shau Chong - Principal Planning Officer, Schemes and Amendments  
Michael Daymond - Manager Special Projects  
John Di Rosso - Senior Planning Officer, Metro South West  
Nicholas Dufty - Principal Planning Officer, Strategy and Engagement  
Sam Fagan - Manager Commission Business  
Isla Finlay - A/Principal Planning Officer, Metro Central South  
Cate Gustavsson - Planning Director, Regional South West  
Poppy Justice - Commission Support Officer  
Michelle King - Senior Commission Support Officer  
Nicole Lucas-Smith - Planning Director, Metro South and Peel  
Veronica Martin - Senior Planning Officer, South West Coastal  
Rohan Miller - Planning Director, Schemes, Amendments and Administration  
Diarmuid O'Connor - Planning Manager, Metro South West  
Scott Penfold - Senior Planning Officer, South West Coastal  
Harry Rosenthal - Intern, Land Use Planning  
David Saunders - Assistant Director General, Land Use Planning  
Katrina Shoobridge - Senior Planning Officer, Schemes and Amendments

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#### **1. Declaration of opening**

The Chairman declared the meeting open at 9:27am, 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**

Nil.

**4. Disclosure of interests**

Mr Kosova declared an Impartiality Interest on Item 8.1 - Survey-strata Subdivision - Lots 51 and 52 (11 and 13) Webster Street, Nedlands.

Mr Kosova stated that the City of Nedlands is a current client of his business, LK Advisory. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on Item 8.2 - City of Melville – Canning Bridge Activity Centre Plan – Proposed Amendment. Mr Kosova stated his business, LK Advisory, is currently representing a client outside (but adjoining) the Canning Bridge Activity Centre Plan area in Applecross. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on Item 8.4 - City of Perth – Local Planning Strategy – Certification for Advertising and stated that he was involved in the preparation of the City's Draft Local Planning Strategy during his past role as Commissioner at City of Perth. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Caddy declared he had met with the proponents of Item 8.1 - Survey-strata Subdivision - Lots 51 and 52 (11 and 13) Webster Street, Nedlands in his capacity as WAPC Chairman.

Mr Caddy declared an Actual Direct Pecuniary Interest on Item 8.2 - City of Melville – Local Planning Scheme No. 6 - Amendment No. 9. Mr Caddy informed members that he owns land within the boundary of the City of Melville - Canning Bridge Activity Centre Plan. Members agreed that Mr Caddy should not be present during the discussion and/or decision-making procedure on the item.

Mr Caddy declared an Indirect Pecuniary Interest on Item 8.4 - City of Perth - Local Planning Strategy - Certification for Advertising. Mr Caddy stated that he is a rate payer for the City of Perth. Members agreed that Mr Caddy is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Caddy's conduct in relation to the matter.

Mr Caddy declared that he has met with Lex Barnett and LWP on Item 9.2 - City of Gosnells – Town Planning Scheme No. 6, Amendment No. 110 – For Final Determination in his capacity as WAPC Chairman.

Due to the absence of the Chairman and in accordance with Clause 1.18 of the Standing Orders 2017, Mr Davies was chosen to preside over the meeting during deputation Items 7.2 and 7.3 and the discussion and decision-making of Item 8.2.

**Moved by Ms Thompson**

**Seconded by Ms Davis**

**The motion was put and carried**

## **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 Ratification of Out of Session Item - City of Wanneroo - District Planning Scheme No. 2, Amendment No. 199 - Consideration Prior to Advertising (TPS/2784)**

**Moved by Ms Davis**

**Seconded by Mr Iacomella**

*That the Statutory Planning Committee confirms its out of session resolution as follows:*

*That the Statutory Planning Committee resolves to:*

- *Consider that the amendment is suitable for advertising in accordance with regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Advise Council that:*

*the amendment presents various inconsistencies with State Planning Policy 2.5 – Rural Planning (SPP 2.5) and State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7). These inconsistencies, primarily that a proposed Car Park land use in Rural zones is inconsistent with the policy objectives of SPP 2.5, will be considered following advertising; and*

*the amendment is proposed in the absence of endorsed contemporary local planning strategy. In this regard, it is strongly recommended that the City prioritise the completion of its local planning strategy to ensure future amendments are not dealt with on a case by case basis, but rather through a contemporary planning framework that focuses on the wider locality.*

**The motion was put and carried**

**6.2 Confirmation of minutes - Meeting No. 7668 on Tuesday, 26 October 2021**

**Moved by** Ms Craigie

**Seconded by** Ms Thompson

*That the minutes of the Statutory Planning Committee meeting held on Tuesday, 26 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 Survey-Strata Subdivision - Lots 51 and 52 Webster Street, Nedlands (Item 8.1)**

**Presenters: Daniella Mrdja - Urbanista Town Planning, Mike Pound - Niche Living and Neil Davidson - MNG Surveys**

Ms Mrdja presented to the Statutory Planning Committee on Item 8.1 - Survey-Strata Subdivision - Lots 51 and 52 Webster Street, Nedlands (Item 8.1) on behalf of Niche Living Projects. Ms Mrdja requested removal of Condition 1 of the Department of Planning, Lands and Heritage's recommendation to remove the requirement for 10% Public Open Space cash-in-lieu contribution.

Ms Mrdja stated that the 10% contribution for the proposed lots on 202.4sqm will cost the developer \$400,000. Ms Mrdja stated that the Joint Development Assessment Panel have approved 12 three-storey grouped dwellings on the proposed lots and informed members that the applicant and landowners were not informed about the requirement for Public Open Space or a cash-in-lieu contribution to the City of Nedlands. Ms Mrdja expressed concern that based on the cost of land and construction for this development, it is not feasible with the additional Public Open Space costs and the intended density as prescribed in the City of Nedlands Local Planning Scheme 3 will not be achieved.

Ms Mrdja informed members that a subdivision located 700m from the subject lots has been approved and developed without a requirement for a POS contribution. Ms Mrdja stated that the City of Nedlands is currently developing a Public Open Space Strategy and have not established a process or procedure for how the cash-in-lieu will be spent which is inconsistent with Clause 5.3 of the Western Australian Planning Commission's Position Statement.

Ms Mrdja requested that the Statutory Planning Committee remove proposed Condition 1 to remove the requirement for 10% Public Open Space cash-in-lieu contribution.

**The Chairman declared an Actual Direct Pecuniary Interest on Item 8.2 and left the meeting.**

**The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Mr Caddy.**

**7.2 City of Melville - Canning Bridge Activity Centre - Proposed Amendment (Item 8.2)**

**Presenter: Dr Christopher Back - Resident**

Dr Back made a presentation to the Committee as a resident of Mount Pleasant against the City of Melville – Local Planning Scheme No. 6 - Amendment No. 9 and stated to the Committee that he strongly objects to the modification to the southern boundary of the Canning Bridge Activity Centre Plan (CBACP).

Dr Back stated that moving the southern boundary of the CBACP would result in a significant financial loss as his land will be rezoned from H4 to R20 reducing his ability to develop eight dwellings on the land to two. Dr Back informed members that he and his wife were not presented with the opportunity to object to the change to the boundary as they had learnt about the consultation from the newspaper and subsequently found that a petition was presented to the City of Melville Council signed by 391 people. Dr Back stated that he and other owners of Wren Street and Kavanagh Street were not provided with an opportunity to view the petition and voice an alternative view.

Dr Back urged the Statutory Planning Committee to reject the proposed changes to the CBACP boundary.

Dr Back answered questions from members.

**7.3 City of Melville - Canning Bridge Activity Centre Plan- Proposed Amendment (Item 8.2)**

**Presenters: Cr Margaret Sandford and Cr Clive Ross – City of Melville**

Cr Sandford and Cr Ross presented to the Statutory Planning Committee on Item 8.2 - City of Melville - Canning Bridge Activity Centre Plan- Proposed Amendment on behalf of the City of Melville against the Department of Planning, Lands and Heritage's recommendation.

Cr Ross stated that the reasons for refusal were invalid as the City have undertaken the key planning considerations for the interface and transition of the proposed change to the southern boundary. Cr Ross stated that the boundary issue should be rectified promptly to ensure that damage to residents' properties does not occur and stated that a review of the built form should not be a reason for the Amendment to be refused as this review will be undertaken once the boundary has been moved.

Cr Sandford discussed the Canning Bridge Activity Centre Plan (CBACP) and stated that the review of the CBACP should not delay the modification to the boundary and inflict loss of amenity to residents. Cr Sandford informed members that public consultation has been

undertaken and residents have expressed their support for the proposed Amendment to the southern boundary.

Cr Sandford stated that the City has set precedent in initiating this Amendment and referenced the DPLH's 10 Principles for Guiding Infill Development in a Station Precinct and stated that the precinct should be within an 800m catchment of the Station and noted that the current boundary is 1.1 kilometres from the train station.

Cr Sandford concluded that the City wishes to rectify the failed mid-block boundary to meet the desired outcome of DO3 of Element 3 – Height of the CBACP and State Planning Policy 7.0 Design of the Built Environment and stated that the City will continue to advocate for the modification to the boundary prior to the finalisation of the overall CBACP review.

Cr Sandford and Cr Ross answered questions from members about the Canning Bridge Activity Centre Plan Review.

**Mr Caddy returned to the meeting and assumed the Chair.**

**7.4 Structure Plan Amendment Determination- South Moorlands Glen Iris - City of Bunbury (Item 8.5)**

**Presenter: Gary Fitzgerald - Tecon Australia**

Mr Fitzgerald presented to the Statutory Planning Committee on Item 8.5 - Structure Plan Amendment Determination - South Moorlands Glen Iris - City of Bunbury on behalf of the South Moorlands Glen Iris land owners. Mr Fitzgerald requested that the matter be deferred to allow Tecon time to review all matters and seek instruction from their clients.

Mr Fitzgerald stated that the District Structure Plan was prepared in 2016 and has since received comments from the Department of Planning, Lands and Heritage which outlined concerns for the following:

1. Absence of a completed Local Water Management System;
2. Concerns over the extent of the linear park system;
3. Lack of active recreation space;
4. Absence of appropriate consideration of the traffic management plan;
5. Unsuitability of the extent of low-density land use; and
6. Lack of housing diversity.

Mr Fitzgerald informed members that the DPLH report stated that deferral was considered but not recommended to allow more of the DSP to be finalised, however, Mr Fitzgerald stated that the additional issues raised are understood by his client and they are working on solutions to address the matters which is inclusive of the proposed Primary School and the requirement for an infrastructure contribution.

Mr Fitzgerald informed members that they reject that the changes are so substantial that the Local Structure Plan (LSP) should be cancelled

and stated that there will be considerable costs associated with cancelling the LSP.

Mr Fitzgerald stated that their client was informed that the LSP was going to be held in abeyance and stated that the client does not accept the reasoning proposed by the Department of Planning, Lands and Heritage's officers. Mr Fitzgerald stated that the LPS should be deferred to provide a response to the issues raised in the District Structure Plan (DSP).

#### **7.5 Structure Plan at Lots 14, 28 and 29 Jeffrey Road, Glen Iris - City of Bunbury (Item 8.6)**

**Presenter: Kylie Shaw – Harley Dykstra**

Ms Shaw presented to the Statutory Planning Committee on Item 8.6 – Structure Plan at Lots 14, 28 and 29 Jeffrey Road, Glen Iris - City of Bunbury and requested that the Structure Plan be deferred to until clarification is provided for the Glen Iris District Structure Plan (GIDSP).

Ms Shaw stated that the GIDSP had been delayed due to traffic management and flood modelling which have now have been resolved and will be reviewed by the District Structure Plan Steering Committee before the end of the year. Ms Shaw informed members that should the GIDSP impact the Local Structure Plan (LSP), modifications can be completed as required and continue through the process and be finalised at the completion of the GIDSP.

Ms Shaw informed members that her clients, the Bunny and Parson families, have significantly invested in the planning progress for the LSP by contributing to the Greater Bunbury Region Scheme Amendment, flood modelling, traffic modelling, environmental modelling, bushfire reporting and land servicing reports. Ms Shaw informed members that an effort has been made to communicate with the Bunbury Development Committee however, it has been limited and the Main Roads road network report has not been received for review.

Ms Shaw asked members to defer Item 8.6 – Structure Plan at Lots 14, 28 and 29 Jeffrey Road, Glen Iris - City of Bunbury to allow a review of the impacts of the DSP to be undertaken.

Ms Shaw answered questions from members.

#### **7.6 Town of East Fremantle - Local Planning Scheme No. 3 - Amendment No. 17 - Final Approval (Item 9.1)**

**Presenter: Andrew Malone - Town of East Fremantle**

Mr Malone presented to the Statutory Planning Committee on Item 9.1 - Town of East Fremantle - Local Planning Scheme No. 3 - Amendment No. 17 - Final Approval. Mr Malone informed members that the Town of East Fremantle understood that the recommendation of the Department of Planning, Lands and Heritage was in support of their council endorsed amendments and provided further comments.

Mr Malone stated that supporting the amendment will facilitate the sale of the land and provide further certainty to the development of lots that will contribute to the Town of East Fremantle's housing requirements in the short-term.

Mr Malone informed members that the proposed amendment is in line with both State and local planning frameworks. Mr Malone stated that the highest density within the Town is R40 and the proposed amendment would increase the land to R80 status which is aligned with the draft Local Planning Strategy which is expected to be approved by the Western Australian Planning Commission in 2022.

Mr Malone stated that if an alternative amendment based on the model text was to be endorsed it would result in significant changes to ensure that it reflected the Council's intentions and would cause significant delay to the amendment.

Mr Malone stated that the removal of the additional use classification will result in unvetted R80 developments whereas keeping the additional classification will ensure that controls cannot be varied.

Mr Malone requested that Schedule 13 be amended to include an exemption of the variation clause.

**7.7 City of Gosnells - TPS No.6 Amendment 110 - For Final Determination (Item 9.2)**

**Presenter: Lex Barnett - Taylor Burrell Barnett**

Mr Barnett presented to the Statutory Planning Committee on Item 9.2 City of Gosnells - TPS No.6 Amendment 110- For Final Determination on behalf of his clients, LWP Property Group and the Radici family. Mr Barnett stated that his clients are directly impacted by the unadvertised change to the Precinct 3 Guide Plan which illustrates a 4 ha District Open Space (DOS) area over their land.

Mr Barnett stated that the City of Gosnells has agreed that only 4.5ha of District Open Space is required and have agreed to remove the DOS from his client's land. Mr Barnett stated that the City of Gosnells, as per the last consideration by the Minister, have committed to 13 ha of active recreation space in the general vicinity of Precinct 3 including 7 ha directly adjoining Sutherlands Park. Mr Barnett further stated that the Minister for Planning's decision specified the provision of a DOS area up to a maximum of 8.5 ha.

Mr Barnett requested approval of the City of Gosnells- TPS No.6 Amendment 110 - For Final Determination subject to the DOS requirement being reduced to 4.5 ha to allow the City of Gosnells to amend their Developer Contribution Plan accordingly.

**7.8 City of Gosnells - TPS No.6 Amendment 110 - For Final Determination (Item 9.2)**

**Presenters: Anthony Denford and Clayton Windass - City of Gosnells**

Mr Denford and Mr Windass presented to the Statutory Planning Committee on Item 9.2 - City of Gosnells- TPS No.6 Amendment 110- For Final Determination on behalf of the City of Gosnells. Mr Denford informed members of the City's 2014 Open Space Strategy which identified a shortfall in District Open Space (DOS) in Canning Vale and Southern River and informed members that the methodology for this strategy was flawed and it was identified that there was sufficient DOS.

Mr Denford stated that a Sports Plan was prepared by the City in 2020 which benchmarked the provision on DOS against the Parks and Leisure Australia Guideline and identified that four ovals are required across the City. Mr Denford informed members that a Masterplan is being developed for Sutherlands Park located adjacent to Precinct 3 and a preliminary concept to provide for an additional three ovals has been drafted along with a plan to develop two additional ovals. Mr Denford confirmed that once the additional ovals have been constructed the City of Gosnells has met its requirement for DOS.

Mr Denford stated that the City believes that it does not need any additional DOS and that the City considers the resolution requesting that the Minister for Planning approves the reduction of DOS within Precinct 3 is a practical approach.

Mr Denford answered questions from members.

**7.9 City of Gosnells- TPS No.6 Amendment 110 - For Final Determination (Item 9.2)**

**Presenter: Warren Spencer - Terranovis Pty Ltd**

Mr Spencer presented to the Statutory Planning Committee on Item 9.2 - City of Gosnells - TPS No.6 Amendment 110 - For Final Determination on behalf of his client, the developer of the Riverbank Estate in Precinct 3A North.

Mr Spencer stated that Public Open Space Strategy developed in 2019 identified that there is an oversupply of 22 ha of District Open Space (DOS) and stated that the Sutherlands Park is walking distance from Precinct 3. Mr Spencer stated that Sutherlands Park currently has six sporting ovals which accommodate AFL, soccer, cricket, hockey, tee ball and archery and informed members that the City of Gosnells Sutherlands Park Masterplan identified 47 ha of DOS that could be more efficiently used including 7.2 ha of Sutherlands Park which is currently underutilised. Mr Spencer stated that the City proposes additional playing fields, an aquatic centre and recreation space for this area.

Mr Spencer concluded that the removal of the DOS does not require the re-advertising of Amendment 110.

Mr Spencer answered questions from members.

**7.10 City of Perth – Local Planning Strategy – Certification for Advertising (Item 8.4)**

**Presenter: Robert Farley - City of Perth**

Mr Farley presented to the Statutory Planning Committee on Item 8.4 - City of Perth – Local Planning Strategy – Certification for Advertising. Mr Farley stated that the City of Perth does not object to the proposed changes to the detail related to the Crawley and Nedlands neighbourhoods.

Mr Farley stated that the City have undertaken early community engagement in the Crawley and Nedlands areas via a Citizens Advisory Panel. Mr Farley stated that the City is in the process of issuing a tender for a Transport Impact Assessment and Management Plan for the Precinct Plan in accordance with State Planning Policy 2.4.

Mr Farley stated that the transport report will be informed by three potential growth scenarios which will impact the network and has been informed by the Department of Transport, the Department of Planning, Lands and Heritage and Main Roads WA.

Mr Farley stated that the Strategy before the Committee includes a higher density target than what is set out in Perth and Peel @ 3.5 million. Mr Farley noted that the growth of the City in 2020 was 7%, however, it is more appropriate that a rate of 3.5% is applied in the Strategy. Mr Farley concluded that the City will maintain heritage while investigating in environmental friendly options and affordable housing.

**7.11 City of Melville - Canning Bridge Activity Centre - Proposed Amendment (Item 8.2)**

**Written Submission: Andrew Drummond - Resident**

Members noted the written submission on Item 8.2 - City of Melville - Canning Bridge Activity Centre - Proposed Amendment.

**7.12 City of Gosnells- TPS No.6 Amendment 110- For Final Determination (Item 9.2)**

**Written Submission: Adam Brown – Urban Endeavour**

Members noted the written submission on Item 9.2 - City of Gosnells- TPS No.6 Amendment 110- For Final Determination.

**ITEMS FOR DECISION**

**8.1 Survey-strata Subdivision - Lots 51 and 52 (11 and 13) Webster Street, Nedlands (551-21)**

**Moved by Ms Thompson  
Seconded by Ms Lyhne**

*That the Statutory Planning Committee resolves to approve the survey-strata subdivision of Lots 51 and 52 Webster Street, Nedlands in accordance with the plan date stamped 19 May 2021 subject to the following conditions:*

**CONDITIONS**

1. *An area of land at least 202.4 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. (Local Government)*
2. *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)*
3. *The proposed access way(s) being constructed and drained at the landowner / applicant cost to the specifications of the local government. (Local Government)*
4. *Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*
5. *Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)*
6. *All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)*

7.
  - a. *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)*
  - b. *Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan). (Western Australian Planning Commission)*
8.
  - a. *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)*
  - b. *Arrangements are to include the provision of a suitable sanitary drainage service to each lot on the strata scheme (plan) by a Licensed Plumbing Contractor. (Western Australian Planning Commission)*
9. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an electricity supply to the strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 10 of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Australian Planning Commission)*
10. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*

#### ADVICE TO APPLICANT

1. *In regard to Condition 1, 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.*
2. *With regard to Conditions 7 and 8, 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.*
3. *With regard to Condition 9 Western Power provides only one underground point of electricity supply per freehold lot.*
4. *With regard to Condition 10, Western Power advises as this development proposes to build 12 residential dwellings, there is likelihood that an increase in load demand may occur, which if determined by a distribution network engineer will require the*

*construction of network infrastructure such as a transformer to accommodate this. Additionally, the condition would also allow Western Power the opportunity to proactively plan for any necessary easements, firebreaks, covenants, etc around the asset, should it be required.*

5. *In regard to Conditions 7, 8 and 9 it is the Commission's expectation that each strata lot be provided with its own suitable utility service connection, which is protected by easements where necessary. This is to ensure that each strata lot is development ready and does not result in the need to extend services over adjacent strata lots after titles have been created. In relation to the provision of water and sewer connections the applicant is required to provide direct services to the lots or enter into an agreement with the water service provider for multi metering.*

*Where water and sewer draining work are undertaken a Certificate of Compliance and a Drainage Plumbing Diagram from a licensed plumbing contractor is to be provided, confirming the works have been undertaken in accordance with the conditions of subdivision approval and relevant standards.*

**The motion was put and carried**

#### **8.4 City of Perth – Local Planning Strategy – Certification for Advertising**

**Moved by** Ms Thompson

**Seconded by** Ms Lyhne

*That the Statutory Planning Committee resolves to:*

1. *Considers that modification to the local planning strategy, in accordance with the attached Schedule of Modifications is required;*
2. *Subject to the above modifications being satisfactorily undertaken, certify that the 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 regulation 13;*
3. *Authorise Department of Planning, Lands and Heritage officers to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly, prior to the advertising of the local planning strategy; and,*
4. *Approve the City of Perth's request that the consultation period be extended from 21 days to 42 days in accordance with regulation 13(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

**The motion was put and carried**

**The Chairman declared a break at 10:52am.**

The meeting resumed at 11:04am with all members present, except for Mr Caddy who declared a conflict of interest in Item 8.2.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Mr Caddy.

## **8.2 City of Melville – Canning Bridge Activity Centre Plan – Proposed Amendment (SPN/0754M-7)**

Members discussed the expected timeframe for the Canning Bridge Activity Centre Plan (CBACP) and were informed that the Councillors had received the Draft CBACP with tracked changes and have delayed the process with requests for additional modelling from Hatch Roberts Day.

Members discussed the December 2021 date of public review within the recommendation and sought clarification on the timing of the expectation for advertising of the CBACP. Members discussed their expectations for the City of Melville and whether a sense of urgency should be applied to the resolution.

Members discussed the consultation process and were informed that the City of Melville initiated an unadvertised amendment to the Scheme and CBACP lodged with the Western Australian Planning Commission. It was noted that the WAPC instructed the City to advertise the proposed amendments.

Members discussed an amendment to Condition 2 of the recommendation of the Department of Planning, Lands and Heritage to emphasize the WAPC's expectation that there should be no further amendments to the CBACP prior to the review and finalisation.

Members agreed to endorse a resolution which affirms the expectation.

**Moved by** Ms Lyhne

**Seconded by** Ms Thompson

*That the Statutory Planning Committee resolves to:*

1. *Refuse the proposed amendment of the Canning Bridge Activity Centre Plan (CBACP) in accordance with clause 22(1)(c), Schedule 2 - Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
  - *the proposed boundary does not effectively consider or manage the interface or transition between zones and adjoining land, inconsistent with Desired Outcome DO3 of Element 3 - Height of the CBACP and State Planning Policy 7.0 Design of the Built Environment;*
  - *the amendment is premature in the absence of a comprehensive built form analysis which could prejudice the outcome of the full review of the CBACP currently being undertaken by the City of Melville; and*

- *the amendment is contrary to Statutory Planning Committee resolution of 7 April 2020, that any further review of the CBACP includes, but not be limited to, consideration of the following:*
    - *a built form study examining the need for, or otherwise, amendments to height limits;*
    - *an analysis of transition between zones within, and to land adjoining, the CBACP area; and*
    - *consideration of the merits of implementing the R-Codes.*
2. *Reiterate its expectation that no further amendments to the CBACP are initiated prior to the full review of, and consequential amendment to, the CBACP being finalised.*

**The motion was put and carried**

**Mr Caddy returned to the meeting and assumed the Chair.**

### **8.3 Proposed Subdivision - Lot 41 Ukich Place, Baldivis (160482)**

Members discussed the consistency of the Proposed Subdivision application against the Local Planning Scheme 2, Rural Land Strategy and queried whether the approval of the Proposed Subdivision would set a precedent for surrounding properties. Members were informed that each site would have to manage bushfire risk in accordance with State Planning Policy 2.7 which would limit the ability to subdivide.

Members questioned the bushfire risk to the of residents on Ukich Place if a number of subdivisions were completed and the number of residents were doubled. Members were informed that a site-specific analysis was undertaken for this Subdivision Application, and it was identified that the land owner has an existing water extraction licence which exceeds the water supply requirement and bushfire management requirement.

Members discussed the advice provided by the City of Rockingham and stated that the subdivision application was supported subject to reticulated water. Members discussed refusing the proposed subdivision on the basis that the application was not consistent with the City of Rockingham Town Planning Scheme No.2 and Planning Policy No. 3.1.1 Rural Land Strategy and its ability to create an undesirable precedent for the further subdivision of other lots of a similar size in the locality.

Members moved to refuse the recommendation of the Department of Planning, Lands and Heritage as the proposed subdivision is inconsistent with the provisions of Town Planning Scheme no 2 and the Rural Land Strategy. Members noted that a minimum lot size of 2 ha is required where no reticulated water is provided, and none is proposed in this application.

**Moved by Ms Thompson**

**Seconded by Ms Lyhne**

*The Statutory Planning Committee resolves to refuse the application for subdivision of Lot 41 Ukich Place, Baldivis as shown on the plan date-stamped 23 February 2021 based on the following reasoning:*

- 1. The application proposes the subdivision of land within the Special Rural zone where the provisions of the City of Rockingham Town Planning Scheme No.2 and Planning Policy No. 3.1.1 Rural Land Strategy (July 2020) specify a general presumption against the creation of lot sizes less than 2 hectares without the provision of a reticulated water supply.*
- 2. Approval of the subdivision would set an undesirable precedent for the further subdivision of other lots of a similar size in the locality which would undermine the objectives and provisions of the City of Rockingham Town Planning Scheme No.2 and the Planning Policy No.3.1.1 Rural Land Strategy (July 2020) for lots subject to the same zoning, and facilitate development that would be out of keeping with the character of the local area without ensuring an environmental benefit.*

**The motion was put and carried**

#### **8.5 Structure Plan Amendment Determination – South Moorlands Glen Iris - City of Bunbury**

Members were informed that the South Moorlands Structure Plan Amendment was lodged in 2016 and the purpose was to guide the residential subdivision of the land. Members were informed that the lack of a Primary School and Public Open Space have caused issues for the Amendment and the recommendation for refusal will provide the applicant an opportunity to lodge a consolidated document that is in accordance with the Glen Iris District Structure Plan and current Planning Frameworks.

Members queried the status of the South Moorlands Structure Plan and were informed that there is a number of issues which require resolution including the Local Water Management Strategy and irrigation and water sources for the parklands area. Members questioned why the Structure Plan had not been previously deferred given the number of issues raised.

Members queried whether the South Moorlands and Jeffery Road Local Structure Plans and the Glen Iris District Structure Plan were consistent with one another and were informed that the Structure Plans were assessed across 2016 and 2017 and that the two Local Structure Plans need to readdress the WAPC position statements and policies.

Members were informed that a draft report from Main Roads indicates that the main entry of Glen Iris is going to be moved at least 200m west which will create a new intersection off Forrest Highway which will require a new road network for the Glen Iris area, additionally, the Department of Education has advised the consultants of the draft District Structure Plan that a Primary School will be required, however, it has not been identified whether the Primary School will be located in the Moorlands or Jeffery Road area. Members were informed that a

deferral will be costlier for the applicant as they will be required to retrofit requirements set out by the District Structure Plan.

Members discussed an amendment to the recommendation to include reference to a Primary School on the basis that the District Structure Plan has not identified the South Moorlands area as the location of the proposed Primary School.

Members sought clarification on the Statutory Framework which mandates the preparation of a District Structure Plan as a precursor to the Local Structure Plan and were informed that the WAPC under clause 15(c) require the preparation of the District Structure Plan over Stage 1 and 2 of the Glen Iris area.

Members 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:*

- 1. Determine the submissions in accordance with the Schedule of Submissions set out at (Attachment 3), and;*
- 2. Refuse the South Moorlands Structure Plan pursuant to regulation 22(1) and 22(6) of Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
  - 1. Approval of the structure plan would be premature, even in a modified form, given the requirements for future District Structure Planning of the Glen Iris area.*
  - 2. The Structure Plan is not considered to lead to an orderly and proper planning outcome or suitably address the planning and transport issues arising from the proposed development of the land, quite apart from the broader District level planning issues.*
  - 3. Approval of the Structure Plan would lead to significant traffic and safety issues on Vittoria Road and the intersections with Forrest Highway and South Western Highway, which have not been substantially planned for as part of this proposal.*
  - 4. The Structure Plan does not address the need for, or the location of a Primary School within this land.*
  - 5. The Structure Plan does not address the need for or location of active recreational facilities within this land.*
  - 6. The extent of low-density residential land use proposed is inconsistent with the WAPC's approach to promoting the economic and residential consolidation of Bunbury as set out in the draft Bunbury – Geographe Sub-regional Strategy.*

**The motion was put and carried**

**8.6 Structure Plan at Lots 14, 28 and 29 Jeffrey Road, Glen Iris - City of Bunbury**

Members were informed that the proposed modification to the Jeffery Road Structure Plan will be significantly affected by the finalisation of the District Structure Plan (DSP) as the proposed network of roads, intersection from Forrest Highway and the location of the proposed Primary School have not been confirmed. Members were informed that the Department of Planning, Lands and Heritage informed the City of Bunbury that they are not supportive of the Amendment as the Greater Bunbury Regional Scheme Amendment and Local Scheme Amendment had not been finalised.

Members were informed that refusing the Jeffery Road Structure Plan would be more cost effective for the land owners as the Structure Plan will require re-advertising due to the significant modifications which will be required to align with the District Structure Plan.

Members queried whether the new road would deviate through the Structure Plan area and were informed that a draft road alignment would connect Forrest Highway to the South Moorlands area through the Jeffery Road Structure Plan area. Members discussed the road networks through the Jeffery Road Structure Plan Area and were informed that the proposed road would be between 80m and 100m wide to meet turning pocket requirements for Forrest Highway which may be upgraded to freeway status.

Members discussed the finalisation of the Main Roads WA report and were informed that funding will be required from the State and developers for the new intersection off Forrest Highway.

Members questioned the land supply in Bunbury and the need for additional land in Glen Iris and were informed that land supply is reported as the whole of Bunbury metropolitan area. Members confirmed that the development of the Glen Iris area would not produce land supply for a number of years.

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

**Moved by Ms Lyhne**  
**Seconded by Mr Thornton**

*That the Statutory Planning Committee resolves to:*

1. *Determine the submissions in accordance with the Schedule of Submissions set out at Attachment 3; and*
2. *Refuse the Structure Plan at Lots 14, 28 and 29 Jeffrey Road, Glen Iris pursuant to regulation 22(1) and 22(6) of Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
  1. *Approval of the structure plan would be premature, even in a modified form, given the requirements for future District Structure Planning of the Glen Iris area.*
  2. *The Structure Plan is not considered to lead to an orderly and proper planning outcome or suitably address the planning and transport issues arising from the proposed development of the land, quite apart from the broader District level planning issues.*
  3. *Approval of the Structure Plan would lead to significant traffic and safety issues on Vittoria Road and the intersections with Forrest Highway and South Western Highway, which have not been substantially planned for as part of this proposal.*
  4. *Lot 29 Jeffrey Road is not appropriately zoned for urban purposes.*
  5. *The structure plan would pre-empt consideration of a local planning scheme amendment to rezone Lot 29 Jeffrey Road from Public Purposes - Special Uses reserve to Urban Development zone with associated EPA referral and determination of flood relief pathways and protection of remnant vegetation matters.*

**The motion was put and carried**

**9.1 Town of East Fremantle – Local Planning Scheme No. 3 –**

**THIS ITEM IS CONFIDENTIAL**

**9.2 City of Gosnells – Town Planning Scheme No. 6, Amendment No. 110 – For Final Determination**

**THIS ITEM IS CONFIDENTIAL**

**10. Section 31 Items**

Nil.

**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**

Nil.

**15. Meeting closure**

The next ordinary meeting is scheduled for 9:30am on Tuesday, 23 November 2021.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 12:25pm.



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CHAIRMAN

11 January 2022

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DATE