



Statutory Planning Committee

Minutes

Meeting No. 7680
Tuesday, 31 May, 2022

- Members:** David Caddy - Chairman WAPC
Lynne Craigie - Nominee of the Regional Minister
Vaughan Davies – Nominee of the Director General
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:** Kathy Bonus - Chief Planning Advisor, Reform, Design and State Assessment
Garreth Chivell - Planning Manager, Schemes and Amendments
Christine Collins - Senior Planning Officer, Schemes and Amendments
Michael Daymond - Strategic Advisor WAPC
Tyrone Desai - Senior Planning Officer, Schemes and Amendments
Sam Fagan - Manager Commission Business
Jessica Gavranic - Planning Officer, Schemes and Amendments
Michelle King - Senior Commission Support Officer
Nicole Lucas-Smith - Planning Director, Metro South and Peel
Aiden O'Brien - Senior Planning Officer, Metro South and Peel
Diarmuid O'Connor - Planning Manager, Metro South and Peel
Rebecca Risteski - Senior Planning Officer, Schemes and Amendments
David Saunders - Assistant Director General, Land Use Planning

1. Declaration of opening

The Chairman declared the meeting open at 10:43am, acknowledged the Whadjuk people of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members. 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 a Perceived Impartiality Interest on Item 8.1 - Apsley (stages 7, 11 and 12) and Florence (stages 1 to 6) Estates, Mandogalup - proposed local development plans. Mr Kosova stated that the proponent Satterley Property Group was a past client of his private consultancy, 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 Actual Indirect Pecuniary Interest in Item 9.3 - City of Stirling - Local Planning Scheme No. 3, Amendment No. 112 - For Final Determination. Mr Kosova stated that the City of Stirling is a current client of his private consultancy, LK Advisory. Members agreed that Mr Kosova should not be present during the discussion and/or decision-making procedure on the item.

5. Declaration of due consideration

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. 7679 on Tuesday, 17 May 2022

Moved by Ms Davis

Seconded by Mr Thornton

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 17 May 2022, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 Town of Bassendean Local Planning Strategy – For Certification for Advertising (TPS/2677) (Item 8.2)

Presenters: Luke Gibson - A/CEO, Town of Bassendean and Donna Shaw - Manager Development and Place, Town of Bassendean

Mr Gibson and Ms Shaw presented to the Statutory Planning Committee in support of the recommendation, subject to a minor amendment to Point 2 to note that references to future tasks that were finalised by Council at its meeting of 24 May 2022 be removed.

Mr Gibson stated that these tasks were the Sustainable Development Local Planning Policy and the various Heritage matters. Mr Gibson thanked the Department of Planning, Lands and Heritage (DPLH) for the continued collaboration with the Town of Bassendean to bring the draft Strategy into alignment with the desires and aspirations of the

Bassendean community, activity centres and planning investigation areas to meet infill dwelling targets for the district.

Mr Gibson responded to questions from members.

7.2 Town of Victoria Park - Local Planning Strategy – Final Endorsement (DP/17/00273/1) (Item 8.3)

Presenters: David Doy - Town of Victoria Park and Tracy McQue - Town of Victoria Park

Mr Doy and Ms McQue presented to the Statutory Planning Committee in support of the recommendation, and thanked the DPLH for the highly collaborative work with the Town of Victoria Park to produce the Town's first Local Planning Strategy. Mr Doy stated that the draft Local Planning Strategy aligns with the Central Sub-regional framework for the Town, and allows the Town to continue the strong working relationship with the DPLH to extend into the development of Local Planning Scheme No. 2 and the Albany Highway Precinct Structure Plan.

Mr Doy stated that the Strategy provides a clear program of strategic work for the Town in the coming years which can be incorporated into the business plan and accounted for in the long term financial plans while also linking other strategies including transport, climate change mitigation planning, public open space and urban forests.

7.3 City of South Perth Draft Local Planning Scheme No. 7 – Consideration prior to advertising (TPS/2804) (Item 9.1)

Presenters: Jessica Birbeck - City of South Perth and Vicki Lummer - City of South Perth

Ms Birbeck and Ms Lummer presented to the Statutory Planning Committee and thanked the DPLH for the opportunity to collaborate on drafting the Scheme and Schedule of Modifications and noted that the City of South Perth is generally supportive of the recommended modifications. Ms Birbeck noted that the deletion of Modification No. 15 relating to the provision pertaining to the removal of trees on private land is not supported. Ms Birbeck stated that the provision which would require a development approval to be applied where a tree larger than 8 metres in height is proposed to be removed, would deal with the ongoing issues relating to removal of mature trees from sites prior to submission of a development application which is continually experienced across the City and results in a loss of canopy.

Ms Birbeck stated that the City has drafted a supporting local planning policy which contains criteria including considerations such as species, health, and location. Ms Birbeck discussed the City of Mandurah's Local Planning Scheme No. 12 that contains a similar supplemental provision, which appears to assert that all tree removal is 'works' and sets out circumstances where development approval is not required.

Ms Birbeck noted the City's operation of a significant tree register which provides a higher order of protection which largely relies on

nominations, however she stated that this does not address the issue of tree removal in the City.

Ms Birbeck stated that a provision in the Scheme provides statutory weight and retaining the provision in the Scheme for advertising offers the opportunity to consult the issue further with the community and noted the City has the resources to monitor and implement this provision, including drone data. Ms Birbeck presented examples of recent tree removal in Kensington, South Perth and Manning.

Members queried what liability the City would hold if a tree that was required to be retained were to fall on a house. Ms Birbeck stated that this provision is a trigger for assessment of the tree by an arborist and noted that the City would not be liable. Members queried the community's sentiments to tree canopy and protection in the City and Ms Birbeck responded that concerns have been raised by the community and Councillors, particularly when a large tree has been removed prior to lodgement of a development application.

Members queried the compliance and enforcement of retaining the trees if height is the only assessment threshold and the height is not known. Ms Birbeck stated that the City is subscribed to a company called Arbor Cardon which conducts drone fly overs and can measure the height of a tree to within a metre. Ms Birbeck stated that if the provision were supported the City would investigate further survey data and work through and test compliance components.

Members queried if the City has investigated addressing this issue through a local law to provide an option to create and give effect to a law that operates locally and would effectively have the same enforcement as a parking law. Ms Birbeck stated that a local law has not been investigated by the City but that if the provision is not supported in the Scheme the City would do so.

7.4 City of Stirling – Local Planning Scheme No. 3, Amendment No. 112 – For Final Determination (TPS/2723) (Item 9.3)

Mr Kosova declared an Actual Indirect Pecuniary Interest on this item and left the meeting at 11:17am

Presenters: Daniel Heymans - City of Stirling and Fraser Henderson - City of Stirling

Mr Heymans and Mr Henderson presented to the Statutory Planning Committee to provide context of the Main Street Urban Design Strategy and extensive community engagement program over the past 12 months. Mr Heymans discussed how the study area was underpinned by urban design strategies and facilitation of improvements to higher density development, better built form and buildings being brought to the street frontage. Mr Heymans stated that the City of Stirling is looking to improve building typologies that balance a busy main road while still providing amenity to residents.

Mr Heymans discussed the use of R-AC0 Coding which provides certainty to the community and developers on precise locations of

buildings in conjunction with the Local Development Plan (LDP). Mr Heymans noted the SCA built form requirements and the incorporation of LDP elements relating to minimum residential plot ratio, building heights and commercial ground floor uses which were included in the draft Scheme Amendment in 2020. Mr Heymans stated that the City is supportive of the inclusion of more elements of the LDP as proposed by the DPLH.

Mr Heymans responded to questions from members in relation to issues raised in the public submissions on car parking and public transport amenity.

Mr Kosova returned to the meeting at 11:26am

7.5 Town of Bassendean Local Planning Strategy – For Certification for Advertising (TPS/2677) (Item 8.2)

Written Deputation: Donald Yates - Columbus Group

Members noted the written submission on Item 8.2 -Town of Bassendean Local Planning Strategy - For Certification for Advertising.

7.6 City of Swan Local Planning Scheme No. 17, Amendment No. 198 – For Final Approval (TPS/2749) (Item 9.2)

Written Deputation: Jeremy Hofland - Rowe Group

Members noted the written submission on Item 9.2 - City of Swan Local Planning Scheme No. 17, Amendment No. 198 - For Final Approval.

ITEMS FOR DECISION

8.1 Apsley (stages 7, 11 and 12) and Florence (stages 1 to 6) Estates, Mandogalup - proposed local development plans (PLH2022P0044)

Moved by Ms Lyhne

Seconded by Mr Iacomella

That the Statutory Planning Committee resolves to, pursuant to Clause 7.3.2 of State Planning Policy 7.3: Residential Design Codes (Volume 1);

1. approve the amended deemed-to-comply provisions proposed by the:

- a. Apsley Estate Stage 7 Local Development Plan;*
- b. Apsley Estate Stage 11 Local Development Plan;*
- c. Apsley Estate Stage 12 Local Development Plan;*
- d. Florence Estate Stages 1 to 6 Local Development Plan; and*

2. to advise the City of Kwinana of its decision.

The motion was put and carried

8.3 Town of Victoria Park - Local Planning Strategy – Final Endorsement (DP/17/00273/1)

Moved by Ms Lyhne

Seconded by Mr Iacomella

That the Statutory Planning Committee resolves to:

1. *determines the submissions in accordance with the Schedule of Submissions (Attachment 5 – Schedule of Submissions);*
2. *considers that modification to the local planning strategy, in accordance with the attached Schedule of Modifications (Attachment 8 - Schedule of Modifications) is required;*
3. *subject to the above modifications being satisfactorily undertaken, endorse the local planning strategy under regulation 15 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
4. *authorise Department of Planning, Lands and Heritage officers to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly; and*
5. *advise the local government to publish a notice of the local planning strategy advising of the endorsement of Local Planning Strategy in accordance with regulation 16 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The motion was put and carried

9.2 City of Swan Local Planning Scheme No. 17, Amendment No. 198 – For Final Approval (TPS/2749)

THIS ITEM IS CONFIDENTIAL

9.3 City of Stirling – Local Planning Scheme No. 3, Amendment No. 112 – For Final Determination (TPS/2723)

THIS ITEM IS CONFIDENTIAL

8.2 Town of Bassendean Local Planning Strategy – For Certification for Advertising (TPS/2677)

Members agreed to endorse an alternate recommendation of the Department of Planning, Lands and Heritage, in line with the proposed amended recommendation received from the Town of Bassendean, that point 2. (a) note that prior to advertising the Town should update;

- i. Parts 1 and 2 of the Local Planning Strategy to reflect Council's decision of 24 May 2022 in respect of changes to the Town's local planning policy framework, including references to newly adopted local planning policies and where relevant, superseded or revoked local planning policies;
- ii. Part 2 of the Local Planning Strategy to include a table of contents, a table of figures as well as correct typographical errors, ensure accurate cross referencing and to update terminologies, clauses, schedules and/or table numbers;

Moved by Mr Davies

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to:

1. *Certify that the Town of Bassendean Local Planning Strategy (Attachment 5 - Revised Part 1 – Local Planning Strategy, Attachment 6 - Revised Part 2 – Background Information and Analysis and Attachment 7 - Revised Local Planning Strategy Map) 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;*
2. *Advise the local government that:*
 - a. *Prior to advertising, the Town should update:*
 - i. *Parts 1 and 2 of the Local Planning Strategy to reflect Council’s decision of 24 May 2022 in respect of changes to the Town’s local planning policy framework, including references to newly adopted local planning policies and where relevant, superseded or revoked local planning policies;*
 - ii. *Part 2 of the Local Planning Strategy to include a table of contents, a table of figures as well as correct typographical errors, ensure accurate cross referencing and to update terminologies, clauses, schedules and/or table numbers;*
 - b. *Draft Local Planning Scheme No. 11 requires modification to bring it in to alignment with the Local Planning Strategy; and*
 - c. *The Town is strongly encouraged to engage further with officers of the Department of Planning, Lands and Heritage to discuss the Town’s draft Local Planning Scheme No.11 with a view to progressing the document to WAPC for certification for advertising.*

The motion was put and carried

9.1 City of South Perth Draft Local Planning Scheme No. 7 – Consideration prior to advertising (TPS/2804)

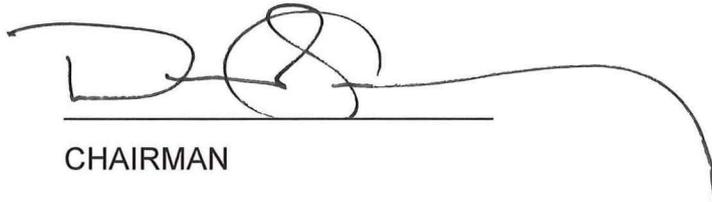
THIS ITEM IS CONFIDENTIAL

- 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, 14 June 2022.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 11:50am.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a circular flourish and a long horizontal line extending to the right.

CHAIRMAN

21.06.22

DATE