



Statutory Planning Committee

Notice is hereby given that a meeting of the
Statutory Planning Committee will be held on:

**Tuesday 25 June 2013
9.00 am**

**Level 2, Room 2.40
One40 William Street
Perth**



Neil Thomson
Secretary, Western Australian Planning Commission

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	30/04/2013
Mr Eric LUMSDEN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Henty FARRAR	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	5/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	5/11/2014
Mayor Carol ADAMS	Local government representative Schedule 2 clause 4(2)(f)	1/02/2012
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014

Quorum: 4

In accordance with the Western Australian Planning Commission (WAPC) Standing Orders 2009, 3.7 - Quorum for meetings:

(2) A quorum for a meeting of a committee is at least 50% of the number of offices (whether vacant or not) of members of the committee.

Role:

The Statutory Planning Committee is one of four committees set up by the WAPC on 1 March 1995 upon proclamation of the *Planning Legislation Amendment Act (No. 2) 1994*.

Schedule 2(4)(4) of the *Planning and Development Act 2005*

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Delegated Authority (Del 2009/05)

Planning and Development Act 2005 Section 16(1)

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.

- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
- (i) Part 5 of the Act;
 - (ii) *Town Planning Regulations 1967*
- as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

ORDER OF BUSINESS

1. Declaration of opening
2. Apologies
3. Members on leave of absence and applications for leave of absence
4. Disclosure of interests
5. Declaration of due consideration
6. Deputations and presentations
7. Announcements by the Chairperson of the board and communication from the WAPC
8. Confirmation of minutes of the meeting of 11 June 2013
9. Reports (see attached index of reports)
10. Confidential items (see attached index of reports)
11. General business
12. Items for consideration at a future meeting

Item No	Report	Request	Report Required by
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah. (Subsequently resolved on 28/5/13) to omit the SPC meeting in Mandurah and to hold the site visit on a date when a cancelled SPC meeting would occur and to include a site visit to Preston Beach)	13/8/12

7477.11.1	The Wheatbelt – Towns of York and Toodyay	To request Committee Support to arrange a site visit with regard to water and bush fire issues and in relation to future approvals for rural living subdivisions due to lack of water resources, and a possible need for consolidation of the local towns. (to be combined with 7477.11.2) (Subsequently resolved on 28/5/13 to hold the site visit on a date when a cancelled SPC meeting would occur)	TBA
7477.11.2	Avon Arc Study	To request Committee Support to invite Avon Arc to advise the Committee on issues such as sustainability, identifying priority areas, royalties for regions and capability. (to be combined with 7477.11.1) (as above)	8/10/13
7477.11.3	Private Arrangements for obtaining money for public open space by agreement	To request the Department to prepare a report to the WAPC regarding these types of arrangements.	TBA
7482.9.1	Update of Planning Bulletin 67: Guidelines for Wind Farm Development	To request the Department to liaise with the Department of Lands and the Department of Agriculture and consult with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy. To incorporate comments from SPC members and to represent the policy to a future SPC meeting.	TBA

13. Closure - next meeting to be held on 9 July 2013

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held on Tuesday 11 June 2013

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member) Director General, Department of Planning
Mayor Carol Adams	Local government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Henty Farrar	Nominee of the Regional Minister
Mr Ian Holloway	Professions representative
Ms Elizabeth Taylor	Community representative

Officers

Ms Natalie Cox	Planning Manager, Perth and Peel Planning (Item 10.1)
Ms Emma-Lee Groser	Planning Officer, Perth and Peel Planning (Item 9.1)
Ms Kym Petani	Acting Director Metro North East, Perth and Peel Planning (Item 9.1)
Ms Lisa Powell	Senior Planning Officer, Perth and Peel Planning (Item 9.2)
Mr Craig Shepherd	Planning Manager, Perth and Peel Planning (Item 9.2)
Ms Jasmine Tohill	Senior Planning Officer, Perth and Peel Planning (Item 10.1)

Observers

Mr David Kilpatrick	Carey Baptist College (Item 6.2)
Mr Terry Walsh	(Item 6.1)

Presenters

Mr David Davidson	Landowner (Item 6.1)
Ms Karen Wright	(Item 6.1)
Mr Steve Carter	Chappell Lambert Everitt (Item 6.2)
Mr Darren Levey	Uloth & Associates (Item 6.2)
Mr Paul Oates	Carey Baptist College (Item 6.2)

Committee Support

Ms Leah Carr	Committee Support Officer – Department of Planning
Ms Christina Sanders	Committee Support Officer - Department of Planning

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7483.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.03 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7483.2 Apologies

Nil.

7483.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7483.4 Disclosure of Interests

Nil.

7483.5 Declaration of Due Consideration

Mayor Adams, Ms Bartle and Mr Holloway had not received Agenda items 10.1 to 10.3 and hence are unable to deliberate on these items. However, as there is still a quorum of members present, these items will be determined accordingly.

7483.6 Deputations and Presentations

7483.6.1 **Lot 4 George Road, Lesmurdie: Subdivision to Create Two Lots for Residential Purpose.**

Presenters Mr David Davidson
Ms Karen Wright

Mr Davidson and Ms Wright spoke in support of the subdivision of Lot 4, George Road, Lesmurdie.

7483.6.2 **Development Application for an Educational Establishment - Lot 2 (540) Nicholson Road, Forrestdale**

Presenters Mr Steve Carter
Mr Darren Levey
Mr Paul Oates

Messrs Carter, Levey and Oates gave a powerpoint presentation in support of the development application for Lot 2 (540) Nicholson Road, Forrestdale and spoke to the Department's concerns on:

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- Traffic impact and modelling;
- Planning framework issues;
- Poultry farm use to the south;
- Environmental action being taken;
- Bush fire management reports / plans; and
- Acid sulphate soil work undertaken...

A copy of the presentation has been placed on file.

7483.7 Announcements by the Chairperson of the Board and communication from the WAPC

There were no announcements.

7483.8 Confirmation of Minutes

7483.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 28 May 2013

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on Tuesday 28 May 2013, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7483.9 Reports

7483.9.1 Lot 4 George Road, Lesmurdie: Subdivision to Create Two Lots for Residential Purpose.

File 147641
Report Number SPC/441
Agenda Part G
Reporting Officer Planning Director - Metropolitan North West

Resolved

Moved by Mayor Adams, seconded by Mr Holloway

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That the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 4 Grove Road, Lesmurdie subject to the following conditions:

Conditions:

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)*
- 2. Other than buildings, outbuildings and or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures, including the swimming pool, present on lots(s) fronting Bailey Road at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*
- 3. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of an underground power supply to the lots shown on the approved plan of subdivision. (Western Power)*
- 4. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lot(s) shown on the approved plan of subdivision. (Water Corporation)*
- 5. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*

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6. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'A reticulated sewerage service is not available to the lots'. (Local Government)

Advice:

1. *With regard to Condition 3, Western Power provides only one point of electricity supply per freehold (green title) lot.*
2. *With regard to Conditions 4 and 5, 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 67 of Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

The motion was put and carried.

Mr Farrar voted against the item.

7483.9.2

Development Application for an Educational Establishment - Lot 2 (540) Nicholson Road, Forrestdale

File 22-50149-1

Report Number SPC/442

Agenda Part G

Reporting Officer Director Planning, Metropolitan South-East

Officer's Recommendation

That the Western Australian Planning Commission resolves to refuse the application for an Education Establishment on Lot 2 (No. 540) Nicholson Road, Forrestdale for the following reasons:

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The development does not comply with State Planning Policy 1 - State Planning Framework Policy as it does not:

- (a) facilitate the efficient use of existing urban infrastructure and prevent development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services,
 - (b) integrate land use and transport planning which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars,
 - (c) encourage a safe environment, high standard of urban design and a sense of neighbourhood and community identity, and
 - (d) avoid land use conflicts by separating sensitive and incompatible uses.
2. The development does not comply with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning as it requires the installation of traffic signals and a reduced speed limit that will compromise the integrity and function of Nicholson Road as an important regional north-south freight route.
3. The development does not comply with State Planning Policy 4.3 - Poultry Farms Policy as it:
- (a) impinges the recommended buffer distance to the existing poultry farm as per State Planning Policy 4.3 and the City of Armadale Town Planning Scheme No. 4, and
 - (b) will impact upon the operational requirements and capabilities of the existing poultry farm causing land use conflict.

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4. The development does not comply with Development Control Policy 5.1 - Regional Roads (Vehicular Access) which seeks to reduce and rationalise crossovers and junctions to regional roads as it proposes two access points to the site with traffic treatments and alterations to Nicholson Road.
5. The proposed development would prejudice the orderly and proper planning of the locality by reason of intensifying the land use on the subject site contrary to the objectives of the 'Rural Living X' zone of the City of Armadale Town Planning Scheme No. 4, as it does not:
 - (a) provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics,
 - (b) provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites,
 - (c) ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.
6. The development has not demonstrated that it complies with Planning for Bush Fire Protection Guidelines and Planning Bulletin 64/2009 - Acid Sulfate Soils.

Mr Farrar advised that he was in favour of the application for an education establishment on Lot 2 Nicholson Road and believed that the issues had been addressed.

Resolved

Moved by Mr Farrar

That the Western Australian Planning Commission resolves to endorse the application for an Education Establishment on Lot 2 (No. 540) Nicholson Road.

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The motion lapsed for the want of a seconder.

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to refuse the application for an Education Establishment on Lot 2 (No. 540) Nicholson Road, Forrestdale for the following reasons:

1. *The development does not comply with State Planning Policy 1 - State Planning Framework Policy as it does not:*
 - (a) *facilitate the efficient use of existing urban infrastructure and prevent development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services,*
 - (b) *integrate land use and transport planning which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars,*
 - (c) *encourage a safe environment, high standard of urban design and a sense of neighbourhood and community identity, and*
 - (d) *avoid land use conflicts by separating sensitive and incompatible uses.*

2. *The development does not comply with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning as it requires the installation of traffic signals and a reduced speed limit that will compromise the integrity and function of Nicholson Road as an important regional north-south freight route.*

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3. *The development does not comply with State Planning Policy 4.3 - Poultry Farms Policy as it:*
 - (a) *impinges the recommended buffer distance to the existing poultry farm as per State Planning Policy 4.3 and the City of Armadale Town Planning Scheme No. 4, and*
 - (b) *will impact upon the operational requirements and capabilities of the existing poultry farm causing land use conflict.*
4. *The development does not comply with Development Control Policy 5.1 - Regional Roads (Vehicular Access) which seeks to reduce and rationalise crossovers and junctions to regional roads as it proposes two access points to the site with traffic treatments and alterations to Nicholson Road.*
5. *The proposed development would prejudice the orderly and proper planning of the locality by reason of intensifying the land use on the subject site contrary to the objectives of the 'Rural Living X' zone of the City of Armadale Town Planning Scheme No. 4, as it does not:*
 - (a) *provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics,*
 - (b) *provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites,*
 - (c) *ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.*

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6. *The development has not demonstrated that it complies with Planning for Bush Fire Protection Guidelines and Planning Bulletin 64/2009 - Acid Sulfate Soils.*

The motion was put and carried.

Mr Farrar voted against the item.

7483.9.3

Modification of Local Subdivision and Infrastructure Plan No. 204: Flora Road, Hovea

File 001/02/27/0005P0026
Report Number SPC/443
Agenda Part G
Reporting Officer Planning Manager, Metropolitan
Planning North East

Resolved

Moved by Ms Taylor, seconded by Mayor Adams

That the Western Australian Planning Commission resolves to:

1. *adopt the proposed modification to Local Subdivision and Infrastructure Plan No. 204, subject to the following additional modification;*
 - *The plan being modified in accordance with the attached modified plan date stamped 28 May 2013 by the Department of Planning to include the emergency access easement over Lot 31 and the requirement for buildings to be constructed in accordance with the requirements of Australian Standard 3959;*
2. *advise the Shire of Mundaring of its decision accordingly.*

The motion was put and carried.

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7483.10 Confidential Items

7483.10.1 Shire of Serpentine Jarrahdale - Local Planning Scheme No.2 Amendment No.167 (Scheme Provisions/ Development Contributions) - For Final Approval

File TPS/0395/1
Report Number SPC/444
Agenda Part B
Reporting Officer Planning Manager - Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7483.10.2 Consent to Advertise Shire of Katanning's Draft Local Planning Strategy

File DP/13100161/1
Report Number SPC/445
Agenda Part B
Reporting Officer Regional Manager - Great Southern Planning

THIS ITEM IS CONFIDENTIAL

7483.10.3 Shire of Dowerin – Local Planning Strategy and Local Planning Scheme No. 2 – Final Approval

File TPS/0520/1
Report Number SPC/446
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7483.11 General Business

Nil.

7483.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah.	13/8/13

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		(Subsequently resolved on 28/5/13) to omit the SPC meeting in Mandurah and to hold the site visit on a date when a cancelled SPC meeting would occur and to include a site visit to Preston Beach)	
7477.11.1	The Wheatbelt – Towns of York and Toodyay	To request Committee Support to arrange a site visit with regard to water and bush fire issues and in relation to future approvals for rural living subdivisions due to lack of water resources, and a possible need for consolidation of the local towns. (to be combined with 7477.11.2) (Subsequently resolved on 28/5/13 to hold the site visit on a date when a cancelled SPC meeting would occur)	8/10/13
7477.11.2	Avon Arc Study	To request Committee Support to invite Avon Arc to advise the Committee on issues such as sustainability, identifying priority areas, royalties for regions and capability. (to be combined with 7477.11.1) (as above)	8/10/13
7477.11.3	Private Arrangements for obtaining money for public open space by agreement	To request the Department to prepare a report to the WAPC regarding these types of arrangements.	TBA
7482.9.1	Update of Planning Bulletin 67: Guidelines for Wind Farm Development	To request the Department to liaise with the Department of Lands and the Department of Agriculture and consult with departments and the statutory planning section to ascertain whether there are any further refinements required to the policy. To incorporate comments from SPC members and to represent the policy to a future SPC meeting.	TBA

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7483.13 Closure

The next ordinary meeting is scheduled for 9.00 am on Tuesday 25 June 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.45 am.

PRESIDING MEMBER _____

DATE _____

Unconfirmed

INDEX OF REPORTS

Item	Description
9	REPORTS
	G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.1	APPLICATION TO CONSTRUCT THIRTY SEVEN MULTIPLE DWELLINGS AT NO. 10-14 (LOTS 316-318) WHITLOCK ROAD, QUEENS PARK.
9.2	APPLICATION TO CONSTRUCT FORTY NINE MULTIPLE DWELLINGS AT NO. 18-24 (LOTS 319-322) WHITLOCK ROAD, QUEENS PARK.
10	CONFIDENTIAL REPORTS
	A POLICY
10.1	INDIAN OCEAN DRIVE PLANNING GUIDELINE – CONSENT TO ADVERTISE
	B LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS
10.2	SHIRE OF SERPENTINE JARRAHDAL - LOCAL PLANNING SCHEME NO.2 AMENDMENT NO.168 - FOR FINAL APPROVAL
10.3	CITY OF SUBIACO - AMENDMENT NO. 17 TO TOWN PLANNING SCHEME NO. 4 - FINAL APPROVAL
10.4	CITY OF GOSNELLS - LOCAL PLANNING SCHEME AMENDMENT NO. 122 - FOR FINAL APPROVAL
	E MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS
10.5	SHIRE OF EXMOUTH LOCAL PLANNING SCHEME NO. 4 RESOLUTION TO PREPARE A SCHEME - FOR FINAL APPROVAL
10.6	TOWN OF PORT HEDLAND - LOCAL PLANNING SCHEME AMENDMENT NO. 45 - FOR FINAL APPROVAL



ITEM NO: 9.1

APPLICATION TO CONSTRUCT THIRTY SEVEN MULTIPLE DWELLINGS AT NO. 10-14 (LOTS 316-318) WHITLOCK ROAD, QUEENS PARK.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer - Metropolitan Planning Central
AUTHORISING OFFICER:	Director - Metropolitan Planning Central
AGENDA PART:	G
FILE NO:	16-50106-1
DATE:	10 June 2013
ATTACHMENT(S):	1 - Aerial Plan; 2 - TPS Zoning and Location Plan; 3 - Quattro Design Guidelines Area; 4 - Development Plans; 5 - Contextual Elevation; and 6 - Crossover Plan
REGION SCHEME ZONING	MRS: Urban
LOCAL GOVERNMENT:	City of Canning
LOCAL SCHEME ZONING:	Residential R17.5/30
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	09 July 2012
PROCESS DAYS:	
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lots 316-318 Whitlock Road, Queens Park

RECOMMENDATION:

That the Western Australian Planning Commission resolves to grant approval the proposed development of 37 multiple dwellings at No. 10-14 (Lots 316-318) Whitlock Road, Queens Park, pursuant to Clause 30 of the Metropolitan Region Scheme, subject to the following conditions:

CONDITION(S):

- 1. The proposed development is to comply in all respects with the submitted plans received on the 05 April 2013 and stamped accordingly.***

-
2. ***All stormwater from building and paving areas being contained on-site to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***
 3. ***The applicant is to prepare and implement a Landscape Management Plan prior to commencement of construction to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***
 4. ***All proposed fencing to be constructed to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***
 5. ***All vehicular access points and parking bays being provided and marked to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***

ADVICE

1. ***With regard to Condition 2, the applicant is advised to liaise with the City of Canning regarding stormwater and soak well requirements. The applicant is also advised that separate permissions may be required should it be proposed to re-distribute stormwater onto any other or adjoining land.***
2. ***With regard to Condition 3, the applicant is advised to liaise with the City of Canning regarding any landscaping requirements and the removal or relocation of any street trees affected by the development.***
3. ***In regard to Condition 4, the applicant is advised to liaise with the City of Canning regarding fencing requirements for this site.***
4. ***The applicant is advised that any costs incurred as a result of the construction of any on-street parking associated with the development are to be borne by the applicant.***

SUMMARY:

The key points relating to this report are as follows:

- The proposal is for 37 multiple dwellings, which will be constructed by the Department of Housing (DoH) and sold on the open market;
The City of Canning objects to the proposal;
- Consultation with local residents, conducted by the City of Canning, generated local objection, (86 objections received);
- The proposal seeks minor departures from the R-Codes, (discussed in the report);
- The DoH is exempt from Planning Approval under the City of Canning's Town Planning Scheme No. 40 as the proposal constitutes 'public works' by a 'public authority';

-
- The application requires approval under the MRS;
 - Two applications relating to the same type of development are being considered concurrently. DoH is the applicant for both applications; and
 - The Western Australian Planning Commission (WAPC) has previously approved an application to amalgamate the subject lots.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation
 Section: Development Approval - Part 10 of the P&D Act 2005
 Section 6

Strategic Plan
 Strategic Goal: Planning
 Outcomes: Effective Delivery of Integrated Plans
 Strategies: Implement State and Regional Planning priorities

Policy
 Number and Name: State Planning Policy 3.1 Residential Design Codes

INTRODUCTION

Site and Surroundings

The subject site comprises Lots 316 - 318 Whitlock Road, Queens Park and falls within the City of Canning. The lots are 5072m² in area and are cleared of all structures, although two semi mature trees remain on the site. The lots back onto 'Maniana Bush Forever Site' to the north, an area of public open space to the east and residential properties to the south and west. **(Attachment 1 - Aerial Plan)**

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential' with a density code of R17.5/30 under the City of Canning Town Planning Scheme No.40 (TPS40). **(Attachment 2 - TPS Zoning and Location Plan)**

The subject site is also required to consider the City of Canning Quattro Design Guidelines Area (QDGA). **(Attachment 3 - Quattro Design Guidelines Area)**

Proposed Development

The application proposes a two storey residential development, comprising 37 multiple dwellings, with a mix of 1 bedroom (13), 2 bedroom (22) and 3 bedroom (2) apartments. The proposal will provide both resident and visitor car parking, with vehicular access being achieved from an undercroft access point, along Whitlock Road. Pedestrian access is also proposed via Whitlock Road and will operate separate to the vehicular access points. **(Attachment 4 - Development Plans).**

The development is a multiple dwelling proposal, however as it comprises only 2 storeys, it will present as a low rise, linear residential development. **(Attachment 5 - Contextual Elevation).**

The applicant has advised that all 37 dwellings will be sold on the private market and will be marketed as affordable housing to first time buyers and/or low to middle income earners.

An application to amalgamate Lots 316 - 318 was approved by the Western Australian Planning Commission (WAPC) on the 07 September 2012.

A similar development application, for lots 319-322 Whitlock Road, is being considered concurrently with this proposal. (Refer to WAPC ref 16-50107-1).

CONSULTATION:

The City of Canning has recommended that the application be refused on the following grounds:

- (i) The development does not comply with Clause 5.4.1.6 of Town Planning Scheme No. 40 as the proposal is for multiple dwellings on land having a density coding less than R40.

Notwithstanding the above, the City has recommended a number of planning conditions should the WAPC resolve to grant approval.

The City has provided details of its community consultation exercise. In total, 86 objections were received during the 21 day consultation period. A summary of the objections is detailed below:

- i) Antisocial behaviour and safety concerns;
- ii) Increased density and amenity concerns;
- iii) Perceived management problems of Department of housing properties;
- iv) Adverse Environmental impacts on adjacent bushland areas and Public Open; Space.
- v) Lack of transparency;
- vi) Non-compliance with statutory planning controls;
- vii) Impact on streetscape;
- viii) Increase in traffic and parking demand;
- ix) Noise pollution; and
- x) Impact on the Quattro redevelopment area.

Community Engagement exercise undertaken by the Department of Housing (DoH).

In recognition of the objections, DoH met with the community in December 2012 to try and address their concerns. This enabled DoH to fully explain all aspects of the development and provided the community with an opportunity to give constructive feedback on the proposal.

As a result of the public meeting, further consideration has been given to parking, accessibility to dwellings, bicycle bays and stormwater disposal which resulted in the plans being as follows.

-
- Reconfiguring the parking allocation to provide extra parking for the larger units;
 - The addition of 11 street bays for visitors;
 - The incorporation of motor bike bays to facilitate alternative modes of transport; and
 - The reconfiguration of some units so that they are wheelchair accessible.

The City has raised no objections to the modified plans.

The Department of Environment and Conservation (DEC) has no objection to the proposal.

COMMENTS:

Planning Framework

In 2009, pursuant to Section 16 of the 'Planning and Development Act 2005', the WAPC resolved to delegate its powers and functions to officers of the Department of Housing, for the approval of development of public housing made pursuant to the MRS. (Instrument of Delegation DEL 2009/04 'Powers of Officers' Department of Housing).

However, this delegation does not extend to development exceeding 10 dwellings and/or when the proposal is not in strict compliance with the operative local planning scheme.

As the subject proposal is for more than 10 dwellings, and as is not in strict compliance with the scheme, DoH officers are unable to determine the application, resulting in referral to the WAPC for determination.

Assessment under the Metropolitan Region Scheme (MRS).

The proposed development constitutes 'public works' as defined under the Public Works Act 1902. The works are being undertaken by a Public Authority (DoH).

Whilst Section 6 of the Planning and Development Act 2005 exempts public bodies, such as DoH, from requiring development approval for public works under a local planning scheme, such works require approval under the MRS.

It is noted that while approval is limited to the MRS, the WAPC must still consult with the requisite local government and give due regard to the purpose and intent of the operative local planning scheme, and the principles of proper and orderly planning.

The WAPC is not bound by a local planning scheme and can depart from the scheme requirements providing it can be demonstrated that the proposal adheres to proper planning principles and is in keeping with the intent of the scheme.

The intent of the Town Planning Scheme

Under TPS40 the land is zoned 'Residential' with a density code of 'R17.5/30'. The purpose and intent of the Residential Zone within the City of Canning;

"is to provide for a wide range of residential accommodation for the needs of the present and future population, within an attractive and safe residential environment".

Similarly, the intent of the QDGA is to *"provide for residential development within the Quattro Redevelopment Area that contributes to a safe, attractive and functional community".*

While the QDGA has no statutory weight, it is noted that it operates in conjunction with TPS40.

City of Canning reason for refusal

The City has recommended refusal of the application for the following reason:

"The development does not comply with Clause 5.4.1.6 of Town Planning Scheme No. 40 as the proposal involves multiple dwellings on land with density coding less than R40".

Clause 5.4.1.6 of TPS40 states that:

Multiple dwelling development is not permitted on land zoned for residential purpose where the Residential Planning Code Density is less than R40.

In response to the City's objection it is noted that TPS40 was gazetted 18 February 1994 and predates the 2010 Residential Design Codes (R-Codes).

Clause 5.4.1.6 conflicts with the R-Codes as the codes contains provisions for multiple dwellings in areas coded R30 rather than R40. Given TPS40 assigns power to the R-Codes as the primary mechanism for controlling multiple dwelling development in the municipality, it is considered that the R-Codes should prevail in this instance, despite the apparent conflict. On this basis it is considered that the application should be assessed against the R30 density code.

As mentioned, the purpose and intent of the residential zone under TPS40, is *'to provide for a wide range of residential accommodation for the needs of the present and future population within an attractive safe environment'*. Since the development will cater for an integral sector of the local community, it is considered consistent with this intent by virtue of providing housing for a future population. This also represents proper and orderly planning.

Variations to the R-Codes

The proposal generally accords with the R-codes in most respects, with only minor variations to front setback and plot ratio requirements being sought. The application also seeks variations to the side setback requirements, notably along the north western and south eastern lot boundaries. These are illustrated in the tables below.

Unit No.	Set Backs
Unit 1 and Unit 12	Setback achieved - 2.0m Setback required - 2.7m
Unit 28	Setback achieved - 2.1m Setback required - 2.7m
Unit 11 and Unit 27	Setback achieved - 1.5m Setback required - 2.5m

The City has advised that that the setback variations are acceptable on balance and can be supported. This view is supported.

Plot Ratio Variation

Plot Ratio	Variation
Maximum Plot Ratio	0.50
Achieved Plot Ratio	0.55

The City considers that the proposed plot ratio variations are minor and in visual terms would not be discernible from street level. This view is supported.

Variations to Quattro Design Guideline Area

The Quattro Design Guidelines generally prescribe the preferred type of development for lots within the Quattro Development Area. According to the Quattro plan, a grouped dwelling development is the preferred type of construction for the subject land as opposed to the multiple dwelling development being proposed.

Notwithstanding this, the design and layout of the proposed built form draws upon the character of the area, in terms of bulk and scale. In spite of being a multiple dwelling development, the proposed development is considered appropriate and acceptable on balance given the guidelines seek to achieve a higher density of development in this area. The proposed development would fulfil this objective.

Secondary to the above, the QDGA details the number and location of future crossovers in a Detailed Area Crossover Plan. **(Attachment 6 - Crossover Plan)**. This plan identifies 3 central crossovers (1 per lot) whereas the proposal intends to provide 5. While the proposed crossover configuration departs from the crossover plan for the lots, the configuration accords with the requirements of the R-Codes in terms of providing no more than 1 vehicular opening per 20m of street frontage. The proposed crossover pattern is considered acceptable and can be supported on this basis.

Direction 2031 and Beyond

Directions 2031 and Beyond represents the highest level of strategic land use planning within the Metropolitan and Peel area. Directions 2031 and Beyond advocates an increase in housing supply as a response to changing population needs and to provide diversity, adaptability, affordability and choice in the supply of housing. As previously mentioned, all 37 dwellings will be sold on the private market and will be targeted to those on low to moderate incomes. This demonstrates a commitment towards meeting the objectives of Directions 2031 and Beyond in terms of providing affordable housing choice.

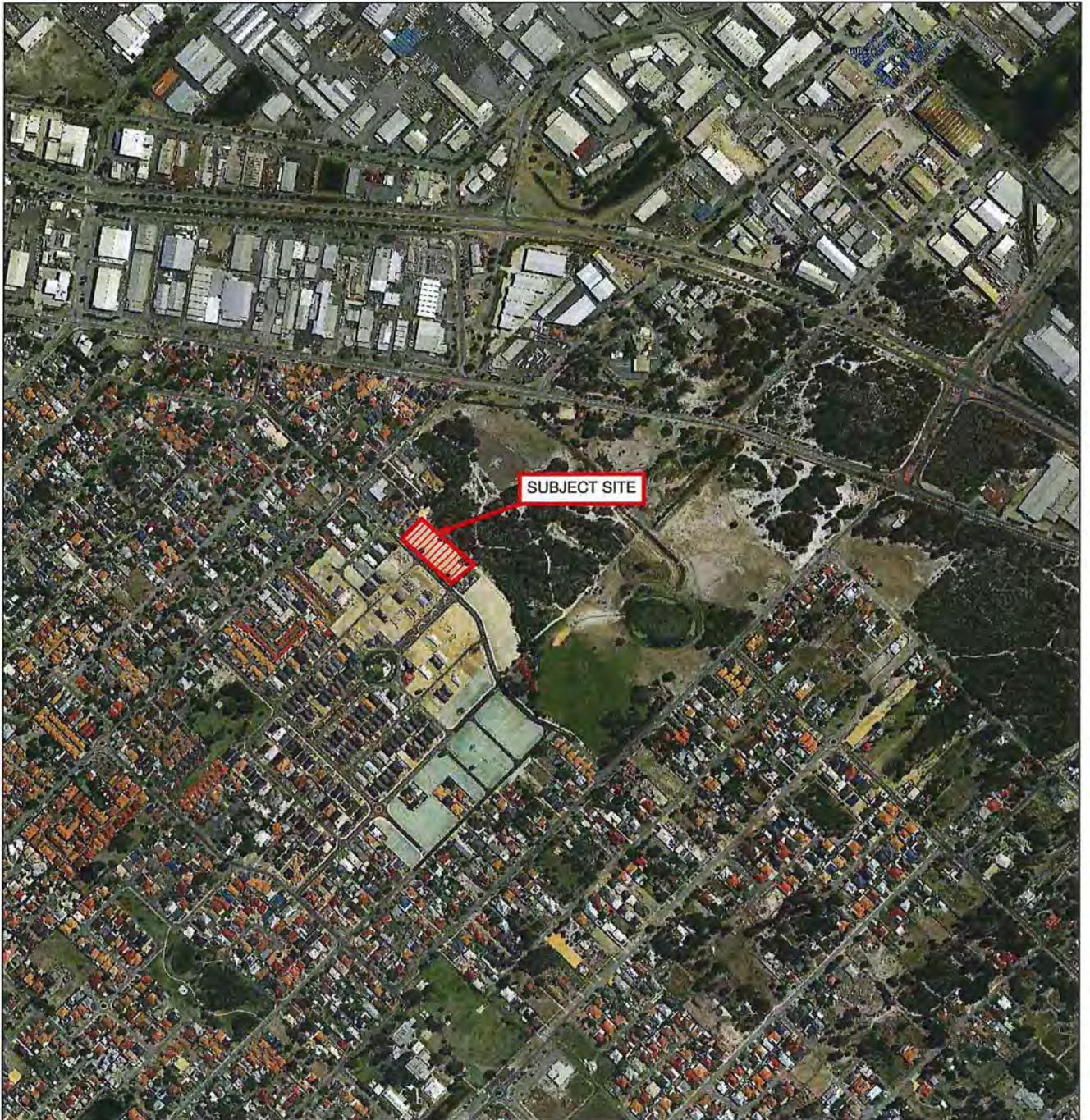
State Planning Policy 5.1 Land Use Planning in the Vicinity of Perth Airport (Draft)

The subject lots are located within the 20 - 25 Australian Noise Exposure Forecast (ANEF) range for Perth Airport. While noise mitigation measures are not mandatory for sites which fall within the 20-25 ANEF contour, the WAPC notes that measures will be put in place to protect future residents from aircraft noise, including sound insulated roof construction and robust door and window openings. The proposal is therefore acceptable in this regard.

CONCLUSION:

In conclusion, it is considered that the proposed residential proposal represents appropriate development for the 'Urban' zone under the MRS. The application satisfactorily meets the intent of the City of Canning Town Planning Scheme No. 40, the Quattro Design Guidelines and the requirements of the Residential Design Codes 2010. Importantly, it represents proper and orderly planning of the locality.

It is therefore recommended that this application be approved subject to conditions.



2012 Perth Metropolitan Aerial Photography

0 Scale 1:10,259 250 m

Prepared by: gmcgowan
Prepared for:
Date: Wednesday, June 12, 2013 12:02
Plot identifier: P20130612_1201



Government of Western Australia
Department of Planning

DP INTERNAL USE ONLY



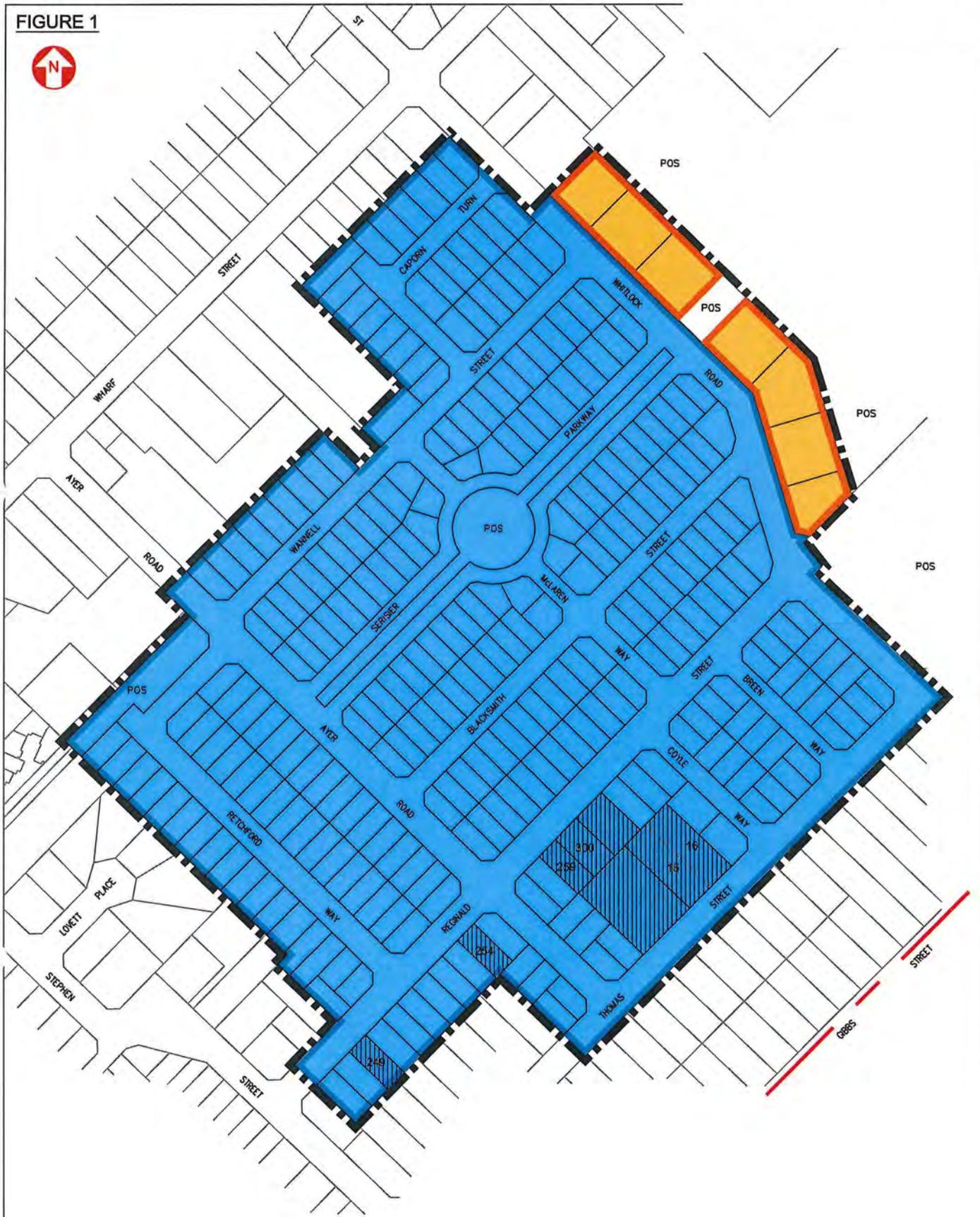
Development Application 16-50107-1 (MGA ref 401271mE 6458915mN Zone 50)

This data is to be used for the processing of subdivision applications only.

- ★ APPROX LOCATION OF APPLICATION
- PRIMARY REGIONAL ROADS
- PARKS & RECREATION
- CADASTRAL BOUNDARY
- WESTNET ENERGY GAS PIPELINE
- BUSH FOREVER 2000 SITES
- DEVELOPMENT APPLICATION
- R CODE BOUNDARY
- LIGHT INDUSTRY
- RESIDENTIAL
- SERVICE STATION
- CIVIC & CULTURAL AREAS
- LOCAL PARK & RECREATION AREA
- COMMERCIAL
- SHOPPING

138094D.eps

FIGURE 1



LEGEND

-  POLICY AREA
-  GENERAL RESIDENTIAL
-  LOTS NOT SUBJECT TO POLICY
-  GROUPED HOUSING

Drawing No. 704.054 PL1B 1.09.08.dwg

- NOTE**
1. PREP SITE AS PER SPECIFICATIONS.
 2. CONTRACTOR TO CONSULT ALL ADJOINING NEIGHBOURS PRIOR TO REMOVING ANY EXISTING FENCES.
 3. PROVIDE NEW BOUNDARY FENCES AS PER PLAN.
 4. ALL GATES TO BE 600W COLOURBOND.
 5. ALL CLOTHES LINES TO BE RECTANGULAR FOLD DOWN TYPE WALL OR POST MOUNTED AS INDICATED ON PLAN.
 6. PAVING BRICKS TO BE MFL 60mm THICK FOR DRAINAGE & FILLING VICINITY. SEE CONSULTANT'S DRAWINGS.
 7. ALL DOWN PIPES TO BE CONNECTED TO STORM'S DISCHARGE INTO COUNCIL'S STORM WATER DRAINAGE.
 8. PROVIDE UNDERGROUND POWER SUPPLY TO EACH UNIT. REFER ELECTRICAL DRAWINGS.
 9. THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS OR S.O.P. DRAWINGS.
 10. ANY DISCREPANCIES, AMBIGUITIES, OMISSIONS, INCONSISTENCIES, ERRORS OR OTHER HALTS MUST BE REPORTED TO THE ENGINEER ON THE PLANS AND IN THE CONTRACT DOCUMENTS ARE TO BE CLARIFIED AND CLARIFIED AND CONFIRMED WITH THE DESIGN OFFICE PRIOR TO CONTINUING THE WORKS.
 11. WRITE DIMENSIONS TO CONFORM SCALE.
 12. LARGE SCALE DRAWINGS TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS.
 13. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS, ENGINEER'S DETAILS OR ANY OTHER CONSULTANT'S DETAILS OR DESIGN OFFICE INSTRUCTIONS AS MAY ARISE FROM TIME TO TIME.

- LEGEND FOR SITE PLAN**
- 1. 200mm WALL MOUNTED IDENT LIGHT
 - 2. 1.5m x 1.5m x 1.5m (MFL) CONCRETE
 - 3. 300mm x 300mm x 100mm (MFL) CONCRETE
 - 4. 100mm x 100mm x 100mm (MFL) CONCRETE
 - 5. 100mm x 100mm x 100mm (MFL) CONCRETE
 - 6. 100mm x 100mm x 100mm (MFL) CONCRETE
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 - 47. 100mm x 100mm x 100mm (MFL) CONCRETE
 - 48. 100mm x 100mm x 100mm (MFL) CONCRETE
 - 49. 100mm x 100mm x 100mm (MFL) CONCRETE
 - 50. 100mm x 100mm x 100mm (MFL) CONCRETE

NOTE

ONE TO BE SUBMITTED TO THE VARIETY OF FIBRE OPTIC. THE FOLLOWING CONDITIONS APPLY:

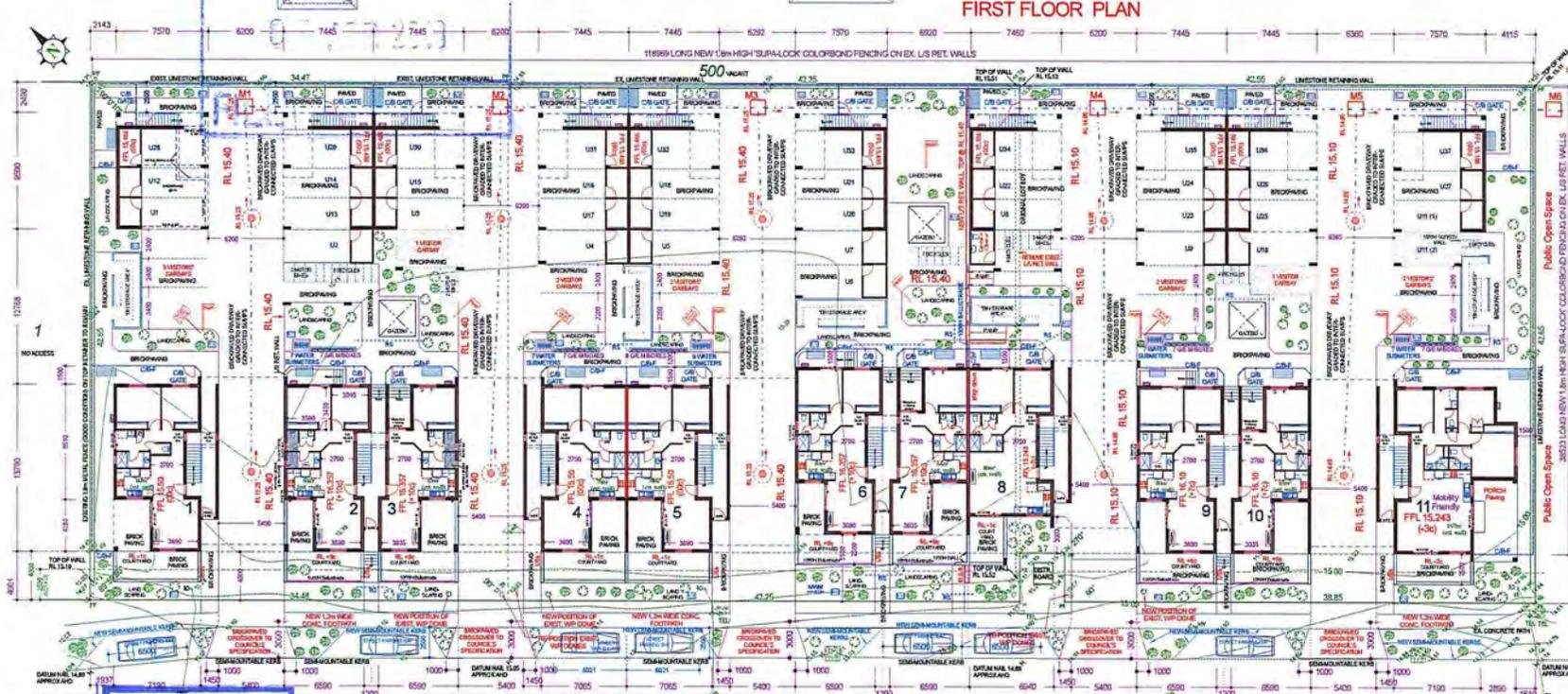
- ROOF TO HAVE ACCIDENTALLY BEING DAMAGED BY THE RAFTERS BEING BOWLED TO BE 100mm PLASTER BOARD.
- CONCRETE BRICKS TO BE SEPARATED FROM ROOF STRUCTURE AND NOT ATTACHED TO ROOF STRUCTURE. INSULATION TO BE PROVIDED BY MASTERS. CONCRETE BRICKS & BEING DOORS TO BE PROVIDED BY MASTERS. CONCRETE BRICKS & BEING DOORS TO BE PROVIDED BY MASTERS. CONCRETE BRICKS & BEING DOORS TO BE PROVIDED BY MASTERS.
- ALL ENTRY DOORS TO BE 40mm BOLD FRAME WITH ACCORDING TO RELEVANT FLAPWEATHER SEALS TO FRAMES.

CURRENT ZONING = RT1.5 R00
 SITE AREA FOR LOTS 216, 217 & 218 = 5.072m²
 ALSO COVERED BY RT1.5 R00

TOTAL FLOOR AREAS TO EXTERNAL WALLS = 2,818M²
 FLOOR AREA TO LESS
 SITE COVER CALC.
 1.35M² x 0.25M² x 24M² STORES = 1.943M² (0.23%)
 COVER SPACES = 3.1 COM (0.7%)
 TOTAL DWELLINGS = 37 UNITS

PRIMARY STREET SETBACK = 2.5M
 CARPARK REQUIRED -
 1 BAY PER UNIT = 37 BAYS
 VISITORS (0.25 = 0.25 BAYS REQUIRED)
 VISITORS BAYS PROVIDED = 12 BAYS
 TOTAL BAYS PROVIDED = 49
 NOTE: PROPERTY WITH A 250M² OF HIGH FREQUENCY BUS ROUTE

Unit No.	Area (m ²)	Volume (m ³)	Weight (kg)
1	100	100	100
2	100	100	100
3	100	100	100
4	100	100	100
5	100	100	100
6	100	100	100
7	100	100	100
8	100	100	100
9	100	100	100
10	100	100	100
11	100	100	100
12	100	100	100
13	100	100	100
14	100	100	100
15	100	100	100
16	100	100	100
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28	100	100	100
29	100	100	100
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31	100	100	100
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33	100	100	100
34	100	100	100
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37	100	100	100
38	100	100	100
39	100	100	100
40	100	100	100
41	100	100	100
42	100	100	100
43	100	100	100
44	100	100	100
45	100	100	100
46	100	100	100
47	100	100	100
48	100	100	100
49	100	100	100
50	100	100	100



UNIT PRICE	UNIT NO.	AREA (m ²)	VOLUME (m ³)	WEIGHT (kg)
1	1	100	100	100
2	2	100	100	100
3	3	100	100	100
4	4	100	100	100
5	5	100	100	100
6	6	100	100	100
7	7	100	100	100
8	8	100	100	100
9	9	100	100	100
10	10	100	100	100
11	11	100	100	100
12	12	100	100	100
13	13	100	100	100
14	14	100	100	100
15	15	100	100	100
16	16	100	100	100
17	17	100	100	100
18	18	100	100	100
19	19	100	100	100
20	20	100	100	100
21	21	100	100	100
22	22	100	100	100
23	23	100	100	100
24	24	100	100	100
25	25	100	100	100
26	26	100	100	100
27	27	100	100	100

AMENDED PLAN
 Supermarket
 9 JUL 2017

FILE 16-50106-1

UNIT PRICE	UNIT NO.	AREA (m ²)	VOLUME (m ³)	WEIGHT (kg)
1	1	100	100	100
2	2	100	100	100
3	3	100	100	100
4	4	100	100	100
5	5	100	100	100
6	6	100	100	100
7	7	100	100	100
8	8	100	100	100
9	9	100	100	100
10	10	100	100	100
11	11	100	100	100
12	12	100	100	100
13	13	100	100	100
14	14	100	100	100
15	15	100	100	100
16	16	100	100	100
17	17	100	100	100
18	18	100	100	100
19	19	100	100	100
20	20	100	100	100
21	21	100	100	100
22	22	100	100	100
23	23	100	100	100
24	24	100	100	100
25	25	100	100	100
26	26	100	100	100
27	27	100	100	100

STORMWATER SLUICES & DRAINAGE SYSTEM
 BEHIND THE BRICKWORK NEAR RETAINING WALLS. NUMBER OF SLUICES REDUCED FROM 12 TO 8.

STORMWATER SLUICES & DRAINAGE SYSTEM
 NUMBER OF SLUICES REDUCED FROM 12 TO 8.

ALL NEW VEHICLES & CYCLES RECOMMENDED FOR
 UTILITY ACCESSIBLE.

UTILITY PROVIDED WITH AN ADDITIONAL CARBON
 FILTER. MOTORCYCLES RECOMMENDED.
 NOTE: ADDRESS FOR CLEARING HOUSEHOLD RUBBISH
 BY CONTRACTOR.

CROSSINGS SLUICES REQUIRED.

SPECIAL NOTE
 PROVIDE ELECTRIC CLOTHES
 DRYERS ABOVE WASHING
 MACHINES IN ALL FIRST
 FLOOR UNITS.

OWNER
 DEPARTMENT OF HOUSING
 30 HAY STREET, EAST PERTH, WA, 6004

REVISED 3/3/13
BLOCK 'A'
 PROJECT: PROPOSED MULTIPLE DWELLINGS
 COMPRISING 1, 2 AND 3 BED UNITS
 ON LOTS 316, 317 & 318
 WHITLOCK ROAD, QUEENSBANK

DESIGN BUILDING
 KENYON STUDIO
 100/101 WILSON STREET, PERTH, WA, 6000
 PHONE: 08 9442 1111
 FAX: 08 9442 1112
 EMAIL: info@kenyonstudio.com.au
 WEBSITE: www.kenyonstudio.com.au



VIEW FROM L322 WHITLOCK RD, QUEENS PARK

FIGURE 2



Note:
Where no prescribed crossover location is shown, location of crossover is optional.

- Legend**
-  Lots subject to Policy
 -  Lots not subject to Policy
 -  Prescribed location of Crossover
 -  Visual permeable fence and passive surveillance required

Annexure N2

Detailed Area Plan - Crossover Plan
Queens Park
Peet Ltd - Department Housing & Works



ITEM NO: 9.2

APPLICATION TO CONSTRUCT FORTY NINE MULTIPLE DWELLINGS AT NO. 18-24 (LOTS 319-322) WHITLOCK ROAD, QUEENS PARK.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer - Metropolitan Planning Central
AUTHORISING OFFICER:	Director - Metropolitan Planning Central
AGENDA PART:	G
FILE NO:	16-50107-1
DATE:	10 June 2013
ATTACHMENT(S):	1 - Aerial Plan; 2 - TPS Zoning and Location Plan; 3 - Quattro Design Guidelines Area; 4 - Development Plans; 5 - Contextual Elevation; and 6 - Crossover Plan
REGION SCHEME ZONING	MRS: Urban
LOCAL GOVERNMENT:	City of Canning
LOCAL SCHEME ZONING:	Residential R17.5/30
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	09 July 2012
PROCESS DAYS:	
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 319-322 Whitlock Road, Queens Park

RECOMMENDATION:

That the Western Australian Planning Commission resolves to grant approval the proposed development of 49 multiple dwellings at No. 18-24 (Lots 319-322) Whitlock Road, Queens Park, pursuant to Clause 30 of the Metropolitan Region Scheme, subject to the following conditions:

CONDITION(S):

- 1. The proposed development is to comply in all respects with the submitted plans received on the 05 April 2013 and stamped accordingly.***

-
2. ***All stormwater from building and paving areas being contained on-site to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***
 3. ***The applicant is to prepare and implement a Landscape Management Plan prior to commencement of construction to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***
 4. ***All proposed fencing to be constructed to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***
 5. ***All vehicular access points and parking bays being provided and marked to the specification of the City of Canning and to the satisfaction of the Western Australian Planning Commission.***

ADVICE

1. ***With regard to Condition 2, the applicant is advised to liaise with the City of Canning regarding stormwater and soak well requirements. The applicant is also advised that separate permissions may be required should it be proposed to re-distribute stormwater onto any other or adjoining land.***
2. ***With regard to Condition 3, the applicant is advised to liaise with the City of Canning regarding any landscaping requirements and the removal or relocation of any street trees affected by the development.***
3. ***In regard to Condition 4, the applicant is advised to liaise with the City of Canning regarding fencing requirements for this site.***
4. ***The applicant is advised that any costs incurred as a result of the construction of any on-street parking associated with the development are to be borne by the applicant.***

SUMMARY:

The key points relating to this report are as follows:

- The proposal is for 49 multiple dwellings, which will be constructed by the Department of Housing (DoH) and will be sold on the open market;
- The City of Canning objects to the proposal;
- Consultation with locals residents, conducted by the City of Canning, generated significant local objection, (86 objections received);
- The proposal seeks minor departures from the R-Codes, (discussed in the report);
- The DoH is exempt from Planning Approval under the City of Canning's Town Planning Scheme No. 40 as the proposal constitutes 'public works' by a 'public Authority';
- The application requires approval under the MRS;

-
- Two applications relating to the same type of development are being considered concurrently. DoH is the applicant for both applications; and
 - The Western Australian Planning Commission (WAPC) has previously approved an application to amalgamate the subject lots.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation
Section: Development Approval - Part 10 of the P&D Act 2005
Section 6

Strategic Plan
Strategic Goal: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy
Number and Name: State Planning Policy 3.1 Residential Design Codes

INTRODUCTION

Site and Surroundings

The subject site comprises Lots 319 - 322 Whitlock Road, Queens Park and falls within the City of Canning. The lots are 6647m² in area and are cleared of all structures. The lots back onto 'Maniana Bush Forever Site' to the north, an area of public open space to the east and residential properties to the south and west. **(Attachment 1 - Aerial Plan)**

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential' with a density code of R17.5/30 under the City of Canning Town Planning Scheme No.40 (TPS40). **(Attachment 2 - TPS Zoning and Location Plan)**

The subject site is also required to consider the City of Canning Quattro Design Guidelines Area (QDGA). **(Attachment 3 - Quattro Design Guidelines Area)**

Proposed Development

The application proposes a two storey residential development, comprising 49 multiple dwellings, with a mix of 1 bedroom (17), 2 bedroom (26) and 3 bedroom (6) apartments. The proposal will provide both resident and visitor car parking, with vehicular access being achieved from an undercroft access point, along Whitlock Road. Pedestrian access is also proposed via Whitlock Road and will operate separate to the vehicular access points. **(Attachment 4 - Development Plans)**.

The development is a multiple dwelling proposal, however as it comprises only 2 storeys, it will present as a low rise, linear residential development. **(Attachment 5 - Contextual Elevation)**.

The applicant has advised that all 49 dwellings will be sold on the private market and will be marketed as affordable housing to first time buyers and/or low to middle income earners.

An application to amalgamate Lots 319 - 322 was approved by the Western Australian Planning Commission (WAPC) on the 07 September 2012.

A similar development application, for lots 316-318 Whitlock Road, is being considered concurrently with this proposal. (Refer to WAPC ref 16-50106-1).

CONSULTATION:

The City of Canning has recommended that the application be refused on the following grounds:

- (i) The development does not comply with Clause 5.4.1.6 of Town Planning Scheme No. 40 as the proposal is for multiple dwellings on land having a density coding less than R40.

Notwithstanding the above, the City has recommended a number of planning conditions should the WAPC resolve to grant approval.

The City has provided details of its community consultation exercise. In total, 86 objections were received during the 21 day consultation period. A summary of the objections is detailed below:

- i) Antisocial behaviour and safety concerns;
- ii) Increased density and amenity concerns;
- iii) Perceived management problems of Department of housing properties;
- iv) Adverse Environmental impacts on adjacent bushland areas and Public Open; Space.
- v) Lack of transparency;
- vi) Non-compliance with statutory planning controls;
- vii) Impact on streetscape;
- viii) Increase in traffic and parking demand;
- ix) Noise pollution; and
- x) Impact on the Quattro redevelopment area.

Community Engagement exercise undertaken by the Department of Housing (DoH).

In recognition of the objections, DoH met with the community in December 2012 to try and address their concerns. This enabled DoH to fully explain all aspects of the development and provided the community with an opportunity to give constructive feedback on the proposal.

As a result of the public meeting, further consideration has been given to parking, accessibility to dwellings, bicycle bays and stormwater disposal, which resulted in the plans being modified, as follows.

-
- Reconfiguring the parking allocation to provide extra parking for the larger units;
 - The addition of 11 street bays for visitors;
 - The incorporation of motor bike bays to facilitate alternative modes of transport; and
 - The reconfiguration of some of the units so they are wheelchair accessible.

The City has raised no objections to the modified plans.

The Department of Environment and Conservation (DEC) has no objection to the proposal.

COMMENTS:

Planning Framework

In 2009, pursuant to Section 16 of the 'Planning and Development Act 2005', the WAPC resolved to delegate its powers and functions to officers of the Department of Housing, for the approval of development of public housing made pursuant to the MRS. (Instrument of Delegation DEL 2009/04 'Powers of Officers' Department of Housing).

However, this delegation does not extend to development exceeding 10 dwellings and/or when the proposal is not in strict compliance with the operative local planning scheme.

Since the subject proposal is for more than 10 dwellings, and as is not in strict compliance with the scheme. Due to this, DoH officers are unable to determine the application, resulting in referral to the WAPC for determination.

Assessment under the Metropolitan Region Scheme (MRS).

The proposed development constitutes 'public works' as defined under the Public Works Act 1902. The works are being undertaken by a Public Authority (DoH).

Whilst Section 6 of the Planning and Development Act 2005 exempts public bodies, such as DoH, from requiring development approval for public works under a local planning scheme, such works require approval under the MRS.

It is noted that while approval is limited to the MRS, the WAPC must still consult with the requisite local government and give due regard to the purpose and intent of the operative local planning scheme, and the principles of proper and orderly planning.

The WAPC is not bound by a local planning scheme and can depart from the scheme requirements providing it can be demonstrated that the proposal adheres to proper planning principles and is in keeping with the intent of the scheme.

The intent of the Town Planning Scheme

Under TPS40 the land is zoned 'Residential' with a density code of 'R17.5/30'. The purpose and intent of the Residential Zone within the City of Canning;

"is to provide for a wide range of residential accommodation for the needs of the present and future population, within an attractive and safe residential environment".

Similarly, the intent of the QDGA is to *"provide for residential development within the Quattro Redevelopment Area that contributes to a safe, attractive and functional community"*.

While the QDGA has no statutory weight, it is noted that it operates in conjunction with TPS40.

City of Canning reason for refusal

The City has recommended refusal of the application for the following reason:

"The development does not comply with Clause 5.4.1.6 of Town Planning Scheme No. 40 as the proposal involves multiple dwellings on land with density coding less than R40".

Clause 5.4.1.6 of TPS40 states that:

Multiple dwelling development is not permitted on land zoned for residential purpose where the Residential Planning Code Density is less than R40.

In response to the City's objection it is noted that TPS40 was gazetted 18 February 1994 and predates the 2010 Residential Design Codes (R-Codes).

Clause 5.4.1.6 conflicts with the R-Codes as the codes contains provisions for multiple dwellings in areas coded R30 rather than R40. Given TPS40 assigns power to the R-Codes as the primary mechanism for controlling multiple dwelling development in the municipality, it is considered that the R-Codes should prevail in this instance, despite the apparent conflict. On this basis it is considered that the application should be assessed against the R30 density code.

As mentioned, the purpose and intent of the residential zone under TPS40, is *'to provide for a wide range of residential accommodation for the needs of the present and future population within an attractive safe environment'*. Since the development will cater for an integral sector of the local community, it is considered consistent with this intent by virtue of providing housing for a future population. This also represents proper and orderly planning.

Variations to the R-Codes

The proposal generally accords with the R-codes in most respects, with only minor variations to front setback and plot ratio requirements being sought. The application also seeks variations to the side setback requirements, notably along the north western and south eastern lot boundaries. These are illustrated in the tables below.

Unit No.	Set Backs
Unit 15, 16, 41 and 42	Setback achieved - 2.5m Setback required - 3.6m
Unit 14, 36 and 49	Setback achieved - 1.2m - 2m Setback required - 2.5m
Unit 1, 17, 37 and 38	Set back achieved - 1.7m Setback required - 3.5m - 4.4m

The City has advised that that the setback variations are acceptable on balance and can be supported. This view is supported.

Plot Ratio Variation

Plot Ratio	Variation
Maximum Plot Ratio	0.50
Achieved Plot Ratio	0.54

The City considers that the proposed plot ratio variations are minor and in visual terms would not be discernible from street level. This view is supported.

Variations to Quattro Design Guideline Area

The Quattro Design Guidelines generally prescribe the preferred type of development for lots within the Quattro Development Area. According to the Quattro plan, a grouped dwelling development is the preferred type of construction for the subject land as opposed to the multiple dwelling development being proposed.

Notwithstanding this, the design and layout of the proposed built form draws upon the character of the area, in terms of bulk and scale. In spite of being a multiple dwelling development, the proposed development is considered appropriate and acceptable on balance given the guidelines seek to achieve a higher density of development in this area. The proposed development would fulfil this objective.

Secondary to the above, the QDGA details the number and location of future crossovers in a Detailed Area Crossover Plan. **(Attachment 6 - Crossover Plan)**. This plan identifies 4 central crossovers (1 per lot) whereas the proposal intends to provide 6. While the proposed crossover configuration departs from the crossover plan for the lots, the configuration accords with the requirements of the R-Codes in terms of providing no more than one vehicular opening per 20m of street frontage. The proposed crossover pattern is considered acceptable and can be supported on this basis.

Direction 2031 and Beyond

Directions 2031 and Beyond represents the highest level of strategic land use planning within the Metropolitan and Peel area. Directions 2031 and Beyond advocates an increase in housing supply as a response to changing population

needs and to provide diversity, adaptability, affordability and choice in the supply of housing. As previously mentioned, all 49 dwellings will be sold on the private market and will be targeted to those on low to moderate incomes. This demonstrates a commitment towards meeting the objectives of Directions 2031 and Beyond in terms of providing affordable housing choice.

State Planning Policy 5.1 Land Use Planning in the Vicinity of Perth Airport (Draft)

The subject lots are located within the 20 - 25 Australian Noise Exposure Forecast (ANEF) range for Perth Airport. While noise mitigation measures are not mandatory for sites which fall within the 20-25 ANEF contour, the WAPC notes that measures will be put in place to protect future residents from aircraft noise, including sound insulated roof construction and robust door and window openings. The proposal is therefore acceptable in this regard.

CONCLUSION:

In conclusion, it is considered that the proposed residential proposal represents appropriate development for the 'Urban' zone under the MRS. The application satisfactorily meets the intent of the City of Canning Town Planning Scheme No. 40, the Quattro Design Guidelines and the requirements of the Residential Design Codes 2010. Importantly, it represents proper and orderly planning of the locality.

It is therefore recommended that this application be approved subject to conditions.



2012 Perth Metropolitan Aerial Photography

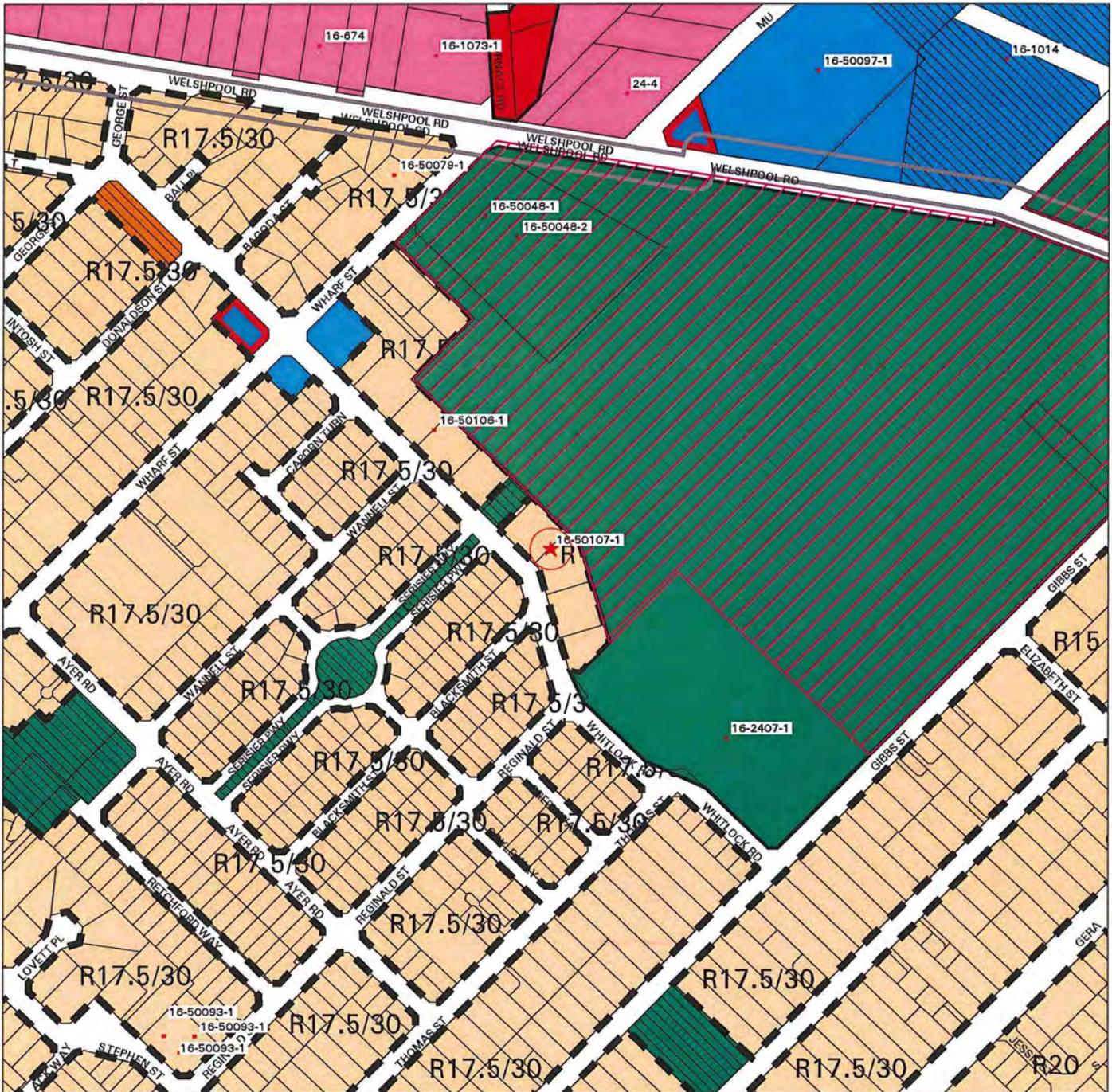
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Prepared by: gmcgowan
Prepared for:
Date: Monday, June 10, 2013 12:35
Plot identifier: P20130610_1234

DP INTERNAL USE ONLY



Government of Western Australia
Department of Planning



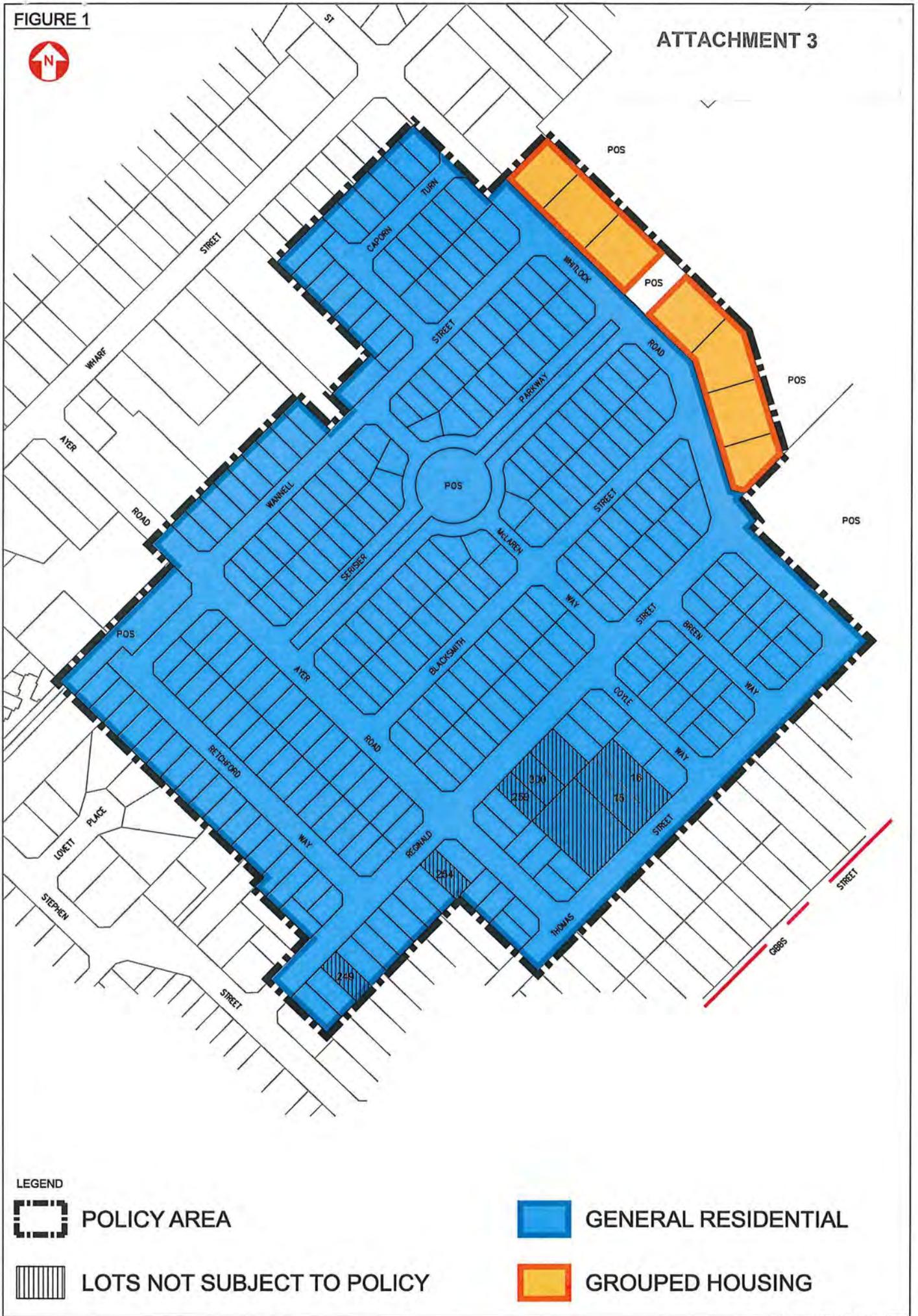
Development Application 16-50107-1 (MGA ref 401271mE 6458915mN Zone 50)

This data is to be used for the processing of subdivision applications only.

- | | | | |
|--|--------------------------------|--|------------------------------|
| | APPROX LOCATION OF APPLICATION | | LIGHT INDUSTRY |
| | PRIMARY REGIONAL ROADS | | RESIDENTIAL |
| | PARKS & RECREATION | | SERVICE STATION |
| | CADASTRAL BOUNDARY | | CIVIC & CULTURAL AREAS |
| | WESTNET ENERGY GAS PIPELINE | | LOCAL PARK & RECREATION AREA |
| | BUSH FOREVER 2000 SITES | | COMMERCIAL |
| | DEVELOPMENT APPLICATION | | SHOPPING |
| | R CODE BOUNDARY | | |

138094D.eps

FIGURE 1



LEGEND



POLICY AREA



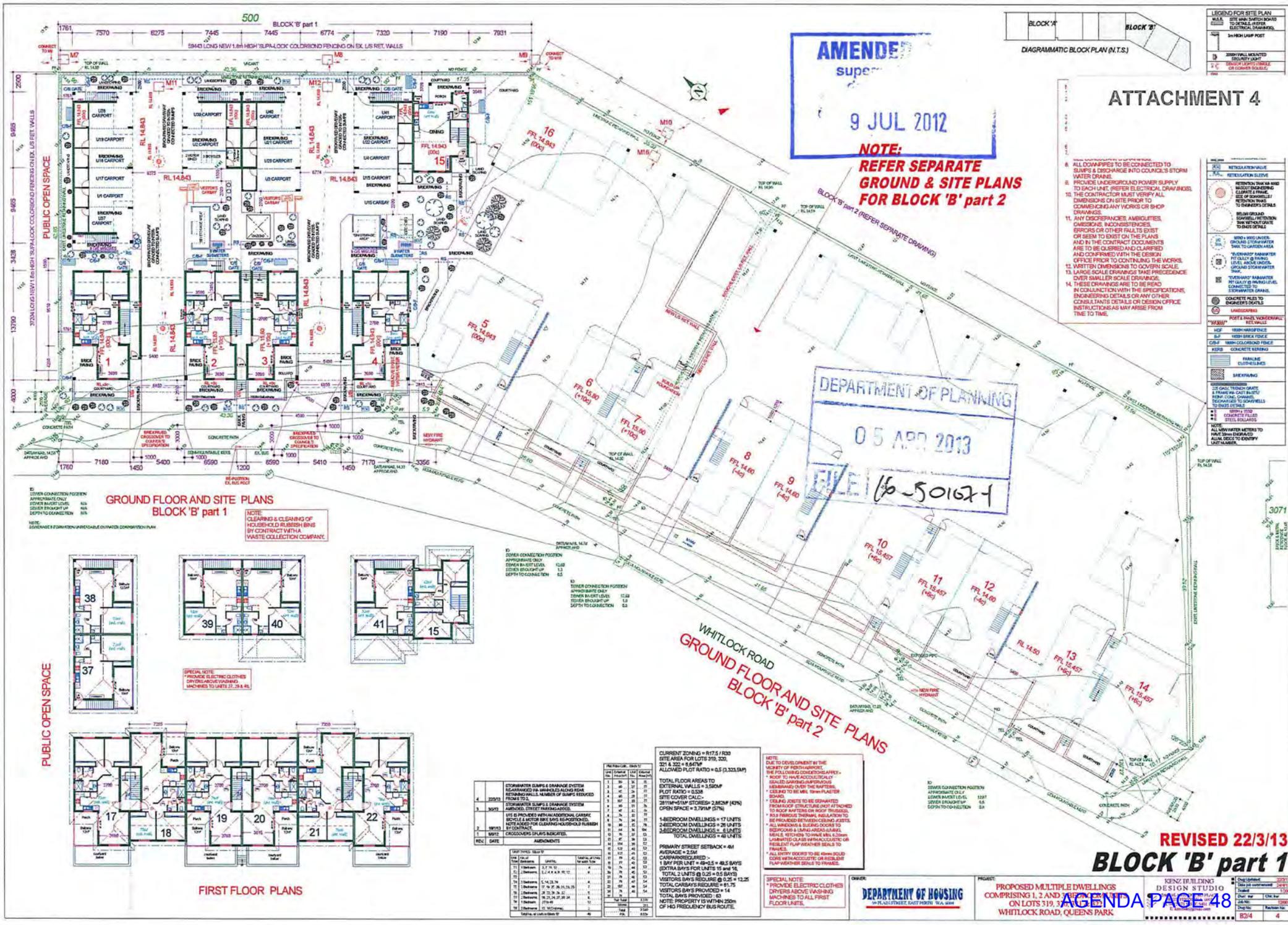
LOTS NOT SUBJECT TO POLICY



GENERAL RESIDENTIAL



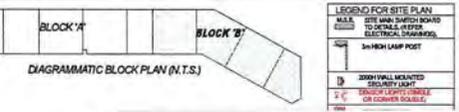
GROUPED HOUSING



AMENDE
super

9 JUL 2012

NOTE:
**REFER SEPARATE
GROUND & SITE PLANS
FOR BLOCK 'B' part 2**



ATTACHMENT 4

- ALL DOWNPIPES TO BE CONNECTED TO BAYS 1 & 2 DISCHARGE INTO COUNCIL'S STORM WATER DRAIN.
- PROVIDE UNDERGROUND POWER SUPPLY TO EACH UNIT. PREFER ELECTRICAL DRAWINGS.
- THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS OR SHOP DRAWINGS.
- ANY DISCREPANCIES, AMBIGUITIES, OMISSIONS, INCONSISTENCIES, ERRORS OR OTHER FAILURES MUST BE REPORTED TO THE DESIGN OFFICE PRIOR TO CONTINUING THE WORK.
- WRITTEN DIMENSIONS TO GOVERN SCALE.
- LARGE SCALE DRAWINGS TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS.
- THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS, ENGINEERING DETAILS OR ANY OTHER CONSULTANTS DETAILS OR DESIGN OFFICE INSTRUCTIONS AS MAY ARISE FROM TIME TO TIME.

- RETICULATION VALVE
- WATER METER
- 300H WALL MOUNTED SECURITY LIGHT
- 2" BRICK LIGHT CHIMNEY OR GAS STACK
- CONCRETE FILL TO ENGINEER'S DETAILS
- LANDSCAPING
- POSSIBLE UNDERGROUND RETICULATION
- HIGH FINISH FENCE
- 1000MM BRICK FENCE
- 1500MM COLORBOND FENCE
- FRAME
- CLIFF BRICKS
- SCREENING
- CONCRETE FILL TO ENGINEER'S DETAILS
- STEEL RAILROADS
- STEEL RAILROADS

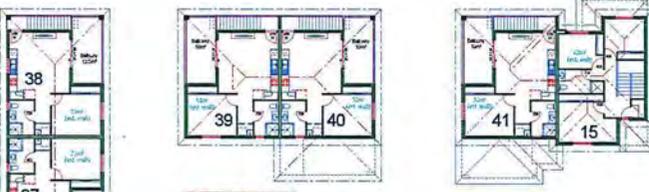
DEPARTMENT OF PLANNING

05 APR 2013

FILE 16-50162-1

**GROUND FLOOR AND SITE PLANS
BLOCK 'B' part 1**

NOTE:
CLEANING & CLEANING OF HOODS TO BE PROVIDED BY CONTRACT WITH A WASTE COLLECTION COMPANY.



SPECIAL NOTE:
PROVIDE ELECTRIC CLOTHES DRYERS AND WASHING MACHINES TO UNITS 37, 38 & 41.



FIRST FLOOR PLANS

**WHITLOCK ROAD
GROUND FLOOR AND SITE PLANS
BLOCK 'B' part 2**

NO.	DATE	REVISIONS
1	10/10/11	ISSUED FOR PERMIT
2	11/10/11	ISSUED FOR PERMIT
3	12/10/11	ISSUED FOR PERMIT
4	01/11/12	ISSUED FOR PERMIT

NO.	DATE	REVISIONS
1	10/10/11	ISSUED FOR PERMIT
2	11/10/11	ISSUED FOR PERMIT
3	12/10/11	ISSUED FOR PERMIT
4	01/11/12	ISSUED FOR PERMIT

NOTE:
DUE TO DEVELOPMENT IN THE VICINITY OF PENHURB, THE FOLLOWING CONSTRUCTION-RELATED TO HAVE ACCURATELY SHOWN ABOVE THE MAPS. CHECK TO BE MADE WITH THE BOARD. CHECKING TO BE SEPARATED FROM THE STRUCTURE (NOT ATTACHED TO ROCK ANCHORS OR ROOF TRUSSES). ALL WINDOWS & GLASS DOORS TO BE PROVIDED WITH WEATHER STRIPS. ALL WINDOWS & GLASS DOORS TO BE PROVIDED WITH WEATHER STRIPS. ALL WINDOWS & GLASS DOORS TO BE PROVIDED WITH WEATHER STRIPS.

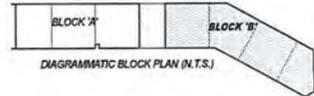
DEPARTMENT OF HOUSING
REPLACEMENT EAST PAPER 1/4, 2011

**PROPOSED MULTIPLE DWELLINGS
COMPRISING 1, 2 AND 3 BEDROOM UNITS
ON LOTS 319, 320 & 321
WHITLOCK ROAD, QUEENS PARK**

**REVISED 22/3/13
BLOCK 'B' part 1**

KENZ BUILDINGS
DESIGN STUDIO

AGENDA PAGE 48



AMENDED PLAN
 supersedes plan
 date stamped
 9 JUL 2012
 DEPARTMENT OF PLANNING
 05 APR 2013
 FILE 16-50107-1



REVISED 16/6/12 **BLOCK 'B'**

OWNER DEPARTMENT OF HOUSING <small>100 BRAD STREET SUIT 1000 QUEENSLAND 4000</small>	PROJECT PROPOSED MULTIPLE DWELLINGS COMPRISING 1, 2 AND 3 STOREY TOWNHOUSES ON LOTS 3 WHITLOCK ROAD, QUEENSLAND	DESIGNER KENZ BUILDING DESIGN STUDIO <small>10/11 BRAD STREET SUIT 1000 QUEENSLAND 4000</small>	DATE 24/06/12
			SHEET 1 OF 2 B404



VIEW FROM L322 WHITLOCK RD, QUEENS PARK

FIGURE 2



Note:
Where no prescribed crossover location is shown, location of crossover is optional.

- Legend**
-  Lots subject to Policy
 -  Lots not subject to Policy
 -  Prescribed location of Crossover
 -  Visual permeable fence and passive surveillance required



Detailed Area Plan - Crossover Plan
Queens Park
Peet Ltd - Department Housing & Works