



Statutory Planning Committee

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

Tuesday 8 April 2014
9.00 am

Level 2, Room 2.40
One40 William Street
Perth



Tim Hillyard
WAPC Secretary

Please convey apologies to Luke Downes on 6551 9549 or email
luke.downes@planning.wa.gov.au

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)	04/11/2016
Mr Duncan ORD	A/g Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Martin CLIFFORD	Nominee of the Regional Minister Schedule 2 clause 4(3)	14/10/2015
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	05/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	05/11/2014
Vacant	Local government representative Schedule 2 clause 4(2)(f)	
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	05/11/2014
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	05/11/2014

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 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 - 11 March 2014**
 - 8.2 Ratification of Out of Session Report – Proposed Mobile Asphalt Processing Plant
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**
13. **Closure** - next meetings will be held:
 - Ordinary meeting – 13 May 2014
 - Policy meeting – 8 April 2014

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of ordinary meeting 7498
held on Tuesday 25 March 2014

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Martin Clifford	Regional Minister's nominee (Deputy)
Mr Ian Holloway	Professions representative
Mr Duncan Ord	Acting Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Gemma Basley	Department of Planning Senior Planner, Perth and Peel Planning (Items 9.1 and 9.2)
Ms Lindsay Baxter	Planning Director, Perth and Peel Planning (Item 9.5)
Ms Catherine Beamish	Senior Planning Officer, Metropolitan Central (Items 9.3 and 9.4)
Mr Paul Ellenbroek	Planning Manager, Infrastructure, Projects, Policy and Research (Item 10.2)
Mr Johan Gildenhuys	Planning Manager, Regional Planning and Strategy (Item 10.4)
Mr Ben Harvey	Director, Policy and Research, Infrastructure, Projects, Policy and Research (Item 10.2)
Mr Ben Hesketh	Senior Planning Officer, Perth and Peel Planning (Item 10.3)
Ms Cath Meaghan	Planning Director, Regional Planning and Strategy (Item 10.1 and 10.5)
Ms Kym Petani	Director Metro North West / Acting Director Metro North East (Item 10.3)
Mr Mat Selby	Planning Director, Perth and Peel Planning (Items 9.2 and 9.3)
Mr Craig Shepherd	Planning Manager, Perth and Peel Planning (Item 10.3)
Ms Jacquie Stone	Principal Planning Officer, Regional Planning and Strategy (Item 10.5)
Ms Jasmine Tothill	Senior Planning Officer, Perth and Peel Planning (Item 9.5)

Observers

Mr Harold Clough	Landowner (Items 6.1 and 6.2)
Mr Darren Evans	Greg Rowe & Associates (Item 6.1)

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Ms Esme Park	Landowner (Item 6.2)
Mr Humphrey Park	Landowner (Item 6.2)
Mr Ben Quantrill	Landowner (Item 6.2)
Mr Steve Quantrill	Landowner (Item 6.2)

Presenters

Mr Greg Rowe	Greg Rowe & Associates (Item 6.1)
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Mr Gary Park	Landowner (Item 6.2)
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Committee Support

Mr Luke Downes	Committee Support Officer – Department of Planning
Ms Christina Sanders	Committee Support Officer - Department of Planning

7498.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.00 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7498.2 Apologies

Nil.

7498.3 Members on Leave of Absence and Applications for Leave of Absence

Mr Holloway submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 8 April 2014.

Resolved

Moved by Ms Taylor, seconded Ms Bartle

That the approval for a leave of absence be granted to Mr Holloway for the Statutory Planning Committee meeting to be held on 8 April 2014.

The motion was put and carried.

7498.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Mr Martin Clifford	10.4	32	Impartiality

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Resolved

Moved by Ms Taylor. seconded by Ms Bartle

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agree that the member listed above, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on the item due to his having signed off on office advice for the Department of Regional Development in response to the Shire of Carnarvon regarding its future plan.

The motion was put and carried.

7498.5 Declaration of Due Consideration

No declarations were made.

7498.6 Deputations and Presentations

7498.6.1 Reconsideration of Modifications Required to City of Swan Local Structure Plan No. 11

Presenter Greg Rowe

Mr Rowe spoke in support of the applicant's request to reduce the buffer around the existing clay quarry.

7498.6.2 Reconsideration of Modifications Required to City of Swan Local Structure Plan No. 11

Presenter Gary Park

Presentation notes had been forwarded to members prior to the meeting. A copy of the notes has been placed on file.

7498.7 Announcements by the Chairperson of the Board and communication from the WAPC

There were no announcements.

7498.8 Confirmation of Minutes

7498.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 11 March 2014

Resolved

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1. *The land being filled, stabilised, drained and/or graded as required to ensure that*
 - a) *lots can accommodate their intended development; and*
 - b) *finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
 - c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system (Local Government).*

The motion was put and carried.

7498.9.2

Development Application - Hard and Soft Landscaping Treatments for Perth Waterfront Project

File 10-50219-5
Report Number SPC/623
Agenda Part D
Reporting Officer Senior Planner Metropolitan Planning Central

Resolved

Moved by Ms Taylor, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to approve this development application (DA3) for hard and soft landscaping treatments and associated works of the public realm areas for the Perth Waterfront project subject to the following condition(s) and advice:

1. *This approval does not include the proposed installation of ten (10) courtesy moorings.*
2. *The provision of easements pursuant to Section 167 of the Planning and Development Act 2005 for existing or planned power infrastructure being granted free of cost to Western Power.*

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3. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the development area.*
4. *Any ground disturbing works conducted in the vicinity of identified contamination (including any contained contaminated fill material) being undertaken in accordance with the approved Site Management Plan for the Elizabeth Quay project.*
5. *Any acid sulfate soils disturbing works being carried out in accordance with the Department of Environment Regulation approved Acid Sulfate Soil and Dewatering Management Plan for the Elizabeth Quay project.*
6. *Any changes to the approved Construction Management and Staging Plan for the Elizabeth Quay project shall be submitted in writing and approved by the Western Australian Planning Commission, on advice from relevant stakeholders, as appropriate, prior to the commencement or continuation of any alternative management method.*
7. *Prior to commencement of works relating to the island revetment, a Management Plan and Engineer's report for the rock revetment infrastructure being approved by the Western Australian Planning Commission upon advice of the City of Perth and the Metropolitan Redevelopment Authority.*
8. *Prior to commencement of works in relation to the relevant infrastructure and servicing for the public realm, details of infrastructure for a CCTV network for the Elizabeth Quay project that can be*

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integrated into the City of Perth's existing CCTV network being approved by the Western Australian Planning Commission upon advice of the City of Perth and the Metropolitan Redevelopment Authority.

9. *Prior to commencement of works in relation to the relevant infrastructure and servicing for the public realm, the design response to the accessibility report prepared by O'Brian Harris Access for Elizabeth Quay being approved by the Western Australian Planning Commission upon advice of the City of Perth.*
10. *Prior to commencement of works relating to the irrigation system for the public realm, details of the final irrigation plans and systems being approved by the Western Australian Planning Commission upon advice of the City of Perth and the Metropolitan Redevelopment Authority.*
11. *Prior to completion of the Elizabeth Quay works, Servicing and Loading Management Plans for events space, buildings, kiosks and the Florence Hummerston building being approved by the Western Australian Planning Commission upon advice of the City of Perth and the Metropolitan Redevelopment Authority.*
12. *Prior to completion of the Elizabeth Quay works, a Utilities Services Management Plan for the supply of services and connections to the island and for the infrastructure on the island being approved by the Western Australian Planning Commission upon advice of the City of Perth and the Metropolitan Redevelopment Authority.*
13. *The applicant shall notify the Swan River Trust, in writing not less than seven (7) days prior to the commencement of works.*
14. *With the exception of the works proposed by this application, the applicant shall take all reasonable precautions to prevent*

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- inadvertent damage to the foreshore, riverbank, or waterway (including infrastructure, vegetation and sedimentation) as a result of the works. Should any damage occur, the applicant shall notify the Swan River Trust immediately.*
15. *Prior to the commencement of works relating to any urban water management activity, an Urban Water Management Plan shall be prepared by the applicant and approved by the Western Australian Planning Commission, on the advice of the Swan River Trust, City of Perth, Metropolitan Redevelopment Authority and Department of Water.*
 16. *The approved Urban Water Management Plan referred to in Condition 15 above is to be implemented to the satisfaction of the Western Australian Planning Commission, on the advice of the Swan River Trust, City of Perth, Metropolitan Redevelopment Authority and Department of Water.*
 17. *Prior to commencement of the pedestrian/cycle bridge structure works, the proponent shall prepare detailed design drawings for the bridge structure to the satisfaction of the Western Australian Planning Commission on advice of the Department of Transport.*
 18. *Prior to commencement of the shared path and shared zone construction works, the proponent shall prepare detailed design drawings for shared zones and shared paths (in particular on the eastern side of William Street) to the satisfaction of the Western Australian Planning Commission on advice of the Department of Transport.*
 19. *A detailed design audit for road works that involve vehicles, pedestrians and cyclists that are yet to be built and a post construction audit for work that involve*

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vehicles, pedestrian and cyclists that have been completed or under construction the satisfaction of the Western Australian Planning Commission on the advice of the City of Perth, Department of Transport and Main Roads Western Australia.

20. *Parking allocation for all sites is to be consistent with the City of Perth's Perth Parking Policy (2012).*
21. *Prior to the installation of the navigational aids for Elizabeth Quay, approval of the proposed navigation aids is to be obtained from the Maritime Safety Business Unit of Department of Transport.*
22. *Prior to construction of all proposed jetty structures, licences for the jetty structures are to be obtained from the Coastal Facilities section of the Department of Transport.*
23. *This approval relates to the DA3 package submitted with the Western Australian Planning Commission dated 28 June 2012 and the 5th December 2013.*

Advice

1. *In respect of Condition 1, the applicant is advised that the installation of ten additional swing moorings near the inlet will require further discussion with the Swan River Trust and separate consideration at a later date.*
2. *In accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Environment Regulation at the completion of works as evidence of compliance with Condition 4. A current list of accredited auditors is available from www.der.wa.gov.au/contaminatedsites/.*

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3. *In respect of Condition 4, prior to commencement of infrastructure and servicing works in the relevant sites, reports confirming that each completed stage of the remediation works for the contaminated sites meet the Department of Environment Regulation guidelines being provided to the City of Perth.*
4. *In respect of Condition 6, the approved Construction Management and Staging Plan for the Elizabeth Quay project is to address, but not be limited to:*
 - a) *vehicle, cycle and pedestrian access and movement through and/or around the project area;*
 - b) *delivery of materials and equipment to and from the site;*
 - c) *storage of materials, equipment and machinery on the site;*
 - d) *parking arrangement for contractors and subcontractors;*
 - e) *dewatering, including filtration and settlement details including measures to the impacts on surrounding sites including the Perth Convention and Exhibition Centre;*
 - f) *a Noise Management Plan for the proposed works being submitted and approved by the City;*
 - g) *delivery, stock piling and transport of clean fill to and from the site;*
 - h) *onsite treatment, stock piling and removal of excavated materials including truck routes, queuing and parking;*
 - i) *any environmental matters identified in the environment assessment reports; and*

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- j) *any other matters likely to impact on the surrounding properties and public areas.*
5. *In respect of Condition 7, the Management Plan for the rock revetment infrastructure is to address, inter alia, the structural integrity and management of the revetment.*
6. *The Utility Services Management Plan required under Condition 12 shall address, but not be limited to, protection and maintenance requirements (including appropriate buffers) for:*
- a) *the Cathode facility;*
 - b) *the Wastewater Pump Station Overflow;*
 - c) *maintenance vehicle parking and any Access Chambers modifications for the Main Drain.*
7. *The Urban Water Management Plan required under Condition 13 is to include, inter alia, a management plan for the bio-retention system. This management plan is to incorporate an extended monitoring program to ensure the long term effectiveness of the system and is to include not just the base of the submerged zone but also the outlet of the system.*
8. *The applicant is advised to contact the Department of Indigenous Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the Aboriginal Heritage Act 1972.*
9. *The Swan River Trust and City of Perth advise the applicant that the proposal has the potential to be affected by sea level rise. It is recommended applicants understand the implications of potential sea level rise on their site. The onus rests with the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept.*

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The Swan River Trust's Climate Change Risk Assessment Project (2010) models impact of potential sea level rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. While mapping information is available from the Trust, it is also recommended applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.

In the above regard, prior to works commencing in relation to the infrastructure and servicing for the public realm the applicant is to ensure that the proposal demonstrates compliance with the Western Australian Planning Commission's State Planning Policy 2.6 'State Coastal Planning Policy' in respect of the following matters:

- a) *sea level rise leading to permanent and/or transient inundation;*
 - b) *increased intensity of extreme events leading to storm inundation or sea level inundation;*
 - c) *riverbed erosion due to a range of climate variables; and*
 - d) *building subsidence due to a range of climate variables.*
10. *The applicant is advised that it is an offence to pollute or allow pollution to be caused to the river under Part V of the Environmental Protection Act 1986.*
11. *The applicant is advised that all piped and wired services (including fire hydrants, booster cabinets, service cabinets, transformers and power sources) and all other service related hardware will be required to be concealed from public view and located to minimise the impact on the streetscape and public realm, details of which will be required to be provided as part of future development applications for*

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public realm and landscaping works in Elizabeth Quay.

12. *In respect of Condition 17, the pedestrian/cycle bridge structure is to be constructed to Australian and Main Roads Western Australia Standards in accordance with the specifications highlighted for conflict between cyclists and pedestrians, gradients and sight lines, bridge cross-section, bridge decking and finishes and maintenance.*
13. *In respect of Conditions 18 and 19, the Department of Transport advises the applicant that prior to delivery of the relevant components of the development approval a working group is to be set up to address safety and operational issues relating to the movement of cyclists and pedestrians within the site, focusing on the provision of cycling facilities, shared spaces and the proposed cyclist/pedestrian bridge. The working group is to include the City of Perth, Metropolitan Redevelopment Authority, Department of Transport and Main Roads Western Australia and is to be engaged through the construction, implementation and opening stages. The Working Group will be limited to reviewing safety and operational matters but will not be reviewing the design elements.*

The motion was put and carried.

7498.9.3

Four Multiple Dwellings - Lot 1 (No. 12) Cobham Avenue, Nollamara

File 20-50459-1
Report Number SPC/624
Agenda Part G
Reporting Officer Senior Planning Officer, Metropolitan Central

Resolved

Moved by Mr Ord, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the proposed

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development of four multiple dwellings at Lot 1 (No. 12) Cobham Avenue, Nollamara, subject to the following conditions:

1. *The development shall be carried out only in accordance with the terms of the application as approved herein, and the attached plans (Unit 1&2 Layout 1 and 2, Unit 1&2 Elevations) date stamped 30 May 2013, and attached plans (Site Plan, Unit 3&4 Layout 1 and 2, Unit 3&4 Elevations) date-stamped 6 January 2014, and by the Department of Planning on behalf of the Western Australian Planning Commission.*
2. *Prior to the issue of a building permit, the plans are to be amended to show:*
 - (i) *a maximum internal driveway taper of 1:5 on the south-western side of Unit's 2's driveway; and*
 - (ii) *the proposed crossover wings for the two proposed crossovers are to comply with the City of Stirling's Engineering Department specification requiring 1.8m x 1.8m crossover wings;*

to the specification of the local government and the satisfaction of the Western Australian Planning Commission.
3. *Gradients to driveways and ramps serving parking areas are to comply with Australian Standard 2890.1, and no changes to verge levels are permitted, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
4. *All driveways, parking, manoeuvring and circulation areas are to be constructed of brick paving (or alternative finishes such as concrete or bitumen are acceptable if it has a decorative type finish) and sealed, drained and maintained to the specification of the local government and*

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the satisfaction of the Western Australian Planning Commission.

5. *Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained, the six (6) parking spaces being marked out and maintained in good repair to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
6. *One (1) visitor bicycle space is to be provided in a visible location within the front setback areas on site to the specification the local government and the satisfaction of the Western Australian Planning Commission.*
7. *Any existing crossovers not included as part of the proposed development on the approved plan are to be removed and new kerbing and verge to be reinstated, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
8. *Any on-site clothes drying facilities being screened from public view, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
9. *Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with a public footpath and car parking areas to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
10. *Adequate lighting being provided to communal pathways and parking areas, to the specification of the local government and the satisfaction Western Australian Planning Commission.*

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11. *No walls, fences or letterboxes above 0.75 metres in height to be constructed within 1.5 metres of where:*

- (i) walls or fences adjoin vehicular access points to the site; or*
- (ii) a driveway meets a public street; or*
- (iii) two streets intersect;*

unless the further approval of Council is obtained, to the specification of the local government and the satisfaction Western Australian Planning Commission.

12. *All land indicated as landscaped area on the approved plan being developed on practical completion of the building/s, and all landscaped areas maintained in good condition thereafter, to the specification of the local government and the satisfaction Western Australian Planning Commission.*

13. *All eaves to the proposed development to maintain a minimum setback of 750mm from the boundary, to the specification of the local government and the satisfaction Western Australian Planning Commission.*

14. *Stormwater from all roofed and paved areas to be collected and contained on site, to the specification of the local government and the satisfaction Western Australian Planning Commission.*

ADVICE TO APPLICANT

- 1. Where an approval has lapsed, no development shall be carried out without further approval having been first sought and obtained.*
- 2. The vehicular access shown in this application has been assessed and determined based upon the location of street trees as shown on the submitted plans. It is the responsibility of the*

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applicant to ensure that this information is correct as any inaccuracy of the plans will not be considered justification for removal of the trees in the event that their positions are incorrectly shown. Removal of street trees without the written approval of the City of Stirling is an offence.

3. *This is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.*
4. *This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development.*
5. *Noisy Construction Work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.*
6. *The street address for the development will be unit numbers: 1/12 (Unit 1), 2/12 (Unit 3), 3/12 (Unit 2) and 4/12 (Unit 4) Cobham Avenue, Nollamara.*
7. *All street trees located in verge areas adjoining the subject lots are to be retained and protected.*
8. *All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.*

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The motion was put and carried.

7498.9.4

One Grouped Dwelling and Four Multiple Dwellings - Lot 4 (No. 10) Vermont Street, Nollamara

File 20-50458-1
Report Number SPC/625
Agenda Part G
Reporting Officer Senior Planner, Metropolitan Central

Resolved

Moved by Mr Ord, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the proposed development of one grouped dwelling and four multiple dwellings at Lot 4 (No. 10) Vermont Street, Nollamara, subject to the following conditions:

1. *The development shall be carried out only in accordance with the terms of the application as approved herein, and the attached plans (Site Plan, Unit 2&3 Layout Plans and Elevations) date-stamped 21 January 2014, and attached plans (Unit 4&5 Layout Plans and Elevations) date stamped 17 December 2013, and the attached plans (Unit 1 Layout Plans and Elevations) date stamped 11 October 2013 by the Department of Planning on behalf of the Western Australian Planning Commission.*
2. *Prior to the issue of a building permit, the plans are to be amended to show:*
 - (i) *a maximum internal driveway taper of 1:5 on the south-western side of Unit's 1's driveway; and*
 - (ii) *the proposed crossover wings for the two proposed crossovers are to comply with the City of Stirling's Engineering Department specification requiring 1.8m x 1.8m crossover wings;*

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to the specification of the local government and the satisfaction of the Western Australian Planning Commission.

3. *Gradients to driveways and ramps serving parking areas are to comply with Australian Standard 2890.1, and no changes to verge levels are permitted, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
4. *All driveways, parking, manoeuvring and circulation areas are to be constructed of brick paving (or alternative finishes such as concrete or bitumen are acceptable if it has a decorative type finish) and sealed, drained and maintained to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
5. *Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained, the five (5) parking spaces being marked out and maintained in good repair to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
6. *Any existing crossovers not included as part of the proposed development on the approved plan are to be removed and new kerbing and verge to be reinstated, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
7. *Any on-site clothes drying facilities being screened from public view, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
8. *The one visitor parking space being provided on site is to be permanently marked for the exclusive use of visitor's*

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parking to the specification of the local government and the satisfaction Western Australian Planning Commission.

9. *Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with a public footpath and car parking areas to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
10. *Adequate lighting being provided to communal pathways and parking areas, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
11. *The boundary walls/s not to exceed the height depicted on the approved plans, and the surface finish of the wall facing a neighbour should be to the satisfaction of the adjoining neighbour, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
12. *No walls, fences or letterboxes above 0.75 metres in height to be constructed within 1.5 metres of where:*
 - (i) walls or fences adjoin vehicular access points to the site; or*
 - (ii) a driveway meets a public street; or*
 - (iii) two streets intersect;*

unless the further approval of Council is obtained, to the specification of the local government and the satisfaction Western Australian Planning Commission.

13. *All land indicated as landscaped area on the approved plan being developed on practical completion of the building/s, and all landscaped areas maintained in good condition thereafter, to the specification of the local government and the satisfaction Western Australian Planning Commission.*

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14. *All eaves to the proposed development to maintain a minimum setback of 750mm from the boundary, to the specification of the local government and the satisfaction Western Australian Planning Commission.*
15. *Stormwater from all roofed and paved areas to be collected and contained on site, to the specification of the local government and the satisfaction Western Australian Planning Commission.*

ADVICE TO APPLICANT

1. *Where an approval has lapsed, no development shall be carried out without further approval having been first sought and obtained.*
2. *The vehicular access shown in this application has been assessed and determined based upon the location of street trees as shown on the submitted plans. It is the responsibility of the applicant to ensure that this information is correct as any inaccuracy of the plans will not be considered justification for removal of the trees in the event that their positions are incorrectly shown. Removal of street trees without the written approval of the City of Stirling is an offence.*
3. *This is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.*
4. *This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant to investigate*

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any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development.

5. *Noisy Construction Work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.*
6. *The street address for the development will be: house number 12 Vermont Street, Nollamara and house numbers 1/10, 2/10, 3/10., and 4/10 Vermont Street.*
7. *All street trees located in verge areas adjoining the subject lots are to be retained and protected.*
8. *All boundary fencing behind the front setback line is to accord with the provisions of the City's Local Laws pertaining to the provision of a sufficient fence.*

The motion was put and carried.

7498.9.5

Proposed Mobile Asphalt Processing Plant

File 25-4116-3
Report Number SPC/631
Agenda Part G
Reporting Officer Director, Metropolitan Planning South East, Perth and Peel

This item was discussed under Item 11.0 General Business.

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve a temporary Mobile Asphalt Processing Plant at Lot 467 Stephen Street, Orange Grove subject to the following conditions:

1. The development hereby granted is for a limited period of 3 years, after which

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the development is to be removed and the site reinstated.

2. The Mobile Asphalt Plant shall not be operated outside the hours of 5am to 5pm weekdays or 5am to 4pm Saturdays.
3. No cartage of asphalt from the site shall occur outside the hours of 6am to 6pm weekdays or 6am to 4pm Saturdays.

Ms Burrows advised that the City of Gosnells will consider this matter at its Council meeting tonight.

Members discussed a way forward and resolved to accept the Officer's Recommendations in principle, subject to receiving advice from the City of Gosnells of its resolution. Following this advice, the item will be sent to members out of session for members' consideration.

Resolved

Moved by Mr Ord, seconded by Ms Taylor

That the Western Australian Planning Commission resolves:

1. *to approve in principle, subject to advice from the City of Gosnells of its resolution to be made on the evening of 25 March 2014, a temporary Mobile Asphalt Processing Plant at Lot 467 Stephen Street, Orange Grove subject to the following conditions:*
 1. *The development hereby granted is for a limited period of 3 years, after which the development is to be removed and the site reinstated.*
 2. *The Mobile Asphalt Plant shall not be operated outside the hours of 5am to 5pm weekdays or 5am to 4pm Saturdays.*
 3. *No cartage of asphalt from the site shall occur outside the hours of 6am to 6pm weekdays or 6am to 4pm Saturdays.*

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2. *to circulate the advice from the City of Gosnells to members out of session to determine whether to formally approve the recommendations before the Committee today.*

The motion was put and carried.

7498.10 Confidential Items

7498.10.1 Rural Planning Guidelines Update

File DP/10/00451/1
Report Number SPC/626
Agenda Part A
Reporting Officer Planning Manager - Statutory Planning
- Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7498.10.2 Liveable Neighbourhoods (LN) Review – Project Status Update

File DP/11/0026011
Report Number SPC/627
Agenda Part A
Reporting Officer Planning Manager, Urban Policy

THIS ITEM IS CONFIDENTIAL

7498.10.3 Reconsideration of Modifications Required to the City of Swan Local Structure Plan No. 11

File SPN/0037
Report Number SPC/628
Agenda Part C
Reporting Officer A/Planning Manager, Metropolitan
Planning North East

THIS ITEM IS CONFIDENTIAL

7498.10.4 Shire of Carnarvon Coral Bay Settlement Structure Plan - Final Approval

File SPN/0557/1
Report Number SPC/629
Agenda Part D
Reporting Officer Planning Manager

Mr Clifford disclosed an interest.

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Member	Nature of Interest
Mr Clifford	Impartiality

THIS ITEM IS CONFIDENTIAL

**7498.10.5 Shire of Toodyay Local Planning Scheme No. 4
Amendment No. 2 - For Final Consideration**

File TPS/1066/1
Report Number SPC/630
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7498.11 General Business

7498.11.1 Proposed Asphalt Processing Plant

See recommendations at Item 9.5.

7498.12 Items for Consideration at a Future Meeting

Nil.

7498.13 Closure

The next ordinary meeting is scheduled for 9.00 am on Tuesday 8 April 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.56 am.

PRESIDING MEMBER _____

DATE _____

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10	CONFIDENTIAL REPORTS
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ITEM NO: 9.1

Proposed Subdivision – Lot 301 (11) Parsons Street, Embleton

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Metropolitan Planning Central, Perth and Peel Planning
AUTHORISING OFFICER:	Director, Metropolitan Planning Central, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	1620-13
DATE:	27 March 2014
ATTACHMENT(S):	Attachment 1 - Plan of Subdivision Attachment 2 - TPS Zoning and Location Plan
REGION SCHEME ZONING:	MRS: URBAN
LOCAL GOVERNMENT:	City of Bayswater
LOCAL SCHEME ZONING:	Residential R25
LGA RECOMMENDATION:	Refusal
REGION DESCRIPTOR:	Perth Metropolitan Central
RECEIPT DATE:	19 December 2013
PROCESS DAYS:	
APPLICATION TYPE:	Survey Strata
DESCRIPTION OF PROPOSAL:	Create Two (2) Survey Strata Lot(s) For Residential Purpose.
CADASTRAL REFERENCE:	Lot 301 Parsons Street, Embleton

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for survey-strata of Lot 301 Parsons Street, Embleton as shown on the plan date-stamped 19 December 2013 subject to the following conditions:

CONDITIONS:

- 1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the lots at the time of subdivision approval being demolished and materials removed from the lots. (Local Government)***
- 2. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and***

compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

- 3. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)***
- 4. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***
- 5. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***
- 6. 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)***
- 7. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an electricity supply to the survey- strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)***

ADVICE:

- 1. In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.***
- 2. In regard to Conditions 4, 5 and 6, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.***
- 3. In regard to Condition 7, Western Power provides only one underground point of electricity supply per freehold lot.***

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan

Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning priorities

Policy

Compliance: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

INTRODUCTION

The application proposes the survey-strata subdivision of a 622m² lot to create two residential lots of 302m² and 320m². The existing dwelling and all other improvements are to be demolished. (**Attachment 1 - Plan of Subdivision**).

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Medium and High Density Residential R25' under the City of Bayswater District Town Planning Scheme No.24 (TPS 24) (**Attachment 2 - Location & Zoning Plan**).

The application has been referred to the Statutory Planning Committee (SPC) due to the non-compliance with the average site area requirements.

CONSULTATION:

The City of Bayswater (City) does not support the proposal for the following reason:

- (1) *The proposed subdivision will result in new lots below the average lot size required for the zoning as specified in the City of Bayswater Town Planning Scheme No. 24.*

Notwithstanding, the City has recommended conditions to be imposed should the WAPC support the proposal.

Western Power and the Water Corporation support the application subject to the imposition of standard servicing conditions.

All recommended conditions have been assessed and where considered fair, reasonable and relevant, they should be imposed. The conditions are in accordance with the Model Subdivision Conditions schedule 2012.

PLANNING ASSESSMENT

The subject site is a corner lot with a 6m x 6m corner truncation. Clause 5.1.1 deemed-to-comply provision C1.3 of the Residential Design Codes 2013 (R-Codes) permits up to 20m² of the truncation to be added to the area of the adjoining lot. In this instance, 18m² has been added to the site area, increasing the total area from 622m² to 640m² and proposed lot 2 from 302m² to 320m².

The proposal meets the minimum site area requirements (300m² required, 320m² provided) but does not meet the average site area requirements (350m² required, 320m² provided) as specified in the R-Codes for the R25 density code, resulting in a variation of 8.57%.

It is considered that compliance with the minimum site area requirement is more relevant in infill situations, whereas compliance with the average site area requirement is more relevant for green field sites where a large number of lots are being proposed.

Since adoption of the 2013 R-Codes, a number of applications exceeding the 5% variation for the average site area requirement, but where the minimum lot size was achieved, have been tested and approved by the SPC.

VEHICULAR ACCESS

The subject site is a corner site and all proposed lots have street frontage access.

POLICY CONTEXT

The application is presented to the SPC due to the average site area of the proposed survey-strata lots requiring a variation of more than 5%, as permitted under the R-Codes and Clause 3.2.3 of Commission Policy DC 2.2 - '*Residential Subdivision*'. The policy supports green title and survey-strata subdivision applications proposing variations to lot sizes below the minimum and/or average lot sizes subject to the following criteria:

- *all lots in the subdivision meet the minimum lot size requirements;*
- *the variation reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-Codes; and*
- *the variation has been demonstrated by the applicant to have a particular beneficial outcome for the community, or the Commission forms the opinion that it will have a particular beneficial outcome for the community.*

The application proposes further variation from the policy as it involves a variation greater than 5% (being 8.57%) to the average lot size. Notwithstanding, the proposed subdivision is considered to have a number of beneficial outcomes as follows:

MERITS OF PROPOSAL

- i) Will allow for the creation of lots that meet the minimum lot size required by the R-Codes and achieves direct frontage access to a constructed public road;
- ii) Assists with using residential land to its best advantage by enabling additional lots to be created;
- iii) Provides a wider choice of residential lot sizes in the locality;

- iv) Will facilitate infill development in an established residential area, utilising existing infrastructure and services; and
- v) Will contribute towards the dwelling targets of the draft *Central Metropolitan Sub-regional Strategy and Directions 2031* which specifies an additional draft housing target of 8,500 dwellings within the Bayswater municipality by 2031.

On the basis of the above arguments there is sufficient justification to support the application.

CONCLUSION:

Having regard to the circumstances which apply to the proposed subdivision, it is appropriate in this instance to approve the application and in doing so support a variation of 8.57% to the average site area requirement. Conditional approval is therefore recommended.



ITEM NO: 9.2

Create 2 Survey Strata Lot(S) For Residential Purpose at Lot 569 Milne Street, Bayswater

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:	1589-13
DATE:	27 February 2014
ATTACHMENTS:	1 - Plan of Subdivision; and 2 - TPS Zoning and Location Plan.
REGION SCHEME ZONING:	MRS:URBAN
LOCAL GOVERNMENT:	City of Bayswater
LOCAL SCHEME ZONING:	Residential R17.5/25
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	12 December 2013
PROCESS DAYS:	
APPLICATION TYPE:	Survey Strata
CADASTRAL REFERENCE:	Lot 569 Milne Street, Bayswater

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for survey-strata of Lot 569 Milne Street, Bayswater as shown on the plan date stamped 12 December 2013 subject to the following conditions and advice:

CONDITION(S):

- 1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on Lot 1 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)***
- 2. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)***

satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)

4. *All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)*
5. *All buildings 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)*
6. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's DC 1.7 General Road Planning. (Local Government)*
7. *The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)*
8. *The right-of-way adjoining the subject land along the northern boundary being widened by 0.99m with the widening to be accurately illustrated and denoted on the Diagram or Plan of Survey (Deposited Plan) and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)*
9. *The section of the right-of-way widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant. (Local Government)*
10. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an electricity supply to the survey strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)*
11. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*

12. ***Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***

ADVICE:

1. ***In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.***
2. ***In regard to Condition 5, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.***
3. ***In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.***
4. ***In regard to Conditions 11 and 12, 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 the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.***

SUMMARY:

The key points relating to this report are as follows:

- The application proposes the survey-strata subdivision of Lot 569, No.95 Milne Street, Bayswater (the subject site) to create two (2) residential lots.
- The City of Bayswater does not support the application due to the proposed variation to the average site area requirement of the *Residential Design Codes 2013* (R-Codes).
- The application has been referred to the Statutory Planning Committee (SPC) for determination due to the non-compliance with the average site area requirement and is beyond the scope of the delegation from the Western Australian Planning Commission (WAPC) to officers of the Department.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan

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

Policy

Compliance: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

INTRODUCTION:

The application proposes to create two (2) survey strata lots with areas of 340m² (front lot 1) and 323m² (rear lot). An existing dwelling within proposed Lot 2 is to be retained. The subject lot is located at the corner of Frinton Street and Milne Street, Bayswater.(Attachment 1 - Subdivision Plan)

The subject land is zoned 'Residential' with a density code of R17.5/25 under the City of Bayswater Town Planning Scheme No 24. The land is zoned 'Urban' under the MRS (Attachment 2 - TPS Zoning).

The application has been referred to the Statutory Planning Committee (SPC) due to the non-compliance with the average site area requirements.

CONSULTATION:

The City of Bayswater (City) does not support the proposal for the following reason:

(a) *The proposed subdivision will result in lot sizes below the minimum and average lot size required by the Residential Design Codes 2013.*

In the event the Commission issues approval to the proposed subdivision, the City recommends various conditions relating to the preparation of land for residential development.

Western Power and the Water Corporation support the application subject to the imposition of standard servicing conditions.

All recommended conditions have been assessed and where considered fair, reasonable and relevant, they should be imposed. The conditions are in accordance with the Model Subdivision Conditions schedule 2012.

COMMENTS:

City of Bayswater Town Planning Scheme No.24

TPS No. 24 allocates a density coding of R17.5/25 to the subject land. Pursuant to Clause 8.5.4.1 of TPS No. 24, applications may be assessed at the higher density code subject to compliance with the following criteria:

- (a) *the property can be connected to reticulated sewer;*
- (b) *the application complies with the relevant Council policies; and*
- (c) *the existing dwelling/s can be upgraded to the equivalent standard of the proposed new dwelling.*

Notwithstanding the average lot size deficit, the City is satisfied that the proposal can be assessed in accordance with the requirements of the R25 density code.

Proposal

The proposal meets the minimum site area requirements (300m² required, 323m² provided) but does not meet the average site area requirements (350m² required, 331.5m² provided) as specified in the R-Codes for the R25 density code.

The variation to the average lot size requirements equates to 5.3% (or 18.5m²)

Policy Context

The application is presented to the SPC due to the average site area of the proposed survey-strata lots requiring a variation of more than 5%, as permitted under the R-Codes and Clause 3.2.3 of WAPC Development Control policy 2.2 *Residential Subdivision* (DC 2.2). The policy supports green title and survey-strata subdivision applications that seek variations to lot sizes below the minimum and/or average lot sizes subject to the following criteria:

- i) *all lots in the subdivision meet the minimum lot size requirements;*
- ii) *the variation reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-Codes; and*
- iii) *the variation has been demonstrated by the applicant to have a particular beneficial outcome for the community, or the Commission forms the opinion that it will have a particular beneficial outcome for the community.*

With respect to Clause 3.2.3 of DC 2.2, the proposal meets the minimum site area requirement under the R25 coding of the land. Notwithstanding the fact that the proposal represents a departure from the requirements of Clause 3.2.3 of DC 2.2, as it proposes a variation greater than 5% (5.4%) to the average site area requirement, the proposed subdivision is considered to have a number of beneficial outcomes as follows:

- i) Will allow for the creation of lots that meet the minimum lot size required by the R-Codes and achieves direct frontage access to a constructed public road;
- ii) Assists with using residential land to its best advantage by enabling an

- additional lot to be created;
- iii) Provides a wider choice of residential lot sizes in the locality;
 - iv) Makes best use of existing infrastructure and services located in close proximity to the proposal site; and
 - v) Will contribute towards the dwelling targets of the draft *Central Metropolitan Sub-regional Strategy and Directions 2031* which specifies an additional draft housing target of 9,000 dwellings within the Canning municipality by 2031.

It should be noted that the difference between a 5% variation that could be determined under delegation and the proposed variation of 5.4% represents a very minor difference.

Right of Way

The subject land adjoins a 4.02m wide ROW along its north eastern boundary. Lot 569 was created as part of Plan 2683(6) and a section 167A easement notification under the Transfer of Land Act on its Certificate of Title confirms that a right of access is afforded over the ROW for the benefit of the subject land. The City of Bayswater '*Right of Way Study*' indicates that the Council has an aim to achieve a width of 6m where a ROW is to be used as a means of primary access to the adjoining lots and infill development.

The Commission's adopted policy on right-of-way widening is set out in Planning Bulletin No.33 "*Rights of Way or Laneways in Established Areas - Guidelines*" issued in July 1999. This document recommends a minimum right-of-way width of 6m to facilitate additional residential development however it recognises that vehicles can pass safely (at low speed) in a 5m right-of-way and this may be acceptable where alternative pedestrian access can be provided to the dedicated street.

Further, there is a possibility that the ROW maybe used for sole vehicular access to proposed Lot 1. A 0.99m widening and upgrading / construction condition in respect of the ROW is considered justified, as it equates to half of the necessary widening to achieve the minimum required width of 6.0m. This is consistent with other applications that have been approved by the WAPC abutting similar ROW's.

Variations

The WAPC has approved a number of subdivisions prior to the adoption of the 2013 R-Codes, that exceeded the 5% variation to the average site area requirements. However, the adoption of the 2013 version of the R-Codes introduced a number of changes. One of these changes is a minor decrease to minimum and average site area requirements for medium to high density coded residential lots (R20 - R80). This in effect has reset the framework to the default position of a 5% maximum variation.

Since adoption of the 2013 R-Codes, the issue of an application exceeding the 5% variation for the average site area requirement has been tested and approved previously by the WAPC.

It has been established that in infill situations, such as the subject application, compliance with the average lot size is less critical in subdivision applications providing minimum site area requirements have been achieved. Average site area

requirement is more relevant for green field sites where a large number of lots are being proposed.

Therefore, it is considered that there are sufficient grounds to support the application for the following reasons:

- The proposal accords with State level policy (which supports the strategic increase in density and infill of existing urban land) and the general intent of TPS 24 which enables subdivision at the R25 density code in this location;
- The subject site has a two street-frontage. Future built form will take advantage of this in terms of urban design;
- The subject site is well located to benefit from a number of bus routes which run along Guildford Road. The application is also well connected to recreational amenity space; and
- The proposal would not be detrimental to the amenity of the locality nor contrary to orderly and proper planning.

CONCLUSION:

Having regard to the circumstances which apply to the proposed subdivision, it is appropriate in this instance to approve the application and in doing so support a variation of 5.3% to the average site area requirement. Conditional approval is therefore recommended.

ITEM NO: 9.3

Proposed Subdivision to Create Two Freehold Lots for Residential Purposes - Mullaloo

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer, Metropolitan Planning North West
AUTHORISING OFFICER:	Director, Metropolitan Planning North West
AGENDA PART:	H
FILE NO:	149355
DATE:	24 March 2014
ATTACHMENT(S):	1 - Subdivision Plan 2 - Location Plan
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Joondalup
LOCAL SCHEME ZONING:	Residential
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Mullaloo
RECEIPT DATE:	14 January 2014
PROCESS DAYS:	69
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 263 Walcha Street, Mullaloo

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 263 Walcha Street, Mullaloo as shown on the attached plan date stamped 14 January 2014, subject to the following conditions and advice:

Conditions:

- 1. All buildings 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 present on proposed Lot 2 at the time of subdivision being demolished and all material removed from the lot(s). (Local Government)***

3. ***The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)***
4. ***The land being filled, stabilised, drained and/or graded as required to ensure that***
 - a) ***lots can accommodate their intended development; and***
 - b) ***finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished land levels of the land abutting; and***
 - c) ***stormwater is contained on site, or appropriately treated and connected to the local drainage system. (Local Government)***
5. ***A 1.5 metre x 1.5 metre truncation is to be provided at the junction of the access way and the Walcha Street road reserve. (Local Government)***
6. ***Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***
7. ***Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***
8. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)***

Advice:

1. ***In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time of subdivision approval was granted by the Western Australian Planning Commission.***
2. ***In regard to Condition 2, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.***
3. ***In regard to Conditions 6 and 7, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the applicant/landowner, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements of the subdivision.***
4. ***In regard to Condition 8, Western Power provides only one underground point of electricity supply per freehold lot.***

SUMMARY:

The application proposes the battleaxe subdivision of Lot 263 Walcha Street, Mullaloo into two freehold lots for residential purposes.

While *Development Control Policy 2.2: Residential Subdivision* (DC 2.2) provides scope for the Western Australian Planning Commission (WAPC) to consider variations to the design standards set out in DC 2.2, it specifically states that variations to minimum or average lot size requirements will not be permitted in respect of battleaxe lots. The proposal is inconsistent with policy and accordingly is required to be determined by the Statutory Planning Committee (SPC).

It is recommended that the application be approved, subject to standard conditions.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan
Strategic Goal: Strategic Goal 2: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Implement State and Regional Planning Priorities

Policy
Compliance: Proposal complies with WAPC policies unless discussed in the Planning Assessment section

INTRODUCTION:

Lot 263 Walcha Street, Mullaloo measures 890m² in area and is proposed to be subdivided into two freehold lots measuring 402m² (proposed Lot 1) and 488m² (proposed Lot 2) in a battleaxe configuration (**Attachment 1 - Subdivision Plan**). The existing house on the site is to be retained within proposed Lot 1, while an outbuilding and carport are to be demolished on proposed Lot 2 to enable its development.

The subject site is zoned 'urban' under the Metropolitan Region Scheme and 'residential' under the City of Joondalup District Planning Scheme No. 2, with a density coding of R20 (**Attachment 2 - Location Plan**).

CONSULTATION:

The application was referred to the City of Joondalup, Water Corporation, Western Power and the Department of Parks and Wildlife for comment.

The City of Joondalup does not support the application, on the basis of non-compliance with the 'deemed-to-comply' standards of Design Element 5.1.1 of *State Planning Policy 3.1: Residential Design Codes* (R-Codes) with respect to average lot size. The City is also of the view that the proposal does not comply with the 'design principle' provisions of Design Element 5.1.1, which provide guidance on when site

area concessions should be granted. The City have provided recommended conditions in the event that the WAPC resolves to approve the application.

The Water Corporation and Western Power have no objections to the proposal, subject to standard servicing conditions.

The Department of Parks and Wildlife has no comments to offer on the application.

COMMENTS:

Clause 3.6.5 of DC 2.2 states that the WAPC will not permit reductions to the minimum or average lot size requirements of the R-Codes with respect to battleaxe subdivisions. The specificity of this clause is considered to 'override' Clause 3.6.13 of DC 2.2, which provides for variations to the design standards pertaining to battleaxe subdivisions, and the proposal is therefore inconsistent with WAPC policy.

Notwithstanding that the subdivision is not supported by the City of Joondalup, it is considered that the proposed average site area variation warrants support in this instance as the variations are considered to be consistent with orderly and proper planning, for the following reasons:

- the proposed variation is minor, being 1.2% (10m²) across the application area, and would therefore have no discernible negative consequence;
- the lot sizes proposed exceed the minimum lot size requirements of the R20 code;
- the R-Codes do not preclude variations being granted to the average lot size of battleaxe sites;
- only 13.2% of the required minimum site area of proposed Lot 2 is derived from a portion of its access leg, in lieu of the 20% permitted under the R-Codes;
- the proposal will assist in achieving *Directions 2031* infill housing targets, which is considered to be a beneficial outcome for the broader community;
- the site is located within 300 metres of three public open space sites, 400 metres of a neighbourhood centre and 700 metres of two primary schools;
- the proposed battleaxe subdivision would be more sympathetic to the existing streetscape of Walcha Street, which is characterised by lots measuring approximately 20 metres wide, than a subdivision that would yield two 10 metre wide lots 'side by side';
- DC 2.2 has not been subject to detailed review for some years and since that time emerging trends have indicated the need for lot products that are more responsive to changing consumer housing patterns, and the need to use land more efficiently;
- theoretically, the applicant could obtain the additional 10m² of site area required to comply with the R-Codes and DC 2.2 by realigning either side boundary of the subject site by approximately 0.25 metres, through a separate subdivision application. Approval of the subject application will avoid the need for a separate process to be undertaken, that will ultimately result in the same design outcome as that proposed under the subject application.

CONCLUSION:

The proposal is considered to be consistent with orderly and proper planning and represents a minor variation to WAPC policy only, which will not have any discernible implications for the development of the proposed lots. It is therefore recommended that the application be approved, subject to conditions.