



Statutory Planning Committee

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

**Tuesday 13 May 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
Ms Gail McGowan	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 - 22 April 2014**
9. **Reports**
10. **Confidential items**
11. **General business**
12. **Items for consideration at a future meeting**
13. **Closure** - next meetings will be held:
 - Ordinary meeting – 27 May 2014
 - Policy meeting – 24 June 2014

Statutory Planning Committee

Minutes
of ordinary meeting 7500
held on Tuesday, 22 April 2014

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Ms Sue Burrows	WAPC appointee
Mr Martin Clifford	Regional Minister's nominee (Deputy)
Mr Ian Holloway	Professions representative
Ms Gail McGowan	Director General, Department of Planning (arrived at 9.04 am)
Ms Elizabeth Taylor	Community representative

Officers

Mr Michael Daymond	Senior Planning Officer; Perth and Peel Planning
Mr Ben Harvey	Director, Policy and Research; Infrastructure, Projects, Policy and Research
Mr Mat Selby	Planning Director; Perth and Peel Planning
Ms Emma Thunder	Principal Planner; Perth and Peel Planning

Presenters

Mr Dean Cracknell	City of Melville (item 6.1 refers to item 9.1)
Mr Steve Cope	City of Melville (item 6.1 refers to item 9.1)
Mr Gavin Ponton	City of Melville (item 6.1 refers to item 9.1)
Dr Shayne Silcox	City of Melville (item 6.1 refers to item 9.1)

Mr Michael Chappell	(item 6.2 refers to item 9.1)
Mr Sean Fairfoul	Rowe Group (item 6.2 refers to item 9.1)
Mr Antony Johnson	(item 6.2 refers to item 9.1)
Mr Scott Nugent	AMP Capital (item 6.2 refers to item 9.1)
Mr Greg Rowe	Rowe Group (item 6.2 refers to item 9.1)

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7500.1 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.

Statutory Planning Committee

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of ordinary meeting 7500
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7500.2 Apologies

Ms Megan Bartle WAPC appointee

7500.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7500.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Sue Burrows	9.1	3	Impartiality
Ms Sue Burrows	10.1	4	Impartiality

Resolved

Moved by Ms Taylor, seconded by Mr Clifford

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 item 9.1.

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 as an officer of the Department but not vote on item 10.1.

The motion was put and carried.

Ms McGowan arrived at 9.04 am.

7500.5 Declaration of Due Consideration

No declarations were made.

7500.6 Deputations and Presentations

7500.6.1 Endorsement of Activity Centre Structure Plan – Melville City Centre
Presenter Mr Steve Cope, City of Melville

Mr Cope made a PowerPoint presentation to members of the Committee in support of the item. A copy has been placed on file. Mr Cope answered questions from members.

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7500.6.2 Endorsement of Activity Centre Structure Plan – Melville City Centre

Presenter Mr Scott Nugent, Rowe Group

Mr Nugent provided a presentation to the Committee in support of the item and answered questions from members.

7500.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7500.8 Confirmation of Minutes

7500.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 8 April 2014

Resolved

Moved by Ms Taylor, seconded by Mr Clifford

- 1. To amend the minutes to reflect that Ms Bartle moved item 8.2;*
- 2. That the minutes of the Statutory Planning Committee meeting held on Tuesday, 8 April 2014 as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

7500.9 Reports

7500.9.1 Endorsement of Activity Centre Structure Plan – Melville City Centre

File SPN/0541/1
Report Number SPC/641
Agenda Part C
Reporting Officer Senior Planning Officer, Metropolitan Planning Central

Ms Burrows disclosed an interest.

Member	Nature of Interest
Ms Burrows	Impartiality

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Members requested that the definitions related to land use are to be in alignment with the model scheme text.

Officer's Recommendation

That the Western Australian Planning Commission resolves to endorse the Melville City Centre Activity Centre Structure Plan, subject to the schedule of modifications included at Attachment 11.

Resolved

Moved by Mr Holloway, seconded by Ms McGowan

That the Western Australian Planning Commission resolves to endorse the Melville City Centre Activity Centre Structure Plan, subject to the schedule of modifications included at Attachment 11 and that any land use definitions are to be in alignment with the model scheme text.

The motion was put and carried.

7500.10 Confidential Items

7500.10.1 SPP 3.6 Development Contributions for Infrastructure – Outcomes of Policy Review

File	N/A
Report Number	SPC/642
Agenda Part	A
Reporting Officer	Director, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL.

7500.11 General Business

7500.11.1 Policy Discussion

THIS ITEM IS CONFIDENTIAL.

7500.11.2 Application for Multi-Unit Code Dwellings

Ms Burrows advised members that the application for Multi-Unit Code, under the Residential Design Code is to amend the density where applicable to be raised from R30 to R50

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and to modify required parking spaces from 0.75 spaces per unit to one bay per unit.
An item will be circulated out of session to members of the Committee

7500.12 Items for Consideration at a Future Meeting

Nil.

7500.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 13 May 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.35 am.

PRESIDING MEMBER _____

DATE _____

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ITEM NO: 9.1

ENDORSEMENT OF PLANNING BULLETIN 49: CARAVAN PARKS FOR PUBLICATION

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Tourism Planning Officer
AUTHORISING OFFICER:	Executive Director of Infrastructure, Projects, Policy and Research
AGENDA PART:	A
FILE NO:	DP/13/00651
DATE:	30 April 2014
ATTACHMENT(S):	<ol style="list-style-type: none">1. <i>Planning Bulletin 49: Caravan Parks, 2014</i> (Final version)2. <i>Planning Bulletin 49: Caravan Parks, 2001</i> (Published version)3. <i>Planning Bulletin 49: Caravan Parks, 2014</i> (Consultation draft)4. Submissions Table – Summary of key issues raised during round 1 and 2 consultation and DoP actions/response5. Amendments made to <i>Planning Bulletin 49: Caravan Parks</i> from consultation draft to final version

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse Planning Bulletin 49: Caravan Parks, and note that it will be published on the PlanningWA website.

SUMMARY:

Planning Bulletin 49: Caravan Parks, 2014 (PB49) has been significantly revised to better address land use planning for caravan parks including the development of new sites and redevelopment of existing sites (see Attachment 1 – Final version). The review of PB49 also provided for the removal of out-dated, irrelevant or superseded information and references.

BACKGROUND:

In 2009, the Economics and Industry Standing Committee (EISC) conducted a review of the caravan park industry in its report, *Provisions, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia* (the Report). The EISC made 151 findings and 57 recommendations for action to be undertaken across 10 portfolios. The Government tabled its response to the EISC inquiry on 25 May 2010.

In response to the EISC report, Tourism WA commissioned Brighthouse Strategic Consulting to investigate the tourism recommendations and to assess the current status and future needs of the caravan and camping industry. The resulting document, *A Strategic Approach to Caravanning and Camping Tourism in WA 2012*, was used to guide the development of the *Caravan and Camping Action Plan 2013-2018*. The Action Plan contains 11 recommendations aimed at improving the supply, delivery and promotion of the caravan and camping sector, including the need to review PB49 to provide improved guidance on the zoning and development of caravan parks.

The review and consultation process is now complete and PB49 has been finalised. This review has been undertaken by the Department of Planning (DoP), in partnership with Tourism WA. Tourism WA is funding the Tourism Planning Officer position within DoP until 30 May 2014 to undertake this review.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005

Strategic Plan

Strategic Goal:

Planning

Building Relationships

Outcomes:

State-wide integrated Policy frameworks

Key stakeholder alignment

Strategies:

Develop State and Regional Policy frameworks

Enhance stakeholder engagement

Policy

Number and / or Name:

Planning Bulletin 49: Caravan Parks

DETAILS:

The purpose of revised PB49 is to provide guidance on matters to be taken into consideration in planning for caravan parks, including the development of new or redevelopment of existing parks. PB49 is to be applied on a case-by-case basis.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The intent of revised PB49 is to support the provision of caravan parks within Western Australia by facilitating greater flexibility in the design and composition of new or redeveloped caravan parks, while delivering quality land use planning outcomes. It is consistent with the recommendation made by the Economics and Industry Standing Committee Inquiry 2009.

CONSULTATION:

Round 1 Stakeholder Consultation

DoP undertook initial stakeholder consultation with the aim of seeking feedback on the effectiveness of, and issues with, the published version of PB49 (see Attachment 2 – Published version). Submissions received formed the basis by which PB49 was significantly revised. On 11 February 2014, the Statutory Planning Committee approved the release of the revised PB49 for round 2 stakeholder consultation (see Attachment 3 – Consultation draft).

Round 2 Stakeholder Consultation

Stakeholder consultation was undertaken on the revised PB49 with targeted stakeholders given six weeks to provide comment. A total number of seventeen submissions were received, three internal and fourteen external.

A summary of the key issues raised by submitters in both round 1 and 2 are outlined in Attachment 4 – Submissions Table. Where appropriate, suggestions to amend the content of PB49 were adopted. Where clarity was an issue, additional information was incorporated. In some cases suggestions were deemed too detailed, impractical or outside the scope of PB49 and no amendments were made. Attachment 5 highlights the major amendments undertaken from the consultation draft to the final version.

Additional Consultation

The DoP, Tourism WA and DLGC met with the Chief Executive Officer of CIAWA to discuss outstanding concerns CIAWA had with PB49. It was evident that some of the issues raised by CIAWA did not relate to the content of PB49 and rather the application of the suite of guidelines, policies and legislation that apply to caravan parks. Following this meeting sections of PB49 were further amended and provided to the meeting attendees for comment. Comments received were either adopted, where appropriate, or were not deemed pertinent to PB49 (also included in Attachment 5).

OFFICER'S COMMENTS:

The key issues raised by submitters during round 1 and 2 consultation included:

- Out-dated, irrelevant or superseded information and references.
- Concerns that PB49 focused on new caravan parks and lacked detail about the more common issue of redevelopment of caravan parks.
- Concerns decision makers are applying PB49 as if it were a high level policy.
- Concerns that PB49 is too prescriptive.
- Requests to incorporate details of other policies/legislation.
- Concerns regarding inconsistent application of PB49.
- Confusion and concern around lack of understanding of the application of PB49 versus draft *Nature-Based Parks Guidelines* (produced by the DLGC).
- Concern around caravan parks not allowing long stay sites.
- Concern with elements of zoning and rezoning sections, particularly zoning new caravan park sites as 'Special Use – Caravan Park'.
- Concern regarding timing of the publishing of PB49 and the review of the *Caravan Parks and Camping Grounds Act 1995* and *Regulations 1997*.

- Desire to combine tourism related bulletins (e.g. PB49, *Planning Bulletin 99: Holiday Homes, Planning Bulletin 83: Planning for Tourism*).
- Issues with time consuming approvals processes.
- Requests for minor rewording, inclusion of additional content and misinterpretation of content.

The DoP's response to these issues and corresponding actions are outlined in more detail in Attachment 4.

Amendments made to PB49 are considered to adequately address relevant concerns raised through the consultation process.

Some issues raised were outside the scope and purpose of PB49 or are addressed in other policy documents (e.g. *Planning Bulletin 83: Planning for Tourism, Tourism Planning Guidelines*).



ITEM NO: 9.2

ENDORSEMENT OF TOURISM PLANNING GUIDELINES

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager Policy Development and Review
AUTHORISING OFFICER:	Executive Director Infrastructure, Projects, Policy and Research
AGENDA PART:	A
FILE NO:	DP/12/01116
DATE:	7 March 2014
ATTACHMENT(S):	<ol style="list-style-type: none">1. Proposed <i>Tourism Planning Guidelines, 2014</i>2. Submissions Table – Summary of key issues raised during round 1 and 2 consultation and DoP actions/response

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse the Tourism Planning Guidelines, and note that it will be published on the PlanningWA website.

SUMMARY:

A reviewed and updated version of *Planning Bulletin 83: Planning for Tourism* (PB83) was released on 24 January 2013. PB83 recommends that, where tourism is considered significant within a locality or region, a more detailed tourism component of the local planning strategy (LPS) be prepared by the local government.

The review of PB83 highlighted the need for additional guidance on producing this component. The *Tourism Planning Guidelines* (Attachment 1) have been produced to assist local government.

BACKGROUND:

PB83 has since undergone two reviews and was most recently adopted in January 2013. To address other recommendations of the Report and requests from local government for additional guidance, the *Tourism Planning Guidelines* have been produced by DoP, in partnership with Tourism WA, and in consultation with key stakeholders.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*

Strategic Plan

Strategic Goal: Planning
Building Relationships
Outcomes: State-wide integrated Policy frameworks
Key stakeholder alignment
Strategies: Develop State and Regional Policy frameworks
Enhance stakeholder engagement

Policy

Number and / or Name: *Planning Bulletin 83: Planning for Tourism*
Tourism Planning Guidelines

DETAILS:

Previously, local governments were required to prepare a separate local tourism planning strategy (LTPS). Recent improvements to the planning policy framework for tourism now recommend that local governments give due consideration to tourism within their LPS to establish a land use planning framework for tourism that is relevant to the locality or region. A tourism component of a LPS provides local governments with a rationale for determining future land allocation, planning controls and infrastructure needs for tourism based on sound planning principles. Where a LTPS has been previously prepared by a local government, it is recommended that a summary of the key findings and recommendations be incorporated into the LPS. The *Tourism Planning Guidelines* provide effective guidance on land use planning for tourism and should be read and applied in conjunction with other relevant policies of the WAPC.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The *Tourism Planning Guidelines* are being released as a co-badged document with Tourism WA.

CONSULTATION:

Round One Consultation

Consultation on the draft *Tourism Planning Guidelines* was undertaken both internally and externally. External consultation included Tourism WA, Tourism Council WA and WALGA. The Tourism Council WA requested (via the Minister of Planning) an extension to provide comment on the draft *Tourism Planning Guidelines* and was included as part of a second, broader, round of consultation.

Round Two Consultation

A second round of external consultation from May to August 2013 and included Tourism WA, Tourism Council of WA and WALGA as well as the local governments of Albany, Dandaragan, Augusta-Margaret River, Broome, Busselton, Denmark, Exmouth, Greater-Geraldton, Northampton and Gingin.

Comments received from stakeholders in both round 1 and 2 of consultation were given due consideration. Where appropriate, suggested amendments were made to the *Tourism Planning Guidelines*, such as formatting, additional information, clarification of content and simplification of content. Other suggestions were deemed too detailed/specific for intent of the *Tourism Planning Guidelines*.

Additional Consultation

The DoP met with the Chief Executive Officer of the Tourism Council WA, a key stakeholder and submitter, to discuss outstanding concerns that the Tourism Council WA had with the *Tourism Planning Guidelines*. Following this meeting additional amendments were made to the *Tourism Planning Guidelines* which were provided to the Tourism Council WA. The Tourism Council WA did not object to the amendments put forward.

OFFICER COMMENTS:

The key issues raised during round 1 and 2 consultation and DoP actions/recommendations are outlined in detail in Attachment 2 – Submissions Table.

Amendments made to the *Tourism Planning Guidelines* are considered to adequately address relevant concerns raised through the consultation process.

Some issues raised were outside the scope and purpose of the *Tourism Planning Guidelines* or are addressed in other policy documents (e.g. PB83).

ITEM NO: 9.3

PROPOSED SUBDIVISION – LOT 137 (NO. 132) RAILWAY PARADE, BAYSWATER

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Manager, Metropolitan Planning Central, Perth and Peel Planning
AUTHORISING OFFICER:	Director, Metropolitan Planning Central, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	1591-13
DATE:	2 April 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:	13 December 2013
PROCESS DAYS:	
APPLICATION TYPE:	Survey Strata
DESCRIPTION OF PROPOSAL:	Create Two (2) Survey Strata Lot(s) For Residential Purpose.
CADASTRAL REFERENCE:	Lot 137 (No. 132) Railway Parade, Bayswater

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for survey-strata of Lot 137 (No. 132) Railway Parade, Bayswater as shown on the plan date-stamped 13 December 2013 subject to the following conditions:

CONDITIONS:

- 1. Demolition/removal of buildings/structures. 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. ***Sewer, decommissioning on-site effluent disposal system. 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. ***Vehicle crossover and reinstatement. 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. ***Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision. (Local Government)***
5. ***Water Supply. 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)***
6. ***Sewerage service. 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)***
7. ***Drainage - district. 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)***
8. ***Electricity provision for survey strata and/or vacant strata lots. 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)***
9. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easements to the lots show on the approved plan of subdivision. (Western Power)***
10. ***Both lots to achieve a minimum lot area of 300m². (Local Government)***

ADVICE:

- 1. Planning/building approval required for partial demolition. 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. Water Corporation easements advice. In regard to Conditions 5, 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 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. Electricity - one connection per lot; advice (WP). In regard to Condition 8, 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 635m² corner lot to create two residential lots of 340m² and 295m². An existing dwelling on proposed Lot 1 is to be retained 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 of Table 1 of the Residential Design Codes (R-Codes).

CONSULTATION:

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

"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 above, the City has recommended conditions should the WAPC support the proposal.

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

All recommended conditions have been assessed and where considered fair, reasonable and relevant, have been recommended. The conditions generally accord with the Model Subdivision Conditions 2012.

PLANNING ASSESSMENT

The subject site is a corner lot located at the intersection of Railway Parade and Mary Street, Bayswater. The proposal does not meet the minimum site area requirements for one of the two lots (Lot 2 achieves only 295m², 300m² required) and does not meet the average site area requirements (350m² required, 317.5m² provided) specified in the R-Codes for the R25 density code. The variation to average lot area is 9.28%.

With regard to the undersized lot of 295m² it is recommended that a condition be imposed requiring both lots to achieve a minimum of 300m², which is available given the overall lot size of 635m².

In respect of the variation to average lot area, it is considered more relevant in infill situations to ensure compliance with minimum lot areas rather than average. Compliance with average site area requirements 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 will achieve street frontage access. The site is also well located in terms of its position close to an existing passenger rail station at Garrett Road.

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 9.28%) 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 for both lots 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 to approve the application and, in doing so, support a variation of 9.28% to the average site area requirement. Conditional approval is therefore recommended.

ITEM NO: 9.4

PROPOSED LED ROOF SIGN FOR DISPLAYING THIRD PARTY ADVERTISING - LOT 10 (NO. 267) ST GEORGES TERRACE, PERTH

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer, Metropolitan Planning Central
AUTHORISING OFFICER: Director, Metropolitan Planning Central
AGENDA PART: G
FILE NO: 10-50225-1
DATE: 30 April 2014
ATTACHMENT(S): Attachment 1 - Development Plans
Attachment 2 - Location and Zoning Plan
Attachment 3 - Artist Impressions
REGION SCHEME ZONING: Central City Area & Primary Regional Road
LOCAL GOVERNMENT: City of Perth
LOCAL SCHEME ZONING: City Centre
LGA RECOMMENDATION(S): Conditional Approval
REGION DESCRIPTOR: Perth Metro Central
RECEIPT DATE: 7 August 2013
PROCESS DAYS: 266 days
APPLICATION TYPE: Development
CADASTRAL REFERENCE: Lot 10 (No.267) St Georges Terrace, Perth

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed LED roof sign on Lot 10 (No. 267) St Georges Terrace, Perth subject to the following condition:

- 1. The proposed development complying with all details as shown on the approved plans dated-stamped 3 April 2014 by the Department of Planning on behalf of the Western Australian Planning Commission.***

ADVICE TO APPLICANT

- 1. The applicant is advised that approval to this development does not negate the need to obtain a building licence from the Local Government prior to the commencement of works.***

2. ***Any additional signage or modifications to the approved signage requires the further approval of the Western Australian Planning Commission.***

SUMMARY:

- The application proposes the erection of a 16 metre wide by 9 metre tall, high resolution LED advertising sign on the roof level of the office building located at Lot 10 (No. 267) St Georges Terrace, Perth (**Attachment 1 - Development Plans**).
- The site is subject to a Clause 32 resolution relating to Parliament House Precinct 6. The application is therefore required to be determined by the Western Australian Planning Commission (WAPC). A separate approval has been issued by the City of Perth (the City).
- The application is recommended for approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Subdivision / Development Approval / Reconsiderations
Part 10

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

Policy
Number and / or Name: Parliament House Precinct Policy

The proposal complies with WAPC policies unless discussed in Planning Assessment section.

INTRODUCTION:

Approval is being sought for a proposed LED advertising sign at Lot 10 (No. 267) St Georges Terrace, Perth. The subject land is zoned 'City Centre' under the City of Perth City Planning Scheme No.2 (CPS 2). The site is also zoned 'Central City Area' and partially reserved for 'Primary Regional Roads' under the Metropolitan Region Scheme (MRS) (**Attachment 2 - Locality and Zoning Plan**).

CONSULTATION:

At the Ordinary Council Meeting held 1 April 2014, the City resolved to conditionally approve the application. As a separate approval under CPS 2 has been issued, it is considered that the conditions and advice notes imposed by the City do not need to be replicated on the approval under the MRS.

As the site is partially reserved as 'Primary Regional Roads' under the MRS, the proposal was referred to Main Roads WA (MRWA) for comment. MRWA advised the City that they support the application subject to conditions relating to the nature of the advertisements displayed on the screen. The conditions recommended by MRWA have been imposed on the City's approval and therefore do not need to be replicated on the approval under the MRS.

The application was also referred to the Parliamentary Services Department as the site is located within Precinct 6: St Georges (City Centre) of the Parliament House Precinct Policy. The Parliamentary Services Department have no objection to the proposal.

COMMENTS:

Proposal

The subject site has an area of 1,789m² with frontage to St Georges Terrace to the north and Mitchell Freeway to the west. The site is currently occupied by a four storey office building.

The proposal is for a 16 metre wide by 9 metre tall, high resolution LED advertising sign, located on the roof of the existing office building. Since the receipt of the application in August 2013, the proposal has been revised to address a number of issues that were raised by the City. One of the more important changes is that the LED screen will now be located against the existing roof plant which is proposed to be extended to not only house existing plant equipment such as air conditioning units, but also to integrate the advertising sign. This will have the effect of the sign appearing as if it is an element of the plant room, rather than a free standing structure on or above the roof, as originally proposed. The sign will face towards the south-west to address northbound traffic on the Kwinana/Mitchell Freeway and will not be visible from St Georges Terrace or the city centre. The sign is highly visible from the Freeway and it is for this reason that the proposed location was chosen, so that it would be seen easily by passing motorists.

The roof sign is proposed to advertise third party content unrelated to the businesses on the subject site and will operate 24 hours a day.

Parliament House Precinct Policy

The site is affected by an MRS Clause 32 resolution which applies to the area defined as the Parliament House Precinct (PHP). Four considerations within the PHP policy which are relevant to the current proposal include:

- The need to maintain views of Parliament House from the city;
- The need to maintain views over the Swan River from the terraces of Parliament House;
- The need to control the appearance of the PHP; and
- The need for all signs to be an integral part of the building and not free standing.

The artist impressions of the proposal detail the visual impacts that the proposal will have on the skyline. Given that the application is supported by the City, MRWA and

the Parliamentary Services Department, impacts on the skyline are considered minimal. It is therefore considered that the application complies with the above objectives (**Attachment 3 - Artist Impressions**).

CONCLUSION:

The proposed development will not have any adverse impacts on the PHP and will not impede impact on views to and from Parliament House. The proposal is considered to be consistent with the requirements of the MRS and is recommended for approval.

ITEM NO: 9.5

SUBDIVISION TO CREATE 2 LOTS FOR RESIDENTIAL PURPOSE AT LOT 145 NO. 25 CLIVE STREET, BICTON

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:	149068
DATE:	01 May 2014
ATTACHMENTS:	1 - Plan of Subdivision; and 2 - TPS Zoning and Location Plan.
REGION SCHEME ZONING:	MRS:URBAN
LOCAL GOVERNMENT:	City of Melville
LOCAL SCHEME ZONING:	Residential R17.5
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	18 November 2013
PROCESS DAYS:	
APPLICATION TYPE:	Survey Strata
CADASTRAL REFERENCE:	Lot 145 Clive Street, Bicton.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for survey-strata of Lot 145 Clive Street as shown on the plan date stamped 18 November 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(s) 1 and 2 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)***
- 2. The land being filled, stabilised, drained and/or graded as required to ensure that***
 - a) lots can accommodate their intended development; and***
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and***

- c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)*
3. *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)*
 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); and*
 6. *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, 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 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 the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision; and*
3. *In regard to Condition 6, Western Power provides only one underground point of electricity supply per freehold lot.*

SUMMARY:

The key points relating to this report are as follows:

- The application proposes the subdivision of Lot 145, Clive Street, Bicton (the subject site) to create two (2) residential lots.
- The City of Melville does not support the application due to the proposed variation to the average site area requirement and minimum frontage requirement as per 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 which 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 subdivide one (1) residential lot into two (2) single dwelling lots each with proposed areas of 505.92m² and with lot frontages of 10.06m. An existing dwelling is to be demolished and removed from the site, (**Attachment 1** - Plan of Subdivision).

The subject land is zoned 'Living Areas' with a density coding of R17.5 under the City of Melville (the City) Community Planning Scheme No. 5 (CPS5) and 'Urban' pursuant to the Metropolitan Region Scheme (MRS), (**Attachment 2** - TPS Zoning and Location Plan).

CONSULTATION:

The City recommends refusal as the proposed subdivision does not comply with the average lot size requirements and minimum street frontage requirements for R17.5 lots, in accordance with the Residential Design Codes (R-Codes). However, despite this objection the City has provided a number of recommended conditions should the Commission be minded to approve the application.

The Water Corporation and Western Power raise no objections subject to the imposition of standard servicing conditions.

All recommended conditions have been assessed and where deemed fair, relevant and reasonable they have been imposed. The conditions are also consistent with the Model Standard Conditions Schedule 2012.

COMMENTS:

The application is presented to the Statutory Planning Committee due to the average site area of the proposed survey-strata lots requiring a variation of 12.03% in lieu of a maximum of 5%, as prescribed under the R-Codes and WAPC Development Control policy 2.2 *Residential Subdivision* (DC 2.2) and also given it proposes a lot frontage

of 10.06m in lieu of a minimum of 12m as prescribed under Column 5 of Table 1 of the Residential Design Codes 2013.

Average Lot Sizes Variations.

The application is consistent with the minimum (500m² required, 505.92m² achieved), however, it not consistent with the average lot size requirement of (571m² required, 505.92m² achieved). This equates to a proposed average lot size variation of 12.03%.

Clause 3.2.3 of WAPC Policy 2.2 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.*

As mentioned the proposal meets the minimum site area requirement of the R17.5 coding and despite the proposal representing a departure from the requirements of Clause 3.2.3 of DC 2.2, (as it proposes a variation greater than 5% 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;
- vi) 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 1,000 dwellings within the Melville municipality by 2031.

It is the applicants view that the subdivision of the subject lot will have little or no detrimental impact on the amenity of the immediate area, given the substantial number of properties within close proximity that are already developed to the density proposed by this application. In support of this assertion, the applicant has provided details of a number of subdivided lots within a 400m radius of the subject site (see below).

Battleaxe Subdivision	Side by side subdivision
17 Clive Street	8 Clive Street
19 Clive Street	10 Clive Street
21 Clive Street	11 Clive Street

23 Clive Street	34 Beach Street
27 Clive Street	45 Beach Street
40 Clive Street	67 Beach Street
55 Reserve Street	71 Beach Street
136 Waddell Street	25 Milne Street
51 Beach Street	37 Milne Street
57 Beach Street	138 Waddell Street
69 Beach Street	140 Waddell Street
	142 Waddell Street

In response to this, while a desktop study shows that these lots have been generally created via the built strata process or by subdividing lots at a higher density code under a previous Town Planning Scheme, it is considered nonetheless that given these previous subdivisions depict an identifiable character in the vicinity, it is a component that should be considered in the assessment of this application.

Previous Applications

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 is now well established that in infill situations, such as the subject application, compliance with the average lot size is less critical providing minimum site area requirements have been achieved. This is the case in this application. It has been concluded that average site area requirements are 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 CPS5 which enables subdivision at the R17.5 density code in this location;
- It is likely that a future built form will adopt modern building techniques;
- The proposed lots would be consistent with the character of the area and would not appear incongruous;
- The proposed lots will regular in shape and capable of development;
- The subject site is well located to benefit from a number of bus routes and is also well connected to recreational amenity space and the Swan River; and
- The proposal would not be detrimental to the amenity of the locality, the character of the area or would it be contrary to orderly and proper planning.

Lot frontage variation.

In addition to a variation to average lots size requirements, the application also proposes a variation to the minimum frontage requirements. The proposed lots achieve frontages of 10.06m in lieu of a 12m minimum frontage requirement of the R17.5 coding as specified in Table 1 of the Residential Design Codes 2013.

Notwithstanding this shortfall, it has been recent practice of the Commission to permit, in certain cases, variations to the minimum frontage requirements specified in the Codes. In support of this practice Clause 3.2.1 of the Commission's policy DC 2.2 - 'Residential Subdivision' states:

"Generally the minimum lot size and frontage requirements of the relevant code will form the basis for the subdivision of residential land".

Furthermore, there have been cases where the Commission has approved subdivision applications involving variations to the minimum frontage requirements of the R-codes, such as WAPC ref: 140191, Lot 156 Kinnane Place, Attadale (also within the City of Melville) which was approved 31 July 2009.

This application achieved lot frontages of 9.5m on land also subject to an R17.5 coding. Similarly, in that case, the City did not support the application and the Commission granted approval on the basis that it was considered that the proposal would not impact on the streetscape character.

In addition, notwithstanding the average lots size variation, the lot could be subdivided in a battleaxe configuration and therefore achieve the minimum frontage, however, this would not necessarily achieve a better outcome. It is noted that the existing dwelling is not heritage protected nor does it have any known architectural merit.

CONCLUSION:

The proposed lots meet the minimum lot size requirements, they will be of a regular shape and could be readily developed using modern building techniques.

It is appropriate to support the variation of 12.03% to the average site area requirement on the basis that it has been previously established by the SPC that average lot size requirements are not critical in infill situation such as this. Similarly, variation to lot frontage requirements have previously accepted by the WAPC, when circumstances permit and there is appropriate merit in the proposal.

Accordingly, conditional approval is recommended.