



Statutory Planning Committee

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

**Tuesday 27 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 - 13 May 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 – 10 June 2014
 - Policy meeting – 24 June 2014

Statutory Planning Committee

Minutes
of ordinary meeting 7501
held on Tuesday, 13 May 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
Ms Gail McGowan	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Jaime Bishopp	Department of Planning Tourism Planning Officer; Infrastructure, Project, Policy and Research
Ms Loretta Van Gasselt	Planning Manager; Infrastructure, Project, Policy and Research
Mr Ben Harvey	Director, Policy and Research; Infrastructure, Project, Policy and Research

Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7501.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.02 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7501.2 Apologies

Nil.

7501.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

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of ordinary meeting 7501
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7501.4 Disclosure of Interests

Nil.

7501.5 Declaration of Due Consideration

No declarations were made.

7501.6 Deputations and Presentations

Nil.

7501.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman advised members of a document titled "Planning Makes It Happen: Phase 2. A Planning Reform Discussion Paper Summary of Submissions" which will be scheduled for discussion for a future meeting of the Committee.

A review of the Terms of Reference for all Committees is currently being undertaken. In conjunction with this, a document has been created to allow members to submit amendments of report recommendations prior to a meeting to facilitate in effective decision making.

7501.8 Confirmation of Minutes

7501.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 22 April 2014

Resolved

Moved by Ms Taylor, seconded by Ms McGowan

- 1. To amend item 7500.11.2 to change "R30" to R40";*
- 2. To amend 7500.11.2 to include after "one bay per unit" "subject to further modelling being carried out.";*
- 3. That the minutes of the Statutory Planning Committee meeting held on Tuesday, 22 April 2014, as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

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of ordinary meeting 7501
held on Tuesday, 13 May 2014

7501.9 Reports

Members agreed to endorse, en-bloc, all the recommendations associated with Items 7501.9.2, 7501.9.3, 7501.9.5, 7501.10.2 and 7501.10.3.

Resolved

Moved by Mr Clifford, seconded by Mr Holloway

That the Statutory Planning Committee resolves to endorse, en-bloc, all the recommendations associated with Items 7501.9.2, 7501.9.3, 7501.9.5, 7501.10.2 and 7501.10.3.

The motion was put and carried.

7501.9.1 **Endorsement of Planning Bulletin 49: Caravan Parks for Publication**

File DP/13/00651
Report Number SPC/643
Agenda Part A
Reporting Officer Tourism Planning Officer

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

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.

The motion was put and carried.

7501.9.2 **Endorsement of Tourism Planning Guidelines**

File DP/12/01116
Report Number SPC/644
Agenda Part A
Reporting Officer Manager Policy Development and Review

Resolved

Moved by Mr Clifford, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to:

- 1. endorse the Tourism Planning Guidelines;*

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2. *approve forwarding of a briefing note and the Tourism Planning Guidelines to the Minister for Planning and Minister for Tourism advising them of the intent to release; and*
3. *note that the Tourism Planning Guidelines will be published on the PlanningWA website.*

The motion was put and carried.

7501.9.3

Proposed Subdivision – Lot 137 (No. 132) Railway Parade, Bayswater

File 1591-13
Report Number SPC/645
Agenda Part G
Reporting Officer A/Manager, Metropolitan Planning Central, Perth and Peel Planning

Resolved

Moved by Mr Clifford, seconded by Mr Holloway

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*

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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*

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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); and*
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; and*
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.*

The motion was put and carried.

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7501.9.4

Proposed LED Roof Sign for Displaying Third Party Advertising - Lot 10 (No. 267) St Georges Terrace, Perth

File 10-50225-1
Report Number SPC/646
Agenda Part G
Reporting Officer Senior Planning Officer, Metropolitan Planning Central

Ms McGowan advised that the issue of safety in relation to the distraction of the signage to motorists will be raised with the Safety Council.

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

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

The motion was put and carried.

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7501.9.5

Subdivision to Create 2 Lots for Residential Purpose at Lot 145 No. 25 Clive Street, Bicton

File 149068
Report Number SPC/647
Agenda Part G
Reporting Officer Planning Officer - Metropolitan Planning Central

Resolved

Moved by Mr Clifford, seconded by Mr Holloway

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)*

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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.*

The motion was put and carried.

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7501.10 Confidential Items

7501.10.1 City of Armadale Local Planning Strategy for Certification and Consent to Advertise

File TPS/0782
Report Number SPC/648
Agenda Part B
Reporting Officer A/Planning Manager - Metropolitan South-East

THIS ITEM IS CONFIDENTIAL

7501.10.2 Shire of Kellerberrin - Local Planning Scheme No. 4 and Local Planning Strategy – Final Approval

File TPS/001/1
Report Number SPC/649
Agenda Part E
Reporting Officer Director, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7501.10.3 Shire of Kondinin – Consolidation of Local Planning Scheme No. 1 - Consent to Advertise

File TPS/1332/1
Report Number SPC/650
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7501.11 General Business

7501.11.1 Local Government Representative

Ms Taylor queried when a local government representative would be appointed to the Committee. The Chairman advised that it is currently being processed through the Ministers Office.

7501.11.2 Comments on Policies

THIS ITEM IS CONFIDENTIAL

7501.12 Items for Consideration at a Future Meeting

Nil.

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7501.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 27 May 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.30 am.

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

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D	GENERAL ITEMS / OTHER MATTERS
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10.2	CITY OF BELMONT LOCAL PLANNING SCHEME AMENDMENT NO.4 - FOR CONSENT TO ADVERTISE
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C	SUBDIVISIONS / ALMALGAMATIONS
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10.6	AMENDMENT NO. 110 TO THE CITY OF MANDURAH TOWN PLANNING SCHEME NO. 3 - FOR FINAL APPROVAL

ITEM NO: 9.1

AMENDMENT TO STATE PLANNING POLICY 3.1 RESIDENTIAL DESIGN CODES – MULTIPLE DWELLINGS, PARKING AND OTHER INCIDENTAL CHANGES

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Urban Policy
AUTHORISING OFFICER:	Executive Director Infrastructure, Projects, Policy & Research
FILE NO:	DP/14/00301/1
DATE:	1 May 2014
ATTACHMENT(S):	1. Proposed Amendment to State Planning Policy 3.1: Residential Design Codes

RECOMMENDATION:

That the Statutory Planning Committee recommends that the Western Australian Planning Commission resolves to:

- 1. endorse the proposed amendments to State Planning Policy 3.1 Residential Design Codes 2013 as outlined in Attachment 1; and***
- 2. seek the approval of the Minister for Planning to prepare the proposed amendment in accordance with section 26(1) of the Planning and Development Act 2005.***

SUMMARY:

A number of local governments have raised concerns with the Department of Planning about unintended and undesirable consequences arising from the 2010 changes to the R-Codes relating to multiple dwellings. There is a perception that the R-Codes encourages inappropriate multiple dwelling densification that is inconsistent with the amenity of predominantly single dwelling neighbourhoods with a R30 or 35 coding. In response to these concerns, the Department of Planning proposes amendments to the R-Codes.

It is proposed to amend the R-Codes to require each multiple dwelling under R30 and R35 to achieve the same site area and open space (minimum total percentage of site) requirement as currently applies for single and grouped dwellings. Placing a limitation on the maximum number of multiple dwellings and minimum open space in R30 and R35 areas will ensure alignment with existing R12.5 to R25 codes and

ensure dwelling density intended and expected by local government and the community is preserved.

It is also proposed to increase the minimum parking standards for each multiple dwelling from 0.75 to 1 parking space and to amend several R-Codes clauses, definitions, figures and tables to rectify drafting errors and anomalies. All proposed changes are outlined in Attachment 1.

WAPC consideration and endorsement to the proposed R-Codes changes is required.

BACKGROUND:

The Residential Design Codes (R-Codes) are a longstanding State Planning Policy (SPP) of the Western Australian Planning Commission (WAPC) that is read into local planning schemes under s.77 of the *Planning and Development Act 2005* (PD Act) and complementary provisions contained in clause 5.2 of the Model Scheme Text (MST). They thus provide the basis for residential development control throughout the State.

The R-Codes have been amended several times by the WAPC.

In 2010, the R-Codes were amended to incorporate additional provisions for multiple dwelling developments in areas coded R30 or greater, within mixed use development and activity centres. This was in response to industry concerns that the R-Codes were inadequate in delivering housing diversity, affordability and flexibility on design outcomes, particularly regarding multiple and mixed use development.

The 2002 R-Codes permitted multiple dwellings in areas coded R35 and above. However, this required each multiple dwelling to be provided on a minimum site area which was generally higher than that required for a single house or grouped dwelling. The 2010 R-Codes changes removed the site area per dwelling requirement for multiple dwellings, in favour of an alternate 'plot ratio' control.

The result of the 2010 changes is that the potential number of multiple dwellings on any lot increases as each multiple dwelling size decreases, for example a 900m² site coded R30 with 0.5 plot ratio creates 450m² floor space which could theoretically accommodate 4 x multiple dwellings @ 112.5m² each, 5 x multiple dwellings @ 90m² each or 6 x multiple dwellings @ 75m² each. On the same 900m² site coded R30, a maximum of 3 single houses or grouped dwellings would be permitted.

Car parking requirements for multiple dwelling developments were also reduced in areas considered well served by public transport.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
Town Planning Regulations 1967 (including MST)

Section: Part 3 – State Planning Policy

Strategic Plan

Strategic Goal: Regulation
2 – Planning

Outcomes: Effective, consistent and enforceable regulation

Strategies: Planned Local Communities developing a sense of place
Improve, streamline and simplify regulatory processes within a risk based framework.
Develop agreed standards aligned to national standards and legislation.
Encourage innovation in the design of our communities.

Policy

Number and / or Name: State Planning Policy 3.1 – Residential Design Codes

DETAILS:

There have been concerns raised by some Local Governments regarding the consequences of allowing multiple dwellings to be located in lower (R30 and R35) density areas. This appears to be in response to community opposition to specific multiple dwelling development proposals and concerns that multiple dwellings are out of character when placed in an area comprising predominantly single dwellings.

There is also concern that the resultant increase in resident population places increased pressure on local services and results in resident and visitor parking overflow problems, particularly given the R-Codes advocate lower resident parking requirements for multiple dwellings than for single and grouped dwellings.

Some local governments have indicated their intention to amend their schemes to resolve these problems.

To address the concerns raised, and avoid the potential for excessive local variations, it is proposed to amend to the R-Codes, as follows:

1. Modify Table 1 to:

- include multiple dwellings under R30 and R35.
- apply a site area per multiple dwelling standard of 300m² for R30 and 260m² for R35 (to align with existing Table 1 average site area per dwelling standards for single houses and grouped dwellings).
- apply the same open space (minimum total % of site) requirement that currently applies to single house or grouped dwellings under R10 to R35 to multiple dwellings under R10 to R35.
- apply a primary street setback of 4m, secondary street setback of 1.5m (to align with existing Table 4) and other/rear setback of * under R30 & 35 (to

align with existing Table 1). Note: * denotes reference to Tables 2a, 2b (boundary setbacks) and clause 5.1.3 (Lot boundary setback).

- Amend Clause 5.1.1 Site area, C1.2 iii to replace R30 with R40.
2. As a result of 1 above, modify Table 4 to remove R30 and 35 and modify Part 5 and 6 headings as follows:
- Part 5 - Design elements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40
 - Part 6 - Design elements for multiple dwellings in areas coded R40 or greater, within mixed use development and activity centres
3. Amend Clause 6.3.3 (Parking), C3.1 as follows:

C3.1 The following minimum number of on-site car parking spaces is provided per multiple **dwelling**:

Plot ratio area and type of multiple dwelling	Car parking spaces	
	Location A	Location B
Small (<75 m ² or 1 bedroom)	0.75	4
Medium (75 to less than 110m ² , 1 or 2 bedrooms)	1	1.25
Large (>110m ² or greater, 3 or more bedrooms)	1.25	1.5
Visitors car parking spaces (per dwelling)	0.25	0.25
Location A = within: <ul style="list-style-type: none"> • 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or • 250m of a high frequency bus route, measured in a straight line from along any part of the route to any part of a lot. Location B = not within the distances outlined in A above.		

4. Amend several clauses, definitions, figures and tables to rectify drafting errors and anomalies as outlined in Attachment 1.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Pursuant to s 26 and s 31 of the PD Act, the Minister's approval to the proposed amendment to SPP 3.1 is required, and following public consultation under s 28, final approval will be required by the Governor upon recommendation by the WAPC and Minister.

The proposed R-Codes amendment seeks to limit the maximum number of multiple dwellings upon land coded R30 and R35 and thus is unlikely to be supported by the property development industry.

CONSULTATION:

Consultation must be undertaken for the proposed amendment to the R-Codes as required under s 28 of the PD Act. Preliminary informed discussion with local government authorities who have raised these concerns has been positive. The following consultation is to be undertaken:

- Letters outlining the proposed R-Codes amendment and inviting comment being sent to all local governments and the Western Australian Local Government Association (WALGA);
- WALGA being invited to attend a meeting with Department of Planning staff to discuss the proposed amendment.
- Upon WAPC and Minister consent, the proposed amendment will be publicly advertised via notice in the West Australian and Sunday Times newspapers, on the Department of Planning website and via email to all persons on the WAPC stakeholder notification list. The proposed amendment will also be made available for public inspection at all Department of Planning offices. Local governments will be requested to make the details of the proposed amendment available for public inspection at their offices.

OFFICER'S COMMENTS:

The concerns raised by some local governments regarding the effect of R-Codes multiple dwelling provisions is principally related to R30 and R35 coded residential areas comprising predominantly single or grouped dwellings.

Marginal dwelling densification is intended and facilitated under R30 and R35 codings and these codes are primarily used in existing urban areas to facilitate redevelopment of 2 to 3 single houses or grouped dwellings on a lot. A far greater number of multiple dwellings could theoretically be accommodated on the same site, depending on the size of each multiple dwelling, than would ordinarily be the case for single houses and grouped dwellings.

The proposed R-Codes amendment seeks to address the perceived negative neighbourhood amenity impacts of this situation, by limiting the number of multiple dwellings on a lot by imposing a site area per multiple dwelling and open space (minimum total % of site) requirements which currently applies to single houses and grouped dwellings under R10 to R25 codes. Should the proposed amendment be approved, site area per multiple dwelling and open space requirements would apply for R10 to R35 codes and 'plot ratio' control would apply for R40 and higher codes. The proposed amendment would continue to permit multiple dwellings in lower coded areas to facilitate dwelling diversity and adaptable housing.

Placing a limit on the number of multiple dwellings in R30 and R35 areas will align to existing multiple dwellings in R10 to R25 codes and ensures dwelling density intended and expected by Local Government and the community is preserved. The proposed amendment removes existing multiple dwelling development incentives and thus will reduce provision in R30 and R35 coded areas.

More substantial dwelling densification is intended and facilitated under R40 and higher density codes and these codes are primarily used to facilitate grouped and

multiple dwelling redevelopment. For R40 and higher density coded areas, it is considered appropriate that 'plot ratio' control be solely used to determine the number of multiple dwellings. The provision of multiple dwellings in R40 and higher coded areas more closely aligns with dwelling product and higher density intentions and expectations. Local governments are encouraged under D2031 to consider up-coding in suitable locations such as activity centres and corridors.

The proposed change to multiple dwelling parking requirements is considered marginal and reflects actual provision of at least 1 parking space per multiple dwelling, irrespective of public transport proximity.

The remaining proposed changes outlined and explained in Attachment 1 are considered incidental and seek to rectify existing R-Codes drafting errors and anomalies identified by DoP officers and users since gazettal on 2 August 2013.

ITEM NO: 9.2

CITY OF SUBIACO LOCAL PLANNING STRATEGY – FOR FINAL ENDORSEMENT

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer, Schemes and Amendments
AUTHORISING OFFICER:	Planning Director, Schemes and Amendments
AGENDA PART:	D
FILE NO:	DP/12/00457/2
DATE:	15 April 2014
ATTACHMENT(S):	<ol style="list-style-type: none">1. Location Plan2. Local Planning Strategy Map3. Schedule of Submissions4. Schedule of Council Modifications5. Summary Schedule of Objectives, Strategies, Actions and Implementation6. Schedule of WAPC Modifications

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse the proposed Local Planning Strategy (dated December 2013) in accordance with the Town Planning Regulations 1967 (as amended), subject to the modifications outlined in the attached Schedule of Modifications being carried out.

SUMMARY:

- The City of Subiaco has prepared a Local Planning Strategy (LPS) to guide the planning for the municipality over the next ten years in accordance with Clause 12B of the *Town Planning Regulations 1967* (as amended).
- The LPS has been submitted to the Commission for final endorsement.
- The LPS is recommended for endorsement subject to modifications.

BACKGROUND:

The City of Subiaco Town Planning Scheme No. 4 (TPS No. 4) was gazetted on 23 March 2001 and there have been 11 amendments to the Scheme since that time.

The City has prepared an LPS to guide the new proposed Scheme and to meet the statutory requirements outlined by Regulation 12A of the *Town Planning Regulations 1967*. In March 2013, the Commission (through the Statutory Planning Committee)

resolved to certify that the draft LPS was consistent with the Regulations subject to modifications. In general terms, the modifications related to providing a comprehensive Strategy, to strengthen the connection between the background and the strategy sections, and to clarify various issues including the following:

1. The inclusion of a table summarising the strategies and actions;
2. Further discussion of the implications of the various statistics and data in the background section, and the adequacy of existing services and facilities into the future being provided;
3. Additional information being provided in relation to population projections and the inclusion of the current Census data (2011);
4. The inclusion of estimated dwelling yields for the targeted growth areas; and
5. The inclusion of recommended residential densities in proximity to railway stations and centres consistent with State planning policies.

The City updated the LPS generally in accordance with the modifications required by the Commission and subsequently undertook consultation on the LPS from 17 May 2013 to 23 August 2013, with a total of 65 submissions being received. The advertising period identified a wide range of stakeholder views, which are discussed further in this report.

This report provides the Commission with the opportunity to consider the LPS for final endorsement. Once finalised, the LPS will inform future planning, including amendments to the current town planning scheme and the future preparation of a new planning scheme.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)
Part 4 of the Act
Part 12 of the Regulations

Strategic Plan

Strategic Goal:

Outcomes:

Strategies:

Planning
Effective Delivery of Integrated Plans

- develop integrated infrastructure and land use plans for the State
- build infrastructure capacity and integration
- implement State and Regional Planning priorities

Policy

Number and / or Name:

State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)
State Planning Policy 3 – Urban Growth and Settlement
State Planning Policy 4.2 (SPP No. 4.2) – Activity Centres for Perth and Peel

DETAILS:

The City of Subiaco is an inner-city local government located to the west of, and bordering central Perth and its current population is approximately 18,900 people. It has an area of approximately 7.1km² and includes the suburbs of Subiaco, Jolimont, Daglish, Shenton Park and Crawley (**Attachment 1 – Location Plan**). While the municipality is predominantly residential, it also includes the Rokeby Road ‘main street’, Subiaco Oval, Princess Margaret Hospital (PMH), King Edward Memorial Hospital (KEMH), Sir Charles Gardner/QEII Medical Centre and most of the University of Western Australia (UWA).

The City has prepared a LPS in order to guide the new proposed Scheme and meet the statutory requirements outlined in Regulation 12A of the *Town Planning Regulations 1967*.

The LPS uses current population, housing, employment and transport information amongst other things, to highlight sites suitable for redevelopment or increased development potential (referred to as ‘targeted growth areas’) within the municipality (**Attachment 2 – Local Planning Strategy Map**). The LPS investigates these sites and proposes a series of initiatives to be incorporated into the new Scheme in order to meet the local and State planning objectives whilst maintaining the vision and direction desired by the City.

The City has identified the following objectives of the LPS:

- Foster local economic development and employment opportunities;
- Accommodate a reasonable increase in population and housing stock;
- Maintain the City’s excellent provision of housing choices;
- Plan for the appropriate redevelopment of major sites which will become available in the short, medium and long terms;
- Foster a “sense of place” unique to Subiaco and an attractive urban environment;
- Protect and enhance local heritage and character;
- Develop and support a hierarchy of activity centres;
- Develop meeting places for the community;
- Maintain and enhance social and recreational opportunities;
- Maintain and enhance natural resources;
- Provide convenient access to goods, services and employment;
- Encourage a reduction in the community’s dependence on private motor vehicle use and to promote alternative transport modes;
- Achieve a better balance in accommodating through traffic and local access traffic;
- Make more efficient use of existing infrastructure and resources such as public transport, land and financial resources; and
- Provide necessary services and meet community needs.

GOVERNMENT AND CORPORATE IMPLICATIONS:

The LPS, once finalised will provide a clear direction and framework for future land use planning in the City and provide the opportunity for relevant agencies to consider future planning, including infrastructure provision.

CONSULTATION:

The LPS was advertised for public comment for a period of 98 days from 17 May 2013 to 23 August 2013. A total of 65 submissions were received. A schedule of submissions is included as an attachment to this report (**Attachment 3 – Schedule of Submissions**).

From the submissions received during advertising, the City identified a number of key themes, as outlined and summarised below.

Zoning and Density

A number of submissions indicated that the location of targeted growth areas around rail stations and neighbourhood centres was preferred as opposed to dispersing density across the city. However, concern was raised regarding the adverse amenity impacts of potential loss of amenity from increased building height and infill development. A number of submissions were also received either requesting amendments to the zoning of individual areas or properties or in opposition to any rezoning proposals of specific areas or properties.

Short Term Accommodation

A number of submissions made particular mention to the need for short stay accommodation provisions in the LPS, with the majority of these submissions expressing the need for regulation to be put in place to help facilitate short stay accommodation as a means of attracting tourism and providing amenity for visitors to the city.

Light Rail, Transport and Access

A number of submissions expressed the need for public transport, including around intensive developments to reduce car dependency. Whilst there was support for light rail infrastructure, some concerns were raised over the placement of the related infrastructure along Rokeby Road. There were also concerns raised in relation to increased densities creating traffic flow issues, particularly in locations already subject to traffic congestion. A further issue of concern raised in a small number of submissions related to the proposed change on Hay Street from a one-way street to a two-way street.

Heritage and Character

A concern was raised in a number of submissions in relation to heritage and character of building form in areas marked for increased density and the built form of surrounding buildings being unsympathetic to heritage buildings.

Green space

A number of submissions raised concern that higher density development could result in a reduction in green space throughout the city.

Parking

A number of submissions raised concern in relation to car parking within the city, including the concern over the shortfall of car parking areas to serve people catching public transport.

Commerce/Economic Concerns

A concern was raised in a number of submissions regarding the type of commercial activity around the Rokeby Road and Hay Street area which has resulted in a lack of vibrancy to the “high street”.

The Council's responses to all of the submissions received during advertising of the LPS are shown at **Attachment 3 – Schedule of Submissions**. Further discussion of the issues raised during advertising of the LPS is also included throughout this report, as appropriate.

In considering the submissions received during the advertising period and potential modifications to the LPS as part of the finalisation of the document, consideration should be given to whether any of the modifications have the effect of altering the material intent of the LPS, and therefore, whether further advertising should be undertaken prior to finalisation.

Council Modifications

Following advertising, the Council undertook a number of modifications to the LPS which are outlined in **Attachment 4 – Schedule of Council Modifications**. In summary, all modifications, with the exception of Numbers 9 and 10 involve minor textual changes to the document requiring either corrections to the citing of documentation and errors or, the updating of information due to the time that has lapsed following the drafting of the original document. Modification Numbers 9 and 10 respectively relate to the inclusion of an implementation/action relating to short stay accommodation and the insertion of a paragraph providing additional rationale in respect of transit oriented development and potential targeted growth areas around railway stations. In summary, all of the modifications are acceptable in principle, subject to minor textual changes being recommended as discussed further in this report.

The majority of the content and the general intent of the LPS remains intact and as per the document that was advertised, and the modifications are not considered to alter the material intent of the LPS. Further advertising of the LPS is therefore not required.

OFFICER'S COMMENTS:

Strategic Planning Context

There are a substantial number of State Planning Policies (SPP's) applicable to the City of Subiaco. The LPS has given consideration to the State planning framework and in general, contains strategies, actions and implementation measures that respond to the objectives and principles of all relevant SPP's.

Overall, the LPS proposes to investigate increases in residential densities within the targeted growth areas in line with Directions 2031, and Sub-regional Strategy as well as SPP No. 3, SPP No. 4.2 and DC 1.6, which aim to manage urban growth and encourage residential infill development in proximity to transport routes and commercial centres. It is estimated by the City that its LPS could yield up to 4,249 new dwellings within the municipality (by sometime in the future), depending on demand and the rate of take-up. This would comfortably meet the revised Directions 2031 target of 3,600 dwellings for the City, and the *Western Australia Tomorrow* figures that forecast a maximum of 6,234 additional persons by 2026, which would require approximately 2,980 dwellings (at the current occupancy rate).

Proposed Local Planning Strategy

The LPS is a strategic document that offers a framework which is intended to provide direction for an extended period, and in the case of the City of Subiaco, the intended period is ten years. It is considered appropriate for the LPS, as an overarching strategic framework, to identify particular strategies, actions and implementation measures that will need to be investigated more comprehensively or progressed into the future to deliver a particular outcome.

The LPS has been completed using the best information available at this time, recognising that there are a number of strategic and state government initiatives that may inform future planning, including, but not limited to, the future development of the Princess Margaret Hospital and King Edward Memorial Hospital sites; the preparation of activity centre structure plans for the Subiaco 'Secondary Centre' and the UWA-QEII 'Specialised Centre' in accordance with SPP 4.2; and the upgrading of public transport infrastructure within the City, including the proposed provision of light rail infrastructure.

The LPS identifies a number of objectives as outlined earlier in this report. It also identifies the following key issues to be addressed by the Strategy:

- Accommodating an increasing population, the identification of housing precincts, and maintenance of a high level of housing choice and diversity;
- The conservation of built heritage and preservation of residential character in appropriate locations;
- Future use and development of the Princess Margaret Hospital and King Edward Memorial Hospital sites;
- Future development within the Hollywood and University Precincts
- The form and scale of future development within the Subiaco town centre and immediate adjacent areas;

- An evaluation of the Metropolitan Redevelopment Authority area and its deficiencies in terms of community-building infrastructure;
- The future of Subiaco Oval and Kitchener Park;
- Consolidation and enhancement of local and neighbourhood centres;
- Accommodation of transit oriented development around railway stations;
- Protection and enhancement of the City's "green" credentials;
- The most appropriate means of providing for car parking associated new developments within the Subiaco town centre; and
- Addressing identified deficiencies in the existing TPS No. 4, and updating Scheme provisions consistent with adopted scheme amendments.

The LPS then recommends a range of strategies, actions and implementation measures in order to address the abovementioned key issues using the following area specific (some issue specific) headings:

- Residential Precincts/Housing Choice and Diversity (Potential Targeted Growth Areas)
- Princess Margaret Hospital and King Edward Memorial Hospital Sites
- Hollywood and University Precincts
- Subiaco Secondary Centre and its "Area of Influence"
- Subiaco Redevelopment Area
- Subiaco Oval
- Short-stay and Tourist Accommodation
- Heritage and Character
- Local Centres and Neighbourhood Mixed Use Centres
- Commercial/Residential Zones
- Transit Oriented Development
- A Green City
- Transport
- Car Parking
- Infrastructure and Services
- Procedures and Policies
- Other Issues

Of particular note, the LPS outlines the City's favoured strategy whereby the majority of new dwellings (other than single dwelling types) will be accommodated: (i) within and around nominated activity centres; and (ii) within large under-developed sites or other large sites presently occupied by government institutions and already identified for redevelopment in the short, medium and long term. In this regard, the LPS identifies 13 targeted growth areas that will be subject to further investigations for accommodating an increased population (**Attachment 2 – Local Planning Strategy Map**).

Finally, the LPS includes a schedule programme to summarise more concisely the strategies, actions and implementation measures of the Strategy as shown at **Attachment 5 – Summary Schedule of Objectives, Strategies, Actions and Implementation**.

In summary, the content within the LPS demonstrates that the City is generally cognisant of its current position, its likely future needs, and the preferred and/or necessary actions required to achieve the objectives of the LPS.

The LPS generally reflects the current and available state policy framework and is considered to be largely acceptable. However, there are a number of key outstanding issues which are required to be resolved. These key outstanding issues can be addressed through modifications to the LPS as discussed in the subsequent sections of this report.

Key Outstanding Issues

Transit Oriented Development - Shenton Park, Daglish and West Leederville Railway Stations and Surrounds

The LPS identifies 13 potential targeted growth areas, including three potential targeted growth areas within a 400m walkable catchment of Shenton Park, Daglish and West Leederville railway stations (refer to **Attachment 2 – Local Planning Strategy Map**).

The Commission's Development Control Policy 1.6 (DC 1.6) refers to 'transit oriented precincts' being within an 800m distance of rail stations. As part of its March 2013 resolution to certify the LPS for advertising, the Commission (through the Statutory Planning Committee), accepted the identification of potential targeted growth areas within a 400m (as opposed to 800m as referred to in DC 1.6) catchment of Shenton Park, Daglish and West Leederville railway stations to be depicted on the LPS Map. However, as a result of one of the Commission's required modifications, the following text was inserted into the LPS:

"The new Scheme should encourage, subject to having regard to the City's character and heritage studies, residential development at a minimum of 25 dwellings per hectare within 800m of railway stations, and substantially higher for those sites that have the advantage of close proximity to railway stations, as outlined in the WAPC's operational policy - Development Control Policy No. 1.6.

Subsequent to the advertising of the LPS, the Council made a further modification to the LPS by inserting an additional paragraph immediately following the paragraph quoted above which states:

"The draft LPS map takes the above factors into consideration and identifies potential targeted growth areas within a 400m walkable catchment of Shenton Park, Daglish and West Leederville railway stations. Given the overall size of the municipality and the location of the railway stations within it, this 'targeted growth approach' strikes a balance between being consistent with the intent of DCP 1.6 while protecting the City's stock of single dwellings, many of which are found within areas of character and/or heritage significance."

The City has advised that this additional paragraph was included in order to clarify its position in regard to the way in which the Commission's DC 1.6 will be implemented having regard to character and heritage studies and a 400m walkable catchment. The principle of identifying potential targeted growth areas on the Strategy Map

within a 400m distance of the railway stations (as opposed to 800m as referred to in DC 1.6) has been accepted by the Commission although it is noted that the Commission required the inclusion of a paragraph stating the expectation that the new Scheme should encourage higher density residential development within 800m of railway stations in accordance with DC 1.6.

Having regard to the above, it is considered necessary for the wording of the City's additional paragraph which was inserted by the Council following advertising of the LPS, to be modified in order to provide a more robust explanation of how DC 1.6 has been addressed as part of the LPS in light of the specific circumstances applicable to the City. It is considered that this matter can be addressed through an appropriate modification to the LPS (refer to item 7 in **Attachment 6 – Schedule of WAPC Modifications** for the full wording of the proposed replacement paragraph).

UWA – QEII Specialised Activity Centre

The Commission's SPP No. 4.2 identifies land around the UWA/QEII as a 'Specialised Centre' and requires the preparation of an activity centre structure plan for this centre. The Department of Planning has recently commenced preparing an activity centre structure plan for the UWA/QEII Specialised Centre; however, the boundary of this activity centre is yet to be formally determined.

The LPS map identifies certain areas around the UWA and QEII sites as targeted growth areas (refer to **Attachment 2 – Local Planning Strategy Map**). In this regard, the UWA has raised concern with the Department in respect of the exclusion of certain areas of land surrounding the UWA and QEII sites from adjoining targeted growth areas 7 and 8. In summary, the UWA is concerned that by excluding these areas from the targeted growth areas, the LPS may provide a barrier to the development of the activity centre to its full potential.

In regard to the above, the City has advised that the boundaries of the targeted growth areas were identified in the LPS having regard to the need to balance the requirement to accommodate additional dwellings with the unique low-scale character of the adjoining areas that is highly valued by the City and the community. The City has further advised that the areas identified as targeted growth areas would be able to accommodate growth and an increased intensity of development with minimal impact on the existing low scale residential areas consistent with the Objectives, Strategies and Actions in the LPS relating to Heritage and Character.

The preparation of an activity centre structure plan for the UWA/QEII specialised centre will ultimately establish a detailed and integrated statutory planning framework for the future development of this area which the City will be required to take into consideration as part of the preparation of its new planning scheme and/or future amendment to it.

Having regard to the current situation, it is not considered appropriate to modify the specific boundaries of the targeted growth areas shown within the LPS as this could potentially prejudice the future preparation of the activity centre structure plan. Notwithstanding this, it is recommended that the LPS be modified to reflect that future structure planning is to be undertaken for the UWA/QEII specialised activity

centre and that the boundaries of these targeted growth areas, as currently shown in the LPS, may need to be modified or reviewed based on this.

WAPC Modifications

In addition to the modifications discussed above, a number of further modifications are proposed to the LPS which involve the following:

- Updating referencing to relevant state and local planning documents;
- Correcting typographical and numerical errors;
- Removing an attachment to the LPS which relates to Council Minutes for the LPS (for the purpose of public consultation);
- Minor text revisions, in terms of terminology, to the implementation/action which deals with short term accommodation which was inserted by the Council following advertising of the LPS;
- Clearer resolution maps being provided; and
- Minor updating to elements of text within the LPS to reflect the present situation.

All of the modifications proposed to be undertaken to the LPS are considered minor and the City has advised that it is agreeable to the modifications.

CONCLUSION:

The LPS provides broad based planning direction for the City of Subiaco and will assist the City in planning for its likely future needs.

It is recommended that the Commission endorse the LPS subject to the modifications set out in **Attachment 6 – Schedule of WAPC Modifications**.

Once the modifications have been made to the documentation, the LPS is considered to have met the requirements set out in the *Town Planning Regulations 1967*.

ITEM NO: 9.3

DEVELOPMENT: ADDITIONAL POULTRY FARM SHEDS - LOT 505 HENDERSON ROAD, HOPELAND

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Acting Planning Manager Metropolitan South East
AUTHORISING OFFICER:	Director, Metropolitan South
AGENDA PART:	G
FILE NO:	29-50077-1
DATE:	30 April 2014
ATTACHMENT(S):	1. Proposed Development Plans 2. Location Plan and Aerial Map
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	Shire of Serpentine Jarrahdale
LOCAL SCHEME ZONING:	Rural
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	
RECEIPT DATE:	29 July 2013
PROCESS DAYS:	285 days
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 505 Henderson Road, Hopeland

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for the proposed development at Lot 505 Henderson Road, Hopeland subject to the following conditions:

- 1. The development shall be carried out in accordance with the development plan dated 29 July 2013;***
- 2. A maximum of 252,000 birds are permitted onsite at any one time in accordance with the "Odour Impact Assessment" prepared by SLR Global Environmental Solutions dated 23 September 2013;***
- 3. There shall be no staggering of growth cycles of birds on the site;***
- 4. All bird catching and poultry cleanout operations at the end of each bird growth cycle shall take place in all poultry sheds onsite during a single period no longer than 72 hours;***

5. ***An Operational Management Plan shall be prepared for the poultry farm and be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issuance of a building permit for the works the subject of this approval;***
6. ***Within 12 months of the commencement of use of one or more of the new poultry sheds, and thereafter as required by the Shire of Serpentine Jarrahdale, the owner shall commission a suitably qualified person to undertake an Odour Assessment with field monitoring in the final weeks of a growth cycle, in summer. The Odour Assessment report is to be submitted to the Shire of Serpentine Jarrahdale within the 12 months of the commencement of use;***
7. ***Subject to the findings of the Odour Assessment report subject of Condition 6, the Shire of Serpentine Jarrahdale may by notice in writing, require the landowner/operator to implement further odour attenuation measures;***
8. ***Prior to the commencement/occupancy of one or more of the proposed sheds, bunds are to be constructed along the western and northern periphery of all sheds, consisting of 2.5 metre earthen bunds with vegetative screening and a solid 1.5 metre fence on top of the bund. The bunds are to be located as close as possible to the tunnel fan ends of the sheds in order to assist in odour dispersion, and maintained to the satisfaction of the Shire of Serpentine Jarrahdale;***
9. ***Detailed plans of the proposed bunds to be constructed along the western and northern periphery of all sheds, including specifications, elevations and details of fencing and vegetation proposed to be planted along the bunds are to be submitted to the Shire of Serpentine Jarrahdale prior to issuance of a building permit for one or more of the proposed sheds;***
10. ***Prior to the issuance of a building permit, for one or more of the proposed sheds, a Landscape and Vegetation Management Plan showing the areas proposed to be planted, including the species and the number of each species, shall be submitted and approved by the Shire of Serpentine Jarrahdale. The implementation of the approved Landscape and Vegetation Management Plan shall commence within 12 months of a building permit, for one or more of the proposed sheds, being issued and is to be completed within two years of the building permit being issued. Vegetation onsite is to be maintained in accordance with the approved Landscape and Vegetation Management Plan, to the satisfaction of the Shire of Serpentine Jarrahdale;***
11. ***No indigenous vegetation or trees shall be cleared outside the footprints of the poultry sheds, dwellings, service buildings and internal road network shown on the plan referred to in Condition 1 or to accommodate the earthen bunds required in Condition 8, except with the prior written consent of the Shire of Serpentine Jarrahdale;***

- 13. Submission of a Biosecurity Risk Management Plan to the Shire of Serpentine Jarrahdale is required prior to a building permit, for one or more of the proposed sheds, being issued, in accordance with the Biosecurity and Agriculture Management (BAM) Act and Regulations;**
- 14. The operator shall ensure that the use of water for washdown is minimised. Any discharge of water (washdown water, stormwater) from the premises including seepage to groundwater, other than directly to sewer or septic cisterns, shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanisms to remove nutrients and chemical agents to the satisfaction of the Shire of Serpentine Jarrahdale; and**
- 15. A sign is to be installed onsite, at a location visible from the Henderson Road frontage of the subject land, indicating the type of operation, hours of operation and possibility of undesirable environmental impacts on the surrounding areas.**

ADVICE

- 1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works prior to the commencement of any of the works covered by this approval including earthworks. The building permit is to demonstrate the separation of the proposed poultry sheds from the groundwater table, to a minimum separation distance of one metre;**
- 2. In relation to Condition 5, the Operational Management Plan shall incorporate the odour minimisation measures as outlined in the "Odour Impact Assessment" prepared by SLR Global Environmental Solutions dated 23 September 2013. Poultry shed design and management, plus the management of stock feed, water, waste products, dust, noise and all other aspects of poultry farm operations is to comply with the management guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australia May 2004 (as amended) and the Operational Management Plan shall be complied with at all times;**
- 3. In relation to Condition 14, separate facilities should be provided for the retention of both washdown, waste waters and storm water to prevent the settling pond overflowing during major storm events and not filtered waste waters possibly impacting on any natural drainage lines or natural waterways. All water treatment facilities are to be regularly maintained to minimise the discharge of nutrients, total suspended dissolved solids, total suspended solids and other pollutants to ground and surface water resources;**
- 4. Licensing from the Department of Water is required prior to any groundwater abstraction or the taking of surface water in accordance with the Rights in Water and Irrigation Act 1914;**
- 5. The landowner/applicant is advised that the proposal is located within the Peel-Harvey Catchment and the provisions of the Environmental Protection**

(Peel Inlet-Harvey Estuary) Policy 1992 and the Statement of Planning Policy No. 2.1 - Peel-Harvey Coastal Plain Catchment shall apply; and

6. Stormwater is required to be contained onsite to the satisfaction of the Water Corporation.

SUMMARY:

The application is for the construction of an additional two (2) poultry sheds at Lot 505 Henderson Road, Hopeland. The site contains four (4) existing poultry sheds and associated outbuildings and two (2) residential dwellings.

The application is consistent with *State Planning Policy 4.3: Poultry Farms* and the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and associated policies.

The application is referred to the Statutory Planning Committee for determination as it is recommended that the application be approved, contrary to the recommendation of the Serpentine Jarrahdale Council.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

*Metropolitan Region Scheme
Planning and Development Act 2005
Shire of Serpentine Jarrahdale Town Planning Scheme
No. 2*

Section:

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

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planning Local Communities Developing a Sense of
Place

Strategies:

Policy

Number and / or Name:

State Planning Policy 2.5 Land Use Planning in Rural
Areas
State Planning Policy 4.3: Poultry Farm Policy
Environmental Protection Authority. 'Separation Distances
between Industrial and Sensitive Land Uses'. Guidance
Statement No. 3.

INTRODUCTION:

The application is for the expansion of an existing poultry farm at Lot 505 Henderson Road, Hopeland. The existing poultry farm has been in operation since 1996 and received approval for a previous expansion in 2003.

The property is currently developed with four (4) existing poultry sheds of 130m by 18m (2340m²) each and two residential dwellings and associated outbuildings. The

application proposes the construction of an additional two (2) 130m by 18m poultry sheds to the south of the existing sheds.

The subject site is approximately 20 hectares and is zoned 'Rural' under the Metropolitan Region Scheme (MRS). The land is zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS No.2) (Attachment 2-Location Plan).

The proposal has been referred to the Commission for determination in accordance with Clause 32 Resolution No. 56 which requires any application for extensions over 100m² to existing poultry farms within the 'Rural' zone to be referred to the Commission for determination under the MRS. A separate determination is issued by the Shire under TPS No.2.

The application was refused at the Shire of Serpentine Jarrahdale Council meeting of 14 April 2014.

CONSULTATION:

The Shire of Serpentine Jarrahdale (the Shire) undertook two rounds of public consultation. The initial application was advertised from 22 March - 12 April 2013 and as a result of those submissions received, the site plan was amended to relocate the two additional sheds to the south of the existing sheds. The amended plan was advertised from 3 July - 24 July 2013. Submissions were received from five submitters on behalf of three adjoining properties.

The property to the rear (north) of the subject site (Lot 506) raised no objection subject to the upgrading of the shared driveway. Maintenance of this driveway is administered through a Deed of Agreement between the landowners of the two properties.

The two properties to the west of the subject lot (Lots 504 and 365) raised objections in relation to:

- odour;
- nutrient management;
- traffic; and
- noise.

Comment was also made regarding the ongoing monitoring/compliance issues associated with the site, in reference to the approval issued in 2003. It is understood that the Shire is currently investigating compliance of the poultry farm operation with regard to the previous approval. The Shire has advised that prior to the subject application, they had received four (4) complaints in relation to odour and noise, all within the period February 2005 to April 2005. No further complaints have been received in the intervening period.

It is considered that many of the matters raised in the submissions can be addressed through appropriate conditions and ongoing compliance management by the Shire. The application was referred to State government agencies including:

- the Department of Agriculture and Food and Water Corporation which raised no objection subject to conditions;
- the Department of Health and Department of Parks and Wildlife which provided comment; and,
- The Department of Environment and Regulation (DER) which raised concerns in relation to the Odour Assessment report submitted.

PLANNING ASSESSMENT:

The poultry farm has been in operation since 1996 and in 2003 an application to extend the length of the four existing sheds and construct a fifth shed to the north of the existing sheds, was approved. To date, the four sheds have been extended, however, the fifth shed has not been constructed. Legislative and Legal Services has provided advice such that for a development to have substantially commenced, it is only relevant that a large part of the whole work has commenced. In this regard, it may be considered that the fifth shed has been approved and, therefore, the current proposal is for the relocation (modification) of the approved fifth shed and the construction of a new sixth shed, to the south of the existing sheds.

Sheds five and six will be 130 metres by 18 metres and will be located south of the existing sheds and setback approximately 65 metres from the eastern boundary, consistent with the setback of the four existing sheds. The sheds will be tunnel ventilated climate control sheds and of a construction similar to the existing sheds onsite.

Statement of Planning Policy 4.3 - Poultry Farm Policy (SPP 4.3)

As the poultry farm is existing and seeking to expand, the relevant objectives of SPP 4.3 are:

- *To minimise the impact of poultry farms on residential, rural-residential and other potentially incompatible uses;*
- *To protect the interests of existing poultry farms in the face of encroaching development; and*
- *To encourage the relocation of poultry farms on land required for residential or rural-residential development.*

The existing poultry farm is located within a rural area, which is generally considered the most suitable location for poultry farms given the larger lot sizes and distance from residential or rural-residential development. The site is within a rural area, approximately 20 hectares in area, and well removed from any existing or future planned residential and rural-residential areas.

Whilst the site is surrounded by a number of rural properties which accommodate dwellings, the dwellings are considered to be incidental to the predominant use of the land for agricultural purposes and these uses are not considered incompatible given the zoning of the area. It is considered that the expansion of the poultry farm can be managed such that any potential impacts are not beyond those that might be expected within a rural area dominated by agricultural-type land uses.

If approved, a sign onsite detailing the type and hours of operation of the poultry farm should be required as a condition of approval to provide community awareness of the permitted activity in accordance with the recommendations of SPP 4.3.

Buffers

SPP 4.3 outlines 300 metres as the recommended buffer for new poultry farms to any existing or future rural-residential development. Whilst SPP 4.3 and the Model Scheme Text do not define 'rural-residential development', the definition within TPS No.2 is: "*to provide for lot sizes ranging from 2,000m² to 1ha primarily to facilitate rural living rather than productive agriculture...*". As the subject site is zoned 'Rural' (under the MRS and TPS), in excess of 1 hectare in area and used for food production, it is considered that the 300 metre setback for rural-residential development as outlined in SPP 4.3 is not applicable to this proposal.

The *Environmental Protection Authority's document Separation Distances between Industrial and Sensitive Land Uses* (2005) (EPA Guidance Note No. 3) offers further guidance on buffers to poultry farms and recommends a buffer distance of 300-1000 metres for poultry farms depending on the size and type of the industry.

Notwithstanding that the setbacks between the existing and proposed sheds and the nearest dwellings (on Lot 506) are in excess of 300 metres, the applicant provided an Odour Assessment Report which was referred to the Department of Environment and Regulation (DER). Based on the content of the report, the DER recommended a buffer distance of 600 metres be applied to the sheds. However, the Shire's Environmental Health Officers consider that the construction of a vegetated bund and solid fence to the northern and western periphery of the existing and proposed sheds will significantly reduce the anticipated odour impact of the poultry farm to adjoining properties.

Further, conditions prohibiting the staggering of growth cycles and ensuring prompt bird catching and cleanout of sheds, will ensure that the time and frequency of the most severe odours (generally associated with bird catching and shed cleanouts), are reduced. On this basis, a buffer of 300 metres around the sheds is acceptable.

If 300 metres were to be used as a guide/preferred setback from any dwelling in a Rural zoned area, all existing dwellings on surrounding properties are located outside the 300 metres buffer to the poultry sheds. Whilst a portion of the 300 metre (indicative) buffer does encroach into the adjoining lot to the west (Lot 504), there is sufficient area on Lot 504, which is currently vacant, to accommodate a dwelling outside the 300 metre buffer.

The owner of Lot 504 has raised concerns regarding the expansion of this poultry farm, and perceived implications to the operation of Lot 504 as a 'lifestyle property' in relation to odour, noise, nutrient management and traffic.

State Planning Policy 2.5 Land Use Planning in Rural Areas (SPP 2.5)

The proposed expansion of the poultry farm is consistent with the objectives of SPP 2.5, namely:

- "4 (a) To protect rural land from incompatible uses by:
- (ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food.
- (b) To promote regional development through provision of ongoing economic opportunities on rural land".

The existing poultry farm satisfies a local food supply need and maintaining this production and supply in close proximity to the major markets in the Perth Metropolitan Region is an important economic priority which meets the objectives of SPP 2.5.

Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

The site is within the Rural (minimum 40 hectares) zone of TPS No.2 whereby the "purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area". Within the Rural zone, Poultry Farms are an 'AA' land use, and Council may, at its discretion, permit the use.

Shire of Serpentine Jarrahdale Rural Strategy

The Shire of Serpentine Jarrahdale Rural Strategy (the Rural Strategy) identifies the site as part of the 'Rural (minimum 40ha lots)' policy area. Furthermore, the Strategy identifies the site as accommodating an existing poultry farm within the Shire and states:

"Council acknowledges the importance of an economically viable agricultural sector based on the principles of sustainable development. Council also recognises the poultry industry plays an important role in the maintenance of economically viable agricultural sector."

The Rural Strategy is currently under review, however this area is identified to remain as 'Rural (minimum 40ha lots)' in the draft Rural Strategy (2013). Therefore, the protection and ongoing viability of the existing poultry farms in the locality, particularly within Rural zoned areas, is expected to be maintained under the draft Rural Strategy and fostered by the Shire in the long term.

Shire of Serpentine Jarrahdale Poultry Farm Special Control Area

The Shire has developed a Poultry Farm Special Control Area (SCA) to encourage poultry farms to locate in a specific locality within the Shire which is the area generally bound by Yangedi Road to the west, the Shire of Murray to the south, Wescott Road to the east and Henderson Road to the north, with a projection north of Henderson Road, between Yangedi Road and Hopeland Road. Provisions and requirements relevant to the SCA are outlined in Clause 10.2.

Council at its meeting of 14 April 2014 resolved that the application *"does not comply with the objectives of Clause 10.2 of the Town Planning Scheme"*. Whilst poultry farms are a 'permitted' use where they are located within the SCA subject to assessment against the criteria within TPS No. 2, Clause 10.2 does not prohibit the location of poultry farms outside of the SCA. Where a poultry farm is proposed outside the SCA, the permissibility of the use is determined by the primary zoning of the land. With regard to this application, the poultry farm is an 'AA' use, given the site's location within the Rural zone.

CONCLUSION:

The proposed expansion of the poultry farm is consistent with the objectives of the Rural zone and relevant State Planning Policies, the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and local policy provisions. The proposed sheds have been located to reduce their potential impact to adjoining properties and it is considered that the expansion of the poultry farm is reasonable subject to the imposition of conditions relating to the ongoing management of the site. Conditional approval of the poultry farm expansion is recommended.

ITEM NO: 9.4

CREATE 5 SURVEY STRATA LOTS FOR COMMERCIAL PURPOSE INCLUDING COMMON PROPERTY

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Northern Regions
AUTHORISING OFFICER:	Executive Director, Regional Planning & Strategy
AGENDA PART:	H
FILE NO:	159-14
DATE:	12 May 2014
ATTACHMENT(S):	1 - Proposed Subdivision 2 - Location / Zoning Plan
REGION SCHEME ZONING:	N/A
LOCAL GOVERNMENT:	Town of Port Hedland
LOCAL SCHEME ZONING:	Industry
LGA RECOMMENDATION(S):	Conditional approval
REGION DESCRIPTOR:	Regional Northern (Perth Based)
RECEIPT DATE:	17 February 2014
PROCESS DAYS:	79
APPLICATION TYPE:	Survey Strata
CADASTRAL REFERENCE:	Lot 5 Sandhill Street, Wedgefield

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for survey-strata subdivision of Lot 5 Sandhill Street, Wedgefield as shown on the plan date-stamped 17 February 2014, subject to the following conditions:

CONDITIONS:

- 1. 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)***
- 2. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon 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. (Horizon Power)

- 3. The transfer of land as a Crown reserve free of cost to Horizon Power for the provision of electricity supply infrastructure. (Horizon Power)**
- 4. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)**
- 5. 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)**
- 6. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)**
- 7. 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)**
- 8. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:**
 - a) lots can accommodate their intended use; 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.****(Local Government)**

ADVICE:

- 1. In regard to Condition 1, 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.**
- 2. In regard to Condition 2, Horizon Power provides only one underground point of electricity supply per freehold lot.**

3. ***In regard to Condition 4, 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.***

4. ***The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:***
 - a) ***do not disturb the site of the known or suspected UXO;***
 - b) ***without disturbing the immediate vicinity, clearly mark the site of the UXO;***
 - c) ***notify Police of the circumstances/situation as quickly as possible; and***
 - d) ***maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.***

Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Department of Fire and Emergency Services.

SUMMARY:

The application proposes the survey strata subdivision of land in Wedgefield zoned Industry. The proposal does not comply with minimum lot sizes outlined in the town planning scheme. As the non-compliance is minor in nature, the Town of Port Hedland supports the proposal, and section 138 of the Planning and Development Act (2005) allows the Commission to give an approval contrary to the local planning scheme in certain scenarios, conditional approval is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005*
 Section: 138

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

Policy
 Number and / or Name: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

INTRODUCTION:

The application proposes the survey strata subdivision of a 7844m² lot into four lots between 1068m² and 3616m² (proposed Lots 1 to 4) using a common property accessway with a 6m wide access leg of 946m². Existing structures are to be retained. (**Attachment 1 - Proposed Subdivision**)

The subject land is zoned 'Industry' under the Town of Port Hedland's Town Planning Scheme No. 5 (TPS 5). (**Attachment 2 - Location / Zoning Plan**)

CONSULTATION:

The Town of Port Hedland supports the proposal subject to standard conditions and advice.

Other referral agencies raise no objection to the proposal and request standard conditions and advice be imposed.

COMMENTS:

Pilbara's Port City Growth Plan (CGP)

The CGP was endorsed by the WAPC as the Town of Port Hedland's local planning strategy on 27 December 2012. The subject land is located in *Precinct 6 – Wedgefield Industry and Logistics*.

The subject land is not specifically identified for any future changes in use. However, the Town's future plans for the Wedgefield Industry and Logistics Precinct is for it to continue to provide a greater diversity of industrial land choice.

Development Control Policy 4.1: Industrial Subdivision

DC 4.1 recognises that differing lots sizes are required for differing industrial uses, and therefore does not specify any minimum lots sizes. However, when considering appropriate lot sizes, the Commission will have regard for issues such as ensuring a variety of lot sizes, the overall pattern and use of nearby lots, and that the proposed lots should provide sufficient space to accommodate the industrial operations and development envisaged.

Town of Port Hedland TPS 5

Clause 6.7.10 of TPS 5 states:

"Council, in considering applications for subdivision/amalgamation of land under clause 24(2) of the Act, shall not recommend approval of lots in the Industry or Industrial Development zones which are below 2 000m² or include battleaxe access legs."

Three of the four proposed strata lots are below the minimum size of 2000m² required for Industry zoned lots and, therefore, the application does not comply with the TPS 5.

However, under section 138 of the Planning and Development Act (2005), the Commission can give an approval contrary to the local planning scheme in certain scenarios. Section 138(3)(a) allows an approval that conflicts with the scheme if it was published more than 5 years beforehand. TPS 5 was originally gazetted on 31 August 2001, so it meets the requirements for approval contrary to the scheme. Section 138(3)(c)(i) allows an approval that conflicts with the scheme if the Commission considers the conflict to be minor. A range of lot sizes are proposed that will meet the needs of industry in the area. Therefore, the planning considerations of the proposal allow for Commission approval.

CONCLUSION:

As TPS 5 is over 5 years old, the proposal only conflicts with the TPS 5 in a minor nature, and the proposal is generally consistent with the intent for industrial land in the Wedgefield Industry and Logistics Precinct, it is recommended that conditional approval be granted.