



Statutory Planning Committee

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

**Tuesday 10 June 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**
 - 6.1 Mr Rob Thomson – Department of Sport and Recreation – item 9.1
 - 6.2 Ms Tayne Evershed – Planning Solutions – item 9.3
7. **Announcements by the Chairperson of the board and communication from the WAPC**
8. **Confirmation of minutes - 27 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 – 7 July 2014
 - Policy meeting – 24 June 2014

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 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	Acting Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Lindsay Baxter	Planning Director; Perth and Peel Planning
Ms Natalie Cox	Planning Manager; Perth and Peel Planning
Mr Robert Cull	Senior Planning Officer; Perth and Peel Planning
Ms Rebecca Fuller	Senior Planning Officer; Schemes and Amendments
Mr Ben Harvey	Director, Policy and Research, Infrastructure, Projects, Policy and Research
Mr Ben Hesketh	Senior Planning Officer; Perth and Peel Planning
Mr Emille van Heyningen	Planning Manager; Perth and Peel Planning
Mr Richard Reeve	Coordinator; Committee Support
Mr Mathew Selby	Planning Director; Metropolitan Central Perth and Peel Planning

Presenters

Mr David Caddy	TPG Town Planning, Urban Design and Heritage (item 6.1, 6.3)
Ms Mariska van der Linde	TPG Town Planning, Urban Design and Heritage (item 6.1)
Mr Henry Dykstra	Harley Dykstra (item 6.2)
Mr Matt Raymond	TPG Town Planning, Urban Design and Heritage (item 6.3)
Mr Ian Day	D2 Property (item 6.4)
Mr Peter Lee	Hassell (item 6.4)
Mr Deon White	Roberts Day (item 6.4)
Ms Kathy Bonus	City of Subiaco (item 6.5)
Ms Marlaine Lavery	Ms Elyse Maketic (item 6.5)
Mr Malcom McKay	McKay Urban Design (item 6.5)
Mr Stephen Tindale	City of Subiaco (item 6.5)

Committee Support

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

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

7502.1 Declaration of Opening

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

7502.2 Apologies

Nil.

7502.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7502.4 Disclosure of Interests

Nil.

7502.5 Declaration of Due Consideration

No declarations were made.

Moved to item 7.

7502.6 Deputations and Presentations

7502.6.1 **Development: Additional Poultry Farm Sheds - Lot 505 Henderson Road, Hopeland**

Presenter Mr David Caddy, TPG Town Planning, Urban Design and Heritage

Mr Caddy provided a PowerPoint presentation to members of the Committee against the recommendation. A copy has been placed on file.

7502.6.2 **Development: Additional Poultry Farm Sheds - Lot 505 Henderson Road, Hopeland**

Presenter Mr Henry Dykstra, Harley Dykstra

Mr Dykstra provided a presentation to members of the Committee in favour of the recommendation.

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

7502.6.3 **City of Swan - Local Planning Scheme Amendment No. 90 - for Final Approval**

Presenter Mr David Caddy, TPG Town Planning, Urban Design and Heritage

Mr Caddy provided a PowerPoint presentation to members of the Committee in favour of the report. A copy has been placed on file.

7502.6.4 **Amendment 18 to City of Subiaco Town Planning Scheme - Consideration for Final Approval**

Presenter Mr Deon White, Roberts Day

Mr White provided a PowerPoint presentation to members of the Committee in favour of the report. A copy has been placed on file.

7502.6.5 **Amendment 18 to City of Subiaco Town Planning Scheme - Consideration for Final Approval**

Presenter Ms Elyse Maketic, City of Subiaco

Ms Maketic provided a PowerPoint presentation to members of the Committee regarding the implications of the proposed amendment. A copy has been placed on file.

Moved to item 9.3.

7502.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman advised that a meeting with members of Committees will be organised to discuss the agenda process in the near future.

7502.8 Confirmation of Minutes

7502.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 13 May 2014

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 13 May 2014, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

Moved to item 6.1.

Members agreed to endorse, en-bloc, all the recommendation associated with Items 7502.9.1, 7502.9.2, 7505.9.4 and 7502.10.5.

Resolved

Moved by Ms McGowan, seconded by Ms Bartle

That the Statutory Planning Committee resolved to endorse, en-bloc, all the recommendation associated with Items 7502.9.1, 7502.9.2, 7505.9.4 and 7502.10.5.

The motion was put and carried.

7502.9 Reports

7502.9.1 Amendment to State Planning Policy 3.1 Residential Design Codes – Multiple Dwellings, Parking and other Incidental Changes

File 1 May 2014
Report Number SPC/651
Agenda Part DP/14/00301/1
Reporting Officer Planning Manager, Urban Policy

Resolved

Moved by Ms McGowan, seconded by Ms Bartle

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.*

The motion was put and carried.

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

7502.9.2

City of Subiaco Local Planning Strategy – for Final Endorsement

File DP/12/00457/2
Report Number SPC/652
Agenda Part D
Reporting Officer Senior Planning Officer, Schemes and Amendments

Resolved

Moved by Ms McGowan, seconded by Ms Bartle

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.

The motion was put and carried.

7502.9.3

Development: Additional Poultry Farm Sheds - Lot 505 Henderson Road, Hopeland

File 29-50077-1
Report Number SPC/653
Agenda Part G
Reporting Officer Acting Planning Manager Metropolitan South East

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

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;*

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

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;*

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

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*

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

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*

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

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.*

The motion was put and carried.

Moved to Item 10.1.

7502.9.4

Create 5 Survey Strata Lots for Commercial Purpose Including Common Property

File 159-14
Report Number SPC/654
Agenda Part H
Reporting Officer Planning Officer, Northern Regions

Resolved

Moved by Ms McGowan, seconded by Ms Bartle

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:

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

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)*

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

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*

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

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.

The motion was put and carried.

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

7502.10 Confidential Items

7502.10.1 City of Swan - Local Planning Scheme Amendment No. 90 - for Final Approval

File TPS/1089/1
Report Number SPC/655
Agenda Part B
Reporting Officer A/Director - Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7502.10.2 City of Belmont Local Planning Scheme Amendment No.4 - for Consent to Advertise

File 28 April 2014
Report Number SPC/656
Agenda Part TPS/1277
Reporting Officer Director, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7502.10.3 Amendment 18 to City of Subiaco Town Planning Scheme - Consideration for Final Approval

File TPS/0765/3
Report Number SPC/657
Agenda Part B
Reporting Officer Senior Planning Officer Metropolitan Planning Central

THIS ITEM IS CONFIDENTIAL

7502.10.4 Adoption of the Jindee Local Structure Plan No. 84

File SPN/0504
Report Number SPC/658
Agenda Part C
Reporting Officer Senior Planning Officer, Metropolitan Planning North West

THIS ITEM IS CONFIDENTIAL

Moved to item 10.6.

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

7502.10.5 City of Greater Geraldton Public Open Space Strategy – Consent to Advertise

File DP/12/00269
Report Number SPC/659
Agenda Part E
Reporting Officer Manager – Statutory Planning, Central Regions

THIS ITEM IS CONFIDENTIAL

7502.10.6 Amendment No. 110 to the City of Mandurah Town Planning Scheme No. 3 - for Final Approval

File TPS/1038/1
Report Number SPC/660
Agenda Part F
Reporting Officer Planning Manager

THIS ITEM IS CONFIDENTIAL

7502.11 General Business

7502.11.1 Multi Residential Codes

Mr Holloway raised the issue of R40 codes and the discussion with Urban Development Institute of Australia regarding a move down a 5m lots in respect to Liveable Neighbourhoods.

7502.11.2 Deputations and Presentations

The Chairman requested that deputations and presentations made to the Committee be reminded that a maximum of 15 minutes is allocated for their use and that a request for an extended period of presentation time be sought from the Chairman for approval.

7502.12 Items for Consideration at a Future Meeting

Nil.

Statutory Planning Committee

Minutes
of ordinary meeting 7502
held on Tuesday, 27 May 2014

7502.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 10 June 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.25 am.

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

INDEX OF REPORTS

Item	Description
9	REPORTS
G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.1	Small Bore Rifle Shooting Range and Club Room Facilities - Lot 99 Lord Street, Whiteman
9.2	Approval to Commence Development for a Full Bore Rifle Range, Clubroom and Associated Facilities – Lot 5607, Neaves Road, Pinjar
9.3	Proposed Two Storey Dwelling – Lot 235 Fauntleroy Avenue, Ascot
9.4	Proposed Subdivision – Lot 520 Crowther Road, Bayswater
9.5	Proposed Subdivision – Lot 343 Guildford Road, Bayswater
10	CONFIDENTIAL REPORTS
B	LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS
10.1	City of Stirling – Local Planning Scheme Amendment No. 27 – for Final Approval
10.2	City of Fremantle – Local Planning Scheme Amendment No. 59 - for Final Approval
D	GENERAL ITEMS / OTHER MATTERS
10.3	Reconsideration of Subdivision - Lot 51 Panmure Road, York
E	MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL OR REGIONAL PLANNING SCHEME AMENDMENTS
10.4	Shire of Dumbleyung – Consolidation of Local Planning Scheme No. 2 – Consent to Advertise

ITEM NO: 9.1

Small Bore Rifle Shooting Range and Club Room Facilities - Lot 99 Lord Street, Whiteman

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer, Metropolitan North West
AUTHORISING OFFICER:	Director, Metropolitan Planning North East
AGENDA PART:	G
FILE NO:	21-50065-32
DATE:	28 May 2014
ATTACHMENT(S):	Attachment 1 Proposed Development Attachment 2 Figure 5 Attachment 3 Leased Area Plan
REGION SCHEME ZONING:	Parks and Recreation Reserve Water Catchments Reserve
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Regional Reserves
LGA RECOMMENDATION:	Refusal
REGION DESCRIPTOR:	Perth Metropolitan North East
RECEIPT DATE:	25 February 2013
process days:	92
APPLICATION TYPE:	Proposed Shooting Range and Clubroom
CADASTRAL REFERENCE:	Lot 99 Lord Street, Whiteman

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed development of a shooting range and associated clubroom facilities for small-bore rifle shooting at Lot 99 Lord Street, Whiteman Park subject to the following conditions:

- 1. A Water Management Plan being prepared and implemented to address the issues of drinking water quality risks that will occur from the development and ongoing management of the facility to the specification of the Department of Water and to the satisfaction of Western Australian Planning Commission.***
- 2. The development envelope is to be amended to minimise impact on the existing Marri/Banksia Woodland unit, as recommended under Figure 5 (attached) in the 'Whiteman Park Level 1 Flora, Vegetation and Black Cockatoo Habitat Assessment' (dated December 2012) undertaken by Dinglebird Environmental, to the specification of the Department of***

Parks and Wildlife and to the satisfaction of the Western Australian Planning Commission.

- 3. A maximum of 50 car parking bays is to be provided with each bay a minimum measurement of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission.***
- 4. Vehicle parking area, access and circulation areas constructed, marked and drained and thereafter maintained to the specification of the City of Swan and to the satisfaction of the Western Australian Planning Commission.***
- 5. All stormwater produced on the site shall be disposed of on the site to the specification of the City of Swan and to the satisfaction of the Western Australian Planning Commission.***
- 6. On-site effluent disposal system(s) is to be provided to the specification of the City of Swan and to the satisfaction of the Western Australian Planning Commission.***

ADVICE TO APPLICANT

- 1. All development must comply with the provisions of the Health Act 1911, the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Environmental Protection (Noise) Regulations 1997, Building Code of Australia, Public Building Regulations and all other relevant Acts, Regulations and Local Laws. This includes the provision of access and facilities for people with disabilities in accordance with the Building Code of Australia.***
- 2. Any proposal to clear Carnaby's Black Cockatoos habitat may need to be referred to the Australian Government Department of Sustainability, Environment, Water, Population and Communities for consideration under the Environment Protection and Biodiversity Conservation Act 1999.***
- 3. The applicant is advised that a Building Permit may be required and that the City of Swan will not issue a Building Permit until all conditions of planning approval and any other requirements pertaining to this planning approval have been satisfied.***
- 4. The applicant is advised that the proposed development shall not be within 1.2 meters of any sewerage septic tank or 1.8 metres of any effluent leach drain without the City of Swan's approval.***
- 5. The applicant is advised that the proposal is located within the Mirrabooka Groundwater Area, proclaimed under the Rights and Water Irrigation Act 1914, where there may be a requirement to obtain a licence to construct or alter a well and for the take and use of groundwater. The***

applicant is further advised, that the groundwater resource is currently fully allocated and therefore no additional water is likely to be available for licensing. Please refer to the 'Water Register' on the Department of Water's website on water availability and licences for potential trading and leasing options.

- 6. Prior to any clearing of Bush Forever vegetation or native vegetation on site, a clearing permit is to be obtained from the Department of Environment Regulation.***
- 7. Any site contamination encountered during site works, shall be reported accordingly to the Department of Environment and Regulation.***

SUMMARY:

*The application is seeking development approval for a shooting range and associated clubroom facilities for the West Australian Small-bore Rifle Association (WASRA) at Lot 99 Lord Street, Whiteman Park (**Attachment 1** - Proposed Development). The development is proposed to be located adjacent to the Whiteman Park International Pistol Club (WPIPC).*

The subject land is reserved for "Water Catchments" and "Parks and Recreation" under the Metropolitan Region Scheme (MRS). The land is identified as a Priority 1 (P1) Source Protection Area in State Planning Policy 2.2 - Gngara Mound Groundwater Protection (SPP 2.2).

Rifle ranges and clubhouses are typically considered incompatible uses within P1 source protection areas. However, in this instance the use is already established and the proposal represents a consolidation of the existing use. The application has been referred to the Statutory Planning Committee (SPC) in accordance with the notice of delegation as conditional approval is recommended, contrary to the recommendation of the local government which is refusal.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Part 10 Subdivision and Development Control

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

Policy
Number and / or Name: State Planning Policy 2.2: Gngara Groundwater Protection
State Planning Policy 2.7: Public Drinking Water Source Policy

GOVERNMENT AND CORPORATE IMPLICATIONS:

It is acknowledged that the proposal is contrary to Western Australian Planning Commission (WAPC) policy and the MRS.

INTRODUCTION:

The application is seeking approval for the construction of a shooting range and clubroom facilities to accommodate WASRA on the subject land at an estimated cost of \$2,022,167.00. (Refer to **Attachment 1**).

The subject land is reserved "Water Catchments" and "Parks and Recreation" under the Metropolitan Region Scheme (MRS) and is located within Bush Forever Site 304. The subject land is zoned "Regional Reserves" under the City of Swan Local Planning Scheme No.17 (LPS No.17).

The application has been forward to the WAPC for determination pursuant to Clause 16(1a)(a) which specifies that development on reserved land owned by or vested in a public authority may be commenced or carried out without the written approval of the WAPC if the development is permitted development that does not involve the clearing of regionally significant vegetation on a site specified as a *Bush Forever* site. The subject land is owned by the WAPC, and the application proposes to clear portions of Bush Forever Site 304. Further, in accordance with SPP 2.2, all planning applications for land in a P1 source protection area must be referred to the WAPC for determination.

The City Swan (the City) has recommended refusal on the basis that the proposal is contrary to SPP 2.2.

CONSULTATION:

City of Swan

The City has recommended refusal for the following reasons:

- the subject land is located within a P1 Source Protection Area of the Gngangara Mound. In accordance with SPP 2.2, the proposed land use is considered to be a 'rifle range' which is categorised as an 'incompatible' land use within the P1 area; and
- the approval of an 'incompatible' land use would directly contradict Clause 5.3 and Objective 4.1 of SPP 2.2.

Notwithstanding, the City has provided conditions should the WAPC approve the development application.

Department of Water

The DoW has recommended conditional approval subject to a condition requiring a Water Management Plan (WMP) to be prepared to address potential risks to drinking water quality arising from contamination. A condition for a WMP is recommended.

The DoW has further advised that the proposal is within the Mirrabooka Groundwater Area, and that the groundwater resource is currently fully allocated with no additional groundwater licences available. The applicant has proposed the use of water tanks on site. It is recommended that an advice note be included advising the applicant to contact DoW with regard to other available options for obtaining groundwater.

Department of Environment Regulation

The Department of Environment Regulation (DER) raise no objection to the proposal and advises that there may be potential site contamination from a historic liquid waste facility which operated adjacent to the development application area until the late 1980's. DER advised that should any contamination be encountered during site works, it should be reported to DER accordingly. An advice note is recommended in this regard.

Department of Parks and Wildlife

The proposal involves the clearing of native vegetation and the Department of Parks and Wildlife (DPAW) has advised that a clearing permit may be required to be obtained from DER. An advice note to this effect is recommended.

DPAW further advised that the application area includes foraging habitat for Carnaby's Black Cockatoos, which are listed as 'Specially Protected' under the *Wildlife Conservation Act 1950*, and 'Endangered' under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).

In this regard, the DPAW has recommended that the development envelope be amended to reflect the preferred option as identified in Figure 5 of the *Whiteman Park Level 1 Flora, Vegetation and Black Cockatoo Habitat Assessment* undertaken by Dinglebird Environmental (**Attachment 2**- Figure 5, Recommended Development Envelope). It is recommended that a condition be imposed requiring the development envelope be amended to reflect Figure 5. It is further recommended that an advice note be included, advising that under the EPBA any clearing of Black Cockatoo habitat may require referral to the Australian Government Department of Sustainability, Environment, Water, Population and Communities for consideration under the EPBCA.

The application was also referred to Main Roads Western Australia (MRWA) and the Water Corporation for comment. The Water Corporation raise no objection to the proposal and recommended that the proposal be referred to DoW. MRWA raise no objection to the proposal.

The Department has confirmed that there are no changes proposed to the P1 Source Protection Boundary affecting the subject land as part of any on-going strategic planning or policy review.

OFFICER COMMENTS:

Background

The subject land is leased to the Western Australian Shooting Association (WASA) from the WAPC for a period of 20 years with the option to renew for an additional 20 years when the lease expires on 30 June 2016 (**Attachment 3- Leased Area Plan**). The sub-leasing of Whiteman Park by the WASA is not an unusual practice and is separate to development approval processes.

Currently, there are a total of five shooting ranges operating under separate shooting clubs within Whiteman Park under subleases issued by WASA. It is noted that there is a signed sub-lease between WASRA and WASA. These shooting clubs and extensions thereto are subject of various development approvals that have been issued by the WAPC before and after the gazettal of SPP 2.2 and State Planning Policy 2.7 - *Public Drinking Water Source Policy* (SPP 2.7) in 2005 and 2003 respectively. The current proposal is therefore an extension of the use of the site as a recreational shooting complex.

The shooting range is being relocated to Whiteman Park due to the redevelopment of Harrison Range in Swanbourne (adjacent to the Campbell Barracks) where WASRA previously operated from.

Proposal

The development application proposes the construction of a shooting range which will accommodate indoor and outdoor shooting ranges for small-bore rifle shooting. The proposed development comprises 50 car parking bays; a club room; water tanks for both potable use and fire fighting; and toilets with onsite effluent disposal systems. The development proposes the clearing of native vegetation.

Metropolitan Region Scheme

Clause 30 of the MRS requires the WAPC to have regard to the following factors when determining a development application:

- (i) *the purpose for which the land is zoned or reserved under the MRS;*
- (ii) *the preservation of the amenities in the locality; and*
- (iii) *the orderly and proper planning of the locality.*

The proposal is consistent with the intent of the "Parks and Recreation" reservation under the MRS, as it facilitates the use of the reserve for recreational purposes by providing a club house and shooting range for members of WASRA.

While the proposal will accommodate an additional shooting club it represents a consolidation of existing shooting facilities in this location. Given the existing WPIPC club and other shooting ranges and clubs approved in Whiteman Park, it is considered that the proposal will not detrimentally impact the amenity of the locality.

The proposed development is inconsistent with the purpose and intent of the "Water Catchments" reservation under the MRS, as it may potentially impact the drinking

water source identified over the subject site. However, the proposal has been supported by all referral authorities including the DoW (aside from the City of Swan), and five other existing shooting ranges currently operate in Whiteman Park.

The proposed single storey building and associated structures are consistent with the scale, design and height of the adjacent WPIPC building. The proposed development is not visible from the major roads being Gnangara Road to the north and Beechboro Road North to the west. The City has raised no objections to the setback distances, design and scale of the proposed development. The proposal is considered acceptable and is supported.

The City advised that in terms of car parking, the general requirement is a minimum of one car bay per four members. Based on an estimated provided figure of 111 members attending WASRA, a minimum of 28 car bays is required. However, the proposed 50 car parking bays are considered acceptable for this development, to accommodate regular members as well as people attending occasional events such as competitions. It is recommended that a condition requiring a maximum of 50 car parking bays being provided be imposed. Additional car parking will need to be considered and approved by the WAPC. This is supported by the City of Swan.

State Planning Policy 2.2 - Gnangara Groundwater Protection and State Planning Policy 2.7 - Public Drinking Water Source Policy

Under SPP 2.2 the subject proposal is considered to fall under the category of 'Community Purpose-Rifle Ranges' and 'Club Premises-Sporting and Recreation Clubs', which both are incompatible uses in a P1 Source Protection Area.

P1 Source Protection Areas are defined to ensure there is no degradation to the water source. It is the highest level of protection for the water source, and protection of the water supply outweighs virtually all other considerations in respect to the use of the land. This is further reiterated in the WAPC's *State Planning Policy 2.7 Public Drinking Water Source Policy* (SPP 2.7).

Section 7 of SPP 2.2 states that *SPP 2.2 does not interfere with existing land uses to be continued at their existing approved levels*. Although the subject proposal includes new buildings that do not have an existing approval, the proposed use is a continuation of an existing use at Whiteman Park.

The WAPC has previously approved a development application for the extension of the WPIPC in May 2009 on the basis that the new development will decrease the risk of groundwater contamination and consistency with the Parks and Recreation reservation under the MRS (WAPC Reference: 21-50065-15).

SPP 2.7 states that land uses and developments that have the potential to detrimentally impact the quality and quantity of public drinking water supplies should not be permitted unless it can be demonstrated that such impacts can be satisfactorily managed. The applicant has provided a Contamination Assessment and a Lead Management Plan, which have been supported by all referral authorities (with the exception of the City of Swan), demonstrating that the proposal can be managed with minimal impact on the P1 source area.

Additionally, the proposed shooting range is for small-bore shooting, which is a unique major sport currently not adequately provided for in Western Australia. The establishment of WASRA at Whiteman Park is considered to be a public benefit as it is the only location in the metropolitan area suitable in providing facilities to conduct small-bore shooting as well as hold international competitions such as the Australian International Shooting Australia Cup. The co-location of WASRA with other shooting ranges sub-leased at Whiteman Park, enables effective management of shooting ranges and clubs for WASRA and allows for the sharing of facilities (such as car parking) between clubs.

CONCLUSION:

The proposal is contrary to the "Water Catchments" reservation under the MRS and SPP 2.2 and SPP 2.7 as the proposed WASRA shooting range is an incompatible use in a P1 Source Protection Area. However it has been demonstrated that the proposed use can be managed as to minimize impact on the water source.

Given the history of Whiteman Park being sporting grounds of existing shooting ranges approved by the WAPC before and after the gazettal of both SPPs 2.2 and 2.7, and all are operating under a lease agreement between the WAPC and WASA; and the proposal being supported by the Department of Water, Whiteman Park is considered to be a logical location for the proposed WASRA shooting range.

ITEM NO: 9.2

Approval to Commence Development for a Full Bore Rifle Range, Clubroom and Associated Facilities - Lot 5607, Neaves Road, Pinjar

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Metro Planning North West
AUTHORISING OFFICER:	Planning Manager, Metro Planning North West
AGENDA PART:	G
FILE NO:	30-1914-18
DATE:	27 May 2014
ATTACHMENT(S):	1 - Proposed development plans 2 - MRS zoning
REGION SCHEME ZONING:	State Forests, Water Catchments
LOCAL GOVERNMENT:	City of Wanneroo
LOCAL SCHEME ZONING:	No Zone
LGA RECOMMENDATION(S):	Conditional approval
REGION DESCRIPTOR:	Perth Metropolitan Planning North West
RECEIPT DATE:	11 February 2014
PROCESS DAYS:	57
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 5607, 399 Neaves Road, Pinjar

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application to commence development for a full bore rifle range, clubroom and associated facilities at Lot 5607 Neaves Road, Pinjar, subject to the following conditions:

CONDITIONS

- 1. This approval relates specifically to the attached plans date-stamped 11 February 2014 by the Department of Planning, on behalf of the Western Australian Planning Commission, and excludes the portion of the proposed development outside the Metropolitan Region Scheme boundaries.***
- 2. The development plans being modified to remove the proposed caravan park and camping facilities, which should be excluded from the current approval.***

3. ***Prior to the commencement of development works, a Water Management Plan which addresses all potential water contamination issues is to be prepared in consultation with and approved by the Department of Water.***
4. ***Development works and the operation of the proposed facilities are to be undertaken in accordance with the approved Water Management Plan to the satisfaction of the Western Australian Planning Commission.***
5. ***A Fire Management Plan being prepared and approved and relevant provisions implemented during development works and the operation of the proposed facilities, in accordance with the Western Australian Planning Commission's Guideline for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3), to the specifications of the City of Wanneroo, and to the satisfaction of the Western Australian Planning Commission.***
6. ***The portion of the Higgins Road Reserve as identified on the attached plan date-stamped 11 February 2014, shall be permanently closed and the land amalgamated with and acquired by the adjoining lots. No development shall commence within the Higgins Road Reserve until the condition is satisfied.***
7. ***Parking areas, driveways, crossovers and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS2890) as amended and the City of Wanneroo Technical Standards, and shall be drained, sealed and marked to the satisfaction of the City of Wanneroo.***
8. ***The caretaker's dwelling shall be incidental to the predominant use of a full bore shooting range and clubroom facilities and shall not be used for activities unrelated to the approved use.***

ADVICE TO APPLICANT

1. ***All development must comply with the provisions of the Health Act 1911, the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Environmental Protection (Noise) Regulations 1997, Building Code of Australia, Public Building Regulations and all other relevant Acts, Regulations and Local Laws. This includes the provision of access and facilities for people with disabilities in accordance with the Building Code of Australia.***
2. ***In regard to condition 1, the applicant is advised that a development approval for the portion of the development outside the boundary of the Metropolitan Region Scheme must be obtained from the Shire of Chittering.***
3. ***In regard to Conditions 6, the applicant is advised to apply to the City of Wanneroo for the permanent closure of the portion of Higgins Road Reserve.***

SUMMARY:

Approval is sought for the development of a full bore rifle range complex within a Metropolitan Region Scheme (MRS) State Forests reserve in Pinjar. The site is also located within a Water Catchment reservation under the MRS, and in accordance with State Planning Policy 2.2 - Gnamagara Groundwater Protection (SPP 2.2), strict development controls apply to avoid the risk of groundwater pollution.

As the proposal is on land that is reserved under the MRS, the Western Australian Planning Commission (WAPC) is the sole determining authority. The proposal is recommended for conditional approval contrary to the provisions of SPP 2.2, and is therefore being referred to the Statutory Planning Committee (SPC) for determination.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Planning and Development Act 2005
Section: Part 10 Subdivision and Development Control

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: State Planning Policy 2.2 - Gnamagara Groundwater Protection

INTRODUCTION:

An application has been submitted by the Department of Parks and Wildlife on behalf of the West Australian Rifle Association (WARA) to seek approval to commence development for a full bore rifle range complex over a lease area of 116 Ha situated within Lot 5607, Neaves Road, Pinjar (**Attachment 1** - Proposed Development plans).

The proposed development includes a full bore rifle range, a clubroom and associated facilities, car park, caravan park, caretaker's residence, the construction of a new access road and clearing of vegetation. The total cost of the proposed development has been estimated at approximately \$6,6 million.

The subject site is situated on Crown land reserved for State Forests under the MRS and is vested in the Department of Parks and Wildlife with the power to lease. It is also located within the Gnamagara groundwater mound, which is used for the Perth Metropolitan Region's public drinking water supply and which has been identified in the *Gnamagara Land Use and Water Management Strategy* (2001) as a Priority 1 high priority source protection area. Accordingly, the land is reserved for Water Catchment Purposes under the MRS in terms of the provisions of SPP 2.2. The land is not zoned under the City of Wanneroo District Planning Scheme No.2. It should be noted that a portion of the proposed development falls within the Shire of Chittering

local government area and is reserved as Water Supply under the Shire's Town Planning Scheme. (**Attachment 2** - MRS zoning).

The application has been forwarded to the WAPC for determination pursuant to Clause 13 of the MRS, which requires applications to commence development on reserved land to be submitted to the WAPC for determination. Similarly, and in accordance with SPP 2.2, applications within the Water Catchment reservation must be referred to the WAPC for determination.

In terms of the Instrument of Delegation DEL 2012/01 (*Delegation to Officers of certain powers and functions of the Western Australian Planning Commission* (Schedule 7), officers of the WAPC have delegated authority to determine applications for approval to commence development on reserved land only when those determinations are not inconsistent with the policies of the WAPC. In this instance, conditional approval is recommended contrary to the provisions of the SPP 2.2 and is therefore forwarded to the Statutory Planning Committee for determination.

As the WAPC does not have authority to determine development applications in terms of the Shire of Chittering's Town Planning Scheme, the portion of the development in the Shire's local government area is excluded from the approval.

CONSULTATION:

The Department of Parks and Wildlife (DPaW), the management authority of the subject State Forests land, advised that a lease has been issued under the Conservation and Land Management Act 1984 to the WA Rifle Association for the proposed use. Under the lease agreement, a set of conditions have been imposed and it is DPaW's view that no further conditions are required.

The Department of Water (DoW), the authority responsible for providing comment on proposals within the Water Catchment areas, supports the application (excluding the caravan park/camping ground) and has provided conditions to be imposed as part of the approval.

The Department of Environment Regulation (DER) has raised no objection to the proposal, but recommended that the development is constructed in a way that potential contaminants are contained to prevent possible groundwater contamination. DER has also confirmed that a vegetation clearing permit has been issued for the development.

The City of Wanneroo conditional supports the proposal based on the provisions and requirements of the City's District Planning Scheme No. 2. and recommends that a Fire Management Plan be prepared.

The Department of Sports and Recreation (DSR) advised that the proposal is funded by the State Government and that the relocation of the WARA facilities to the proposed location in Pinjar is critical for the continuation of full bore rifle range shooting in the state.

The Water Corporation raises no objection to the proposal.

BACKGROUND:

The proposal is for the relocation of the existing WARA shooting facilities currently located at the Commonwealth Swanbourne barracks, due to the termination of the current lease and land constraints at the current site, which had been identified as an issue as early as 1985. Since then, the WARA has been liaising with the Department of Environment Conservation (DEC), now DPaW, to find an alternative site to relocate its shooting facilities closer to other ranges in Pinjar. As part of this, the existing Wanneroo Shooting Range was investigated as a possible option for co-location, but it was found that the Wanneroo Shooting Range is not suitable due to site limitations, environmental considerations and complex sub-lease arrangements.

The proposed location within State Forrest 65 was identified in 1997 by the DEC as its preferred site due to the fact that the former pine plantation has been cleared, the gradient of the site is suitable for facilities of this nature and its accessibility by unsealed roads in good condition. Further consultation was undertaken with relevant agencies at the time, including the Waters and Rivers Commission (now DoW), which supported the project. The proposal was endorsed by the Conservation Commission of Western Australia in 2001 and was granted environmental approval by the Minister of the Environment in 2002. In 2012, the DoW imposed conditions as part of the lease agreement for water source protection and the DEC granted a permit for the clearing of vegetation to facilitate the development.

The DSR, who is now leading the project, indicated that the proposal is of state significance and it will be developed to the highest international standards and will accommodate major state, national and international events. The proposed location provides sufficient land to develop facilities which would be capable of accommodating a range of facilities and provides adequate separation from adjacent uses in terms of safety and noise impacts.

COMMENTS:

When determining an application for development on reserved land, Clause 30 of the MRS requires the WAPC to have regard to:

- (i) the purpose of which land is zoned or reserved under the MRS;
- (ii) the orderly and proper planning of the locality; and
- (iii) the preservation of the amenities in the locality.

The development proposal is assessed in relation to these considerations, as follows:

Purpose of the reserve

The location of the proposed development within the State Forests reservation is not inconsistent with the reservation, as it is specified under the Conservation and Land Management Act 1984 that certain types of recreation can occur within State Forests and that leases can be granted to facilitate this. Accordingly, the DPaW, as managing authority of the reserve, entered into a lease agreement with WARA.

The proposed use is, however, not consistent with the purpose and intent of the Water Catchments reservation as defined in SPP 2.2. According to the policy, land reserved under the MRS for Water Catchments is Priority 1 (P1) protection areas for public water supply, which outweighs all other considerations in respect to the use of the land. P1 areas are managed in accordance with the principle of risk avoidance and permissibility is guided by Table 1 of the policy, which lists the uses of rifle range, clubhouse, car park and caravan/camping grounds as incompatible in P1 areas, and a caretakers dwelling as compatible subject to conditions. With regard to the proposed access road, the policy stipulates that only essential transport infrastructure may be acceptable, provided best management techniques are implemented.

Notwithstanding the above, Clause 7 of the policy makes specific reference to uses that were existence prior to the gazettal of the policy in 2005. In this regard, it is acknowledged that similar uses (rifle ranges and pistol clubs) have been approved by the WAPC in the vicinity, prior to the Water Catchment reservation being effected. In this regard, the policy does not interfere with the right of existing land uses to be continued, on the basis that landowners will be encouraged to progressively adopt best management practice to minimise potential groundwater contamination.

Although the current proposal is not an established use, it has a long history of negotiations and approvals by governmental agencies, and environmental factors, including water source protection, have been examined and addressed by the DoW. Given that the initial round of environmental approvals for the project were granted in 2001-2002, it could be considered that the proposed development was assessed in relation to its potential environmental impacts prior to the gazettal of SPP 2.2, and has historically been supported subject to the implementation of best management practices. Given these broader considerations and the long history of commitments made by the relevant state agencies, it is not considered to be appropriate to refuse the proposal solely based on its non-compliance with SPP 2.2.

Preservation of the amenities in the locality

With regard to the preservation of the amenities in the locality, the site's relative isolation was one of the reasons why it was selected together with the fact that the proposal is not considered to have any significant impact on the State Forests Reserve. The DER does not consider that the site contains any vegetation of value and accordingly granted a clearing permit for the development. The scale and positioning of the building aspects of the proposed development, which includes a caretaker's residence, a clubhouse, workshop and toilet block, is such that it would also not have any detrimental visual impact on the surroundings.

In terms of the issue of groundwater resource protection, all relevant measures have been considered by the DoW and included in the lease agreement for the site. As part of the development approval, it is recommended that a Water Management Plan is prepared prior to the commencement of development in order to address all possible water contamination risks associated with the development. In addition to this, it is also recommended that the proposed caravan/camping facilities be excluded from the approval to further reduce any risks associated with groundwater contamination.

Orderly and proper planning

The proposal is considered to be consistent with the orderly and proper planning of the locality. All relevant planning considerations have been assessed, the application has been referred to all relevant referral agencies and is supported by all parties. Issues raised by referral authorities can be adequately mitigated by the imposition of relevant conditions of development approval.

As part of the site selection process, the potential for co-locating the development with other shooting facilities was examined but it was found that the proposed rifle range cannot be co-located due to the different land requirements of full bore compared to other styles of shooting and the need to have adequate land available to achieve separation distances with surrounding uses. In this regard, the current location was considered to be the preferred location to accommodate such facilities.

Access to the subject site is gained from Higgins Road to the west, which is a gazetted road. As part of the application, it is proposed that a portion of Higgins Road be closed and that access be provided from a new access road that will be constructed. Accordingly, a condition for the closure of the existing portion and the construction of a new access road has been recommended by the City of Wanneroo and is included as a condition of approval. The City has also considered that the proposal provides adequate parking on the site as per the City's District Planning Scheme requirements and recommended a condition in relation to the construction of this, which is included as a condition of approval.

Due to the location of the proposed development within a state forest and adjacent to Bush Forever areas, it is considered that a bushfire risk exists. In order to mitigate the potential bushfire risk, it is recommended that the preparation and implementation of a Fire Management Plan be conditioned as requested by the City of Wanneroo as part of the approval to commence development.

CONCLUSION:

The application to commence development for a full bore rifle range complex at Pinjar will benefit the provision of facilities for hosting major shooting events that will promote the shooting sport in the state. The proposal is consistent with the State Forests reservation of the land, and although it could be considered contrary to the provisions of SPP 2.2., any potential impacts on the Gnangara groundwater can be appropriately mitigated by the imposition of conditions of approval. Given the long history of the project, the commitments made and approvals by relevant state departments, and the fact that any potential impacts can be effectively mitigated, it is considered that the location of the rifle range complex at the proposed location is appropriate.

In considering the application, the proposal has been assessed as being in general accordance with the purpose of which land is zoned or reserved under the MRS, the orderly and proper planning of the locality; and the preservation of the amenities in the locality. Accordingly, conditional approval is recommended.

ITEM NO: 9.3

Proposed Two Storey Dwelling - Lot 235 Fauntleroy Avenue, Ascot

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planner, Metropolitan Central
AUTHORISING OFFICER:	Director, Metropolitan Central
AGENDA PART:	G
FILE NO:	15-50109-1
DATE:	21 May 2014
ATTACHMENT(S):	1. Development Plans 2. Location and Zoning Plan 3. Aerial Photo Plan 4. Photo Montage
REGION SCHEME ZONING:	MRS: Urban and Parks and Recreation
LOCAL GOVERNMENT:	City of Belmont
LOCAL SCHEME ZONING:	Residential R20
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	15 July 2013
PROCESS DAYS:	285
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 235 (No. 71) Fauntleroy Avenue, Ascot

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- (i) ask the Swan River Trust Board to reconsider its position; and***
- (ii) in the event that the Swan River Trust Board does not reconsider its position and support the application, that the Statutory Planning Committee recommend that the Minister for Planning support the WAPC decision to disregard the advice of the Swan River Trust in relation to the development at Lot 235 (No. 71) Fauntleroy Avenue, Ascot.***

SUMMARY:

The proposal is for a two storey dwelling, with wharf, retaining walls and outdoor living areas (including pool and gazebo). The application is required to be determined by the Western Australian Planning Commission (WAPC) under Clause 30A(2)a(i) of the Metropolitan Region Scheme (MRS).

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*

Section: Part 10, Division 5

Strategic Plan

Strategic Goal: Planning

Outcomes: Effective Delivery of Integrated Plans

Strategies: Implement State and Regional Planning Priorities

Policy

Number and / or Name: State Planning Policy 2.10 *Swan-Canning River System*

INTRODUCTION:

The subject application seeks approval to construct a two storey dwelling, with terraced gardens, retaining walls, pool and gazebo on zoned land; and a wharf, and river retaining wall on land reserved for Parks and Recreation under the MRS (**Attachment 1 - Development Plans**). The proposed development is estimated to cost \$580,000 and the estimated construction time is 12 months.

The site is zoned 'Residential' with an R20 density coding under the City of Belmont Local Planning Scheme No. 15 (LPS15) and under the MRS is zoned part 'Urban' with a 'Parks and Recreation' (P&R) reservation over the portion adjacent to the Swan River (**Attachment 2 - Location and Zoning Plan** and **Attachment 3 - Aerial Photo Plan**).

The subject lot abuts the Swan River and is partially within the Swan River Trust's (SRT) Development Control Area. The application has therefore been referred under Clause 30A(2)a(i) of the MRS to the WAPC for determination in a manner that is consistent with the advice of the SRT.

The MRS states that:

'If the Commission does not agree with part or all of the advice of the Swan River Trust on an application referred to in subclause (2)(a) -

- (a) the matter on which there is not agreement is to be resolved in the matter determined by the SCRM Minister and the Minister for Planning;*
- (b) the Minister for Planning is to direct the Commission accordingly; and*
- (c) the Commission is to determine the application in accordance with the direction.'*

In accordance with the provisions of the MRS, in determining the merits of a development application, the WAPC is required to have regard to orderly and proper planning, the preservation of the amenities of the locality and the purpose of the land's zoning.

Background

Development plans were originally submitted by the applicant in July 2013. Due to a number of non-compliance issues identified by the SRT and Department of Planning (DoP), an on-site meeting with the applicant and owner was held in September 2013, followed by further discussions and meetings between the DoP and the SRT, and the DoP and the applicant. In December 2013, in conjunction with the SRT, a set of key criteria/principles were established so that the proponent's application could be supported, were provided to the applicant. As a result of this, amended plans were submitted by the applicant in February 2014.

At this time, the SRT still considers that there are a number of outstanding issues with the amended proposal, whilst the DoP is of the view that the amendments have addressed the concerns, and that the application can be supported subject to conditions.

This report is therefore seeking the Committee's decision as to whether the DoP should recommend that the Minister for Planning support the WAPC decision to disregard the advice of the SRT in relation to this development.

CONSULTATION:

The City of Belmont supports the application subject to conditions.

The Department of Parks and Wildlife has no objection to the proposal.

The Department of Aboriginal Affairs does not object to the proposal subject to an advice note.

The Department of Water does not object to the proposal subject to an advice note.

The SRT does not support the application for the following reasons:

- (i) The proposal is contrary to the purpose and intent of Clause 7.4.11 of State Planning Policy 2.10 - *Swan Canning River System* in that substantial private development is proposed to be located on land reserved for Parks and Recreation, which would prejudice the transfer and future use of the reservation for public purposes;
- (ii) The location and scale of the proposed pool enclosure and outdoor living space within the Parks and Recreation reservation is too close to the Swan River and would overlook and have a detrimental impact on the community's use and enjoyment of the adjacent river reserve;
- (iii) The extent and design of the wharf structure is inconsistent in scale with the existing landscape, essentially privatising the adjacent river reserve, having a detrimental impact on the community's use and enjoyment of the waterway;
- (iv) The proposed river retaining walls are of a design which does not complement the amenity of the riverine environment. The scale, height, and location of the retaining walls would visually dominate and detract from the landscape values of the waterway to an unacceptable degree; and
- (v) Approval of this development application would set an undesirable precedent for similar development on surrounding lots.

COMMENTS:

The proposed development comprises the following:

- (i) two storey dwelling;
- (ii) a below ground swimming pool, gazebo and retaining wall (1.75m high) located on zoned land;
- (iii) associated pool fencing and part of the pool terrace area located within the P&R reservation;
- (iii) two retaining walls located within the P&R reservation (1 x 1.45m high retaining wall and 1 x 2.55m high river retaining wall);
- (iv) stairs within the retaining walls, which descend to a decked wharf structure. The wharf structure which is to be piled into the riverbed, will be suspended above the river at a height of 1.1m in above AHD. The decked wharf has a rock revetment beneath it that butts up against the concrete retaining wall in this location.

Private Wharf Structure

SRT policy Jetty Structures (SRT/D21) states that where a property has a high water mark title, the SRT will not support the construction or use of new private jetties or wharves on or abutting the land. Such structures can affect the amenity of the river environment and cause a perception that the adjacent section of river reserve is not public space. When such structures are being used to land a vessel it essentially privatises and alienates a portion of the river from public use and enjoyment.

To address this issue, the applicant has proposed to locate the wharf back from the current property boundary, so as to berth a vessel within the lot. This will require the excavation of the riverbank and SRT have advised that it is unlikely to issue a works permit for the following reasons:

- (1) The proposed excavation would narrow the P&R reserve and reduce the amount of useable space for future public purposes. It would also make it more difficult to manage the shoreline along this stretch of river.
- (2) Erosion control treatment in this part of the river should tie into adjacent properties to create a continuous shoreline, rather than creating points of weakness at protruding corners. This is based on a technical report prepared by MP Rogers & Associates 'Fauntleroy Avenue - Foreshore Erosion Advice' dated 17 June 2009, which the SRT provided to the applicant as a result of pre-application discussions.

The applicant was advised that the DoP and SRT do not support the wharf structure and that it should be removed from the plans, however both the original and the amended plans show the wharf structure.

It is noted that some of the lots along this section of river have wharf structures or jetties however these are existing and pre-date the SRT policy which does not support the construction or use of new private jetties.

Therefore, given that the wharf structure would result in privatising the adjacent river reserve, having a detrimental impact on the community's use and enjoyment of the waterway, the wharf structure is not considered acceptable and a condition is recommended which requires removal of this element from the proposed development.

However, it is considered reasonable for the proposed dwelling to enjoy some access to the river, and therefore a smaller access platform that was no more than 5m wide (approximately one quarter of the width of the lot) may be considered acceptable.

Private Development on Land Reserved for Parks and Recreation

As is common along Fauntleroy Avenue, Lot 235 has a high water mark title and the P&R reservation extends between 8.4 and 11.9 metres into the subject property. Although the foreshore has been reserved for future acquisition by the Crown, it currently remains in private ownership. The private ownership of the P&R along this stretch prevents continuous public ownership and access of land along the South Guildford foreshore.

The applicant claims that due to the topography of the river foreshore, the P&R reservation is not easily accessible and it is unlikely that public access will be achievable in the medium to long term, if at all. This view is accepted as the reserve along the river has steep topography in parts, and the levels vary across the lots so that it would be difficult to create a pathway through this section (refer to **Attachment 4 - Photo Montage**). However, this reservation has existed for a significant time. Although the reserve has been in place a significant time, the WAPC Property Services have advised that they do not have plans to purchase the land in the short to medium term.

Clause 7.4.11 of State Planning Policy 2.10 - *Swan Canning River System* (SPP 2.10) states:

'Where public acquisition of private land planned for future foreshore reserve purposes is not likely to occur in the short-term, development should not be permitted within the area of reservation if it is likely to impact on the natural qualities of the land, or if it would prejudice its timely transfer to the Crown in the future.'

It has been proposed to locate the wharf, retaining walls (including a river retaining wall) and part of the terrace in the P&R reserve. As previously discussed, the wharf is not considered acceptable and a condition is recommended that it be removed from any approval.

The amended plans show the pool removed from the P&R reservation, whereas previously it was located within it, and the DoP is now of the view that the part of the terrace that is located within the P&R, the retaining walls and landscaping terraces are acceptable within this area, as they represent only minor development that will

not impact on the natural qualities of the land. A condition is recommended that a legal agreement is put in place to ensure that when the WAPC acquires the P&R, the land shall be acquired at an unimproved value, and that if the WAPC requires that the improvements are to be removed, the owner of the land must do so at their cost. This is to ensure the improvements to the land will not prejudice the timely transfer to the Crown in the future. The applicant is agreeable to this condition.

Proposed Pool Enclosure and Outdoor Living Space, and Retaining Walls

The SRT have advised that a reason for refusal of the amended plans is that the location and scale of the pool enclosure and the portion of the outdoor living terrace within the P&R reservation is too close to the river and would overlook and have a detrimental impact on the community's use and enjoyment of the river reserve. In addition, the proposed retaining walls and river retaining wall are not considered to complement the amenity of the riverine environment due to height and scale.

The setback required by the SRT Policy *Development Setback Requirements* (SRT/D3) is a minimum of 10 metres for all solid and hard faced structures, including walls with a total height exceeding 1.0 metre.

The dwelling, including the alfresco area, is set back between 8.66 and 9.62 metres from the P&R reservation boundary. This is considered an acceptable variation to the 10 metre requirement.

The 1.75 metre retaining wall which separates the grassed terrace from the pool is set back approximately 4.5 - 5.5 metres from the P&R boundary. While this is not consistent with SRT policy, it is considered acceptable. A 1.75m wall in this location is appropriate given the steep incline of the land which requires several retaining walls to be constructed. It is also preferable that the smaller retaining walls are located closer to the river, with a flat area for landscaping in between them, so that the effect of the retaining walls when viewed from the river, is softened.

The proposed retaining walls closer to the river and within the P&R reservation are 1.45m in height (with a 1.4m high glass/aluminium pool fence on top), and a 1.15m flat terrace to allow for landscaping between them. The wall closest to the river (which is a river retaining wall) is actually 2.55m above the AHD level of the waterline, however the rock revetment that is proposed to extend up the wall approximately 1m above the water line / zero AHD level. The part of the wall that is visible above this will be 1.45m.

The SRT has advised that the preferred riverbank treatment is adding rock spalls near the waterline, recontouring the riverbank to lessen the slope and revegetating with endemic species to provide long term stabilisation.

In response, the applicant contends that:

- the proposed retaining walls will provide for the efficient use of the subject site and retain the natural topography (steep gradient) while minimising overall site works (cut and fill); and
- the proposed method of on-site retaining will ensure a large amount of retaining is not required to the side boundaries of the site.

While it is considered that the retaining walls proposed in this location are significant and may be visually dominant when viewed from the river, the landscaped terrace will assist to soften this view and it is considered that the variations in height of up to 0.75m in excess of the SRT policy of 1.0m maximum height, are acceptable.

Recommended Conditions

The recommended conditions and advice for this application are as follows:

CONDITIONS

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and the attached plans (Ground Floor Plan / First Floor Plan; GF Site Sketch Plan; Site Plan Survey; FF Site Sketch Plan; Elevation 1 / Elevation 3; Elevation 2 / Elevation 4; FF Site Photo Overlay / GF Site Photo Overlay) date-stamped 19 February 2014, and plan 'Prelim Site Section' date stamped 27 May 2014, by the Department of Planning on behalf of the Western Australian Planning Commission.
2. The wharf structure is not approved under this application, and is to be removed from the proposed development plans, prior to the submission of a building licence, to the specification of the Swan River Trust and the satisfaction of the Western Australian Planning Commission.
3. The landowner indemnifying the Western Australian Planning Commission against any claim for compensation for the improvements located on land reserved for Parks and Recreation when the land is ultimately acquired, to the satisfaction of the Western Australian Planning Commission.
4. All stormwater from all roofed and paved areas shall be collected and disposed of on-site, to the specification of the City of Belmont and the satisfaction of the Western Australian Planning Commission.
5. Vehicle crossovers are to be designed to achieve a minimum clearance of 1.5 metres from the existing street tree, to the specification of the City of Belmont and the satisfaction of the Western Australian Planning Commission.
6. Prior to occupation or use of the development, the owner / applicant shall construct a vehicle crossover, to the specification of the City of Belmont and the satisfaction of the Western Australian Planning Commission.
7. The minimum finished floor level of all habitable areas is to be 5.26AHD, to the specification of the City of Belmont and the satisfaction of the Western Australian Planning Commission.
8. No existing turf, irrigation or street trees located in the road verge abutting or adjacent to the subject land may be damaged or removed during the course of the development, to the specification of the City of Belmont and the satisfaction of the Western Australian Planning Commission.

9. The owner / applicant shall ensure sufficient space is provided for vehicle / machinery access for future maintenance, repairs, and / or replacement of erosion control structures, to the satisfaction of the City of Belmont and the satisfaction of the Western Australian Planning Commission.
10. Any fences / walls in the front setback of the property are to comply with the provisions of the Residential Design Codes, which require front walls and fences to be visually permeable:
 - (a) 1.2 metres above natural ground level within the primary street setback area; and
 - (b) 0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and public street or where two streets intersect.

ADVICE

1. With regard to Condition 3, it is recommended that a legal agreement is put in place to ensure that at such time that the WAPC acquires the P&R, the land shall be acquired at the unimproved value of the land, and that if the improvements are required to be removed by the WAPC, the owner of the land must do so at their cost. This is to ensure the improvements to the land will not prejudice the timely transfer to the Crown in the future.
2. With regard to Condition 6, please liaise with the City of Belmont Technical Services for Council's engineering specifications.
3. The Department of Water advises that the proposed pool area may be subject to potential flood damages during major river flows.
4. The Department of Aboriginal Affairs advises that as there will be construction works within the bed and bank of the Swan River, being registered site DAA 3536 Swan River, developers are advised to use the Aboriginal Heritage Due Diligence Guidelines for assistance with identifying the risk that proposed activities may have in regard to the heritage values of any area and the Aboriginal Heritage Act 1972. You can find the Guidelines on the Department of Aboriginal Affairs website.
5. A planning approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works.

CONCLUSION:

In accordance with the provisions of the MRS, in determining the merits of a development application, the WAPC is required to have regard to orderly and proper planning, the preservation of the amenities of the locality and the purpose of the land's zoning. The proposed two storey dwelling and associated retaining walls are considered to be appropriate development for the partly zoned and partly reserved for Parks and Recreation land. In addition, it is considered that approval of the application will not have an adverse effect on the amenities of the locality. With regard to orderly and proper planning, it is proposed that the process to determine

this application will follow a process which will ensure that any decision made is in keeping with orderly and proper planning.

The proposed development is considered by the Department of Planning to be acceptable, subject to conditions. The Swan River Trust recommend refusal of the application for a number of reasons. This report is to ascertain whether the Statutory Planning Committee supports requesting the SRT Board to reconsider its position, and in the event that the SRT Board does not reconsider its position and support the application, that the Statutory Planning Committee recommend that the Minister for Planning support the WAPC decision to disregard the advice of the SRT in this case.

ITEM NO: 9.4

Proposed Subdivision – Lot 520 Crowther Road, Bayswater

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Metropolitan Central, Perth and Peel Planning
AUTHORISING OFFICER:	Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	244-14
DATE:	29 May 2014
ATTACHMENT(S):	Attachment 1 - Subdivision Plan Attachment 2 - Location and Zoning Map
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Bayswater
LOCAL SCHEME ZONING:	Residential R17.5/R25
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	6 March 2014
PROCESS DAYS:	84
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 520, Crowther Street, Bayswater

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 520, Crowther Street, Bayswater subject to the following conditions and advice:

CONDITION(S):

- 1. All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)***
- 2. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on Lot 2 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)***
- 3. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)***

4. ***All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)***
5. ***All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy.(Local Government)***
6. ***A 1.0 wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the north-eastern boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the Survey-Strata Plan and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)***
7. ***The portion of the right-of-way abutting the north-eastern boundary of the subject land and any portion/s of the right of way required to be widened for the purpose of this subdivision being sealed, drained and paved to its full width and the remaining portion of the right-of-way from the property boundary to the existing nearest constructed road being made trafficable. (Local Government)***
8. ***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)***
9. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power, for the provision of an electricity supply to the survey-strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)***
10. ***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)***
11. ***Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***

ADVICE:

- 1. In regard to Condition 1, 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.**
- 2. In regard to Condition 2, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.**
- 3. In regard to Condition 9, Western Power provides only one underground point of electricity supply per freehold lot.**
- 4. In regard to Conditions 10 and 11, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.**

SUMMARY:

The application proposes the survey-strata subdivision of a 662m² lot to create two residential lots of 344m² and 318m². There is an existing dwelling on proposed Lot 1 which is to be partially retained.

The proposed subdivision satisfies the minimum required lot sizes required for the creation of lots in the R25 density coding as specified by Table 1 of the R-Codes. The application does not satisfy the average lot size requirement required for the creation of lots in the R25 density coding as specified by Table 1 of the R-Codes resulting in a variation of 5.43%.

The application is presented to the SPC on the basis that the variation to the average lot size is greater than the 5% variation allowed by the provisions of the WAPC's Development Control Policy 2.2 'Residential Subdivision' (DC 2.2).

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

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Planning and Development Act 2005</i>
Section:	Subdivision / Development Approval / Reconsiderations Part 10

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

Policy

Number and / or Name: State Planning Policy 3.1 – *Residential Design Codes*
Development Control Policy 2.2 – *Residential Subdivision*

INTRODUCTION:

The application proposes the survey-strata subdivision of a 662m² lot to create two residential lots of 344m² and 318m². There is an existing dwelling on proposed Lot 1 which is to be partially retained (**Attachment 1 – Plan of Subdivision**).

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential - R17.5/R25' under the City of Bayswater District Town Planning Scheme No. 24 (TPS 24) (**Attachment 2 – Location Plan**).

CONSULTATION:

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

"The proposed subdivision will result in new lots below the minimum average lot sizes required for the zoning as specified in the City of Bayswater Town Planning Scheme No. 24. It is considered that a significant departure from the density requirements undermines the zoning nominated in the Town planning Scheme"

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

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

All recommended conditions have been assessed and where considered fair, reasonable and relevant, they should be imposed.

PLANNING ASSESSMENT:

Right-of-way Widening

In the event that the WAPC resolves to approve the application the City of Bayswater has recommended a widening of the right-of-way (ROW) by 1.0 metre. The minimum widening required is 0.99 metre to facilitate the incremental widening of the ROW to an ultimate width of 6 metres and obtaining a minimum width of 5 metres in line with Planning Bulletin 33. However, other subdivisions in the locality abutting ROWs have required 1.0 metre ROW widening or ceding (eg. WAPC refs: 144791, 128477 and 126084), as requested by the City of Bayswater and outlined in its 'Rights of Way Study'.

As there is the potential for further subdivision which will require access via the ROW, it is recommended that this condition be imposed consistent with other decisions in the locality.

Local Street Truncation

The City of Bayswater has also recommended street corners within the subdivision being truncated to 8.49 (6m x 6m) metres. It is noted that other subdivisions in the locality have also required 8 metre truncations (e.g. WAPC refs: 144791, 134137 and 112640).

Given the above, it is recommended that an 8.49 metre street corner truncation be imposed as requested by the City of Bayswater. This is consistent with previous approvals in the locality.

Split Density Coding

Where land is subject to a split density coding, in this case R17.5 / R25, the City of Bayswater District Town Planning Scheme No. 24 requires the following criteria be met in order for an application to be supported at the higher density;

- a) The property is required to be connected to reticulated sewer;*
- b) In the opinion of the Council, the proposed development has a high degree of compliance with adopted policies of the Council, which have been endorsed by the Commission, and provide for development at the higher codes in dual coded areas;*
- c) The existing dwelling/s are to be of a standard equivalent to that of the proposed new dwelling/s. To achieve this, the Council may require that the existing dwelling/s be upgraded as a condition of development approval.*

As the application is to be connected to reticulated sewer and the City's objection is not related to either point b) or c) the application is to be assessed at the higher density of R25.

Residential Design Codes 2013 (R Codes)

The application complies with the minimum lot size required for the R25 density (300m² required, 318m² provided).

Notwithstanding this, the application does not comply with the required average lot size for the R25 density (350m² required, 331m² provided), a deficiency of 19m² per lot representing a 5.43% variation to the average lot size.

In considering site area variations to the average lot size only, Clause 3.2.3 of the WAPC's Development Control Policy 2.2 'Residential Subdivision' (DC 2.2) requires that:

- All lots in the subdivision meet the minimum lot size requirements;
- The variation reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-Codes; and

- The applicant has provided information that demonstrates the variation will have a beneficial outcome for the community, or the WAPC forms the opinion that it will have a beneficial outcome for the community.

In this instance the proposal meets the necessary criteria for a variation to the average lot size requirement apart from the requirement that the variation be no more than 5%, as in this case the required variation is 5.43%.

MERIT OF PROPOSAL:

It is considered that the proposal can be supported for the following reasons:

- The minimum lot size of 300m² is satisfied;
- The proposal is consistent with the general intent of the local planning scheme;
- The proposal will assist with using residential land to its best advantage by enabling additional lots to be created;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- The proposal will provide a wider choice of residential lot sizes in the locality;
- The proposal will facilitate the development of lots with separate and sufficient street frontage to more than one public street; and
- This small infill proposal will contribute towards the dwelling targets of the *Central Metropolitan Sub-regional Strategy and Directions 2031* which call for an additional 8,500 dwellings within the Bayswater municipality by 2031.

CONCLUSION:

The application meets the minimum lot size requirements set out in WAPC policy. The variation to the average lot size required is minor in nature. Conditional approval is recommended.

ITEM NO: 9.5

Proposed Subdivision – Lot 343 Guildford Road, Bayswater

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Metropolitan Central, Perth and Peel Planning
AUTHORISING OFFICER:	Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	1615-13
DATE:	10 June 2014
ATTACHMENT(S):	Attachment 1: Plan of Subdivision Attachment 2: Location Plan and LGA Zoning
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Bayswater
LOCAL SCHEME ZONING:	Medium and High Density Residential R17.5/R30
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	19 December 2013
PROCESS DAYS:	160
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 343 Guildford Road, Bayswater

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 343 Guildford Road, Bayswater as shown on the plan date stamped 19 December 2013 subject to the following conditions and advice:

CONDITIONS:

- 1. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been***

inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

- 2. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on proposed lot 1 at the time of subdivision approval being demolished and materials removed from the lot. (Local Government)***
- 3. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's DC 1.7 General Road Planning.(Local Government)***
- 4. A 0.99m wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the southern boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the Survey-Strata Plan and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)***
- 5. 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).***
- 6 The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)***
- 7. 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)***
- 8. All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)***
- 9. Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Guildford Road being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of [Main Roads WA, in accordance with the plan dated 19 December 2013 (attached) and the covenant is to specify:

"No vehicular access is permitted from Guildford Road." (Main Roads WA)***
- 10. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an electricity supply to the survey- strata lots shown on the approved plan of subdivision, which may include the provision of***

necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)

- 11. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***
- 12. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation).***
- 13. 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)***

ADVICE:

- 1. In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.***
- 2. In regard to Condition 8, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.***
- 3. Main Roads Western Australia advises the landowner/application with regard to the Guildford Road road reserve:***
 - a) no earthworks are to encroach onto the road reserve;***
 - b) no stormwater drainage is to be discharged onto the road reserve; and***
 - c) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.***
- 4. In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.***
- 5. In regard to Conditions 11, 12 and 13, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.***

SUMMARY:

The application proposes the subdivision of a 572m² lot to create two residential lots of 250m² and 322m². There is an existing dwelling on proposed lot 2 which is to be retained.

The proposed subdivision does not satisfy the minimum and average lot sizes required for the creation of lots in the R30 density coding as specified by Table 1 of the R-Codes, resulting in variations of 3.85% and 4.67% respectively. However, these variations satisfy the provisions of the WAPC's Development Control Policy 2.2 'Residential Subdivision' (DC 2.2) and can be supported on that basis.

The application is presented to the SPC due to objections raised by Main Roads Western Australia (MRWA) relative to vehicular access. The application seeks to provide vehicular access to proposed lot 1 from the ROW, however vehicular access to proposed lot 2 is to be obtained from the secondary street (Milne Street) where there is an existing crossover. MRWA advises that it will only support applications proposing vehicular access to both lots from the ROW.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
Number and / or Name: State Planning Policy 3.1 – *Residential Design Codes*
Development Control Policy 2.2 – *Residential Subdivision*

INTRODUCTION:

The application proposes the subdivision of a 572m² lot to create two residential lots of 250m² and 322m². There is an existing dwelling on proposed Lot 2 which is to be retained (**Attachment 1 – Plan of Subdivision**).

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Medium and High Density Residential R17.5/R30' under the City of Bayswater District Town Planning Scheme No. 24 (TPS 24) (**Attachment 2 – Location Plan**).

The subject land is affected by a Metropolitan Region Scheme Primary Regional Road reservation as depicted on the MRS Form 5 Scheme Certificate obtained by the landowner on 16 December 2013 (**Attachment 3**).

CONSULTATION:

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

"The proposed subdivision and associated Metropolitan Region Scheme Primary Regional Road Reservation will result in the creation of lots that do not comply with the minimum and average lot area requirement for properties coded Medium and High Density Residential R30 under the City of Bayswater Town Planning Scheme No. 24 and the Residential Design Codes 2013."

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

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

Main Roads Western Australia (MRWA) does not support the proposal for the following reason:

"Main Roads does not support the proposed survey strata subdivision as presented. Main Roads would be supportive of a revised plan of subdivision that provides access to both of the proposed lots from the Right of Way (ROW) at the rear of the property."

Main Roads have included recommended conditions to be imposed upon receipt of a revised plan of subdivision.

All recommended conditions have been assessed and where considered fair, reasonable and relevant, they should be imposed.

PLANNING ASSESSMENT:

Residential Design Codes

One lot within the application area does not comply with the minimum (260m² required, 250m² provided) site area requirements of the Residential Design Codes 2013 (R-Codes) for the R30 density coding, resulting in a 3.85% variation. Additionally, the proposal does not comply with the average (300m² required, 286m² provided) site area requirements of the R-Codes, resulting in a 4.67% variation.

In considering variations to the minimum lot size requirements, Clause 3.2.3 of the WAPC's Development Control Policy 2.2 'Residential Subdivision' (DC 2.2) requires that:

- a) the minimum lot size variation only applies to one lot in the subdivision;
- b) the variation reduced the area of that one lot by no more than 5% of the minimum area specified in Table 1 or elsewhere in the R-Codes;
- c) the variation in the area of that one lot reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-codes; and

- d) the variation has been demonstrated by the applicant to have a particular beneficial outcome for the community, or the Commission forms the opinion that it will have a particular beneficial outcome for the community (in accordance with Clause 5.1.1 of the R-Codes).

In this instance, the proposal meets the necessary criteria for a variation to the minimum and average lot size requirements and can be supported on that basis.

Access

The subject land abuts a rear Right-of-Way (ROW) which is identified as ROW ID 10 in the City of Bayswater Rights of Way Study 2007 (the Study). The Study describes the ROW as being owned by the City of Bayswater, bitumen paved, drained, having development potential and being 4.67m wide. It is noted that measurements taken in PlanView GIS indicate that the ROW is, in fact, 4.02m wide.

Access to proposed lot 1 is via the rear ROW and access to proposed lot 2 is to be obtained from Milne Street, where there is an existing crossover. Main Roads WA have advised that they do not support any future access from Milne Street and will only support an application that proposes access to both lots from the rear ROW. This objection is due to MRWA's proposed *'Guildford Road Land Protection Plan (Belgrave Street to Vicinity of Roberts Street)* - Drawing number 2011-320-068 (**Attachment 4**) - which proposes to incorporate the portion of Milne Street directly abutting the subject lot into the MRS road reserve. This will have the effect of blocking vehicular access to the lot from Milne Street.

The proposed Guildford Road land protection plan aims to facilitate the upgrading of Guildford Road to cater for future traffic volumes and maintain the integrity of the regional road system. The plan was endorsed by the WAPC's Infrastructure Coordinating Committee (ICC) in 2011 and the ICC undertook to commence actions to initiate an MRS amendment based on the preferred concept plan and reservation. No evidence has been found to indicate that such actions have been undertaken to date.

Additionally, the applicant undertook appropriate due diligence by obtaining a Clause 42 certificate in December 2013 from the WAPC. This certificate depicted only the existing MRS road reserve and did not include the extension of the road reserve proposed by the *'Guildford Road Land Protection Plan (Belgrave Street to Vicinity of Roberts Street)* and the applicant was not made aware of the proposal. Accordingly, there is no statutory basis upon which to refuse the application.

Vehicular access to both lots from the ROW could be obtained by reconfiguring the subdivision to a side-by-side configuration, however, this would necessitate the demolition of the existing dwelling, and is not supported on that basis.

MERIT OF PROPOSAL:

It is considered that the proposal can be supported for the following reasons:

- The proposal is consistent with the general intent of the local planning scheme;
- The proposal will use residential land to its best advantage by enabling additional lots to be created;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- The retention of the existing dwelling ensures the proposed lots are being developed in accordance with the character of surrounding development;
- The proposal will provide a wider choice of residential lot sizes in the locality; and
- This small infill proposal will contribute towards the dwelling targets of the *Central Metropolitan Sub-regional Strategy and Directions 2031* which call for an additional 8,500 dwellings within the Bayswater municipality by 2031.

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

CONCLUSION:

There is no basis upon which to refuse the application. The objections raised by MRWA are considered premature given that the proposed extension to the Primary Regional Road reserve has not been formalised in the Metropolitan Region Scheme. The subject application if approved will not create additional vehicular access points, but rather utilise existing access points to facilitate infill development.

Having regard to the circumstances which apply to the proposed subdivision, conditional approval is recommended.