



## Statutory Planning Committee

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

**Tuesday 24 June 2014  
9.00 am**

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



**Tim Hillyard  
WAPC Secretary**

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Please convey apologies to Luke Downes on 6551 9549 or email  
[luke.downes@planning.wa.gov.au](mailto: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 Ms Jane Bennett – CLE Town Planning and Design – item 9.1
  - 6.2 Mr Ben Harvey – Department of Planning – Review of SPP 1 Policy Framework
7. **Announcements by the Chairperson of the board and communication from the WAPC**
8. **Confirmation of minutes – 10 June 2014**
  - 8.2 Ratification of Out of Session decision – Approval to Commence Development for a Full Bore Rifle Range, Clubroom and Associated Facilities – Lot 5607, Neaves Road, Pinjar
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 – 26 August 2014

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Minutes  
of ordinary meeting 7503  
held on Tuesday, 10 June 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 Elizabeth Taylor	Community representative

#### Officers

Ms Natalie Cox	Planning Manager; Perth and Peel Planning
Ms Kym Petani	Director; Metro North West / Acting Director; Metro North East Perth and Peel Planning
Mr Mat Selby	Planning Director; Metropolitan Central
Mr Craig Shepherd	Planning Manager; Perth and Peel Planning
Mr Alex Watson	Senior Planning Officer; Schemes, Strategies and Amendments
Mr Peter Wright	Senior Planning Officer; Regional Planning and Strategy

#### Presenters

Mr Nick Allingame	Landowner (item 6.1)
Mr Tanye Evershed	Planning Solutions (item 6.1)

#### Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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### 7503.1 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.

### 7503.2 Apologies

Ms Gail McGowan	Director General, Department of Planning
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### 7503.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

### 7503.4 Disclosure of Interests

Nil.

### 7503.5 Declaration of Due Consideration

No declarations were made.

### 7503.6 Deputations and Presentations

#### 7503.6.1 Proposed Two Storey Dwelling - Lot 235 Fauntleroy Avenue, Ascot

Presenter Mr Tanye Evershed, Planning Solutions

Mr Evershed provided a presentation to the Committee in support of the officer's recommendation.

### 7503.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman wished to thank Mr Holloway for his support at the Australian Institute of Conveyancers which took place on 7 June 2014.

### 7503.8 Confirmation of Minutes

#### 7503.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 27 May 2014

**Resolved**

***Moved by Ms Bartle, seconded by Ms Taylor***

- 1. To amend the minutes in relation to item 7502.11.1 to replace the wording "R40 code" to "5m lots" and "discussion with Urban Development Institute of Australia regarding a move down to 5m lots" to "application of multi units codes";*

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2. *That the minutes of the Statutory Planning Committee meeting held on Tuesday, 27 May 2014 as amended, be confirmed as a true and correct record of the proceedings.*

***The motion was put and carried.***

Members agreed to endorse, en-bloc, all the recommendation associated with Items 7503.9.1, 7503.9.2, 7503.9.4 and 7503.10.3, 7503.10.4.

**Resolved**

***Moved by Ms Taylor, seconded by Ms Bartle***

That the Statutory Planning Committee resolved to endorse, en-bloc, all the recommendation associated with Items 7503.9.1, 7503.9.2, 7503.9.4 and 7503.10, 7503.10.4.

***The motion was put and carried.***

### **7503.9 Reports**

#### **7503.9.1**

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

File 21-50065-32  
Report Number SPC/661  
Agenda Part G  
Reporting Officer Senior Planning Officer, Metropolitan North West

**Resolved**

***Moved by Ms Taylor, seconded by Ms Bartle***

*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;*

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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; and*
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*

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*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; and*

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7. *Any site contamination encountered during site works, shall be reported accordingly to the Department of Environment and Regulation.*

***The motion was put and carried.***

7503.9.2

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

File 30-1914-18  
Report Number SPC/662  
Agenda Part G  
Reporting Officer Planning Officer, Metro Planning North West

#### **Resolved**

***Moved by Ms Taylor, seconded by Ms Bartle***

*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.*

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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. *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.*
7. *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.*

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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. *The applicant is advised that prior to the commencement of development works, the portion of the Higgins Road Reserve within the development application area is required to be permanently closed and the land amalgamated with the adjoining Crown Reserve. The applicant shall liaise with the Department of Parks and Wildlife and the City of Wanneroo in this regard.*

***The motion was put and carried.***

7503.9.3

### **Proposed Two Storey Dwelling - Lot 235 Fauntleroy Avenue, Ascot**

File 15-50109-1  
Report Number SPC/663  
Agenda Part G  
Reporting Officer Senior Planner, Metropolitan Central

Members agreed to amend the recommendation to refer the matter to the Minister for Planning and to include an advice note that the Commission has been unable to obtain a direct response from the Swan River Trust Board.

Members also agreed to amend conditions 3 and 4 contained within the report.

### **Officer's Recommendation**

That the Western Australian Planning Commission resolves to:

1. ask the Swan River Trust Board to reconsider its position; and
2. 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.

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### Resolved

#### ***Moved by Mr Clifford, seconded by Mr Holloway***

*That the Western Australian Planning Commission resolves to:*

1. *refer this matter to the Minister for Planning for consideration and advice as the WAPC decision was reached without the Swan River Trust Boards advice on the development at Lot 235 (No. 71) Fauntleroy Avenue, Ascot; and*
2. *amend the conditions contained within the report as follows:*
  - a. *Condition 3 (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. This is to ensure the improvements to the land will not prejudice the timely transfer to the Crown in the future.”*
  - b. *Condition 4 – “All stormwater from all roofed and paved areas shall be collected and disposed of to the specification of the City of Belmont and the satisfaction of the Western Australian Planning Commission.”*

*Advice:*

1. *The Minister for Planning be advised that the application had not been considered by the Swan River Trust Board and that their decision may be sought by the Minister if he deems desirable.*

***The motion was put and carried.***

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7503.9.4

### Proposed Subdivision – Lot 520 Crowther Road, Bayswater

File 244-14  
Report Number SPC/664  
Agenda Part G  
Reporting Officer Planning Officer, Metropolitan Central, Perth and Peel Planning

### Resolved

#### ***Moved by Ms Taylor, seconded by Ms Bartle***

*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*

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*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*

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*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); and*
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; and*
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*

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*Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

***The motion was put and carried.***

**7503.9.5**

**Proposed Subdivision – Lot 343 Guildford Road, Bayswater**

File 1615-13  
Report Number SPC/665  
Agenda Part G  
Reporting Officer Planning Officer, Metropolitan Central, Perth and Peel Planning

**Resolved**

***Moved by Ms Taylor, seconded by Ms Bartle***

*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*

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- 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);*

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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); and
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)

## Statutory Planning Committee

Minutes  
of ordinary meeting 7503  
held on Tuesday, 10 June 2014

### ADVICE:

1. *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;*
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; and*
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.*

***The motion was put and carried.***

## Statutory Planning Committee

Minutes  
of ordinary meeting 7503  
held on Tuesday, 10 June 2014

### 7503.10 Confidential Items

**7503.10.1 City of Stirling - Local Planning Scheme Amendment No. 27 - for Final Approval**

File TPS/1050  
Report Number SPC/666  
Agenda Part B  
Reporting Officer Senior Planning Officer, Schemes, Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL**

**7503.10.2 City of Fremantle - Local Planning Scheme Amendment No. 59 - for Final Approval**

File TPS/1119  
Report Number SPC/667  
Agenda Part B  
Reporting Officer Senior Planning Officer, Schemes, Strategies and Amendments

**THIS ITEM IS CONFIDENTIAL**

**7503.10.3 Reconsideration of Subdivision - Lot 51 Panmure Road, York**

File S148659  
Report Number SPC/668  
Agenda Part H  
Reporting Officer Manager Statutory Planning - Wheatbelt Region

**THIS ITEM IS CONFIDENTIAL**

**7503.10.4 Shire of Dumbleyung – Consolidation of Local Planning Scheme No. 2 - Consent to Advertise**

File 853/05/08/0001  
Report Number SPC/669  
Agenda Part E  
Reporting Officer Planning Manager, Wheatbelt Region

**THIS ITEM IS CONFIDENTIAL**

### 7503.11 General Business

Nil.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7503  
held on Tuesday, 10 June 2014

### 7503.12 Items for Consideration at a Future Meeting

Ms Burrows raised that two items will be discussed at the upcoming 24 June 2014 meeting.

### 7503.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 24 June 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.49 am.

**PRESIDING MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_

# INDEX OF REPORTS

<b>Item</b>	<b>Description</b>
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<b>10</b>	<b>CONFIDENTIAL REPORTS</b>
	<b>B LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS</b>
10.1	City of Stirling – Local Planning Scheme Amendment No. 27 – for Final Approval

## ITEM NO: 9.1

### North Alkimos Local Structure Plan No.73 - Mixed Use Zoning and Built form Provisions

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager, Metro Planning North West  
AUTHORISING OFFICER: Director, Metro Planning North West  
AGENDA PART: C  
FILE NO: SPN/0012  
DATE: 28 November 2013  
ATTACHMENT(S): Attachment 1: LSP 73  
Attachment 2: SCA Overlay  
Attachment 3: Mixed Walk Up Plan  
Attachment 4: Cottage Business Plan  
Attachment 5: SCA Provisions  
Attachment 6: Alkimos Drive South  
Attachment 7: Alkimos Activity Centre  
Attachment 8: Alkimos Eglinton DSP  
REGION SCHEME ZONING: Urban, Abuts Railways Reservation, Abuts Primary Regional Roads Reservation.  
LOCAL GOVERNMENT: City of Wanneroo  
LOCAL SCHEME ZONING: Urban Development  
LGA RECOMMENDATION(S): Adoption and Certification  
REGION DESCRIPTOR: Perth Metro North West  
RECEIPT DATE: 5 May 2014  
PROCESS DAYS:  
APPLICATION TYPE: Local Structure Plan  
CADASTRAL REFERENCE: Alkimos

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to:***

1. ***Advise the applicant that it is prepared to delete Modification 38(i) subject to Local Structure Plan 73 being modified to insert a Special Control Area over the proposed Mixed Use zone (in its entirety) and additional statutory provisions being included to:-***
  - i) ***ensure that subdivision within the Special Control Area creates lots of a size which are capable of accommodating the "Mixed Use Walk***

***Up" product adjacent to distributor roads, high employment generators and the future service commercial area to the north; and***

- ii) require that the buildings on these lots be developed in accordance with the Building Code of Australia's commercial construction standards; and***

**2. advise the City of Wanneroo accordingly.**

**SUMMARY:**

The North Alkimos Local Structure Plan No. 73 (LSP) was adopted by the Western Australian Planning Commission (WAPC) on 10 November 2009 subject to modifications. This report relates to a request from the applicant for the deletion of Modification 38(i) which requires the inclusion of the Transit Precinct within a Centre zone.

The applicant has, in support of their request, submitted a concept which seeks to facilitate transitioning of land uses and adaptation of built form over time, as demand for commercial activities increases, supported by a statutory framework. The proposal is innovative and provides for sustainable and efficient transitioning of land uses.

It is recommended that the proposal be supported subject to the framework being extended to include all the land within the proposed mixed use precinct and the inclusion of further controls in relation to subdivision and commercial construction standards.

**BACKGROUND:**

Modification 38(i) of the WAPC's resolution to adopt the LSP states as follows:

*"Local Structure Plan needs to include the transit activity centre and the coastal activity centre into the 'centre' zone to ensure that a detailed structure plan is prepared for these areas."*

In certifying the LSP, the City resolved to accept the Mixed Use and Business zonings of the Transit Precinct, contrary to the WAPC's Modification 38(i). This issue has not been resolved and consequently, on 11 November 2013, the proponent submitted a formal request to the WAPC seeking the withdrawal of Modification 38(i) from its Schedule of Modifications.

On 10 December 2013, the WAPC's Statutory Planning Committee considered the adoption of the LSP and the proponent's request relating to Modification 38(i) and resolved as follows:

- 1. to defer consideration on Modification 38(i) until a meeting be held between the WAPC Chairman, Department of Planning and the CEO of the City of Wanneroo;***
- 2. pursuant to Part 9 of the City of Wanneroo District Planning Scheme No. 2 defer the adoption and certification of the North Alkimos Local Structure Plan***

*No. 73, until such time as the City has forwarded the requisite copies of the Local Structure Plan that have been satisfactorily modified to incorporate the Western Australian Planning Commission's modifications that have been agreed by Council and with officers of the Department of Planning;*

3. *advise the proponent that the Commission would be prepared to consider subdivision of the land to create the lots accommodating the proposed aged care facility and school site, prior to an endorsed structure plan, pursuant to Clause 9.11.2 of the City of Wanneroo District Planning Scheme No. 2;*
4. *advise the City of Wanneroo accordingly.*

On 5 February 2014 a meeting was held between representatives of the SPC and the City, at which it was agreed that there is a need to focus on planning mechanisms which will ensure the protection of strategic employment areas from subdivision and development forms, that could prejudice future employment opportunities. In particular, these mechanisms should co-ordinate land use permissibility's, densities and employment types and ensure that the physical barriers associated with employment land, including road and rail crossings, are appropriately planned for and support employment generating activity.

In the absence of any statutory mechanisms to protect employment generating activity the SPC, on 11 March 2014, resolved to re-affirm the need to retain Modification 38(i).

The proponent has submitted a revised concept and requested the SPC's reconsideration of its previous resolution. The revised concept seeks to facilitate, through a statutory framework, transitioning of land uses and adaptation of built form over time, as demand for commercial activities increases. Senior officer level support from the City of Wanneroo has been received.

#### **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** *Planning and Development Act 2005*  
Section: Part 5 Local Planning Schemes

**Strategic Plan**  
Strategic Goal: Planning  
Outcomes: Effective Delivery of Integrated Plans  
Strategies: Develop integrated infrastructure and land use plans for the State

**Policy**  
Number and / or Name: Liveable Neighbourhoods

#### **DETAILS:**

The revised concept proposes the introduction of a Special Control Area (SCA) over a portion of the proposed Mixed Use Zone (**Attachment 2**). The SCA would introduce built form and urban design controls to facilitate and promote commercial development. These include:

- Nil street setbacks;
- Nil side setbacks for contiguous built frontage to the street;
- Awnings provided where possible for pedestrian shelter;
- Designated room at the front of buildings with direct street access and glazing to allow adaptable use;
- Parking for non-residential land uses;
- Increased site cover and plot ratio;
- Integrated signage for adaptable use.

## **GOVERNMENT AND CORPORATE IMPLICATIONS:**

One of the critical challenges facing the Metropolitan North West sub-region is the need to increase employment self-sufficiency levels, particularly as the sub-region is projected to experience continued strong population growth. There is a need to focus on planning mechanisms which will ensure the protection of strategic employment areas from subdivision and development that could prejudice future employment opportunities and compromise the delivery of future employment within the sub-region.

## **CONSULTATION:**

The City undertook formal advertising of the LSP in accordance with Part 9 of its Scheme prior to its previous adoption by the WAPC in 2009. Subsequent to the WAPC receiving the modified LSP, Departmental officers have been undertaking detailed discussions with the proponents and officers of the City regarding a number of concerns raised in regard to the additional modifications included within the LSP along with the zoning of the Transit Precinct. Modification 38(i) remains the only outstanding modification requiring resolution.

## **OFFICER'S COMMENTS:**

### **Proponent's Submission**

The proponents strategy proposes the development of a mixed use business precinct, designed around the principle of a flexible floor plan that can cater for a range of business and commercial uses over its life cycle.

The built form product, which will involve some initial build out, is proposed to be flexible and adaptable internally and capable of delivering commercial floorspace ranging from between 20m<sup>2</sup> - 170m<sup>2</sup> each either as standalone buildings, in either a mixed use arrangement or as a purely commercial building.

The stage 1 built form options include:-

1. Mixed Use Walk Up (**Attachment 3**) comprising:-
  - i) four standalone buildings on a 30m x40m block with dual frontage
  - ii) commercial floorspace ranging from 27m<sup>2</sup> -172m<sup>2</sup> (per building) up to 1376m<sup>2</sup> per development
  - iii) flexible and adaptable floorspace

- Two storey mixed use (commercial and residential ground floor, residential above)
  - Two storey mixed use (commercial ground floor, residential above)
  - Two storey commercial
- iv) activated commercial street frontage via awnings, glazing, integrated signage and access
  - v) separate access points for residential/commercial uses
  - vi) shared vehicle access for improved streetscape
  - vii) design options to provide vehicle access from one or both frontages
  - viii) parking contained mid-block and screened from the street
  - ix) flexible parking space for additional on-site parking.

2. Cottage Business (**Attachment 4**) comprising:-

- i) standalone building on a 7.5m x 30m green title lot
- ii) commercial floorspace ranging from 20m<sup>2</sup> to 170m<sup>2</sup>
- iii) flexible and adaptable floorspace
  - single storey mixed use
  - single storey commercial
  - two storey mixed use (commercial ground floor, residential above)
- iv) activated commercial street front via awnings, glazing, integrated signage and access
- v) separate entry points for residential/commercial uses
- vi) parking at rear with flexible space for additional on-site parking

The development modules have been designed to be capable of delivering a range of built form outcomes e.g. single commercial lot of 1200m<sup>2</sup>, several amalgamated lots of 2400m<sup>2</sup> or subdivided to allow 4 adaptable/flexible single or two storey buildings.

It is proposed that this concept be supported by the introduction of a Special Control Area and specific provisions within the LSP 73, requiring that a Detailed Area Plan (DAP) be lodged concurrent with a subdivision application (**Attachment 5**). The DAP is to address specific built form elements including:-

- Nil street setbacks to encourage interaction with the public realm;
- Boundary to boundary development to present a continuous built frontage to the street;
- Awnings to the street for pedestrian shelter;
- A designated space with direct access to the street and appropriate glazing to support adaptive reuse;
- Parking to ensure areas are appropriately located and reciprocal opportunities are maximised;
- Site cover and plot ratio to make best use of available floor space in a mixed use environment, whilst providing appropriate outdoor living areas; and
- Integrated signage to facilitate adaptive reuse of spaces.

The applicant asserts that a Centre zone as originally required by Modification 38(i) adds another layer of unnecessary planning, resulting in time and cost delays without having a net positive impact on the land use and job creation outcome. Additionally,

the applicant contends that the product being proposed creates a niche employment opportunity within the corridor which will not compete with the Alkimos and Eglinton centres, potentially delivering 200 to 400 jobs in the short term.

## **Assessment**

### **Strategic Overview**

The estimated resident population in the North-West subregion is approximately 314,000 residents. The sub-region has been one of the fastest growing regions in the country for the past five to ten years and is the most populous of all the outer sub-regions in the metropolitan region. This growth is expected to continue and it is estimated that the sub-region will have a total population of approximately 466,500 people by 2026, representing a growth of more than 150,000 people in 14 years.

Employment self-sufficiency in the sub-region is currently 41%. In order to achieve the Directions 2031 target of 60% an estimated 131,000 to 157,000 jobs will need to be provided over the next 25 years. Activity Centres and other employment generating nodes will play a major role in achieving not only increased levels of employment self-sufficiency but also employment diversity.

In view of this, it is likely that demand for activity centre space is likely to approach, if not, exceed realistic supply. Identified new and emerging centres will be required to come online in the near future to meet demand or additional areas may be required to deliver growth needs.

The adjoining Alkimos Secondary Centre is forecasted to provide around 16,000 jobs and the Yanchep Two Rocks District Structure Plan around 55,000 jobs at ultimate development, representing only 44% of the estimated number of jobs required. It is critical therefore that robust frameworks be developed which will ensure the protection of employment generating land within activity centres and activity corridors.

In this respect, it has been noted that there is an increasing trend to subdivide and develop land, identified in local structure plans as Mixed Use and Commercial, for residential purposes. More recent examples include approximately 12 hectares of land adjoining the south side of Alkimos Drive and approximately 37 hectares adjacent to the Alkimos Activity Centre Structure Plan (**Attachments 6 and 7**). On an incremental and accumulative basis, this has the ability to significantly compromise the delivery of future employment within the sub-region.

### **District Structure Plan**

The Transit Precinct proposed as part of this LSP forms part of a broader (89 hectare) 'Service Commercial' area under the Alkimos-Eglinton DSP (**Attachment 8**). This 'Service Commercial' area extends between the future planned Eglinton District Centre to the north and towards Alkimos Secondary Centre to the south and is one of only two 'Service Commercial' areas in the entire DSP area. The 'Service Commercial' area in which the Transit Precinct is located, is one of the most accessible and strategic locations in the DSP area and is bounded by the Mitchell Freeway road reserve to the east, the northern suburbs railway reserve to the west

and roads reserved as 'Other Regional Roads' under the Metropolitan Region Scheme to the north and south.

The DSP includes the following relevant objectives and strategies:

- O 2 *To enable the development of Activity Corridors between Activity Centres, which foster employment opportunities and support the development of the public transport network.*
- O 3 *To aim for a minimum of 60% employment self-sufficiency within the DSP area...*
- O 4 *To create a robust urban framework within and around Activity Centres, which enhances opportunity for community and economic activity to generate locally based employment at active focal points.*
- S 2 *LSP's to incorporate appropriate sites for employment nodes and corridors, in locations generally as depicted on the DSP Map 1.*

In addition, Part 2 of the DSP recognises these 'Service Commercial' areas as major employment generating areas:

*"The DSP provides for substantial service commercial areas in association with the Secondary and District Centres. These commercial areas will incorporate uses such as Business and Research Parks, service commercial and service industrial uses which meet the needs of larger retail outlets, showrooms, retail warehouses, light industrial and service industries. These areas, which provide for essential localised employment opportunities, have been strategically located between the freeway and the railway, in order that they have maximum accessibility and are near truck routes..."*

The Economic Employment Strategy prepared as part of the DSP, identifies that the overall 'Service Commercial' Activity Corridor in which the Transit Precinct is situated (which is estimated to comprise a floorspace of 238,196m<sup>2</sup>), could contribute approximately 4,200 jobs, representing approximately 28% of the jobs within the DSP area. This 'Service Commercial' Activity Corridor will, therefore, have a significant role in contributing to local employment within Alkimos-Eglinton.

The DSP identifies a Mixed Use Precinct, generally consistent with the proposed Mixed Use zone put forward by the applicant, in which there may be opportunities for business, commercial and mixed use development.

#### Inclusion of the Transit Precinct within the 'Centre Zone'

The City's District Planning Scheme No. 2 (DPS No. 2) does not include a specific 'Service Commercial Zone' to reflect the land use allocation under the Alkimos Eglinton DSP, however, clause 3.13.1 of the Scheme identifies the 'Centre Zone' and states:

*"The Centre Zone is intended to accommodate existing and proposed business centres or other planning precincts where the Council considers that an Agreed Structure Plan is necessary to provide for the co-ordinated planning and development of these centres. The centres may range in size from small neighbourhood centres to large multi-purpose regional centres"*

The inclusion of the Transit Precinct within the 'Centre Zone' would therefore require a separate local structure plan to be prepared under the City's Scheme. The remainder of the 'Service Commercial' Activity Corridor (except for a portion subject to the Eglinton LSP No. 82), is currently not subject to any WAPC adopted local structure plan.

The inclusion of the Transit Precinct within the 'Centre Zone' was intended to ensure that the Activity Corridor's contribution to local employment generation within the DSP area was not compromised. In this respect, it was to include suitable monitoring and review provisions in a specifically prepared structure plan to ensure that development within the Activity Corridor occurs in line with the employment self-sufficiency targets of the DSP.

DPS No. 2 does not include a requirement for structure planning in respect of either the 'Mixed Use' or 'Business' zones. As no further detailed structure planning will occur under these zonings, a concern exists that there will be un-coordinated planning of the Activity Corridor, resulting in a lost opportunity to optimise employment generation.

#### Other

The applicant contends that the 'Mixed Use' zone will allow for transition from residential uses in the short to medium term to potentially employment generating commercial uses in the longer term as demand grows and land values increase through a proposed LSP provision requiring the preparation of detailed area plans.

The proposed statutory provisions are limited to built form provisions e.g. awnings, glazing, setbacks etc. While the approach is innovative and should be encouraged the proposed LSP provisions apply to only a limited area and do not address the full range of matters required to successfully deliver this form of development.

The SCA only overlays part of the Mixed Use zone. Under the City's Scheme, a 'Single House' is a 'D' (discretionary) use within the mixed use zone and there is no mechanism to otherwise limit the proportion or form of residential development. The concept plan submitted by the applicant (**Attachment 2**) suggests a traditional residential subdivision pattern over this balance area. It is suggested that the SCA be extended over the Mixed Use Zone in its entirety.

The proposed statutory provisions do not include provisions requiring the creation of appropriately sized and located sites to accommodate the proposed building typologies. Provisions specifying the provision and identifying locational criteria for the larger 1200m<sup>2</sup> -2400m<sup>2</sup> lots, accommodating the "Mixed Use Walk Up" product, are recommended. Ideally these lots would be located along distributor roads, adjacent to other high employment generators such as the high care facility and as an interface to the future service commercial areas to the north.

Land tenure has been identified as one of the issues impeding the transitioning of land uses in existing activity centres. Typically mixed use developments are strata titled. However, the management arrangements prescribed under the *Strata Titles*

*Act 1985* do not readily facilitate the transitioning of land use. Landgate is currently proposing a number of strata title reforms to address, *inter alia*, these issues.

The applicant has advised that there is a very small market for the single 1200m<sup>2</sup> lots. It is intended to market these lots with the option to purchase a single 1200m<sup>2</sup> development site, or several buildings and/or strata lots. The applicant is concerned that if there is no potential for further strata subdivision it may be difficult to get this new building typology off the ground. In view of future strata title reform proposals, a provision prohibiting strata subdivision of the lots is not recommended.

The BCA classifies buildings based on the need to comply with various aspects of the BCA such as fire separation, ventilation, energy efficiency etc. Notably residential and commercial uses have different building classifications and standards. While the conversion of residential uses to commercial uses is achievable, given that it is intended that the buildings will be purpose built to allow their future adaptation for commercial purposes, it would be beneficial to include a provision requiring that the building be constructed to commercial standards. This would avoid the need for the building be retrofitted, at additional cost, at a later stage. The applicant is not supportive of this approach.

## **CONCLUSION:**

It is acknowledged that the DSP identifies the land as suitable for mixed use. Originally, the designation of the land for mixed use sought to optimise development opportunities around a proposed future train station. This train station is no longer required but the designation of the land under the DSP remains.

There is a strategic longer term need to protect employment generating land from the emerging trend to subdivide these areas for residential purposes. The proposal is innovative and seeks to introduce mechanisms which provide for adaptive built form which facilitates the sustainable and efficient transitioning of land uses over time.

In terms of the proposed Business zone, it is conceded that in view of the SPC's previous support of the private school in the proposed Business zone, the inclusion of this land in a separate structure plan would have little merit.

Accordingly, it is recommended that the proposal be supported subject to the framework being extended to include all the land within the proposed mixed use precinct and the inclusion of further controls in relation to subdivision and commercial construction standards.