



Statutory Planning Committee

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

**Tuesday 22 July 2014
9.00 am**

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



**Tim Hillyard
WAPC Secretary**

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

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	04/11/2016
Ms Gail McGowan	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Martin CLIFFORD	Nominee of the Regional Minister Schedule 2 clause 4(3)	14/10/2015
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	05/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	05/11/2014
Vacant	Local government representative Schedule 2 clause 4(2)(f)	
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	05/11/2014
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	05/11/2014

Quorum: 4

In accordance with the Western Australian Planning Commission (WAPC) Standing Orders 2009, 3.7 - Quorum for meetings:

(2) A quorum for a meeting of a committee is at least 50% of the number of offices (whether vacant or not) of members of the committee.

Role:

The Statutory Planning Committee is one of four committees set up by the WAPC on 1 March 1995 upon proclamation of the *Planning Legislation Amendment Act (No. 2) 1994*.

Schedule 2(4)(4) of the *Planning and Development Act 2005*

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Delegated Authority (Del 2009/05)

Planning and Development Act 2005 Section 16(1)

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
 - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) *Strata Titles General Regulations 1996*;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.

- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
- (i) Part 5 of the Act;
 - (ii) *Town Planning Regulations 1967*
- as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes – 8 July 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 – 12 August 2014
 - Policy meeting – 26 August 2014

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of ordinary meeting 7505
held on Tuesday, 8 July 2014

Attendance

Members

Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Ian Holloway	Professions representative
Ms Gail McGowan	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative (Presiding Member)

Officers

Ms Sally Grebe	Acting Manger; Planning Appeals
Ms Cate Gustavsson	Principal Planning Officer, Kimberley; Regional Planning and Strategy
Ms Kym Petani	Director Metro North West / Acting Director Metro North East; Perth and Peel Planning
Mr Mat Selby	Planning Director, Metropolitan Central; Perth and Peel Planning
Ms Deanne Sheppard	Senior Planner; Northern Region
Mr Nicholas Welch	Senior Planning Officer; Regional Planning and Strategy
Mr Phil Woodward	Director Northern Regions; Regional Planning and Strategy

Presenters

Mr André Schönfeldt	Shire of Broome
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Committee Support

Mr Luke Downes	Committee Support Officer - Department of Planning
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7505.1 Declaration of Opening

Due to the absence of the Presiding Member and in accordance with clause 3.6 of the Standing Orders 2009, a member was chosen to preside over the meeting.

**Mr Holloway nominated Ms Taylor.
Ms Taylor accepted the nomination.**

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Resolved

Moved by Mr Holloway, seconded by Ms Burrows

That Ms Taylor preside over the meeting of the Statutory Planning Committee in the absence of the Presiding Member.

The motion was put and carried.

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.

7505.2 Apologies

Mr Eric Lumsden
Mr Martin Clifford

WAPC Chairman (Presiding Member)
Regional Minister's nominee (Deputy)

7505.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7505.4 Disclosure of Interests

Nil.

7505.5 Declaration of Due Consideration

No declarations were made.

7505.6 Deputations and Presentations

7505.6.1

Broome Local Planning Strategy and Local Planning Scheme No. 6 – for Final Approval

Presenter Mr André Schönfeldt, Shire of Broome

Mr Schönfeldt made a presentation to members of the Committee in support of the recommendation.

7505.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

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7505.8 Confirmation of Minutes

7505.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 24 June 2014

Resolved

Moved by Mr Holloway, seconded by Ms Burrows

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 24 June 2014, 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 recommendations associated with Items 7505.9.4, 7505.10.2, 7505.10.3, 7505.10.4 and 7505.10.5.

Resolved

Moved by Ms Bartle, seconded by Ms McGowan

That the Statutory Planning Committee resolved to endorse, en-bloc, all the recommendations associated with Items 7505.9.2, 7505.10.2, 7505.10.3, 7505.10.4 and 7505.10.5.

The motion was put and carried.

7505.9 Reports

7505.9.1 Development Application For Storage Yard: Lot 23 Great Northern Highway, Middle Swan

File	21-50424-1
Report Number	SPC/672
Agenda Part	G
Reporting Officer	Planning Manager, Metropolitan North-East

Members agreed to add the wording "prior to commencement of the use" in condition 4 which assists in the establishment of a timeframe.

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the development application for a proposed storage

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yard on Lot 23 Great Northern Highway, Middle Swan dated 1 April 2014, subject to the following conditions and advice:

1. This approval relates to the proposed storage yard only as shown on Plan 09-121 date stamped 8 April 2014 and does not include the warehouse and attached storage building;
2. All storage is to be confined to the areas indicated on the approved plans and stacking of any storage is to be limited to 2.5 metres in height from the finished floor level of any hardstand;
3. The premises shall be kept in a neat and tidy condition at all times to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission;
4. A landscaping plan being prepared and implemented and the landscaping thereafter maintained in accordance with the landscape plan to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission;
5. The carparking and vehicle access areas being designed, constructed and thereafter maintained to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission. A minimum of eight (8) parking bays are to be provided;
6. The storage of hydrocarbons and hazardous chemicals shall not occur within the 100 year ARI flood fringe of the river. The storage of any environmentally hazardous material outside the flood fringe shall be done in a completely sealed and watertight containment system;
7. The existing ground levels adjacent to the Great Northern Highway road reserve being maintained;

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8. Apart from that required for the construction of the proposed parking bays no earthworks shall encroach onto the Great Northern Highway road reserve;
9. No stormwater shall be discharged onto the Great Northern Highway road reserve.

ADVICE TO APPLICANT

1. With regard to Condition 4 the landscaping plan is required to incorporate additional screening as indicated on the attached plan;
2. This approval relates to storage yard use only and any retail or wholesale sales from the site will require further approval;
3. Part of the proposed car parking bays encroach within a Primary Regional Road reservation under the Metropolitan Region Scheme. Development within the Primary Regional Road reserve is permitted on the basis that no compensation is sought by the applicant or the applicant's successors in respect of the loss of approved improvements if and when the reserved portion of the land is acquired for any works consistent with the purpose of the reservation.

Resolved

Moved by Ms Bartle, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to approve the development application for a proposed storage yard on Lot 23 Great Northern Highway, Middle Swan dated 1 April 2014, subject to the following conditions and advice:

1. *This approval relates to the proposed storage yard only as shown on Plan 09-121 date stamped 8 April 2014 and does not include the warehouse and attached storage building;*

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2. *All storage is to be confined to the areas indicated on the approved plans and stacking of any storage is to be limited to 2.5 metres in height from the finished floor level of any hardstand;*
3. *The premises shall be kept in a neat and tidy condition at all times to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission;*
4. *A landscaping plan being prepared and implemented prior to commencement of the use and the landscaping thereafter maintained in accordance with the landscape plan to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission;*
5. *The carparking and vehicle access areas being designed, constructed and thereafter maintained to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission. A minimum of eight (8) parking bays are to be provided;*
6. *The storage of hydrocarbons and hazardous chemicals shall not occur within the 100 year ARI flood fringe of the river. The storage of any environmentally hazardous material outside the flood fringe shall be done in a completely sealed and watertight containment system;*
7. *The existing ground levels adjacent to the Great Northern Highway road reserve being maintained;*
8. *Apart from that required for the construction of the proposed parking bays no earthworks shall encroach onto the Great Northern Highway road reserve;*
9. *No stormwater shall be discharged onto the Great Northern Highway road reserve.*

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ADVICE TO APPLICANT

1. *With regard to Condition 4 the landscaping plan is required to incorporate additional screening as indicated on the attached plan;*
2. *This approval relates to storage yard use only and any retail or wholesale sales from the site will require further approval;*
3. *Part of the proposed car parking bays encroach within a Primary Regional Road reservation under the Metropolitan Region Scheme. Development within the Primary Regional Road reserve is permitted on the basis that no compensation is sought by the applicant or the applicant's successors in respect of the loss of approved improvements if and when the reserved portion of the land is acquired for any works consistent with the purpose of the reservation.*

The motion was put and carried.

7505.9.2

Proposed Subdivision – Lot 48 Grigg Place, Hilton

File 149801
Report Number N/A
Agenda Part G
Reporting Officer Planning Officer - Metropolitan Planning Central

This item was withdrawn from the agenda prior to the meeting. Members were informed on 7 July 2014.

7505.9.3

Proposed Subdivision – Lots 1144, 1145 and 1146 Harwood Street, Hilton

File 149802
Report Number N/A
Agenda Part G
Reporting Officer Planning Officer - Metropolitan Planning Central

This item was withdrawn from the agenda prior to the meeting. Members were informed on 7 July 2014.

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7505.9.4

Proposed Extension to Existing Car Park at Bethesda Hospital - Lot 13 (No. 25) Queenslea Drive, Claremont

File 02-50003-2
Report Number SPC/673
Agenda Part G
Reporting Officer Senior Planning Officer - Metropolitan Planning Central

Resolved

Moved by Ms Bartle, seconded by Ms McGowan

That the Statutory Planning Committee in relation to the application for the proposed car park extension at Lot 13 (No. 25) Queenslea Drive, Claremont resolves to:

1. *refer the application to the Minister for Planning in accordance with Clause 30A(7) of the Metropolitan Region Scheme.*
2. *request the Minister for Planning to liaise with the Minister for Environment in relation to the application.*
3. *request the Minister for Planning to form a view on the application and advise the Western Australian Planning Commission to disregard the advice of the Swan River Trust and approve the application subject to the following conditions:*
 1. *The development is to be carried out in accordance with the plans date stamped 22 May 2014 by the Department of Planning on behalf of the Western Australian Planning Commission;*
 2. *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;*

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3. *A reciprocal parking and access agreement between Bethesda Hospital and the Claremont Yacht Club to be formalised to the satisfaction of the Western Australian Planning Commission, prior to occupation of the development;*
4. *The vehicle parking area shall be sealed, kerbed, drained and line-marked in accordance with the approved plans and shall be thereafter maintained to the specification of the local government and to the satisfaction of the Western Australian Planning Commission;*
5. *Landscaping to be undertaken in accordance with the Landscape Concept plan (dated 20 May 2014, Rev E) to the satisfaction of the Western Australian Planning Commission, prior to occupation of the development;*
6. *Stormwater is to be retained on-site and/or connected to the local drainage system to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*

ADVICE TO APPLICANT:

1. *With regard to Condition 2, a legal agreement is required to be put in place to ensure that at such time that the Western Australian Planning Commission acquires the Parks and Recreation reserve, the land shall be acquired at the unimproved value of the land, and that if the improvements are required to be removed by the Western Australian Planning Commission, the owner of the land must do so at their cost.*

The motion was put and carried.

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7505.9.5 Retrospective Application for a Stairway at Lot 13 Cliff Way, Claremont

File 02-25680-5
Report Number N/A
Agenda Part G
Reporting Officer Senior Planner - Metropolitan Central

This item was withdrawn from the agenda prior to the meeting. Members were informed on 4 July 2014.

7505.9.6 Application for Planning Approval for a Stairway at Lot 200 Bindaring Parade, Claremont

File 02-50002-3
Report Number N/A
Agenda Part G
Reporting Officer Senior Planner - Metropolitan Central

This item was withdrawn from the agenda prior to the meeting. Members were informed on 4 July 2014.

7505.10 Confidential Items

7505.10.1 Broome Local Planning Strategy and Local Planning Scheme No. 6 – for Final Approval

File TPS/0915/1
Report Number SPC/674
Agenda Part B
Reporting Officer Manager Planning Kimberley

THIS ITEM IS CONFIDENTIAL

7505.10.2 Town of Port Hedland – Local Planning Scheme Amendment No. 65 – for Final Approval

File TPS/1296/1
Report Number SPC/675
Agenda Part E
Reporting Officer Senior Planning Officer - Northern Regions

THIS ITEM IS CONFIDENTIAL

7505.10.3 Shire of Koorda Draft Local Planning Strategy and Draft Local Planning Scheme No. 3 – for Final Approval

File 838/4/15/3
Report Number SPC/676
Agenda Part E
Reporting Officer Planning Manager - Wheatbelt

THIS ITEM IS CONFIDENTIAL

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7505.10.4 Shire of Cranbrook Local Planning Strategy – Request for Consent to Advertise

File DP/13/00145/1
Report Number SPC/677
Agenda Part E
Reporting Officer Planning Officer

THIS ITEM IS CONFIDENTIAL

7505.10.5 Shire of Wyndham East Kimberley Local Planning Scheme No. 9 – Resolution to Prepare a Local Planning Scheme

File TPS/1344/1
Report Number SPC/678
Agenda Part E
Reporting Officer Manager - Kimberley

THIS ITEM IS CONFIDENTIAL

7505.10.6 State Administrative Tribunal Reconsideration – Endorsement of Deposited Plan – Bushfire Management – Serpentine Jarrahdale

THIS ITEM IS CONFIDENTIAL

7505.11 General Business

Nil.

7505.12 Items for Consideration at a Future Meeting

Nil.

7505.13 Closure

The next ordinary meeting is scheduled for 9.00 am on 22 July 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 9.45 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	REPORTS
	Nil.
10	CONFIDENTIAL REPORTS
A	POLICY
	10.1 Swan Valley Interim Planning Policy
B	LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS
	10.2 Shire of Murchison - Local Planning Scheme and Strategy - for Consent to Advertise
	10.3 Town of Claremont - Local Planning Scheme No.3 - Amendment No.129 - for Final Approval
E	MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS
	10.4 Shire of Chittering - Town Planning Scheme No.6 Amendment No. 49 - for Final Approval
	10.5 Shire of Coorow - Local Planning Scheme No.3 and Local Planning Strategy - Consent to Advertise