



Statutory Planning Committee

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

Tuesday 9 September 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**
 - Ms Sue Burrows
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
 - 6.1** Mr Ben Harvey and Ms Lauras Gladstone – SPP 1 update
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes**
 - Tuesday, 26 August 2014
- 9. Statutory items for decision**
- 10. Policy items for discussion/decision**
- 11. Confidential items (Statutory & Policy)**
- 12. Stakeholder engagement & site visits**
- 13. Urgent business**
- 14. Items for consideration at a future meeting**
- 15. Closure**
 - Next meetings will be held:
 - Ordinary meeting – 23 September 2014
 - Policy meeting – 28 October 2014

Statutory Planning Committee

Minutes
of ordinary meeting 7508
held on Tuesday, 26 August 2014

Attendance

Members

Mr Eric Lumsden
Ms Megan Bartle
Mr Martin Clifford
Mr Ian Holloway
Ms Gail McGowan
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)
WAPC appointee
Regional Minister's nominee (Deputy)
Professions representative
Director General, Department of Planning
Community representative

Officers

Mr Paul Ellenbroek

Mr Ben Harvey

Mr Emille van Heyningen
Ms Anne Hill

Mr Jas Lapinski
Ms Cath Meaghan
Mr David Saunders

Department of Planning

Planning Manager; Infrastructure, Projects, Policy and Research

Director, Policy and Research; Infrastructure, Projects, Policy and Research

Planning Manager; Perth and Peel Planning
Executive Director; Infrastructure, Projects, Policy and Research

Senior Planning Officer; Perth and Peel Planning
A/Executive Director; Regional Planning and Strategy
Executive Director; Regional Planning and Strategy

Presenters

Mr David Caddy
Mr Eugene Koltasz
Mr Fred Zuidaveld
Mr Bob Jeans
Ms Jane Bennett

TPG Town Planning, Urban Design and Heritage (item 6.1)

(item 6.1)

City of Rockingham (item 6.2)

CLE Town Planning and Design (item 6.3)

Committee Support

Mr Luke Downes

Committee Support Officer - Department of Planning

7508.1 Declaration of Opening

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

Statutory Planning Committee

Minutes
of ordinary meeting 7508
held on Tuesday, 26 August 2014

7508.2 Apologies

Nil.

7508.3 Members on Leave of Absence and Applications for Leave of Absence

Ms Burrows has previously submitted an application for a leave of absence for the 26 August 2014 Statutory Planning Committee meeting.

7508.4 Disclosure of Interests

Nil.

7508.5 Declaration of Due Consideration

No declarations were made.

7508.6 Deputations and Presentations

7508.6.1 Survey Strata Subdivision Applications to Create 100 Lots, Lot 702 Gngangara Road, Landsdale

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

Mr Caddy made a PowerPoint presentation to members in support of the recommendation.

A copy has been placed on file.

7508.6.2 R-Codes Reform

Presenter Mr Bob Jeans, City of Rockingham

Mr Jeans provided a PowerPoint presentation to members regarding the R-Codes Reform.

A copy has been placed on file.

7508.6.3 R-Codes Reform

Presenter Ms Jane Bennett, CLE Town Planning and Design

Ms Bennett provided a PowerPoint presentation to members regarding the R-Codes Reform.

A copy has been placed on file.

Statutory Planning Committee

Minutes
of ordinary meeting 7508
held on Tuesday, 26 August 2014

7508.7 Announcements by the Chairperson of the Board and Communication from the WAPC

The Chairman advised he would be departing the meeting at 10.30 am.

7508.8 Confirmation of Minutes

7508.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 12 August 2014

Resolved

Moved by Ms Taylor, seconded by Ms McGowan

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 12 August 2014, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7508.9 Statutory Items for Decision

Nil.

7508.10 Policy for Discussion/Decision

Nil.

7508.11 Confidential Items (Statutory & Policy)

7508.11.1 Draft State Planning Policy 5.2 – Telecommunications Infrastructure

File	DPI/14/00071/1
Report Number	SPC/695
Agenda Part	A
Reporting Officer	Director - Strategic Infrastructure and Projects

THIS ITEM IS CONFIDENTIAL

7508.11.2 Survey Strata Subdivision Applications to Create 100 Lots, Lot 702 Gngangara Road, Landsdale

File	475/14 and 476/14
Report Number	SPC/696
Agenda Part	C
Reporting Officer	Senior Planning Officer, Metro Planning North West

THIS ITEM IS CONFIDENTIAL

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Mr Lumsden departed the meeting at 10.23 am and did not return.

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.

Resolved

Moved by Mr Holloway, seconded by Ms McGowan

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

7508.11.3 Liveable Neighbourhoods (LN) Review – Project Status Update

File	DP/11/0026011
Report Number	SPC/697
Agenda Part	D
Reporting Officer	Planning Manager, Urban Policy

THIS ITEM IS CONFIDENTIAL

7508.12 Stakeholder Engagement & Site Visits

Nil.

7508.13 Urgent Business

7508.13.1 Parking Requirements and Provisions

THIS ITEM IS CONFIDENTIAL

7508.13.2 Liveable Neighbourhoods

THIS ITEM IS CONFIDENTIAL

Statutory Planning Committee

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7508.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7508.14.1	R-Codes Reform Discussion	The Department to continue to work on the R-Codes Reform to look at the additional work as provided by the City of Rockingham and CLE Town Planning and Design presentations.	TBA

7508.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 9 September 2014.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.58 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

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ITEM NO: 9.1

Development Application for Shed: Lot 183 Robinson Road, Herne Hill

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer, Metro North East
AUTHORISING OFFICER:	Director, Metro North East
AGENDA PART:	G
FILE NO:	21-50432-1
DATE:	27 August 2014
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. A
ATTACHMENT(S):	1. Development Plan and Site Plan 2. Zoning Plan 3. Aerial View
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Rural Living
LGA RECOMMENDATION(S):	Approval with conditions
REGION DESCRIPTOR:	
RECEIPT DATE:	3 July 2014
PROCESS DAYS:	56
APPLICATION TYPE:	
CADASTRAL REFERENCE:	Lot 183 Robinson Road, Herne Hill.

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for a shed on Lot 183 Robinson Road, Herne Hill dated 3 July 2014 subject to the following conditions and advice:

- 1. Approval relates to the Development Plan Drawing No. HLWP05-0355 and Site Plan received by the Western Australian Planning Commission on 3 July 2014;***
- 2. The shed shall only be used for domestic and/or rural purposes associated with the property, and not for human habitation; and***
- 3. The walls and roof of the shed shall be clad in a material or painted in a colour to complement the surroundings and/or adjoining developments, in which it is located to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission.***

ADVICE TO APPLICANT

- 1. The City of Swan advises that any additional development , which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.***

SUMMARY:

The application proposes construction of a shed to replace a previous shed damaged by fire. The site is located within that covered by the *Swan Valley Planning Act 1995*. Conditional approval is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005, Swan Valley Planning Act 1995*
Section: Part 10

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

Policy
Name: Swan Valley Interim Planning Policy

INTRODUCTION:

The application proposes construction of a shed to replace one which was previously damaged by fire. The shed will be 214m² in area and have a height of 5.54 metres. It is to be located on the same footprint as the damaged shed and will be used for storage of a tractor, rigid truck and domestic goods. The roof and external cladding are to be colourbond of a Pale Eucalypt colour (*Attachment 1 - Development Plan and Site Plan*).

The subject land is zoned Rural under the Metropolitan Region Scheme (MRS). The land is zoned Rural Living under City of Swan Local Planning Scheme No.17 (LPS 17) (*Attachment 2 - Zoning*). Lot size is 3.523 hectares.

The site is within Area C of the land covered by the *Swan Valley Planning Act 1995* (SVP Act). The Swan Valley Planning Committee (SVPC) on 7 April 2014 resolved to:

1. Note that the development application is not consistent with the objectives of Area C of the Swan Valley Planning Act; and
2. Recommend that the City of Swan not approve the development application.

The Swan City Council on 18 June 2014 resolved to grant approval to the proposal subject to standard conditions. As Council's decision is at variance to the SVPC

advice, pursuant to Clause 30B (5) of the MRS the proposal has been referred to the Western Australian Planning Commission (WAPC) for determination.

BACKGROUND:

The lot contains a single dwelling, sheds and a swimming pool. The land is relatively flat and the dwelling and outbuildings are located predominately in the north-west portion of the lot (*Attachment 3 - Aerial View*).

The City of Swan (the City) had previously granted approval to a shed of 193m² area in 2011 (DA359/2011). This application seeks approval to re-instate this previously approved shed. The City has also issued approval for the parking of a Commercial Vehicle on the property (DA81/2012). This approval does not restrict parking to any particular area.

The proposed shed is 20m² larger than the previously approved shed. LPS 17 requires development approval for rural sheds in the Rural Living zone where, inter alia, the proposed height exceeds 5 metres or the combined area of sheds on the lot would exceed 200m². The height to the roof ridge in this instance is 5.54 metres while the aggregate area of sheds on the lot would be approximately 640m².

There are two other sheds on the property:

- one shed of 183m² area which is used as a storeroom for the house and contains an additional kitchen; and
- a shed of approximately 245m² used for storage of private cars and motorcycles of family members.

CONSULTATION:

The City deemed the proposal as having a minimal impact on adjoining properties and consequently did not advertise.

The City has recommended conditions:

- limiting use of the development to domestic and/or rural purposes associated with the property and not permitting human habitation within the structure; and
- requiring the colour of the building exterior be of a natural or earth tone to complement the surroundings and adjoining developments.

Both conditions are considered appropriate and their imposition is supported.

The Department of Water has advised it has no comment to make on the proposal.

COMMENTS:

Swan Valley Planning Act 1995

Section 9 of the SVP Act lists a number of planning objectives for Area C. Those of relevance to the proposal are discussed below.

Objective 1. The maintenance of the rural character of the area.

The proposal maintains the rural character of the area as it is a rural outbuilding (not for commercial uses) and is replacing an existing outbuilding. Several other properties in the vicinity also accommodate sheds.

Objective 3. The establishment of a wide range of rural activities compatible with the rural character of the area.

The shed will be used to accommodate equipment associated with the maintenance of the land for rural purposes.

Objective 5. Due consideration of building setbacks, retention of vegetation, suitable building materials and suitable boundary fencing in the design of rural residential developments.

The building will be set back in accordance with City of Swan Policy POL-TP-12. The required and provided setbacks are as follows:

	<u>Required</u>	<u>Provided</u>
Front:	30m	174m
Side:	20m	39m
Rear:	30m	128m

The building will be constructed of 'Pale Eucalypt' colourbond and will be similar to other structures in the area.

Objective 6. The avoidance of overstocking, of clearing natural vegetation, of activities causing pollution or degradation of the environment, and is not detrimental to the amenity of the area.

The proposal does not require clearing of any vegetation, does not cause pollution or degradation of the environment and is not detrimental to the amenity of the area.

City of Swan Local Planning Scheme No.17

The land is zoned Rural Living under City of Swan Local Planning Scheme No.17.

The shed will be used for the storage of household goods and the parking of a tractor and truck which is incidental to the predominant use of the land for residential purposes.

Swan Valley Interim Planning Policy

In addition to the SVP Act, land within the Swan Valley is also subject to the Swan Valley Interim Planning Policy (SVIP) which was endorsed by the WAPC on 22 July 2014. The general planning objective of the SVIP is the maintenance of the rural character of the area.

The SVIP's guidelines regarding sheds require them to be:

- necessary for the carrying out of the predominant use of the lot;
- subordinate and ancillary to the predominant use of the lot
- set back a minimum of 50 metres from the primary street frontage; and
- sited perpendicular to the primary street.

The proposal complies with the above. In addition, it may be argued that the shed is not a 'new' development since it will replicate an existing structure and use an existing floorpad.

CONCLUSION:

The replacement shed is only marginally larger than that previously approved. In view of this and that no clearing of vegetation is required, the visual and environmental impacts on the rural character of the area are minimal. As such the proposal does not prejudice the objectives of the Swan Valley Planning Act 1995 and approval is recommended.

ITEM NO: 9.2

Retrospective Application for Commercial Vehicle Parking and Proposed Shed - Lot 20 Padbury Avenue Herne Hill

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Director Metropolitan North East
AUTHORISING OFFICER:	Director - Perth and Peel Planning
AGENDA PART:	G
FILE NO:	21-50433-1
DATE:	25 August 2014
REPORT CATEGORY:	Statutory
ATTACHMENT(S):	Attachment 1 - Development Proposal Attachment 2 - Location / Zoning Plan Attachment 3 - Aerial Photograph
REGION SCHEME ZONING:	Rural Living
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Rural Living
LGA RECOMMENDATION(S):	Conditional approval
REGION DESCRIPTOR:	
RECEIPT DATE:	18 July 2014
PROCESS DAYS:	27
APPLICATION TYPE:	Development Application
CADASTRAL REFERENCE:	Lot 20 Padbury Avenue, Herne Hill

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the development application for commercial vehicle parking and the construction of a shed for the following reasons:

- 1. The proposed development is inconsistent with the objectives of Area C of the Swan Valley Planning Act 1995.***
- 2. The land is zoned 'Rural' in the Metropolitan Region Scheme and 'Rural Living' within the City of Swan Local Planning Scheme No.17. The proposed development is contrary to the intent of the rural zoning which is to preserve the rural character and landscape of the area.***
- 3. The proposal is inconsistent with the Swan Valley Interim Policy whereby the use of land within Area C of the Swan Valley Planning Act 1995 as a transport depot is not consistent with the objectives of the policy which aims to preserve the rural amenity of the area.***

4. ***The proposal is inconsistent with the Swan Valley Interim Policy whereby the development of shed above the 200m² total floor area in Area C of the Swan Valley Planning Act 1995 is not consistent with the aims of the policy to protect rural uses of the area.***
5. ***Approval of the proposal would create a precedent for the introduction of development contrary to the objectives of the Swan Valley Planning Act 1995 and inconsistent with the rural character of the area.***

SUMMARY:

The owners of Lot 20 Padbury Avenue have applied for retrospective planning approval to park two commercial trucks and four associated trailers on the property. The application also proposes construction of a 280m² rural shed in which the two trucks will be parked. The trailers are to be parked outside the shed.

The application was referred to the Swan Valley Planning Committee (SVPC) who at their meeting on 4 March 2014 resolved to refuse both parts of the application, being for commercial vehicular parking and construction of a shed. The City of Swan resolved to approve the proposal subject to conditions. Due to the conflicting resolutions, the City forwarded the application to the Western Australian Planning Commission (WAPC) for final determination. The proposal is inconsistent with the objectives of the 'Rural Living' zone under the City of Swan Local Planning Scheme No.17, the objectives of Area C of the *Swan Valley Planning Act 1995* and the Swan Valley Interim Policy. Refusal is recommended.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Planning and Development Act 2005
Section:	Part 10

Legislation	Swan Valley Planning Act 1995
Section:	Part 3

Strategic Plan	
Strategic Goal:	1. Planning
Outcomes:	1. Excellence in Service
	2. Planned Local Communities
Strategies:	1. Develop Connected and Accessible Communities

Policy	
Number and / or Name:	Swan Valley Interim Planning Policy

INTRODUCTION:

Details

The proposal is for retrospective planning approval to park two commercial trucks and four associated trailers on Lot 20 Padbury Avenue, Herne Hill. The application

also proposes the construction of a 280m² rural shed in which the two commercial vehicles trucks will be parked (**Attachment 1 - Development Proposal**).

The subject land is zoned 'Rural' under the Metropolitan Region Scheme and 'Rural Living' under the City of Swan's Local Planning Scheme No.17 (LPS 17), and is approximately 1.98ha in area (**Attachment 2 - Location Zoning Plan**). The subject land lies within 'Area C' of the *Swan Valley Planning Act 1995*.

Access to the subject land is gained from Padbury Avenue, with the lot containing an existing dwelling and associated outbuildings which are to be retained (**Attachment 3 - Aerial Photograph**).

The proposed shed is to be located towards the centre of the subject land, and is to have a total height of 4.8m and a ridge height of 6.6m. The combined total area of all sheds existing on the property including the proposed shed will be approximately 520m².

Clause 26 (3) and 30b (5) of the Metropolitan Region Scheme requires that the City refer the decision to the WAPC for determination when advice of the SVPC is not accepted by the Local government.

Background

The applicant currently operates a freight transport business and has recently moved to the subject land. The business primarily involved the parking of up to three prime movers, commercial vehicles and at least eight associated trailers. One vehicle and several trailers have been sold due to downsizing and therefore the applicant has requested to park two commercial prime mover vehicles with four associated trailers, as well as the construction of a shed in the centre of the property for the parking of the prime movers.

CONSULTATION:

The proposal was advertised for public comment for fourteen days, to twenty one surrounding landowners considered to be potentially affected by the proposal.

One submission objecting to the proposal, was received. The main issues raised related to the potential adverse visual impact arising from the amount of materials kept to the rear of the property, and the potential noise impact from the truck movements on weekends.

The application was referred to the Swan Valley Planning Committee (SVPC) who at their meeting on 4 March 2014 noted that the proposal has two separate components being an application for commercial parking and for the construction of a shed. The two matters were therefore considered separately by the Committee who in relation to the commercial parking resolved to:

- 1. note that the development application is not consistent with the planning objectives of Area C of the Swan Valley Planning Act 1995 and does not conform to the City of Swan's Commercial Vehicle Parking Policy; and*

2. *recommend that the City of Swan refuses the development application for commercial parking.*

With regards to the proposed shed the Committee resolved to:

1. *observe that a shed of the proposed size and purpose is not consistent with the planning objectives 1 for Area C of the Swan Valley Planning Act 1995; and*
2. *recommend that the City of Swan refuses the development application for the proposed shed.*

The City of Swan at their Ordinary Council meeting of 28 May 2014 recommended approval of the proposal subject to conditions.

COMMENTS:

Swan Valley Planning Act 1995 (SVP Act)

The subject land lies within 'Area C' of the Act. Planning objectives concerned with this area are:

- objective 1 - the maintenance of the rural character of the area;
- objective 2 - the encouragement of viticulture and horticulture;
- objective 3 - the establishment of a wide range of rural activities compatible with the rural character of the area;
- objective 4 - the encouragement of revegetation;
- objective 5 - due consideration of building setbacks, retention of vegetation, suitable building materials and suitable boundary fencing in the design of rural residential developments;
- objective 6 - the avoidance of overstocking, of clearing of natural vegetation, of activities causing pollution or degradation of the environment and of any other land management practices detrimental to the amenity of the area.
- objective 7 - the subdivision into lots of less than 4 hectares only where this is consistent with the objectives set out in this section.

The proposed use of the land for commercial purposes is not consistent with the objectives as the proposed commercial use of the lots:

- is not consistent with the rural character of the area;
- will not encourage viticultural and horticultural uses on the subject land;
- will not encourage revegetation of the subject land; and
- will perpetuate land practices that are not consistent with the amenity of the area.

City of Swan's Local Planning Scheme No.17 (LPS 17)

The subject land is zoned 'Rural Living' under the City's Local Planning Scheme No.17 (LPS17).

The objectives of the 'Rural Living' zone under LPS 17 include to:

- (a) encourage a wide range of uses, including rural residential activities that are compatible with the maintenance of the rural character of the area;
- (b) encourage viticulture and horticulture and the protection and enhancement of the natural environment; and
- (c) ensure that the development and use of the land accords with the planning objectives for Area C as specified in the *Swan Valley Planning Act (1995)*.

Schedule 5 provides for exemptions for planning approval for the parking of commercial vehicles and the construction of rural sheds with respect to requiring planning approval. The proposal does not meet the provisions for exemption of planning approval.

Schedule 14 provides for the parking of commercial vehicles on 'Rural Living' zoned land being:

- For a lot size between 750m² and 3 hectares, LPS 17 allows for a maximum of one commercial vehicle or one prime mover permitted to be parked on any lot; and
- a maximum of two trailers will be permitted on any lot.

Pursuant to clause 5.10.6, the City of Swan has discretion to vary the maximum number of motorised vehicles and the maximum number of trailers in each of the lot size categories, as stipulated in Schedule 14. The variation is allowable as long as it is consistent with scheme criteria and does not detrimentally impact on the character of the surrounding locality.

In this instance the proposed parking of more than one commercial vehicle on the subject land can be classified as a 'transport depot' which under LPS 17 is defined as 'premises or a portion of premises used for parking or garaging of commercial vehicles.' The use of 'Rural Living' zoned land as a transport depot is a non-permitted or 'X' use under LPS 17. This use class is not consistent with the aims of the area to maintain the rural character of the land.

Swan Valley Interim Planning Policy (Interim Policy)

In February 2014 Cabinet endorsed the findings of *The Way Forward, Swan Valley Land Use and Management Report on Submissions and Recommendations*, and committed to establishing a new governance and regulatory framework for the Swan Valley. The Interim Policy has been prepared to assist decision making authorities to provide consistent advice on land use and planning matters within the Swan Valley, until the new Swan Valley legislation and associated planning instruments take effect.

The Interim Policy has been endorsed by the Swan Valley Planning Committee at their meeting on 7 July 2014 and the Western Australian Planning Commission on 22 July 2014. The Interim Policy is to be used by the WAPC when determining subdivision and development applications within the *Swan Valley Planning Act 1995* area.

The Interim Policy states that where development is proposed within Area C, rural living is treated as the predominant use as opposed to commercial or industrial.

The Interim Policy further states that any application for the construction of sheds larger than 200m² in floor area or 5m in height (at the highest point of the roof) must be referred by the City of Swan to the SVPC for advice in accordance with clause 5(1) of the SVP Act. In providing its advice the committee will expect the proponent to demonstrate that:

1. the shed is necessary for the carrying out of the predominate use of the lot on which it is proposed to be constructed.
2. The shed is subordinate and ancillary to the predominate use of the lot on which it is proposed to be constructed.
3. the shed is set back a minimum of 50m from the primary street and 25m from any secondary street.
4. To the extent possible, the shed is sited perpendicular to the primary street to minimise the visual impact of the shed from that road.
5. any external parking or forecourt areas are screened by vegetation from the primary street.

The 200m² floor area threshold for referral to the Swan Valley Planning Committee includes the aggregate of all sheds on the lot of the subject of the application. The total floor area for all the sheds including the proposed shed is to be approximately 520m². On this basis the collective area of the shed space to be potentially located on the site is contrary to the objectives of Area C of the SVP Act.

The use class transport depot is a non-permitted use on rural living zoned land under LPS 17 and is also a non-permitted use in the Swan Valley Interim Policy. The parking of commercial vehicles is not consistent with the objectives of the SVP Act unless it can be demonstrated that the vehicles are required for the carrying out of the predominant use on a lot and are to be used only for that purpose. The City of Swan have expressed that the proposed land use is incidental to the use class 'single house' which is a permitted use in the 'Rural Living' zoning under LPS 17. The proposed parking of two commercial vehicles is greater than that allowable under Schedule 14 of LPS 17 and therefore not consistent with the objectives of the area.

CONCLUSION:

The proposal is not compliant with the objectives of LPS 17, The *Swan Valley Planning Act 1995* and the Swan Valley Interim Policy, as it does not maintain the rural character of the area. Refusal is recommended.

ITEM NO: 9.3

Proposed Place of Worship - Lot 627 Hyem Road Herne Hill

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Planning Manager Metropolitan North East
AUTHORISING OFFICER:	Director Perth and Peel Planning
AGENDA PART:	G
FILE NO:	21-50431-1
DATE:	15 August 2014
REPORT CATEGORY:	Statutory
ATTACHMENT(S):	Attachment 1 - Development Plans Attachment 2 - Location / Zoning Plan Attachment 3 - Aerial Photograph
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Swan Valley Rural
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	
RECEIPT DATE:	23 June 2014
PROCESS DAYS:	32
APPLICATION TYPE:	Development Application
CADASTRAL REFERENCE:	Lot 627 Hyem Road Herne Hill

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the development application for a Place of Public Worship at Lot 627 Hyem Road Herne Hill for the following reasons:

- 1. The proposed development is inconsistent with the objectives of Area B of the Swan Valley Planning Act 1995.***
- 2. The land is zoned 'Rural' in the Metropolitan Region Scheme and 'Swan Valley Rural' within the City of Swan Local Planning Scheme No.17. The proposed development is contrary to the intent of the rural zoning which is to preserve the rural character and landscape of the area.***
- 3. The proposal is inconsistent with the Swan Valley Interim Policy whereby the use of land within Area B of the Swan Valley Planning Act 1995 as a 'Place of Worship' is not permitted unless it is incidental to the predominant use of the subject land.***

4. ***Approval of the proposal would create a precedent for the introduction of development contrary to the objectives of the Swan Valley Planning Act 1995 and inconsistent with the rural character of the area.***

SUMMARY:

The application proposes the change of land use within Lot 627 Hyem Road Herne Hill, from the current use of café and art gallery to 'Place of Worship'. The existing art gallery and cafe buildings are proposed to be converted into a meditation hall and multifunctional hall respectively.

The application was referred to the Swan Valley Planning Committee (SVPC), who at their meeting resolved to refuse the application. The City of Swan resolved to approve the proposal subject to conditions. Due to the conflicting resolutions the City forwarded the application to the Western Australian Planning Committee (WAPC) for final determination. It is recommended that the application be refused in variance to the recommendation of the City of Swan.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Planning and Development Act 2005 Swan Valley Planning Act 1995 Metropolitan Region Scheme
Section:	Part 10 Swan Valley Planning Act 1995 - Section 8 Metropolitan Region Scheme Text - Part IV subclause 30B(5)
Strategic Plan	
Strategic Goal:	Planning
Outcomes:	Planned Local Communities Developing a Sense of Place
Strategies:	Encourage innovation in the design of our communities

Policy

Number and / or Name: Swan Valley Planning Interim Policy

INTRODUCTION:

The application proposes a change of land use within Lot 627 Hyem Road Herne Hill, involving the conversion of an existing art gallery and café on site to a meditation hall and multifunctional hall respectively. The application constitutes a change in land use to 'Place of Worship' which is defined as 'premises used for religious activities such as a church, chapel, mosque, synagogue or temple,' under Local Planning Scheme No.17 (LPS 17). Additional buildings are not proposed on site (**Attachment 1 - Development Plans**). The subject land also contains an existing dwelling and associated outbuildings which are to be retained.

Details

Lot 627 is located on the corner of Hyem Road and Great Northern Highway in Herne Hill. The subject land is zoned Swan Valley Rural under the City of Swan's Local Planning Scheme No.17 (LPS 17) and 'Rural' under the Metropolitan Region Scheme (MRS) (**Attachment 2 - Location / Zoning Plan**). The subject land is located within 'Area B' of the *Swan Valley Planning Act 1995*. The subject land is 7086m² in area and also contains a dwelling and outbuildings which are to be retained.

The 204m² meditation hall will be utilised for meditation, reciting Buddhist teachings and reflection. The proposed multifunction hall will be utilised for lecturing / teaching, counselling, dining and a meeting place. The proposed halls are to operate on Sundays only, during 9am-5pm. Spiritual reflection will occur fortnightly between 3pm-5pm in winter and 4pm-6pm in summer. Annual celebrations and events will occur about three to four times a year, and on Sundays only. The arrival and departure times of vehicles to the site will be dispersed over the course of the day. The projected maximum number of people onsite at any time during any of the proposed functions will not exceed thirty people.

Clause 26 (3) and 30b (5) of the Metropolitan Region Scheme requires that the City refer the decision to the WAPC for determination when advice of the SVPC is not accepted by the Local government.

CONSULTATION:

The proposal was advertised for public comment between 17 January and 26 February 2014. Landowners within a 200m radius of the subject land and various interest groups were consulted during this time. A sign was also erected on site to advise of the proposed change in land use.

A total of eleven submissions were received, all of which objected to the proposal. The main issues raised related to a potential increase in local traffic and congestion, lack of screening for adjacent property owners, visitor enforcement, lack of adequate parking facilities and overall amenity issues citing that the proposal is not consistent with the overall objectives of the zone within LPS 17, and 'Area B' of the *Swan Valley Planning Act 1995*. Loss of property value was also cited as a reason for objection to the proposal.

The proposal was also referred to the Department of Water and Main Roads Western Australia (MRWA) for comment. Both agencies raised no objections to the proposal, with MRWA recommending a condition and providing advice.

The application was referred to the Swan Valley Planning Committee (SVPC), who at a meeting on 3 February 2014 resolved to:

- "1. note that the proposal is not consistent with planning objectives 1, 4 and 7 of section 8 of the Swan Valley Planning Act 1995; and*
- 2. recommend that the City of Swan refuse the proposal on the basis that it is an inappropriate use and it is not compatible with the rural character of the Valley."*

The City of Swan at their Ordinary Council Meeting of 28 May 2014 resolved to approve the proposal on the basis that the nature and scale of the proposal was considered consistent with the objectives of 'Area B' of the *Swan Valley Planning Act 1995*, and the objectives of the 'Swan Valley Rural' zone within LPS 17. The City recommended approval of the proposal subject to conditions.

COMMENTS:

City of Swan's Local Planning Scheme No.17 (LPS 17)

A 'Place of Worship' is a discretionary use within the Swan Valley Rural zone under TPS 17.

The objectives of the 'Swan Valley Rural' zone under LPS 17 include to:

- (a) promote the core area of the Swan Valley primarily as a horticultural, recreational, tourism and landscape resource;
- (b) provide for limited rural living within the Swan Valley, subject to locational, design and landscaping requirements to enhance the character and amenity of the valley and to ensure compatibility with productive rural activities;
- (c) recognise the occurrence of high quality horticultural soils and scarce plastic clays and to protect these resources from development which would jeopardise their current and future use; and
- (d) ensure that the development and use of land accords with the planning objectives for Area B as specified in the *Swan Valley Planning Act (1995)*.

The proposal does not provide for horticultural practices, neither does it provide for recreation or tourism activities within the site. Furthermore the proposed change in use to 'Place of Worship' is not consistent with the objectives for 'Area B' as specified within the *Swan Valley Planning Act (1995)* and therefore refusal of the proposal is recommended.

Swan Valley Planning Act 1995 (Act)

The SVPC resolved to refuse the proposal on the grounds that the proposal was not consistent with planning objectives 1, 4 and 7 of section 8 of the Act. The objectives state:

- objective 1 - the protection of viticulture;
- objective 4 - the encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area; and
- objective 7 - the discouragement of uses that are incompatible with the rural character and traditional agricultural activities of the area.

The proposal does not provide for viticulture or horticultural practices to occur on site. There are existing vineyards to the south of the subject land approximately 80 to 110 metres in distance (**Attachment 3 - Aerial Photograph**). As such it is considered that the proposed change in use is not consistent with the rural character of the area.

Swan Valley Interim Planning Policy (Interim Policy)

In February 2014 Cabinet endorsed the findings of *The Way Forward, Swan Valley Land Use and Management Report on Submissions and Recommendations*, and committed to establishing a new governance and regulatory framework for the Swan Valley. The Swan Valley Interim Policy has been prepared to assist decision making authorities to provide consistent advice on land use and planning matters within the Swan Valley, until the new Swan Valley legislation and associated planning instruments take effect.

The Interim Policy has been endorsed by the Swan Valley Planning Committee at their meeting on 7 July 2014 and the Western Australian Planning Commission's (WAPC) Statutory Planning Committee at their meeting on 22 July 2014. The Interim Policy is to be used by the WAPC when determining subdivision and development applications within the *Swan Valley Planning Act 1995* area.

Under the Swan Valley Interim Planning Policy a 'Place of Worship' is not supported unless it is incidental or ancillary to the predominant viticulture use within 'Area B' of the Act. In this case the 'Place of Worship' is not considered incidental to the viticulture use on the site and it is therefore inconsistent with the Interim Policy.

Previous decisions

At the meeting on 14 December 2005, the SVPC resolved to approve a proposed development for a Tibetan Buddhist Temple with a meditation hall and accommodation within Lot 6 Campersic Road, Herne Hill. The SVPC in their decision resolved that the proposal was consistent with the objectives of Area B of the Act. Following the resolution by the SVPC the application was conditionally approved by the City.

The above decision was made prior to the endorsement of the Swan Valley Interim Policy and therefore, does not have relevance to the current application.

CONCLUSION:

It is considered that the proposal is not compliant with the objectives of the LPS 17, and that of Area B of the *Swan Valley Planning Act 1995*, as it does not provide for horticultural or viticultural uses onsite. Furthermore the proposal is inconsistent with the Swan Valley Interim policy which prohibits the use of land within Area B as a 'Place of Worship'. Therefore it is recommended that the proposal be refused.

ITEM NO: 9.4

Proposed Subdivision – Lot 258 Buckle Street, Balcatta

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: 150157
DATE: 1 August 2014
ATTACHMENT(S): Attachment 1: Plan of Subdivision
Attachment 2: Location Plan and LGA Zoning
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: City of Stirling
LOCAL SCHEME ZONING: Residential R20
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Perth Metro Central
RECEIPT DATE: 10 June 2014
PROCESS DAYS: 52
APPLICATION TYPE: Subdivision
CADASTRAL REFERENCE: Lot 258 Buckle Street, Balcatta

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 258 Buckle Street, Balcatta as shown on the plan date stamped 10 June 2014 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 lots 91 and 92 at the time of subdivision approval being demolished and materials removed from the lot. (Local Government)*
3. *Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)*
4. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)*
5. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
6. *Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
7. *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 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 4, Western Power provides only one underground point of electricity supply per freehold lot.*
3. *In regard to Conditions 5, 6 and 7, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

SUMMARY:

The application is presented to the SPC due to an objection raised by the City of Stirling relative to the average lot size.

The proposed subdivision does not satisfy the average lot sizes required for the creation of lots in the R20 density coding as specified by Table 1 of the R-Codes, resulting in a variation of 7.7%. 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.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: *Planning and Development Act 2005*
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 830m² lot to create two residential lots of 430m² and 400m². The existing dwelling is to be removed. **(Attachment 1 – Plan of Subdivision)**.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R20' under the City of Stirling's Town Planning Scheme No. 3. **(Attachment 2 – Location Plan)**.

CONSULTATION:

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

"The City is unable to support the application due to the proposal contemplating a 5.78% or 26m² variation to the site area."

Notwithstanding, 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:

Residential Design Codes

The application does not comply with the average site area requirements of the Residential Design Codes 2013 (R-Codes) for the R20 density coding (450m² required, 415m² provided), resulting in a 7.7% variation.

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

- a) All lots in the subdivision meet the minimum lot size requirements;
- b) 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
- c) 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 minimum lot size requirements and there is sufficient information to demonstrate that the subdivision will have a beneficial outcome as the lots have separate and sufficient frontage to more than one public street. The requirement is that the variation be no more than 5%, however a variation of 7.7% in this case is acceptable.

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 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; 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 31,000 dwellings within the City of Stirling municipality by 2031.

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

CONCLUSION:

The proposal meets the minimum lot size requirements of the R Codes and has sufficient justification to demonstrate that the subdivision will have a beneficial outcome - the lots have separate and sufficient frontage to more than one public street. The variation to the average lot size required is considered acceptable and this is a consistent practice to support corner lots that meet the minimum lot area. Conditional approval is recommended.

ITEM NO: 10.1

Shire of Ravensthorpe R-Codes Policy to vary State Planning Policy 3.1 Residential Design Codes

WAPC OR COMMITTEE:

Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Manager - Statutory Planning, Central Regions
AUTHORISING OFFICER:	Executive Director - Regional Planning and Strategy
AGENDA PART:	A
FILE NO:	853-5-20-7
DATE:	21 August 2014
ATTACHMENT(S):	Attachment 1 - Outbuildings Local Planning Policy Attachment 2 - Proposal Details and Assessment Table

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. approve the amendment of deemed-to-comply provisions of State Planning Policy 3.1 Residential Design Codes as contained in the Shire of Ravensthorpe Outbuildings Local Planning Policy, adopted by the Shire of Ravensthorpe on 27 June 2014;***
- 2. notify the local government accordingly.***

SUMMARY:

In accordance with Clause 7.3.2 of State Planning Policy 3.1 Residential Design Codes (R-Codes), the Shire of Ravensthorpe has submitted for WAPC approval, its revised Outbuildings Local Planning Policy (**Attachment 1**) which amends two deemed-to-comply provisions. The proposed amendments respond to numerous development applications that conflict with current R Code provisions in the locality. The amendments remain consistent with the objectives and design principles of the R-Codes and will raise no issues in relation to implementation.

BACKGROUND:

Following public advertisement in accordance with the Shire of Ravensthorpe Town Planning Scheme, the Council adopted a new Outbuildings policy.

The Outbuildings policy contains amendments to the deemed-to-comply provisions of Design Principles relating to Outbuildings included in State Planning Policy 3.1

The amendment aims to provide for higher outbuildings characteristic to larger lot sizes in townsites in the Shire and the need to accommodate caravans and boats.

Legislation

Section:

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned Local Communities developing a sense of place

Strategies:

Improve local planning service capability

Policy

Number and Name:

State Planning Policy 3.1 Residential Design Codes

Part 7, Section 7.3 of the R-Codes provides for local planning policies, local development plans, local structure plans and activity centre plans to amend or replace deemed-to-comply provisions set out in Parts 5 or 6. With the exception of provisions listed at Clause 7.3.1, WAPC approval is required for any amendment to deemed-to-comply provisions.

The Shire of Ravensthorpe's Outbuildings policy will increase the maximum wall and ridge height from 2.4m and 4.2m to 3.0m and 4.5m respectively.

There are no foreseeable implications for the State Government resulting from the proposed amendments to deemed-to-comply provisions in the R-Codes.

The Shire of Ravensthorpe adopted a revised Outbuildings policy in April 2014 for public advertising. The policy has since been advertised with two submissions received, neither specifically relating to wall or ridge height of Outbuildings.

Clause 7.3.2 of the R-Codes, requires the WAPC to be satisfied, "that the proposed amendment:

- is warranted due to a specific need related to that particular locality or region;
- is consistent with the objectives and design principles of the R-Codes; and
- can be properly implemented and audited by the decision-maker as part of the ongoing building approval process."

Attachment 2 details the proposed amendments and includes the rationale for each, as provided by the Shire of Ravensthorpe. Attachment 2 also contains an assessment by the Department of Planning of the proposal in accordance with the above criteria and an associated recommendation.

The proposed amendments responded to local needs of the community, retain consistency with the objectives and design principles of the R-Codes, and do not raise any issues in terms of implementation.

The approach undertaken in Attachment 2 is consistent with previous reports for the City of Greater Geraldton (857/3/1PV) and City of Kalgoorlie-Boulder (TPS/0458) approved by the WAPC.

Approval is recommended.