



Statutory Planning Committee

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

Tuesday 28 October 2014
9.00 am

Level 2, Room 2.40
One40 William Street
Perth



Tim Hillyard
WAPC Secretary

Please convey apologies to Leah Carr on 6551 9690 or email
leah.carr@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
Mayor Russell AUBREY	Local government representative Schedule 2 clause 4(2)(f)	23/09/2016
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
Mr Ray GLICKMAN	WAPC appointee Schedule 2 clause 4(2)(g)	23/09/2016
Mr Stephen HILLER	WAPC appointee Schedule 2 clause 4(2)(g)	23/09/2016

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**
 - Mr Eric Lumsden
3. **Members on leave of absence and applications for leave of absence**
 - Mr Ray Glickman
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**
- Tuesday, 14 October 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**

Item No	Report	Request	Report Required by
7509.14.1	Statistics on planning schemes, amendments and structure plans	Briefing required containing appropriate data and reasoning behind delays to approvals for schemes, amendments and structure plans with an outline of financial implications as a result of delays.	14 October 2014
7509.14.2	Policy Review Update	Follow up report to be provided by Ms Burrows.	TBA
7509.14.3	Small lot products 50-80m ²	An update is required to be submitted to the Committee	TBA

7510.7

Legal Services'
Review of delegations

Report to be presented

14/10/14

15. Closure

- Next meetings will be held:

- Policy meeting – 28 October 2014
- Ordinary meeting – 11 November 2014

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Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Mayor Russell Aubrey	Local government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Martin Clifford	Regional Minister's nominee (Deputy)
Mr Stephen Hiller	WAPC appointee
Mr Ian Holloway	Professions representative
Ms Gail McGowan	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Gemma Basley	Senior Planner, Perth and Peel Planning
Ms Kylie Beach	Senior Planning Officer, Independent Planning Reviewer
Ms Natalie Cox	Planning Manager, Perth and Peel Planning
Mr Rob Cull	Senior Planning Officer, Perth and Peel Planning
Ms Cath Meaghan	A/Executive Director Regional Planning and Strategy
Mr Emille van Heyningen	Planning Manager, Perth and Peel Planning
Mr Wayne Zimmerman	Planning Director, Perth and Peel Planning

Presenters

Ms Carol Catherwood	City of Cockburn (item 6.1)
Ms Margaret Owen	Friends of Underwood Avenue Bushland (Item 6.2)
Mr Simon Hudson	Friends of Underwood Avenue Bushland (item 6.2)
Ms Alison Fleming	Lead Lawyer for STA Reform Project (item 6.3)
Mr Steve McFadzean	Senior Lawyer for Tenure Reform (item 6.3)
Mr Vince McMullen	Landgate (item 6.3)

Committee Support

Ms Leah Carr	Committee Support Officer - Department of Planning
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7511.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.03 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

The Presiding Member introduced new members Mayor Russell Aubrey and Mr Steve Hiller, attending their first Statutory Planning Committee meeting, and welcomed them to the Committee.

7511.2 Apologies

Mr Ray Glickman WAPC appointee

7511.3 Members on Leave of Absence and Applications for Leave of Absence

7511.3.1 Mr Ray Glickman, recently appointed to the Statutory Planning Committee, has submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 28 October 2014.

Mr Martin Clifford has submitted an application for a leave of absence for the Statutory Planning Committee meetings scheduled for 28 October and 11 November 2014.

Resolved

Moved by Ms Taylor, seconded by Ms McGowan

That the approval for a leave of absence be granted to:

- 1. Mr Ray Glickman for the Statutory Planning Committee meeting to be held on 28 October 2014; and*
- 2. Mr Martin Clifford for the Statutory Planning Committee meetings to be held on 28 October and 11 November 2014.*

The motion was put and carried.

7511.4 Disclosure of Interests

Mr Hiller wished it noted that he is a Member of the Statutory Planning Committee in his own right and not as an employee of Water Corporation, and is aware that if any items concerning Water Corporation were to create a conflict of interest he would not partake in any discussion and would not vote on that item.

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7511.5 Declaration of Due Consideration

No declarations were made.

7511.6 Deputations and Presentations

7511.6.1 **City of Cockburn LPS Amendment No 28 – for final approval**

Presenter: Ms Carol Catherwood

Ms Carol Catherwood provided a powerpoint presentation that explained that the common infrastructure items proposed for DCA9 and DCA10, based on a per hectare rate, provide a proportional contribution to that infrastructure.

A copy of the power point has been placed on file.

7511.6.2 **Subdivision of Lot 4 and Lot 105 Underwood Avenue, Shenton Park**

Presenter: Ms Margaret Owen

Ms Owen gave a powerpoint presentation highlighting the significant vegetation, critical to the habitat for the Carnaby Cockatoos, Forest Red-tailed Black Cockatoos and trapdoor spiders, which will be lost if these subdivisions are approved.

A copy of the power point has been placed on file.

7511.6.3 **Strata Titles Act (STA) Reform Project** (refer item 10.1)

Presenter: Mr Vince McMullen, Alison Flemming and Mr Steve McFadzean of Landgate

Mr McMullen briefly outlined the background to the Strata Titles Act (STA) Reform Project and gave a PowerPoint presentation to highlight:

- The project scope, timelines and status;
- Key issues;
- Proposed land tenure reforms, including 'community title', leasehold strata and improved strata title development;
- That 'community title' land tenure has been introduced in all other Australian jurisdictions and its introduction into Western Australia will complement the Western Australian Planning Commission (WAPC) strategic planning directions;
- A proposed model for the interface of the STA and the Planning and Development Act (2005) for new reforms of land tenure including the introduction of 'Development Management Statements';

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- The heads of power for WAPC decision-making with respect to the proposed reforms; and
- That the WAPC will have an opportunity to comment on the proposed reforms when they are to be released for public comment towards the end of 2014.

Mr McMullen requested that the wording of recommendation 4 of the officer's report be amended to replace 'require' with 'recommend' or 'seek', as the WAPC is only being consulted at this stage.

A copy of the power point has been placed on file.

7511.7 Announcements by the Chairperson of the Board and communication from the WAPC

- A special meeting of the SPC will be required in approximately two weeks to discuss Staff Delegations of items that come before the SPC for endorsement; and that these issues be resolved at agenda setting
- That Ms McGowan advise Mr Hiller and Mr Glickman of all the relevant information on policy matters that is currently under review by the SPC;
- The Chairman requested Ms McGowan to circulate the draft Liveable Neighbourhoods document among the Members in order that points of contention can be discussed prior to Christmas.

7511.8 Confirmation of Minutes

7511.8.1 Minutes of the Statutory Planning Committee meeting held on 23 September 2014

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

1. *To amend the minutes as contained in the Agenda (pages 17 and 21 where the numbering is duplicated:*
 - a) *Confidential Item 7510.10.1 be amended to 7510.11.1; and*
 - b) *Closure Item 7510.13 be amended to 7510.15.*
2. *That the minutes of the Statutory Planning Committee meeting held on 23 September 2014, as amended, be confirmed as a true and correct record.*

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The motion was put and carried.

7511.9 Statutory Items for Decision

7511.9.1 Final Endorsement - Glenfield District Activity Centre Structure Plan

File SPN/0649
Report Number SPC/715
Agenda Part C
Reporting Officer Manager, Central Regions Statutory Planning

Members discussed and agreed to make an administrative amendment to Recommendation 3b) – to update wording to reflect a governance issue, that LWMS results should be on advice from the Department of Water and to the WAPC's satisfaction.

Resolved

Moved by Ms Bartle, seconded by Ms McGowan

That the Western Australian Planning Commission resolves, to:

- 1) *note the State Administrative Tribunal process currently underway for neighbouring Lot 55 Chapman Road and subsequent requests by the proponent of Lot 55 for this lot to be included within the Glenfield Beach District Activity Centre Structure Plan;*
- 2) *determine the submissions in accordance with the Schedule of Submissions, as indicated in Attachment 5;*
- 3) *endorse the Glenfield Beach District Activity Centre Structure Plan, subject to modifications, as follows:*
 - a) *Update the Structure Plan, Plan 1, to reflect the outcomes and requirements from the Local Water Management Strategy (LWMS) results to the satisfaction of the Department of Water, i.e. the location of the drainage swale, and a notation outlining that this swale is to be incorporated into the*

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- Chapman Road reserve and vested with the Local Authority;*
- b) *Update the Structure Plan Report to reflect the outcomes and requirements from the LWMS results, with advice from the Department of Water Including a section within the report summarising the findings and requirements of the LWMS, to the satisfaction of the WAPC;*
 - c) *Update Structure Plan Report, section 5.2 (page 21), last dot point, delete 'provision of appropriate' from beginning of sentence, and revise sentence as follows 'water sensitive urban design principles to be incorporated within built form';*
 - d) *Include the final LWMS as a technical appendix to the Structure Plan Report.*
- 4) *advise the City of Greater Geraldton of its decision accordingly;*
- 5) *advise the State Administrative Tribunal and the proponents of Lot 9000 Chapman Road and Lot 55 Chapman Road of its decision and dismissal of the Lot 55 submission accordingly.*

The motion was put and carried.

7511.9.2 Subdivision Lot 4 and Lot 105 Underwood Avenue Shenton Park

File 149763
Report Number SPC/716
Agenda Part C
Reporting Officer Senior Planner Metro Planning Central

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the application for subdivision of Underwood Avenue, Shenton Park as shown on the plan date-stamped 28 March 2014. This decision is valid for four years subject to the following conditions and advice:

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Local Government Conditions:

1. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.*

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

2. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:*
 - a) *street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and*
 - b) *roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly to the satisfaction of the Western Australian Planning Commission. (Local Government)*
3. *All local streets within the subdivision being truncated in accordance with the Western*

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Australian Planning Commission's Liveable Neighbourhoods policy. (Local Government)

4. *Detailed Area Plan(s) being prepared and approved for the residential and terrace lots shown on Annexure A (attached) date stamped 28 March 2014 to the satisfaction of the Western Australian Planning Commission. (Local Government)*
5. *The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Detailed Area Plan are advised in writing that Detailed Area Plan provisions apply (Local Government).*
6. *The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for Recreation 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. *Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government. (Local Government)*
8. *Uniform fencing being constructed along the boundaries of all of the proposed lots abutting Selby Street and Underwood Avenue. (Local Government)*

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9. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area. The approved shared paths are to be constructed by the landowner/applicant. (Local Government)*
10. *Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of intersection upgrades for all new road connections to Underwood Avenue and Selby Street. (Local Government)*
11. *All pedestrian access way(s) within the subdivision being constructed and drained at the landowner/applicant's cost and shown on the diagram or plan of survey (deposited plan) as such 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)*
12. *Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan. (Local Government)*
13. *The land being filled, stabilised, drained and/or graded as required to ensure that*
 - a) *lots can accommodate their intended development; and*
 - b) *finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*

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- c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system (Local Government)*

Environmental Conditions:

14. *The Applicant enter into a Deed of Management incorporating a conservation area management plan with the Shenton Park Conservation Association Inc. for the purpose of managing Lots 1, 2 and 6 in a manner consistent with the requirements of the Hon. Minister for the Environment, as set out in the Minister's conditions in Statement No. 835 -Statement that a proposal may be implemented (Pursuant to the provisions of the Environmental Protection Act 1986). (Department of Environment and Conservation)*
15. *A fence including gates with a minimal height of 1.2 metres restricting vehicle, pedestrian and animal access to Lots 1, 2 and 6 i to be constructed to the specifications of the Department of Environment and Conservation and satisfaction of the Western Australian Planning Commission (Department of Parks and Wildlife)*
16. *A restrictive covenant, to the benefit of the Department of Parks and Wildlife, pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction is to be included on the diagram or plan of survey. (Department of Parks and Wildlife)*
17. *A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the*

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specifications of the local government and/or the Department of Fire and Emergency Services. (Department of Fire and Emergency Services)

18. *A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'The lot(s) is/are subject to a fire management plan.' (Local Government)*

Servicing Conditions

19. *The transfer of land for the purposes of the provision of water and sewerage infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve 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. (Water Corporation)*
20. *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)*
21. *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)*
22. *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)*

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23. *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)*
24. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision/plan dated 28 March 2014 (attached). (Western Power)*
25. *Arrangements being made to the satisfaction of the WAPC and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)*
26. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*

ADVICE:

1. *With regard to Condition 1, direct road frontage is required for each of the proposed lots and may necessitate the amalgamation of proposed lots 2 and 6.*
2. *With regard to Condition 4 Detailed Area Plans are required for the Medium High Density and Terrace House Sites as generally identified on Annexure A date stamped 28 March 2014 and attached to this decision.*
3. *With regard to Condition 8, not all of the lots directly adjoin the roads and in some cases are separated by a linear public open space.*

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4. *In regard to Conditions 20 and 21, 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 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
5. *In regard to Condition 23, Western Power provides only one underground point of electricity supply per freehold lot.*
6. *Atco Gas has high pressure gas mains in the vicinity of the property. Atco Gas must be notified of any works within 15 metres of High Pressure gas infrastructure before those works begin.*

The motion was put and carried.

7511.9.3

Proposed Place of Worship - Lot 627 Hyem Road Herne Hill

File 21-50431-1
Report Number SPC/717
Agenda Part G
Reporting Officer Planning Officer Metro Planning North East

Resolved

Moved by Ms Taylor, seconded by Mayor Aubrey

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 statutory planning objectives of Area B as stated in 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*

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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 may create a precedent for the introduction of other, similar development contrary to the planning objectives set out in the Swan Valley Planning Act 1995 and inconsistent with the rural character of the area.*

The Motion was put and lost (2/7)

The votes were recorded as follows:-

For: Ms Taylor and Mayor Aubrey

**Against: Ms Bartle, Ms Burrows,
Mr Clifford, Mr Hiller,
Mr Holloway, Ms McGowan and
Mr Lumsden**

REASON: Members discussed and primarily agreed, having considered all the elements relating to the Swan Valley Interim Policy and having regard to the proposed land use and the nature of the proposed land use, that in this instance, the Alternate Recommendation was more appropriate in the circumstances.

Moved by Ms Bartle, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to endorse the alternate recommendation offered by the Department of Planning to:

1. *note that the Swan Valley Planning Committee has recommended refusal of the development application for a Place of Public Worship at Lot 627 Hyem Road Herne Hill based on its view that the development is inconsistent with the*

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statutory planning objectives for Area B as stated in the Swan Valley Planning Act 1995 and with the Interim Planning Policy endorsed by the WAPC;

2. *note that the development is relatively low impact and thus should not be considered a precedent for future proposals for larger Places of Public Worship in Area B of the Swan Valley;*
3. *approve the development application for a Place of Public Worship at Lot 627 Hyem Road Herne Hill, subject to the following conditions and advice:*

CONDITIONS

1. *This approval relates to the proposed Buddhist Meditation Centre Site Plan Drawing No. MQP201 date stamped 23 June 2014 by the Department of Planning.*
2. *The existing mature vegetation (trees and shrubs) along the boundary of the property shall be retained and maintained to the specifications of the City of Swan.*
3. *Vehicle parking area, access and circulation areas are to be designed constructed and thereby maintained to the specifications of the City of Swan.*
4. *Refuse bin areas adequate to service the development being provided to the specifications of the City of Swan.*
5. *All stormwater being contained onsite, to the specifications of the City of Swan.*
6. *Any External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.*
7. *Provision being made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428-1.*

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8. *All access to the site being restricted to the existing driveways.*

ADVICE:

1. *Main Roads Western Australian advises that this property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads drawing 1.404 and will be required for road purposes at some time in the future. The project for the upgrading/widening is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long-term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.*

The motion was put and carried (7/2).

The votes were recorded as follows:-

For: *Ms Bartle, Ms Burrows,
Mr Clifford, Mr Hiller,
Mr Holloway, Ms McGowan and
Mr Lumsden*

Against: *Ms Taylor and Mayor Aubrey*

7511.9.4 Proposed Subdivision - Lot 21 Queenscliffe Road, Doubleview

File 150330
Report Number SPC/718
Agenda Part G
Reporting Officer Planning Officer, Metropolitan Central,
Perth and Peel

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 21 Queenscliffe Road, Doubleview as shown on the plan date stamped 7 July 2014 subject to the following conditions and advice:

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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 1 and 2 at the time of subdivision approval being demolished and materials removed from the lot. (Local Government)
3. 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 lots shown on the approved plan of subdivision. (Western Power)
4. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
5. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)

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6. 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)
7. 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 Queenscliffe Road or Shearn Crescent 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 the Local Government, in accordance with the plan dated 7 July 2014 (attached) and the covenant is to specify:

“Vehicular access is only permitted from one road.” (Local Government)

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 3, Western Power provides only one underground point of electricity supply per freehold lot.
3. In regard to Conditions 4, 5 and 6, 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.
4. In regard to Condition 7, vehicle access to both front and rear boundaries is not favoured. The covenant is required to limit

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access to proposed lots 1 and 2 to one street only.

Members discussed and agreed that although vehicular access was an issue due to the subdivision being close to a roundabout, that road access was to be included as part of the use of the separate lots as opposed to the lots controlling the use of the land. Therefore to delete Condition 7 and Advice Note 4.

Resolved

Moved by Mr Hiller, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 21 Queenscliffe Road, Doubleview as shown on the plan date stamped 7 July 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 1 and 2 at the time of subdivision approval being demolished and materials removed from the lot. (Local Government)*

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3. *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 lots shown on the approved plan of subdivision. (Western Power)*
4. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
5. *Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
6. *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 3, Western Power provides only one underground point of electricity supply per freehold lot.*
3. *In regard to Conditions 4, 5 and 6, 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.*

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The motion was put and carried.

7511.9.5

Proposed Subdivision – Lot 1 Dixon Street, Embleton

File 949-14
Report Number SPC/719
Agenda Part G
Reporting Officer Planning Officer, Metropolitan Central,
Perth and Peel Planning

Resolved

Moved by Mr Holloway, seconded by Ms McGowan

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 1, Dixon Street, Bayswater subject to the following conditions and advice:

CONDITIONS:

- 1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 3 and 4 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*
- 2. 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)*

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3. *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)*
4. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
5. *Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
6. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*

ADVICE:

1. *In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*

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2. *In regard to Condition 3, Western Power provides only one underground point of electricity supply per freehold lot.*
3. *In regard to Conditions 4, 5 and 6, 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.

7511.9.6

Subdivision to Create two Survey Strata Lots for Residential Purpose at Lots 15 and 80 (No.56) Railway Street, Cottesloe

File 614-14
Report Number SPC/720
Agenda Part G
Reporting Officer Planning Officer, Metropolitan Central,
Perth and Peel

Resolved

Moved by Ms McGowan, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the application for survey-strata of Lots 15 and 80 (No.56) Railway Street, Cottesloe as shown on the plan date stamped 26 May 2014 subject to the following conditions and advice:

CONDITIONS:

1. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 1 and 2 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*

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2. *The land being filled, stabilised, drained and/or graded as required to ensure that
 - a) *lots can accommodate their intended development; and*
 - b) *finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*
 - c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)**
3. *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. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy. Local Government)*
5. *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)*
6. *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)*
7. *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)*

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ADVICE:

1. *In regard to Condition 1, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
2. *In regard to Condition 5, Western Power provides only one underground point of electricity supply per freehold lot.*
3. *In regard to Conditions 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 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

The motion was put and carried.

7511.10 Policy Items for Discussion/Decision

7511.10.1 Reform of The Strata Titles Act 1985

File	DP/11/02217
Report Number	SPC/721
Agenda Part	A
Reporting Officer	Planning Director and Senior Solicitor

Members discussed the issues raised during the presentation (see item 6.3) and how the STA has to fit into the WAPC process and how it sits within the Development Statement.

Members acknowledged the amount of work carried out by Ms Meaghan and Mr Zimmerman in progressing this reform.

Resolved

Moved by Ms Burrows, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to:

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1. *note the presentation provided by Landgate officers in relation to reform of the Strata Titles Act 1985;*
2. *support the proposed heads of power for the Commission's decision-making regarding the new forms of Strata Titles land tenure, including Western Australian Planning Commission determination of Development Statements (as set out at Attachment 1), as the basis of further drafting and refinement;*
3. *support the proposed model for the interface of the Planning and Development Act 2005 and Strata Titles Act for Community Title Schemes, as set out at Attachment 2, including the following aspects:*
 - a) *the introduction and definition of 'Development Statements';*
 - b) *development Statements being subject to the Commission's approval; and*
 - c) *that an approved Development Statement may have the status and effect of a Local Structure Plan or Local Development Plan depending on the scale of the proposal.*
4. *require further examination of the desirability of registered Development Statements binding Western Australian Planning Commission decision-making (as outlined in paragraphs 22-24 of Attachment 2) due to the inherent flexibility associated with structure plans;*
5. *note that following passage of amending legislation to provide for the tenure and other reforms of the Strata Titles Act, it would be necessary for relevant policies and procedures of the Commission to be updated to align with the changes; and*
6. *request that consideration be given in formulating proposals for amendments to the Strata Titles Act clarifying that Development Statements should not*

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govern matters relating to ongoing operational management, property rights for owners and dispute resolution, other than planning matters that would normally be considered by the State Administrative Tribunal.

The motion was put and carried.

7511.11 Confidential Reports

7511.11.1 Shire of Peppermint Grove Town Planning Scheme No. 3 - Amendment No. 15 - For Final Approval

File TPS/1162
Report Number SPC/722
Agenda Part B
Reporting Officer Planning Manager - Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7511.11.2 City of Gosnells Local Planning Scheme Amendment No. 136 - For Final Approval

File TPS/0945/1
Report Number SPC/723
Agenda Part B
Reporting Officer Planning Manager of Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7511.11.3 City of Cockburn Local Planning Scheme Amendment 28 - For Final Approval

File 853/2/23/20P28V
Report Number SPC/724
Agenda Part B
Reporting Officer Planning Manager - Schemes and Amendments

The Chairman advised Members that he had a number of reservations in terms of subdivision, and that the WAPC is aware there is an equity issue as development contributions are being attributed on the cost per hectare regardless of the number of subdivided lots on each plot.

THIS ITEM IS CONFIDENTIAL

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- 7511.11.4 City of Joondalup District Planning Scheme No. 2
Amendment No. 73 - For Consent To Advertise**
File TPS/1321
Report Number SPC/725
Agenda Part B
Reporting Officer Senior Planning Officer - Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

- 7511.11.5 Shire of Kalamunda Local Planning Scheme No. 3
Amendment 55 – Consent To Advertise**
File TPS/1232/1
Report Number SPC/726
Agenda Part B
Reporting Officer Planning Manager, Schemes, Strategies
and Amendments

THIS ITEM IS CONFIDENTIAL

- 7511.11.6 City of Fremantle Local Planning Scheme No. 4
Amendment No. 42 - For Final Approval**
File TPS/1308
Report Number SPC/727
Agenda Part B
Reporting Officer Principal Planning Officer, Schemes and
Amendments

THIS ITEM IS CONFIDENTIAL

- 7511.11.7 Jindee Local Structure Plan No. 84 - Additional
Modifications Requested By Applicant Prior To Finalisation**
File SPN/0504
Report Number SPC/728
Agenda Part C
Reporting Officer Senior Planning Officer, Metro Planning
North-West

THIS ITEM IS CONFIDENTIAL

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7511.11.8 State Administrative Tribunal (SAT) Section 31 Reconsideration of Condition of Development Approval In the City of Swan – Storage Yard, 23 Great Northern Highway, Midland

File 21-50424-1/1
Report Number SPC/729
Agenda Part G
Reporting Officer Senior Planning Officer - Planning Appeals

THIS ITEM IS CONFIDENTIAL

7511.12 Stakeholder Engagement and Site Visits

Members agreed at an earlier meeting that a site visit to the Swan Valley policy area would be held in the near future.

7511.13 General Business

7511.13.1 Local Government Reform

Mayor Aubrey enquired if any planning strategy was in place to deal with the changes expected when local councils merged. The Chairman advised that the WAPC would fast track scheme reviews before the new boundaries are announced and consider a moratorium by the WAPC regarding any further amendments that are forthcoming.

7511.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7509.6.1	Statistics on planning schemes, amendments and structure plans	Briefing required containing appropriate data and reasoning behind delays to approvals for schemes, amendments and structure plans with an outline of financial implications as a result of delays.	14/10/14
7509.14.2	Policy Review Update	Follow up report to be provided by Ms Burrows.	14/10/14
7509.14.3	Small lot products 50-80m ²	An update is required to be submitted to the Committee.	TBA

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7510.7	Legal Services' review of delegations	Report to be presented.	14/10/14
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7511.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 11 November 2014.

The Statutory Planning Committee meeting scheduled for 28 October 2014 is a policy meeting.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.12 am.

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

INDEX OF REPORTS

Item	Description
9	STATUTORY ITEMS FOR DECISION Nil
10	POLICY ITEMS FOR DISCUSSION / DECISION Nil
11	CONFIDENTIAL ITEMS A POLICY 11.1 REVIEW OF PLANNING BULLETINS