



Statutory Planning Committee

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

Tuesday 20 January 2015
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)	31/12/2015
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	31/12/2015
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)	04/12/2016
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2015
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: 5

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

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

Role:

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

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

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

Delegated Authority (Del 2009/05)

Planning and Development Act 2005 Section 16(1)

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

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

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

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

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

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

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

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

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

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

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

Disclosure of representations

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

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

ORDER OF BUSINESS

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

Statutory Planning Committee

Minutes
of ordinary meeting 7514
held on Tuesday, 9 December 2014

Attendance

Members

Mr Eric Lumsden
Mayor Russell Aubrey
Ms Megan Bartle
Ms Sue Burrows
Mr Martin Clifford
Mr Ray Glickman
Mr Stephen Hiller
Mr Ian Holloway
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)
Local government representative
WAPC appointee
WAPC appointee
Regional Minister's nominee (Deputy)
WAPC appointee
WAPC appointee
Professions representative
Community representative

Officers

Ms Kylie Beach
Mr Mario Carbone
Mr Shau Chong
Ms Natalie Cox
Mr Robert Cull
Mr John DiRosso
Ms Rebecca Fuller
Mr Ben Harvey
Ms Kym Petani

Department of Planning

Senior Planning Officer; Independent Planning Reviewer
Senior Planning Officer; Perth and Peel Planning
Principal Planning Officer; Perth and Peel Planning
Planning Manager; Perth and Peel Planning
Senior Planning Officer; Perth and Peel Planning
Senior Planning Officer; Perth and Peel Planning
Senior Planning Officer; Schemes and Amendments
Director; Policy and Research
Director Metro North West / Acting Director Metro North
East; Perth and Peel Planning
Senior Planning Officer; Perth and Peel Planning
Planning Director Metropolitan Central; Perth and Peel
Planning
Director Strategic Infrastructure and Planning;
Infrastructure, Projects, Policy and Research
Senior Planning Officer; Schemes, Strategic and
Amendments

Mr Mek Piggot
Mr Mat Selby

Mr Craig Shepherd

Mr Alex Watson

Presenters

Mr Michael Swift
Mr Joe Gangemi
Ms Kim Kyle
Mr David Woo
Mr Ben Doyle
Mr Brad Gleeson

Cardno (6.1 for item 9.1)
G&G Corporation (6.2 for item 9.2)
Rowe Group (6.2 for item 9.2)
G&G Corporation (6.2 for item 9.2)
Planning Solutions (6.3 for item 9.2)
Shire of Serpentine-Jarrahdale (6.3 for item 9.2)

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Resolved

Unanimous agreement from all members.

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Mr Ray Glickman, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on item 11.4 and 11.11, as the interest is insignificant and is unlikely to influence Mr Glickman's conduct in relation to the matter.

The motion was put and carried.

Resolved

Unanimous agreement from all members.

In accordance with clause 6.10(6) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Ms Elizabeth Taylor, who has disclosed an impartiality interest, must not participate in, or be present during, any discussion or decision-making procedure relating to 11.15.

The motion was put and carried.

Resolved

Unanimous agreement from all members.

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Mr Steve Hiller, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on item 11.10.

The motion was put and carried.

7514.5 Declaration of Due Consideration

No declarations were made.

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7514.6 Deputations and Presentations

7514.6.1 Subdivision Lot 147 The Esplanade Peppermint Grove

Presenter Mr Michael Swift; Cardno

Mr Cardno made a presentation to the Committee and answered questions from members.

7514.6.2 Modification of Redgum Brook North Local Structure Plan

Presenter Ms Kim Kyle; Rowe Group

Ms Kyle made a presentation to the Committee and answered questions from members.

7514.6.3 Modification of Redgum Brook North Local Structure Plan

Presenter Mr Ben Doyle; Planning Solutions

Mr Doyle made a presentation to the Committee and answered questions from members.

7514.6.4 Proposed Place of Worship - Lot 101 Suffolk Street, Caversham

Presenter Ms Clare McLean; Peter D Webb & Associates

Ms McLean made a PowerPoint presentation to the Committee and answered questions from members. A copy has been placed on file.

7514.6.5 City of Belmont Local Planning Scheme No.15 Amendment No.4 - for Final Approval

Presenter Mr Wilmot Loh; City of Belmont

Mr Loh made a PowerPoint presentation to the Committee and answered questions from members. A copy has been placed on file.

7514.6.6 Amendment No. 34 to the City of South Perth Town Planning Scheme No. 6 - for Final Approval

Presenter Ms Fiona Reid; City of South Perth

Ms Reid made a presentation to the Committee and answered questions from members.

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- 7514.6.7** **Amendment No. 34 to the City of South Perth Town Planning Scheme No. 6 - for Final Approval**
Presenter Mr Scott Kerr; MasterPlan WA

Mr Kerr made a presentation to the Committee and answered questions from members.

Mr Holloway left and returned at 12.37 pm.

- 7514.6.8** **City of Nedlands - Local Planning Scheme Amendment No. 201- for Final Approval**
Presenter Mr Anthony Morcombe; MW Urban

Mr Morcombe made a PowerPoint presentation to the Committee and answered questions from members. A copy has been placed on file.

- 7514.6.9** **City of Cockburn - Local Planning Scheme Amendment 94 - for Final Approval - Cockburn Coast: Robb Jetty and Emplacement Precincts Development Contribution Plan**
Presenter Mr Steven Scanlan; APP Corporation

Mr Scanlan made a presentation to the Committee and answered questions from members.

- 7514.6.10** **Town of Claremont Town Planning Scheme No. 3 - Amendment 125 - for Final Approval**
Presenter Mr David Vinicombe; Town of Claremont

Mr Vinicombe made a PowerPoint presentation to the Committee and answered questions from members. A copy has been placed on file.

Ms Taylor departed the room at 1.00 pm.

- 7514.6.11** **City of Vincent - Local Planning Scheme Amendment No. 37 - for Final Approval**
Presenter Mr Paul Kotsogolo; Planning Solutions

Mr Kotsogolo made a presentation to the Committee and answered questions from members.

Ms Taylor returned to the room at 1.06 pm.

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7514.6.12 **Town of Bassendean Local Planning Strategy - for Final Endorsement**

Presenter Mr Donald Yates; Columbus Group

Mr Yates made a PowerPoint presentation to the Committee and answered questions from members. A copy has been placed on file.

7514.7 **Announcements by the Chairperson of the Board and communication from the WAPC**

The Chairman advised that members would receive the agenda seven calendar days before the meeting to allow additional time to consider items. Additionally, deputation requests would close at 5.00 pm the Friday prior to the meeting date and that presenters are to focus attention to the key issues.

7514.8 **Confirmation of Minutes**

7514.8.1 **Minutes of the Statutory Planning Committee meeting held on Tuesday, 28 October 2014**

Resolved

Moved by Mayor Aubrey, seconded by Mr Glickman

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 28 October 2014, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7514.8.2 **Minutes of the Statutory Planning Committee meeting held on Tuesday, 11 November 2014**

Resolved

Moved by Mayor Aubrey, seconded by Mr Glickman

1. *To amend item 11.9 to delete "subject to the receipt of further notes on the matter prior to the 9 December 2014 meeting";*

2. *That the minutes of the Statutory Planning Committee meeting held on Tuesday, 11 November 2014 as amended, be confirmed as a true and correct record of the proceedings.*

The motion was put and carried.

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Members agreed to endorse, en-bloc, all the recommendations associated with items 9.3, 10.1, 11.4 and 11.7.

Resolved

Moved by Ms Bartle, seconded by Ms Taylor

That the Statutory Planning Committee resolves to endorse, en-bloc, all the recommendations associated with items 9.3, 10.1, 11.4 and 11.7.

The motion was put and carried.

7514.9 Statutory Items for Decision

7514.9.1 Subdivision Lot 147 The Esplanade Peppermint Grove

File 150108
Report Number SPC/745
Agenda Part C
Reporting Officer Senior Planning Officer Metro Planning Central

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 147 The Esplanade, Peppermint Grove as shown on the plan date-stamped 29 May 2014. This decision is valid for three years subject to the following condition(s) and advice:

- 1. This approval is subject to section 148 of the Planning and Development Act 2005 and requires development to be integrated with the subdivision of the lot and development approval for building development to be granted before the diagram or plan of survey of the subdivision is endorsed by the Western Australian Planning Commission. (Local Government)*
- 2. This approval is subject to section 157(2) and the approval is not to be taken to be approval by the local government under the planning scheme of the carrying out of works necessary to enable the subdivision of the land and namely the demolition of the existing dwelling. (Local Government)*

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3. *A minimum 0.69 metre wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the rear/western boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the Deposited Plan and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)*
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. *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)*

ADVICE NOTES:

1. *In regard to Condition No. 1 and 2, the integration of the subdivision with the development and the requirement to obtain development approval prior to the endorsement of the diagram of survey may result in the repositioning of the lot boundary, which is supported under this approval, subject to the lot size requirements of the R-Codes being maintained.*
2. *In regard to Condition/s 4 and 5, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the new necessary*

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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.

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

The motion was put and carried.

7514.9.2

Modification of Redgum Brook North Local Structure Plan

File SPN/0224
Report Number SPC/746
Agenda Part C
Reporting Officer A/Director Strategic Infrastructure and Planning

Resolved

Moved by Mr Holloway, seconded by Mr Hiller

That the Western Australian Planning Commission resolves to:

1. *refuse the modifications to the Redgum Brook North Local Structure Plan in accordance with Clause 5.18.3.10 (b) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 for the following reasons:*
 - a) *The proposal constitutes a major modification which is inconsistent with the material intent of the Byford District Structure Plan;*
 - b) *A modification to the DSP has not made in accordance with Clause 5.18.4.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 which generally requires that a change or a departure from a structure plan shall be subject to modification request. The appropriate statutory steps to consider the modification in accordance with*

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Clause 5.18.4.3 have not been followed as the modification is considered 'major' in nature;

- c) *The proposed relocation is contrary to, and would undermine, the effective implementation of the Western Australian Planning Commission's State Planning Policy No. 4.2 - Activity Centres for Perth and Peel, as it does not meet the density and diversity targets and the high frequency public transport supply requirements of the policy;*
- d) *The proposal does not provide sufficient supporting information in relation to the proposal's compliance with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning and the impact on the function and efficiency of Thomas Road as a primary freight route; and*
- e) *The proposed development would prejudice the orderly and proper planning of the area.*

2. *advise the Shire of Serpentine Jarrahdale of its decision accordingly.*

The motion was put and carried.

The votes were recorded as follows:-

**For: Mayor Aubrey, Ms Burrows,
Mr Clifford, Mr Glickman,
Mr Hiller, Mr Holloway and
Ms Taylor**

Against: Mr Lumsden and Ms Bartle

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7514.9.3

City of Kalgoorlie-Boulder Public Open Space Strategy - Consent for Advertising

File DP/14/00390
Report Number SPC/747
Agenda Part E
Reporting Officer Manager - Statutory Planning
Central Regions

Resolved

Moved by Ms Bartle, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

1. *not certify and endorse the draft City of Kalgoorlie-Boulder Public Open Space Strategy & Survey (February 2014) in its current form for advertising as a Local Planning Strategy pursuant to Regulation 12B of the Town Planning Regulations 1967 as the document has deficiencies in terms of addressing Regulation 12A (3) of the Town Planning Regulations 1967;*
2. *advise the local government that:*
 - 2.1 *the key findings from its POS assessment are not accepted due to discrepancies between the methodology upon which its POS calculations are based and that of WAPC policy and practice.*
 - 2.2 *with regard to 2.1, current WAPC operational policy including Liveable Neighbourhoods and DC Policy 2.3 Public Open Space in Residential Areas, applies an area based approach to calculating POS contribution requirements for greenfield subdivision. The 10% contribution to POS embedded in this longstanding statutory framework is generally accepted as a benchmark for assessing the amount of POS required to sufficiently meet the recreational needs of the community.*

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- 2.3 *the City is invited to review and to resubmit the draft POS Strategy once it has addressed the matter identified in this recommendation and those identified in Attachment 3 - Schedule of Proposed Modifications.*

The motion was put and carried.

7514.9.4

Development: Single Dwelling and Commercial Vehicle Parking - Lot 62 Railway Parade, Baskerville

File 21-50440-1
Report Number SPC/748
Agenda Part G
Reporting Officer Planning Manager, Metropolitan Planning North East, Perth and Peel Planning

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the application for the proposed development on Lot 62 Railway Parade, Baskerville subject to the following conditions and advice:

CONDITIONS:

1. The occupant of Lot 62 (No. 550) Railway Parade, Baskerville must be the owner, driver or proprietor of a business which owns or operates any approved commercial vehicle to be parked or garaged on the property.
2. This approval is for the parking of "commercial vehicles" as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval from the City.
3. Commercial vehicle parking under this approval may only commence after the construction and occupation of a dwelling on the property.

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4. Commercial vehicles parked on-site as part of this approval are to be restricted to 'General Access Vehicles' only, as defined by Main Roads Western Australia.
5. Parking of the approved commercial vehicles and trailers is to be restricted to the area as shown on the approved plan dated 16 October 2014 by the Department of Planning (attached).
6. The external vehicle and trailer parking areas are to be screened from view of adjoining properties and surrounding streets by existing or newly planted vegetation and maintained in accordance with a Landscape Plan to the specifications of the City of Swan, and to the satisfaction of the Western Australian Planning Commission.
7. The screening of the parking areas is to be undertaken prior to the commencement of the parking of any commercial vehicles or trailers.
8. Storm water shall be contained on-site, or appropriately treated and connected to the local drainage system to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission.
9. An acid sulphate soils self-assessment form to be completed and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment Regulation before any development is commenced. Where an acid sulphate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan to the specification of the Department of Environment Regulation and to the satisfaction of the Western Australian Planning Commission.

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ADVICE TO APPLICANT

1. 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.
2. All development must comply with the provisions of the City of Swan Local Planning Scheme No. 17, Environmental Protection (Noise) Regulations, Health Regulations, Building Code of Australia, Public Building Regulations and all other relevant Acts, Regulations and Local Laws.
3. The subject land is partially affected by the Susannah Brook floodplain. To ensure adequate flood protection, any development should achieve a minimum habitable floor level of 16.1 metres AHD.
4. The applicant is advised that due to the proximity of a railway crossing to the west of the Haddrill Road and Railway Parade intersection, any vehicles greater than 15 metres in length approaching Railway Parade eastbound along Haddrill Road will overhang the railway line if unable to immediately turn into Railway Parade.

Resolved

Moved by Ms Taylor, seconded by Mr Hiller

That the Western Australian Planning Commission resolves to approve the application for the proposed development on Lot 62 Railway Parade, Baskerville subject to the following conditions and advice:

CONDITIONS:

1. *The occupant of Lot 62 (No. 550) Railway Parade, Baskerville must be the owner, driver or proprietor of a business which owns or operates any approved commercial vehicle to be parked or garaged on the property.*

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2. *This approval is for the parking of 2 commercial vehicles and 3 trailers as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval from the City.*
3. *Commercial vehicle parking under this approval may only commence after the construction and occupation of a dwelling on the property.*
4. *Commercial vehicles parked on-site as part of this approval are to be restricted to 'General Access Vehicles' only, as defined by Main Roads Western Australia.*
5. *Parking of the approved commercial vehicles and trailers is to be restricted to the area as shown on the approved plan dated 16 October 2014 by the Department of Planning (attached).*
6. *The external vehicle and trailer parking areas are to be screened from view of adjoining properties and surrounding streets by existing or newly planted vegetation and maintained in accordance with a Landscape Plan to the specifications of the City of Swan.*
7. *The screening of the parking areas is to be undertaken prior to the commencement of the parking of any commercial vehicles or trailers.*
8. *Storm water shall be contained on-site, or appropriately treated and connected to the local drainage system to the specifications of the City of Swan and to the satisfaction of the Western Australian Planning Commission.*
9. *An acid sulphate soils self-assessment form to be completed and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of*

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Environment Regulation before any development is commenced. Where an acid sulphate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan to the specification of the Department of Environment Regulation and to the satisfaction of the Western Australian Planning Commission.

ADVICE TO APPLICANT

- 1. 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.*
- 2. All development must comply with the provisions of the City of Swan Local Planning Scheme No. 17, Environmental Protection (Noise) Regulations, Health Regulations, Building Code of Australia, Public Building Regulations and all other relevant Acts, Regulations and Local Laws.*
- 3. The subject land is partially affected by the Susannah Brook floodplain. To ensure adequate flood protection, any development should achieve a minimum habitable floor level of 16.1 metres AHD.*
- 4. The applicant is advised that due to the proximity of a railway crossing to the west of the Haddrill Road and Railway Parade intersection, any vehicles greater than 15 metres in length approaching Railway Parade eastbound along Haddrill Road will overhang the railway line if unable to immediately turn into Railway Parade.*

The motion was put and carried.

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7514.9.5

Development Application for Martial Arts Classes (Club Premises): Lot 443 William Street, Herne Hill

File 21-50439-1
Report Number SPC/749
Agenda Part G
Reporting Officer Senior Planning Officer, Metro North East

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the development application for Martial Arts Classes (Club Premises) at Lot 443 William Street, Herne Hill 10 October 2014 subject to the following conditions and advice:

1. This approval relates to the Site Plan and Floor Plan date stamped 10 October 2014 by the Department of Planning.
2. Martial Arts Classes can only be conducted during the following days and times:
 - Sunday 3pm-5pm
 - Wednesday 5.30pm-8.30pm and
 - Friday 5.30pm-8.30pmand not conducted during school holidays.
3. There shall be a maximum of 20 students per class.
4. All vehicular access and parking areas being designed, constructed and thereafter maintained to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission. A minimum of twenty (20) parking bays are to be provided.
5. Prior to the commencement of the development, a landscape plan must be submitted to the specifications of the City of Swan and satisfaction of the Western Australian Planning Commission.
6. All landscaping must be completed in accordance with the approved detailed landscape plan, within 3 months of the commencement of the development, or

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such longer period as agreed to in writing by the City, and all landscaping is to be maintained onsite to the specifications of the City of Swan and satisfaction of the Western Australian Planning Commission.

7. All stormwater produced on the site shall be disposed of on site to the specifications of the City of Swan and satisfaction of the Western Australian Planning Commission.

ADVICE TO APPLICANT

1. With regard to Condition 8, the landscaping is intended for the front of the car park. A detailed landscape plan shall be drawn to a scale of 1:100. Guidelines are available from the City of Swan or from the City's website www.swan.wa.gov.au
2. Use of the site for the purpose approved shall not commence until an Occupancy Permit is issued.
3. Provision must be 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.
4. The applicant is advised to liaise with the City of Swan regarding the removal of the existing caveat and associated legal agreement relating to the previous approval dated 12 January 2012 for 'New Two Storey House, use of existing house as temporary accommodation during construction then conversion to storage shed.'

Resolved

Moved by Mr Glickman, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to approve the development application for Martial Arts Classes (Club Premises) at Lot 443 William Street, Herne Hill 10 October 2014 subject to the following conditions and advice:

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1. *This approval relates to the Site Plan and Floor Plan date stamped 10 October 2014 by the Department of Planning.*
2. *Martial Arts Classes can only be conducted during the following days and times:*
 - *Sunday 3pm-5pm*
 - *Wednesday 5.30pm-8.30pm and*
 - *Friday 5.30pm-8.30pm**and not conducted during school holidays.*
3. *There shall be a maximum of 20 students per class.*
4. *All vehicular access and parking areas being designed, constructed and thereafter maintained to the specifications of the City of Swan and the satisfaction of the Western Australian Planning Commission. A minimum of twenty (20) parking bays are to be provided.*
5. *Prior to the commencement of the development, a landscape plan must be submitted to the specifications of the City of Swan*
6. *All landscaping must be completed in accordance with the approved detailed landscape plan, within 3 months of the commencement of the development, or such longer period as agreed to in writing by the City, and all landscaping is to be maintained onsite to the specifications of the City of Swan and satisfaction of the Western Australian Planning Commission.*
7. *All stormwater produced on the site shall be disposed of on site to the specifications of the City of Swan and satisfaction of the Western Australian Planning Commission.*

ADVICE TO APPLICANT

1. *With regard to Condition 8, the landscaping is intended for the front of the car park. A detailed landscape plan shall be drawn to a scale of 1:100. Guidelines are available from the City of Swan or from the City's website www.swan.wa.gov.au*

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2. *Use of the site for the purpose approved shall not commence until an Occupancy Permit is issued.*
3. *Provision must be 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.*
4. *With regard to condition 4, the applicant is to liaise with the City of Swan regarding surfacing requirements for the parking area.*

The motion was put and carried.

7514.9.6

Proposed Place of Worship - Lot 101 Suffolk Street, Caversham

File 21-50445-1
Report Number SPC/750
Agenda Part G
Reporting Officer Senior Planning Officer Metro Planning North East

Officer's Recommendation

That the Western Australian Planning Commission resolves to refuse the development application for a Place of Worship at Lot 101 Suffolk Street Caversham 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 rural zoning which is to preserve the rural character and landscape of the area.
3. The proposal is inconsistent with the Swan Valley Interim Planning 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.

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4. Approval of the proposal may create an undesirable 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.

Resolved

Moved by Mr Holloway, seconded by Mr Glickman

That the Western Australian Planning Commission resolves to set aside the officers recommendation and approve the application as it has identified in this instance that the policy should not be applied in regards to this specific development due to the low intensity of activity and the limitation of the site to facilitate viticultural activities.

The motion was put and carried.

The votes were recorded as follows:-

**For: Mr Lumsden, Mayor Aubrey,
Ms Bartle, Mr Hiller and
Mr Holloway**

**Against: Ms Burrows, Mr Clifford,
Mr Glickman and Ms Taylor**

7514.9.7

Retrospective Application for Twelve Grouped Dwellings - Lot 85 (No. 66-68) Murray Road, Bicton

File	17-50089-3
Report Number	SPC/751
Agenda Part	G
Reporting Officer	Manager - Metropolitan Planning Central

Members asked for clarification of the rationale of the setbacks from the report and were advised that the development had not been built in relation to the normal town planning scheme requirements which the WAPC noted. However having been aware of that information it felt that retrospective approval was the only way forward given the specific circumstances of the development.

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Resolved

Moved by Ms Taylor, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to approve the retrospective application for twelve grouped dwellings at Lot 85 (No. 66-68) Murray Road, Bicton subject to the following conditions:

- 1. Landscaping to be undertaken in accordance with the Landscape Concept Plan prepared by Forever-Lasting Garden Designs, date stamped 1 March 2014 by the Department of Planning on behalf of the Western Australian Planning Commission, to the satisfaction of the Western Australian Planning Commission. All such landscape works shall be undertaken within 6 months of the date of this approval and thereafter maintained by the owner(s)/occupier(s).*

ADVICE TO APPLICANT:

- 1. The applicant is advised that any security lighting that has been installed as part of the development shall be orientated in such a way that does not cause light spill onto any adjoining property.*

The motion was put and carried.

For: Mr Lumsden, Ms Bartle,
Ms Burrows, Mr Clifford,
Mr Glickman, Mr Hiller,
Mr Holloway and Ms Taylor

Against: Mayor Aubrey

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7514.10 Policy Items for Discussion/Decision

7514.10.1 Shire of Murray Residential Design Local Planning Policy to Vary State Planning Policy 3.1 Residential Design Codes

File DP/13/00226
Report Number SPC/752
Agenda Part A
Reporting Officer Senior Planning Officer

Resolved

Moved by Ms Bartle, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

1. *refuse to endorse the Shire of Murray's draft Residential Design Local Planning Policy as:
 - i. *the proposed variations to the R-codes that require approval from the WAPC relate to urban design issues that are not sufficiently unique to the Shire of Murray and allowing such variations would, therefore, be contrary to the parameters set out in clause 7.3.2 of the R-Codes;*
 - ii. *allowing variations to the R-codes that are not sufficiently based on unique local needs may compromise the integrity of the R-Codes;**
2. *advise the Shire of Murray that in August 2014, the WAPC endorsed the preparation of amendments to the R-Codes to address variations being made to 'deemed-to-comply' development standards. This process has now commenced, with the objective of establishing more contemporary and responsive development standards, to reduce future need for R-Code variations via other planning instruments.*

The motion was put and carried.

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7514.10.2

Government Sewerage Policy- Endorsement Of Revised Approach

File N/A
Report Number SPC/753
Agenda Part A
Reporting Officer Planning Manager - Policy Development

Officer's Recommendation

That the Statutory Planning Committee resolves to:

1. Endorse the proposal for the revised Government Sewerage Policy to:
 - a. Take a risk-based approach to the provision of sewerage services that:
 - i. requires the mandatory provision of reticulated sewerage to proposals where sewerage disposal represents a high risk to health, environment and amenity, which will include most broadacre subdivision
 - ii. recognises that reticulated sewerage services may be provided by suitably licensed public or private providers;
 - iii. provides for onsite sewage disposal for lower risk proposals where connection to reticulated sewer is not practicable;
 - iv. ensures that site assessment requirements are proportionate to the level of risk associated with the proposal
 - b. Provide guidance on how sewerage servicing should be considered at different stages of the planning process
 - c. Provide for innovation in reticulated and onsite sewerage technology and

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guidance on how to manage the associated risks in planning decisions

- d. Provides guidance on the demonstration of serviceability where private service providers are proposed.
2. Note the Department of Planning will work with the Department of Health to redraft the policy document and undertake targeted stakeholder consultation in early 2015. WAPC endorsement will be sought in April 2015 prior to submission to Government.

Resolved

Moved by Ms Taylor, seconded by Ms Bartle

That the Statutory Planning Committee resolves to:

1. *Endorse the proposal for the revised Government Sewerage Policy to:*
 - a. *Take a risk-based approach to the provision of sewerage services that:*
 - i. *requires the mandatory provision of reticulated sewerage to proposals where sewerage disposal represents a high risk to health, environment and amenity, which will include most broadacre subdivision*
 - ii. *recognises that reticulated sewerage services may be provided by licensed service providers;*
 - iii. *provides for onsite sewage disposal for lower risk proposals where connection to reticulated sewer is not practicable;*
 - iv. *ensures that site assessment requirements are proportionate to the level of risk associated with the proposal*

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- b. *Provide guidance on how sewerage servicing should be considered at different stages of the planning process*
 - c. *Provide for innovation in reticulated and onsite sewerage technology and guidance on how to manage the associated risks in planning decisions*
 - d. *Provides guidance on the demonstration of serviceability where private service providers are proposed.*
2. *Note the Department of Planning will work with the Department of Health to redraft the policy document and undertake targeted stakeholder consultation in early 2015. WAPC endorsement will be sought in April 2015 prior to submission to Government.*

The motion was put and carried.

7514.11 Confidential Reports

7514.11.1

Small Lot and Housing Product

File 10 November 2014
Report Number SPC/754
Agenda Part DP/14/00301/1
Reporting Officer Director Metropolitan Planning North

THIS ITEM IS CONFIDENTIAL

7514.11.2

Variation to Average Lot Size Requirements for Subdivision of Land within Metropolitan Planning Central Area

File N/A
Report Number SPC/755
Agenda Part G
Reporting Officer Manager, Metro Planning Central

THIS ITEM IS CONFIDENTIAL

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7514.11.3 City of Cockburn - Local Planning Scheme Amendment 92 – Insertion of Bushfire Protection Provisions into Scheme - Final Approval

File TPS/0874
Report Number SPC/756
Agenda Part B
Reporting Officer Planning Manager - Schemes & Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.4 City of Stirling Local Planning Scheme No.3 Amendment No.38 – Final Approval

File TPS/1123
Report Number SPC/757
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.5 City of Belmont Local Planning Scheme No.15 Amendment No.4 - for Final Approval

File TPS/1277
Report Number SPC/758
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.6 City of Greater Geraldton Local Planning Strategy and Local Planning Scheme No.1 - Consent to Advertise

File TPS/1287/1
Report Number SPC/759
Agenda Part B
Reporting Officer Planning Manager - Central Regions

THIS ITEM IS CONFIDENTIAL

7514.11.7 City of Rockingham – Town Planning Scheme No. 2 - Amendment 124 – for Final Approval

File TPS/0931
Report Number SPC/760
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

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7514.11.8 Amendment No. 34 to the City of South Perth Town Planning Scheme No. 6 - for Final Approval

File TPS/ 1179
Report Number SPC/761
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.9 City of Nedlands - Local Planning Scheme Amendment No. 201- for Final Approval

File TPS/1369/1
Report Number SPC/762
Agenda Part B
Reporting Officer Planning Manager- Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.10 City of Cockburn - Local Planning Scheme Amendment 94 - for Final Approval - Cockburn Coast: Robb Jetty and Emplacement Precincts Development Contribution Plan

File TPS/1226
Report Number SPC/763
Agenda Part B
Reporting Officer Planning Manager - Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.11 Town of Claremont Town Planning Scheme No. 3 - Amendment 125 - for Final Approval

File TPS/1233/1
Report Number SPC/764
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.12 City of Bayswater - Town Planning Scheme 24 Amendment No. 55 - for Final Approval

File TPS/0815
Report Number SPC/765
Agenda Part B
Reporting Officer Planning Manager- Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

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7514.11.13 City of Armadale Town Planning Scheme No. 4 – Amendment 48 – for Final Approval

File TPS/0319/2
Report Number N/A
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

ITEM WITHDRAWN PRIOR TO MEETING

7514.11.14 City of Nedlands Draft Local Planning Scheme No. 3 - for Consent to Advertise

File TPS/0062
Report Number SPC/766
Agenda Part B
Reporting Officer Manager Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.15 City of Vincent - Local Planning Scheme Amendment No. 37 - for Final Approval

File TPS/1283
Report Number SPC/767
Agenda Part B
Reporting Officer Planning Manager, Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.11.16 Shire of Ravensthorpe - Local Planning Scheme No. 6 - Resolution to Prepare a Scheme

File TPS/1433/1
Report Number SPC/768
Agenda Part E
Reporting Officer Statutory Planning Manager

THIS ITEM IS CONFIDENTIAL

7514.11.17 Shire of York Town Planning Scheme No. 2 Amendment No.53 for Final Approval

File TPS/1412/1
Report Number SPC/769
Agenda Part E
Reporting Officer authorising officer:

THIS ITEM IS CONFIDENTIAL

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7514.11.18 **Town of Bassendean Local Planning Strategy - for Final Endorsement**

File DP/12/00093
Report Number SPC/770
Agenda Part E
Reporting Officer Planning Manager - Schemes and Amendments

THIS ITEM IS CONFIDENTIAL

7514.12 **Stakeholder Engagement & Site Visits**

Members attended the site in relation to item 9.2 Modification of Redgum Brook North Local Structure Plan on 9 December 2014.

7514.13 **Urgent Business**

Nil.

7514.14 **Items for Consideration at a Future Meeting**

Item No	Report	Request	Report Required
7510.7	Legal Services' review of delegations	Report to be presented to the Committee	TBA

7514.15 **Closure**

The next ordinary meeting is scheduled for 9.00 am on 20 January 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 2.30 pm.

PRESIDING MEMBER _____

DATE _____

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9.2	Proposed Subdivision - Lot 629 Bradshaw Crescent, Manning
9.3	Proposed Development of Two Single Storey Grouped Dwellings at Lot 1193 (No. 14) Greig Street, Willagee
9.4	Proposed Development: Three Single Storey Grouped Dwellings at Lot 992 (No. 69) Archibald Street, Willagee
9.5	Proposed Development: Two Single Storey Grouped Dwellings at Lot 1169 (No. 6) Finney Street, Willagee
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11.1	Improvement Plan No. 41 - Ashburton North Strategic Industrial Area - for Final Approval
<i>B</i>	<i>LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS</i>
11.2	City of Armadale Town Planning Scheme No. 4 – Amendment 48 – For Final Approval
<i>E</i>	<i>MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS</i>
11.3	Shire of Sandstone - Local Planning Strategy - Consent to Advertise

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- 11.5 Shire of Corrigin Consolidation of Local Planning Scheme No.2
- 11.6 Shire of Kulin Consolidation of Local Planning Scheme No. 2
- 11.7 Shire of Wagin Consolidation of Local Planning Scheme No.2

ITEM NO: 9.1

PROPOSED SUBDIVISION - LOT 16 SURREY ROAD, KEWDALE

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:	150521
DATE:	27 October 2014
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENT(S):	Attachment 1 - Location and Zoning Map Attachment 2 - Subdivision Plan Attachment 3 - Kewdale Lot Size Analysis Attachment 4 - Survey-strata 'Concept Plan'

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 16 Surrey Road, Kewdale subject to the following conditions and advice:

CONDITION(S):

- 1. All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)***
- 2. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 16 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)***
- 3. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)***
- 4. 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)

5. *The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)*
6. *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)*
7. *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)*
8. *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)*
9. *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, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.*
2. *In regard to Condition 2, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
3. *In regard to Condition 6, Western Power provides only one underground point of electricity supply per freehold lot.*
4. *In regard to Conditions 7, 8 and 9, 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.*

SUMMARY:

The application proposes the freehold subdivision of one lot of 885m² to create two residential lots, one of 400m² and a 485m² battle-axe lot. There is an existing dwelling on proposed Lot 88 which is to be retained.

The proposed subdivision satisfies the minimum lot size and minimum battle-axe lot size required for subdivision at the R20 density as specified by Table 1 of the R Codes. The application does not satisfy the average lot size requirement for the creation of lots at the R20 density coding, and requires a variation to the average of 1.67%.

The application is presented to the SPC on the basis that Clause 3.6.5 of DC 2.2 states that *"The WAPC will not permit reductions in the minimum or average lot sizes set by the R Codes in respect of battle-axe subdivisions."*

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

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

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

DETAILS:

The subject land is zoned 'Urban' in the Metropolitan Region Scheme (MRS) and 'Residential' with a density code of R20 under the City of Belmont Local Planning Scheme No. 15 (LPS 15) (**Attachment 1 – Location and Zoning Map**).

The application proposes the freehold subdivision of an 885m² lot to create two residential lots of 400m² and 485m². The existing dwelling is to be retained on the front lot (**Attachment 2 – Plan of Subdivision**)

GOVERNMENT AND CORPORATE IMPLICATIONS:

Policy Implications - The recommendation is contrary to the requirements of Development Control Policy 2.2 - Residential Subdivision.

CONSULTATION:

The City of Belmont recommends the application be refused as it does not comply with the average lot size requirements required under Table 1 of the R Codes, the City has also raised objections to the 1.67% variation to the average lot size that the proposal seeks. The City's objections are discussed in the 'Planning Assessment' section of the report below.

Notwithstanding the above, the City provided recommended conditions and advice should the application be supported.

The Water Corporation and Western Power raise no objection 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. The conditions are in accordance with the Model Subdivision Conditions Schedule.

OFFICER'S COMMENTS:

City of Belmont Average Variation Objections

The City of Belmont acknowledges that it does not have the discretion to apply the 1.67% variation to the average lot size requirements that the application seeks. Notwithstanding this, the City considers that the proposed variation does not satisfy the design principles of the R Codes with respect to the 'beneficial outcome to the community' variation requirement for the following reasons:

- *There is no strategic need for more consolidated development;*
- *A higher density coding is undesirable in this existing low density area, which will facilitate infill development; and*
- *There is no other public interest reason which justifies the need for higher density coding.*

The City further advises that it is far exceeding the infill dwelling targets set by Directions 2031 and that the objective of the City's Local Housing Strategy is to preserve the low density character of R20 coded areas. Notwithstanding that the proposal is for one additional single lot the City is concerned that an increase in density will set a precedent for similar lots within the vicinity to be subdivided.

An analysis of the subdivision potential of all R20 coded land within the Kewdale area was undertaken and is illustrated in **Attachment 3 - Kewdale Lot Analysis**.

Attachment 3 shows the following:

- Green lots are already capable of subdivision without any variation being exercised.
- Yellow lots require a 1.67% variation to be capable of subdivision (similar to Lot 16 Surrey Road)
- Orange lots require up to a 5% variation to be capable of subdivision.
- Red lots would require a greater than 5% variation to the average.

It is noted that Clause 5.3.2 of the City's Scheme provides a density bonus for corner lots which (if certain criteria are met) allows these lots to be subdivided without requiring an average variation to be exercised (though as the analysis was undertaken based on lot area alone this is not reflected on Attachment 3).

Attachment 3 illustrates that of the current R20 density coded land within the Kewdale area:

- 236 lots are capable of being subdivided without requiring any variation to the average lot size; and
- 30 additional lots are capable of being subdivided should the maximum 5% average variation be applied (corner lots have been omitted as they would not require an average variation should they comply with the requirements of Clause 5.3.2 of the City's Scheme)

Exercising the 5% variation allows approximately 13% more subdivision of R20 coded residential land within Kewdale. This increase in the infill subdivision potential of the area is minor and is not considered to constitute an effective 'higher density coding' of existing R20 coded land.

Residential Design Codes 2013 (R Codes)

Proposed Lot 88 complies with the minimum (350m² required, 400m² provided) lot size required for R20 development in Table 1 of the R Codes.

Proposed Lot 89 complies with the minimum battle-axe lot size (450m² required, 450m² provided). and comprises 360m² effective lot area with 90m² for the battle-axe access leg, in accordance with Clause 5.1.1 C1.3 (ii) of the R Codes.

The application does not comply with the average (450m² required, 442.5m² provided) lot size required for R20 development in Table 1 of the R Codes. A discrepancy of 7.5m², which represents a 1.67% variation to the average lot size requirement, is being sought.

Development Control Policy 2.2 - Residential Subdivision (DC 2.2)

Clause 3.6.5 of DC 2.2 states:

In areas which are subject to the R Codes, the minimum lot area will be as set out in Clauses 5.1.1 and Column 4 of Table 1 of the R Codes. The WAPC will not permit reductions in the minimum or average lot sizes set by the R Codes in respect of battle-axe subdivisions.

As the application is for a battle-axe subdivision the above clause prevents the application from qualifying for the maximum 5% variation to the average lot size permitted under Clause 3.2.3 of DC 2.2.

Development Control Policy 2.2 Clause 3.2.3 allows for up to a 5% variation to the average lot size requirement provided the following criteria are met:

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

- iii. *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.*

The application is presented to the SPC on the basis that if the application was for a similar survey-strata application with no alterations other than making the access leg to the rear lot 'common property' (as illustrated by **Attachment 4 - Survey-strata 'Concept Plan'**) the application would qualify for the variation permitted under DC 2.2.

The survey-strata 'concept plan' would satisfy all the requirements for an average variation, for the following reasons:

- i. *Both proposed lots meet the minimum lot size requirement;*
- ii. *the proposed variation is for 1.67% of the required average lot size; and*
- iii. *this small infill proposal will contribute towards the dwelling targets of the Directions 2031.*

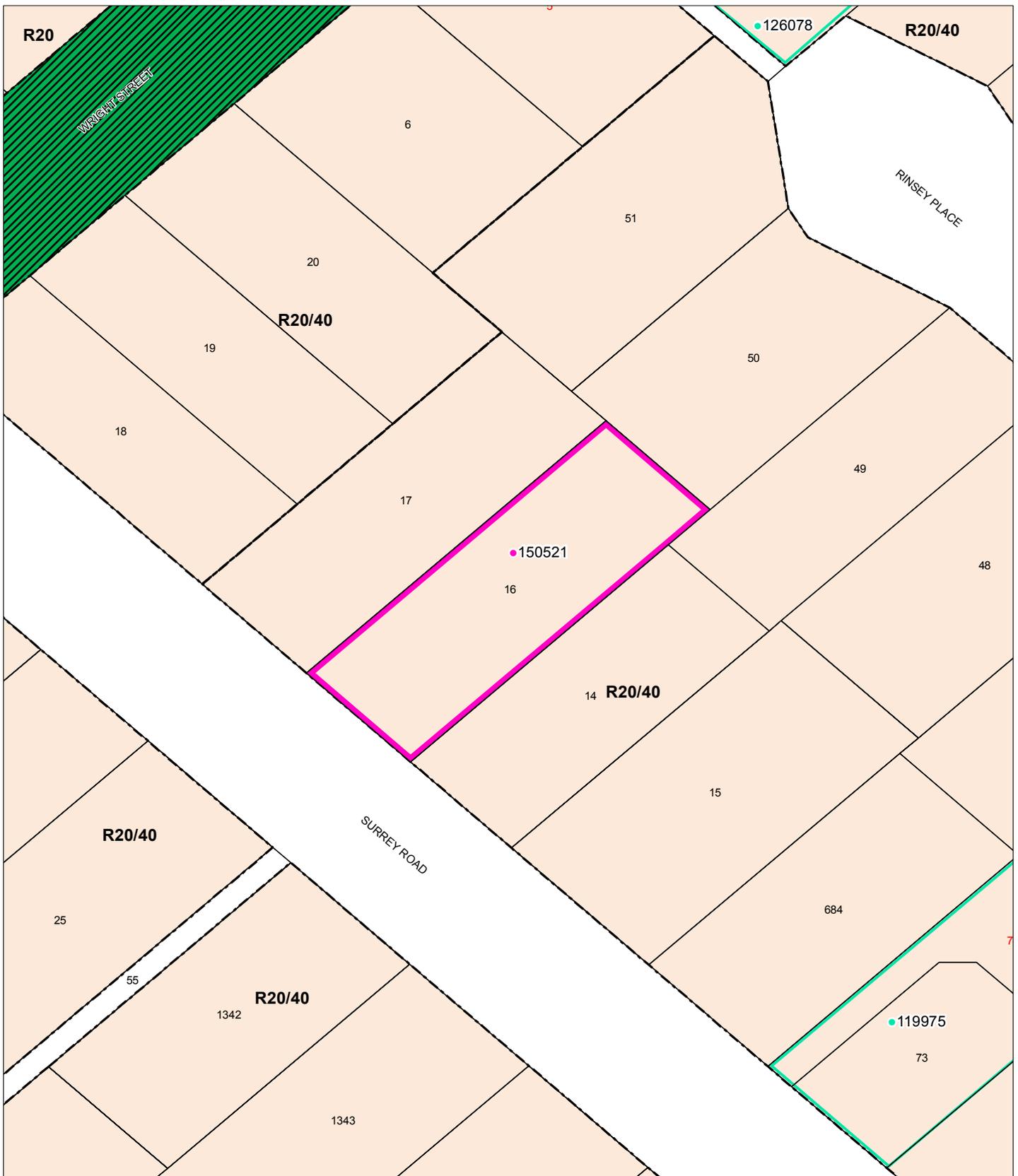
On balance, there would be no difference in the outcome for the two proposals in a physical sense and it is considered to be in the interest of orderly and proper planning that the application is approved.

Access Leg

The proposed access legs narrowest point is 4.0m wide and complies with the requirements of WAPC policy DC 2.2 - Residential Subdivision.

CONCLUSION:

The application meets the minimum lot size and minimum battle-axe lot size requirements set out in WAPC policy. The variation to the average lot size required is minor and would be approved if the application was a similar survey-strata arrangement. Conditional approval is recommended.

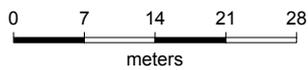


LOCATION PLAN

Subdivision Application 150521

Decision: **Outstanding**

Printed: 18/08/2014



Department of Planning



Western Australian Planning Commission

This data is to be used only for the processing of Subdivision Application

Legend

Subdivision Applications

Conditional Approval

Outstanding

Existing LPS Zone Category

Residential

Local Authority reserves

R Code Boundaries

ITEM NO: 9.2

PROPOSED SUBDIVISION - LOT 629 BRADSHAW CRESCENT, MANNING

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:	150710
DATE:	28 October 2014
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENT(S):	Attachment 1 - Location and Zoning Map Attachment 2 - Subdivision Plan Attachment 3 - Survey-strata 'Concept Plan'

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 629 Bradshaw Crescent, Manning subject to the following conditions and advice:

CONDITION(S):

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)***
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. ***A 2.12 metre truncation is to be provided at the junction of the access way and the Bradshaw Crescent road reserve. (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 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.***
2. ***In regard to Condition 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 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.***

SUMMARY:

The application proposes the freehold subdivision of one lot of 855m² to create two residential lots, one of 400m² and a 455m² battle-axe lot. There is an existing dwelling on the parent lot which is to be demolished.

The proposed subdivision satisfies the minimum lot size and minimum battle-axe lot size required for subdivision at the R20 density as specified by Table 1 of the R Codes. The application does not satisfy the average lot size requirement for the creation of lots at the R20 density coding, and requires a variation to the average of 5.0%.

The application is presented to the SPC on the basis that Clause 3.6.5 of DC 2.2 states that "*The WAPC will not permit reductions in the minimum or average lot sizes set by the R Codes in respect of battle-axe subdivisions.*"

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

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

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

DETAILS:

The subject land is zoned 'Urban' in the Metropolitan Region Scheme (MRS) and 'Residential' with a density code of R20 under the City of South Perth Town Planning Scheme No. 6 (TPS 6) (**Attachment 1 - Location and Zoning Map**).

The application proposes the freehold subdivision of an 855m² lot to create two residential lots of 400m² and 455m². The existing dwelling is to be demolished and the site cleared (**Attachment 2 – Plan of Subdivision**)

GOVERNMENT AND CORPORATE IMPLICATIONS:

Policy Implications - The recommendation is contrary to the requirements of Development Control Policy 2.2 - Residential Subdivision.

CONSULTATION:

The City of South Perth raise no objections to the application and support it subject to conditions and advice.

The Water Corporation and Western Power raise no objection 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. The conditions are in accordance with the Model Subdivision Conditions Schedule.

OFFICER'S COMMENTS:

Residential Design Codes 2013 (R Codes)

Proposed Lot 1 complies with the minimum (350m² required, 400m² provided) lot size required for R20 development in Table 1 of the R Codes.

Proposed Lot 2 complies with the minimum battle-axe (450m² required, 453m² provided) and comprises 363m² effective lot area with 90m² for the battle-axe access, leg in accordance with Clause 5.1.1 C1.3 (ii) of the R Codes.

The application does not comply with the average (450m² required, 427.5m² provided) lot size required for R20 development in Table 1 of the R Codes. A discrepancy of 22.5m², which represents a 5.0% variation to the average lot size requirement, is being sought.

Development Control Policy 2.2 - Residential Subdivision (DC 2.2)

Clause 3.6.5 of DC 2.2 states:

In areas which are subject to the R Codes, the minimum lot area will be as set out in Clauses 5.1.1 and Column 4 of Table 1 of the R Codes. The WAPC will not permit reductions in the minimum or average lot sizes set by the R Codes in respect of battle-axe subdivisions.

As the application is for a battle-axe subdivision the above clause prevents the application from qualifying for the maximum 5% variation to the average lot size permitted under Clause 3.2.3 of DC 2.2.

Development Control Policy 2.2 Clause 3.2.3 allows for up to a 5% variation to the average lot size requirement provided the following criteria are met:

- iv. *All lots in the development meet the minimum lot size requirements;*
- v. *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*
- vi. *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.*

The application is presented to the SPC on the basis that if the application was for a similar survey-strata application with no alterations other than making the access leg to the rear lot 'common property' (as illustrated by **Attachment 3 - Survey-strata 'Concept Plan'**) the application would qualify for the variation permitted under DC 2.2.

The 'concept plan' survey-strata application would satisfy all the requirements for an average variation for the following reasons:

- iv. *Both proposed lots meet the minimum lot size requirement;*
- v. *the proposed variation is for 5.0% of the required average lot size; and*

vi. this small infill proposal will contribute towards the dwelling targets of the Directions 2031.

On balance, there would be no difference in the outcome for the two proposals in a physical sense and it is in the interest of orderly and proper planning that the application is approved.

Access Leg

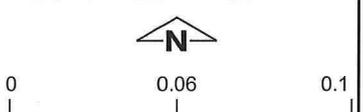
The proposed access legs narrowest point is 4.0m wide and complies with the requirements of WAPC policy DC 2.2 - Residential Subdivision.

CONCLUSION:

The application meets the minimum lot size and minimum battle-axe lot size requirements set out in WAPC policy. The variation to the average lot size required is minor and would be approved if the application was a similar survey-strata arrangement. Conditional approval is recommended.



- Legend**
- Local Government Area
 - Cadastre (view 1)
 - Subdivision - Application Boundary
 - Approved
 - Outstanding
 - Subdivision - Internal Boundary
 - Outstanding
 - R-Code Boundary
 - Local Planning Scheme Zones a
 - Local roads
 - Residential



1: 2,737
at A4

Projection:
WGS 1984 Web Mercator Auxiliary Sphe

Notes:
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. This information is stored in the relevant layers metadata. For these reasons the map should not be distributed outside of the Department.
Map was produced using DoP's PlanViewWA.

PlanViewWA Map

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to viewer](#)

Produced by:FUNCTIONALITY TO COME

Date produced: 03-Nov-2014

ITEM NO: 9.3

PROPOSED DEVELOPMENT OF TWO SINGLE STOREY GROUPED DWELLINGS AT LOT 1193 (NO. 14) GREIG STREET, WILLAGEE

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:	17-50105-2
DATE:	24 December 2014
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENT(S):	Attachment 1: Location Plan and LGA Zoning Attachment 2: Development Plans Attachment 3: Scheme Amendment No. 71

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for the construction of two single-storey grouped dwellings at Lot 1193 (14) Greig Street, Willagee as shown on the plans date stamped 31 October 2014 subject to the following conditions and advice:

- 1. Prior to the initial occupation of the development, the unused crossovers shall be removed and the kerbing and road verge reinstated at the landowners cost to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission.***
- 2. Prior to the initial occupation of the development, the surface of the retaining wall which is visible from the adjoining properties shall be finished to the satisfaction of the adjoining neighbour.***
- 3. Temporary structures such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network***

or the adjoining properties, to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission, and are to be removed prior to initial occupation of the development.

- 4. All stormwater generated on site is to be retained on site.**

ADVICE:

- 1. This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Melville Community Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required approvals are first obtained, applicable State and Federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to.**
- 2. In regard to Condition 1, the landowner/applicant is advised to liaise with the neighbour regarding the surface of the retaining wall. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager, Statutory Planning, City of Melville.**
- 3. Any additional development which is not in accordance with the original application or conditions of approval will require further approval.**
- 4. This approval is not permission to build. A building application may be required to be submitted and approved for this development prior to the commencement of any works on the site.**
- 5. The City of Melville is concerned to ensure that its street tree assets are not compromised by development proposals, particularly during the construction phase. As such, you are advised that a zero tolerance approach will be adopted if it is brought to the attention of the City that the health and/or integrity of any street tree is, or has been, undermined.**

Prior to the commencement of the development, the street tree/s within the verge are to be protected through the installation of a Tree Protection Zone (TPZ) which is to remain in place until the completion of the development. Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission:

- A free-standing mesh fence (or similar material) erected around each street tree with a minimum height of 1.2 metres and a 2 metre minimum radius measured from the outside of the trunk of each tree;**
- No persons, vehicles or machinery are to enter the TPZ;**
- No stockpiling of building materials, debris or soil is to occur within the TPZ;**
- No fuel, oil dumps, chemicals or contaminated water is to be disposed of, or stored within the TPZ;**

- **No signage or other fixtures are to be attached to the tree;**
- **All possible care is to be taken whilst works are occurring on site to ensure that no damage is caused to the tree/s including its trunk, roots and structural branches during construction.**

SUMMARY:

The Department of Housing has lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1193 (No. 14) Greig Street, Willagee. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land.

The application has been referred to the Western Australian Planning Commission (WAPC) for determination pursuant to the requirements of the Instrument of delegation, gazetted on 24 July 2009. The Instrument delegates approval for Department of Housing proposals to the WAPC where they are not in strict compliance with the relevant local planning scheme.

The application is being presented to the Statutory Planning Committee (SPC) for determination due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
SPP 3.1 Residential Design Codes; Proposal complies with WAPC policies unless discussed in the Planning Assessment section.
DC 1.2 Development Control - General Principles

INTRODUCTION:

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential R20' under the City of Melville Community Planning Scheme No. 5 (CPS 5) (**Attachment 1 – Location Plan**).

The Department of Housing has lodged an application proposing the construction of two grouped dwellings and a common property access leg, at Lot 1193 (No. 14)

Greig Street, Willagee. The subject land is currently vacant (**Attachment 2 – Development Plans**) and the proposal is considered to be public works.

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 309m² and 385m² respectively, which results in a variation of 64m² or 14.22% to the sites R20 coding and equates to a density of R25.

The subject land is situated within the area covered by the Willagee Structure Plan, which was adopted by the City of Melville in December 2013. The Structure Plan identifies changes to the density coding of the subject land from R20 to R25.

A Scheme amendment, to facilitate the implementation of the Willagee Structure Plan and proposed upcodings (*Scheme Amendment No. 71*) has subsequently been initiated. If approved, the Amendment will render this application compliant with site area requirements as per the R25 density coding. Further detail of the Structure Plan and associated Scheme Amendment is provided in the 'Policy Context' section below.

CONSULTATION:

The City of Melville (the City) does not support the proposal for the following reasons:

The development is not considered to meet the zoning requirements of Community Planning Scheme No.5. The land is zoned as "Residential R20" and the proposal does not satisfy the minimum and average site area requirements of the Residential Design Codes for an R20 lot. As such, a development proposal such as this would not otherwise be supported under the City's Planning Scheme. With the exception of the abovementioned, all other elements are considered to comply with the Community Planning Scheme No. 5, Residential Design Codes and Council Policy.

Notwithstanding, the Town has provided conditions of approval should the Commission support the proposal.

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

Pursuant to clause 30 of the MRS, the WAPC must have regard to:

- the purpose for which the land is zoned or reserved;
- the orderly and proper planning of the locality; and
- the preservation of the amenity of the locality.

The proposal is generally consistent with the 'Urban' zoning of the land given it is proposed to develop residential dwellings. Further, approval for grouped-dwelling development will not adversely affect the orderly and proper planning of the locality or the preservation of the amenity of the locality.

State Planning Policy No. 3.1 Residential Design Codes (R-Codes)

The City has assessed the proposal against the provisions of the R-Codes and advises that, with the exception of the minimum and average site area requirements, all other elements of the proposal are in accordance with the requirements of the R-Codes.

Willagee Structure Plan and Proposed Scheme Amendment No. 71

The Willagee Structure Plan (WSP) was formally adopted by the City of Melville on 10 December 2013. The WSP identifies changes to the density coding of the subject land from R20 to R25. At its Special Meeting on 22 September 2014, the City initiated Scheme Amendment 71 to CPS 5 to align the zonings of the lots in the Structure Plan area with the WSP.

Scheme Amendment 71 has been publicly advertised with submissions closing on Tuesday, 23 December 2014. Council expects to review submissions in January 2015, and will submit the amendment to the WAPC early in 2015 for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

As the Scheme Amendment has been publicly advertised and submissions received for consideration by the City, it is considered a seriously entertained planning proposal, and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

- The proposal is consistent with the general intent of the local planning scheme;
- The proposal is compatible with the objectives of the Willagee Structure Plan;
- The proposal can be assessed in accordance with the provisions of Scheme Amendment No. 71 to CPS 5, on the basis that the amendment is a seriously entertained planning proposal;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;

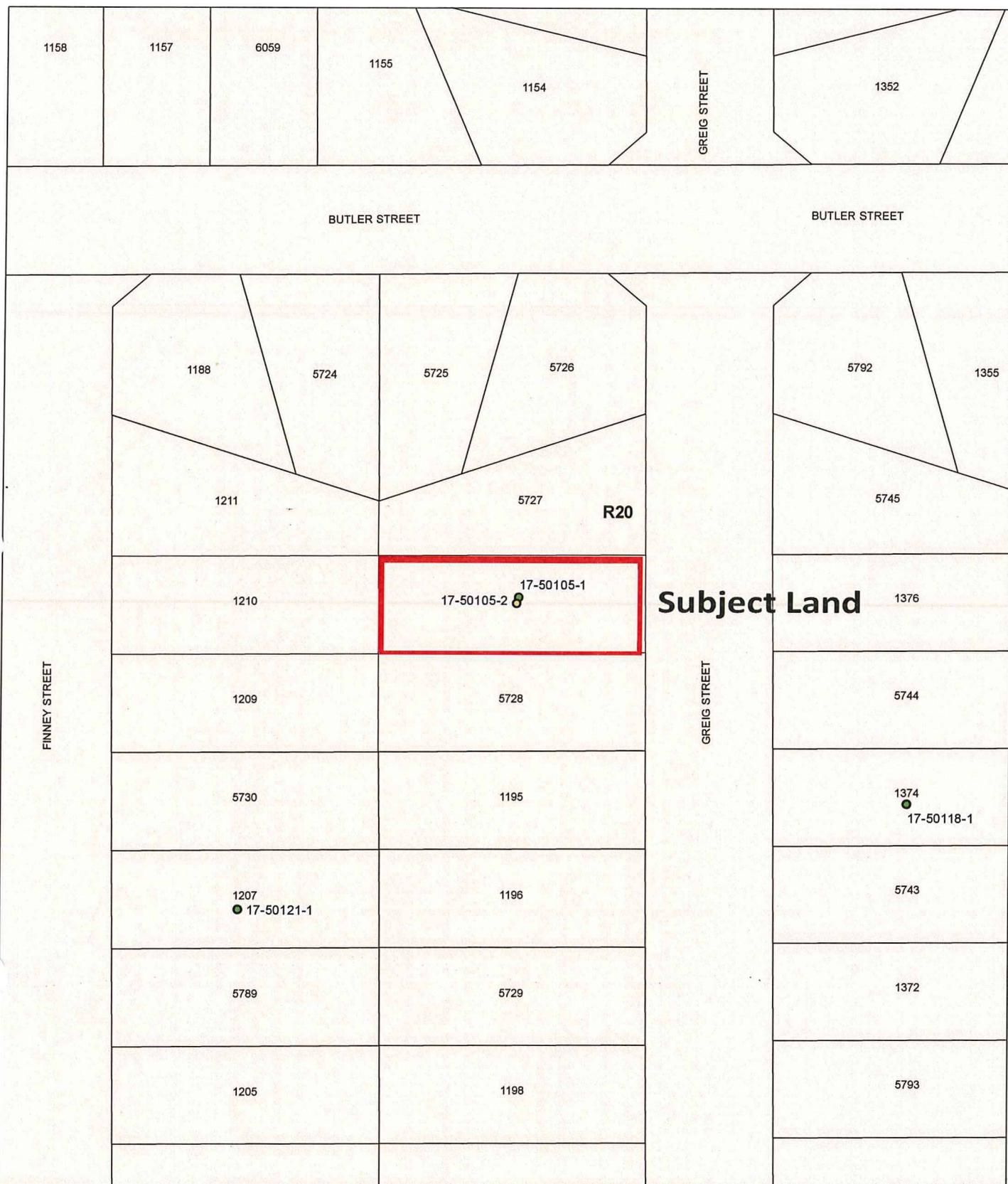
- The subject site is strategically well located to be able to benefit from good public transport infrastructure, schools and other servicing provision, and is directly opposite public open space;
- The proposed lots are capable of being developed in accordance with 'deemed- to-comply' R-Code requirements;
- 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 11,000 dwellings within the Melville municipality by 2031.

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

The WAPC does have the ability to refuse the application if it believes it is not warranted at this point in time because the variation, or proposed scheme amendment, are not sound planning proposals.

CONCLUSION:

Whilst the proposed development does not comply with the current density coding of the subject land as designated by CPS 5, it is consistent with the objectives of the Willagee Structure Plan and the provisions of Scheme Amendment No. 71 to CPS 5, a seriously entertained planning proposal. Conditional approval is recommended.



Subject Land

LOCATION PLAN

Development Application 17-50105-2

Decision: **OUTSTANDING**

Printed: 31/10/2014

This data is to be used only for the processing of Development Application

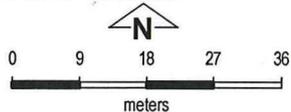
Existing LPS Zones and Reserves

-  R Code Boundaries
-  Living areas

Legend

Development Applications

-  Approved
-  Outstanding



Department of Planning



Western Australian Planning Commission

ITEM NO: 9.4

PROPOSED DEVELOPMENT: THREE SINGLE STOREY GROUPED DWELLINGS AT LOT 992 (NO. 69) ARCHIBALD STREET, WILLAGEE

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:	17-50127-2
DATE:	24 December 2014
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENT(S):	Attachment 1: Location Plan and LGA Zoning Attachment 2: Development Plans Attachment 3: Scheme Amendment No. 71

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for the construction of three single-storey grouped dwellings at Lot 992 (69) Archibald Street, Willagee as shown on the plans date stamped 3 November 2014 subject to the following conditions and advice:

- 1. Temporary structures such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or the adjoining properties, to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission, and are to be removed prior to initial occupation of the development.***
- 2. Prior to the initial occupation of the development, the surface finish of the boundary walls shall be to the satisfaction of the adjoining neighbour.***

3. ***Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2 metres above natural ground level and shall satisfy Clause 5.2.4 C4 of the Residential Design Codes 2013 to the specification of the Local Government and the satisfaction of the Western Australian Planning Committee.***
4. ***All stormwater generated on site is to be retained on site.***
5. ***The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 3m and constructed prior to the initial occupation of the development in accordance with the Local Government's specifications to the satisfaction of the Western Australian Planning Commission.***

ADVICE:

1. ***This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Melville Community Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required approvals are first obtained, applicable State and Federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to.***
2. ***In regard to Condition 2, the landowner/applicant is advised to liaise with the neighbour regarding the surface of the retaining wall. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager, Statutory Planning, City of Melville.***
3. ***Any additional development which is not in accordance with the original application or conditions of approval will require further approval.***
4. ***This approval is not permission to build. A building application may be required to be submitted and approved for this development prior to the commencement of any works on the site.***
5. ***Prior to the commencement of the development, the street tree/s within the verge are to be protected through the installation of a Tree Protection Zone (TPZ) which is to remain in place until the completion of the development. Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria, to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission:***
 - ***A free-standing mesh fence (or similar material) erected around each street tree with a minimum height of 1.2 metres and a 2 metre minimum radius measured from the outside of the trunk of each tree;***
 - ***No persons, vehicles or machinery are to enter the TPZ;***

- **No stockpiling of building materials, debris, or soil is to occur within the TPZ;**
- **No fuel, oil dumps, chemicals or contaminated water is to be disposed of, or stored within the TPZ;**
- **No signage or other fixtures are to be attached to the tree; and**
- **All possible care is to be taken whilst works are occurring on site to ensure that no damage is caused to the tree/s including its trunk, roots and structural branches during construction.**

SUMMARY:

The Department of Housing has lodged an application with the City of Melville (the City) proposing to construct three single-storey grouped dwellings on Lot 992 (No. 69) Archibald Street, Willagee. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land.

The application has been referred to the Western Australian Planning Commission (WAPC) for determination pursuant to the requirements of the Instrument of delegation, gazetted on 24 July 2009. The Instrument delegates approval for Department of Housing proposals to the WAPC where they are not in strict compliance with the relevant local planning scheme.

The application is being presented to the Statutory Planning Committee (SPC) for determination due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

SPP 3.1 Residential Design Codes;

Proposal complies with WAPC policies unless discussed in the Planning Assessment section.

DC 1.2 Development Control - General

Principles

INTRODUCTION:

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential R20' under the City of Melville Community Planning Scheme No. 5 (CPS 5) (**Attachment 1 – Location Plan**).

The Department of Housing has lodged an application proposing the construction of three grouped dwellings and a common property access leg, at Lot 992 (No. 69) Archibald Street, Willagee (**Attachment 2 – Development Plans**) and the proposal is considered to be public works. The subject land contains an existing dwelling, for which approval to demolish was granted by the Western Australian Planning Commission on 5 September 2014 (WAPC Ref: 17-50127-1).

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 193m² and 250m² respectively, which results in a variation of 200m² or 44.4% to the site's R20 coding and equates to a density of R40.

The subject land is situated within the area covered by the Willagee Structure Plan, which was adopted by the City of Melville in December 2013. The Structure Plan identifies changes to the density coding of the subject land from R20 to R40/60.

A Scheme amendment, to facilitate the implementation of the Willagee Structure Plan and proposed upcodings (*Scheme Amendment No. 71*) has subsequently been initiated. If approved, the Amendment will render this application compliant with site area requirements as per the R40/60 density coding. Further detail of the Structure Plan and associated Scheme Amendment is provided in the 'Policy Context' section below.

CONSULTATION:

The City of Melville (the City) does not support the proposal for the following reasons:

The development is not considered to meet the objectives of Community Planning Scheme No.5. The land is zoned as "Residential R20" and the proposal does not satisfy the minimum and average site area requirements of the Residential Design Codes for an R20 lot.

However, the development is within the Willagee Structure where the density has proposed to be changed to R40 and a scheme amendment has been initiated to change the density coding.

Other requirements such as front setbacks and boundary walls are also not considered to comply with the R20 requirements of the R-Codes, however are consistent with the proposed future R40 zoning. As such, a development proposal such as this would not otherwise be supported under the City's Planning Scheme at this point in time.

With the exception of the abovementioned, all other elements are considered to comply with the Community Planning Scheme No. 5, Residential Design Codes and Council Policy.

Notwithstanding, the Town has provided conditions of approval should the Commission support the proposal.

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

Pursuant to clause 30 of the MRS, the WAPC must have regard to:

- the purpose for which the land is zoned or reserved;
- the orderly and proper planning of the locality; and
- the preservation of the amenity of the locality.

The proposal is generally consistent with the 'Urban' zoning of the land given it is proposed to develop residential dwellings. Further, approval for grouped-dwelling development will not adversely affect the orderly and proper planning of the locality or the preservation of the amenity of the locality.

State Planning Policy No. 3.1 Residential Design Codes (R-Codes)

The City has assessed the proposal against the provisions of the R-Codes and advises that, with the exception of the minimum and average site area requirements, all other elements of the proposal are in accordance with the requirements of the R-Codes.

Willagee Structure Plan and Proposed Scheme Amendment No. 71

The Willagee Structure Plan (WSP) was formally adopted by the City of Melville on 10 December 2013. The WSP identifies changes to the density coding of the subject land from R20 to R40/60. At its Special Meeting on 22 September 2014, the City initiated Scheme Amendment 71 to CPS 5 to align the zonings of the lots in the Structure Plan area with the WSP.

Scheme Amendment 71 has been publicly advertised with submissions closing on Tuesday, 23 December 2014. Council expects to review submissions in January 2015, and will submit the amendment to the WAPC early in 2015 for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

As the Scheme Amendment has been publicly advertised and submissions received for consideration by the City, it is considered a seriously entertained planning proposal, and should be taken into account when determining relevant planning

applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

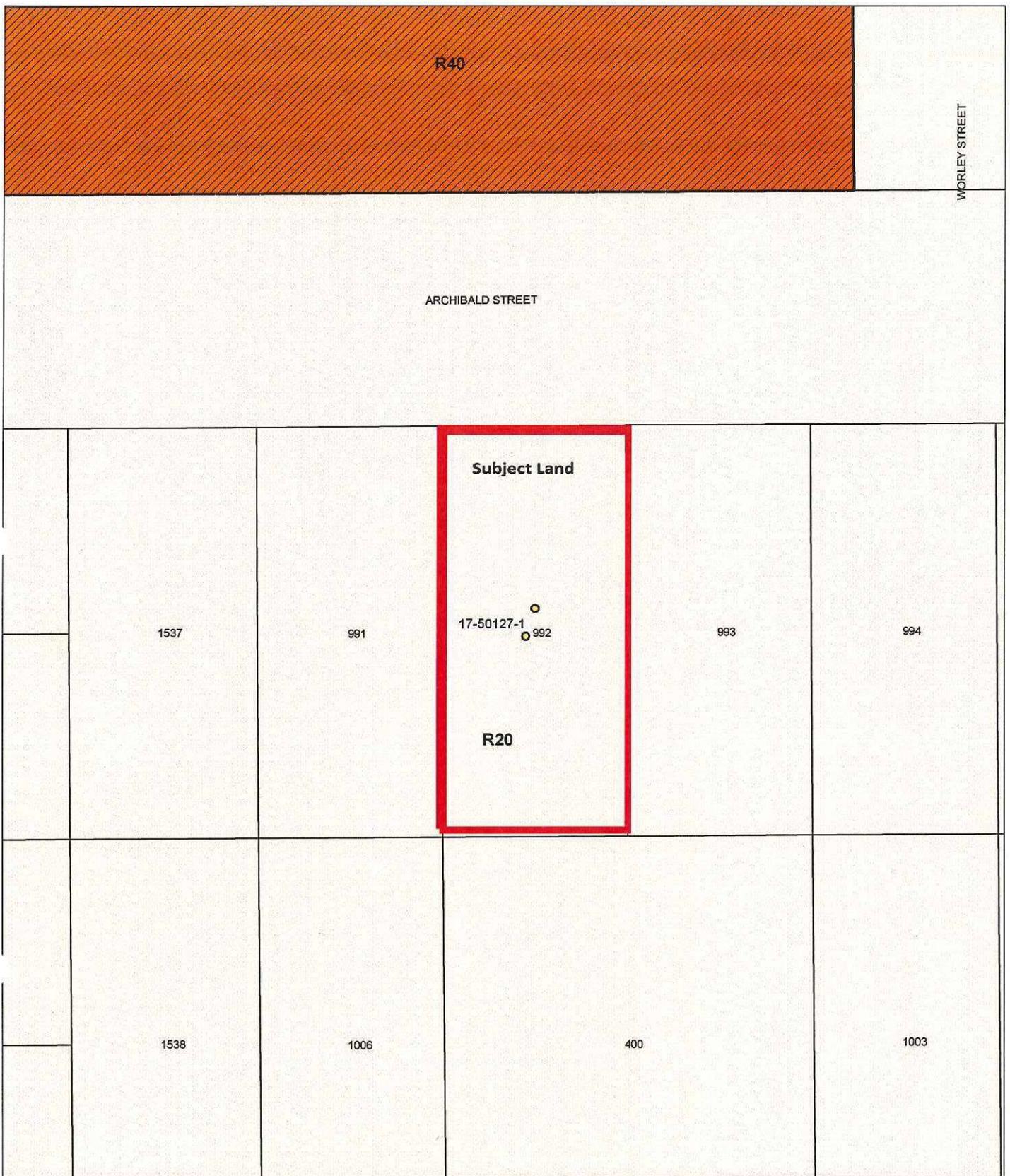
- The proposal is consistent with the general intent of the local planning scheme;
- The proposal is compatible with the objectives of the Willagee Structure Plan;
- The proposal can be assessed in accordance with the provisions of Scheme Amendment No. 71 to CPS 5, on the basis that the amendment is a seriously entertained planning proposal;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- The subject site is strategically well located to be able to benefit from good public transport infrastructure, schools and other servicing provision, and is directly opposite public open space;
- The proposed lots are capable of being developed in accordance with 'deemed- to-comply' R-Code requirements;
- 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 11,000 dwellings within the Melville municipality by 2031.

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

The WAPC does have the ability to refuse the application if it believes it is not warranted at this point in time because the variation, or proposed scheme amendment, are not sound planning proposals.

CONCLUSION:

Whilst the proposed development does not comply with the current density coding of the subject land as designated by CPS 5, it is consistent with the objectives of the Willagee Structure Plan and the provisions of Scheme Amendment No. 71 to CPS 5, a seriously entertained planning proposal. Conditional approval is recommended.

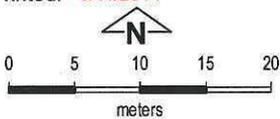


LOCATION PLAN

Development Application 17-50127-2

Decision: **OUTSTANDING**

Printed: 3/11/2014



This data is to be used only for the processing of Development Application

Legend
Development Applications

○ Outstanding

Existing LPS Zones and Reserves

-  R Code Boundaries
-  Community centre
-  Living areas



Department of Planning



Western Australian Planning Commission

ITEM NO: 9.5

PROPOSED DEVELOPMENT: TWO SINGLE STOREY GROUPED DWELLINGS AT LOT 1169 (NO. 6) FINNEY STREET, WILLAGEE

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:	17-50123-2
DATE:	24 December 2014
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENT(S):	Attachment 1: Location Plan and LGA Zoning Attachment 2: Development Plans Attachment 3: Scheme Amendment No. 71

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for the construction of two single-storey grouped dwellings at Lot 1169 (6) Finney Street, Willagee as shown on the plans date stamped 3 November 2014 subject to the following conditions and advice:

- 1. Prior to the initial occupation of the development, the surface of the retaining wall which is visible from the adjoining properties shall be finished to the satisfaction of the adjoining neighbour.***
- 2. Temporary structures such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or the adjoining properties, to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission, and are to be removed prior to initial occupation of the development.***

3. ***Prior to the initial occupation of the development, the unused crossover/s shall be removed and the kerbing and road verge reinstated at the landowners cost to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission.***
4. ***Prior to commencement of works, the Applicant shall arrange payment for the removal and replacement costs of street trees in accordance with Council Policy-029: Street Tree Policy to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission.***
5. ***All stormwater generated on site is to be retained on site. Prior to the commencement of works, a stormwater design plan is to be submitted (an ARI of 1 in 100 year for a 24 hour storm duration is recommended) for the approval of the Manager Statutory Planning. Prior to initial occupation of the development a Certificate of Compliance certifying that the development has been constructed in accordance with the approved plan is to be submitted for the approval of the Manager Statutory Planning, City of Melville, to the satisfaction of the Western Australian Planning Commission.***
6. ***The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m (9m in aggregate) and located a minimum of 2 metres away from the outside of the trunk of any retained street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the Western Australian Planning Commission.***

ADVICE:

1. ***This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Melville Community Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required approvals are first obtained, applicable State and Federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to.***
2. ***In regard to Condition 1, the landowner/applicant is advised to liaise with the neighbour regarding the surface of the retaining wall. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager, Statutory Planning, City of Melville.***
3. ***Any additional development which is not in accordance with the original application or conditions of approval will require further approval.***
4. ***This approval is not permission to build. A building application may be required to be submitted and approved for this development prior to the commencement of any works on the site.***

SUMMARY:

The Department of Housing has lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1169 (No. 6) Finney Street, Willagee. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land.

The application has been referred to the Western Australian Planning Commission (WAPC) for determination pursuant to the requirements of the Instrument of delegation, gazetted on 24 July 2009. The Instrument delegates approval for Department of Housing proposals to the WAPC where they are not in strict compliance with the relevant local planning scheme.

The application is being presented to the Statutory Planning Committee (SPC) for determination due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
SPP 3.1 Residential Design Codes; Proposal complies with WAPC policies unless discussed in the Planning Assessment section.
DC 1.2 Development Control - General Principles

INTRODUCTION:

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential R20' under the City of Melville Community Planning Scheme No. 5 (CPS 5) (**Attachment 1 – Location Plan**).

The Department of Housing has lodged an application proposing the construction of two grouped dwellings and a common property access leg, at Lot 1169 (No. 6) Finney Street, Willagee. The subject land is currently vacant (**Attachment 2 – Development Plans**) and the proposal is considered to be public works.

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are

to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 330m² and 388m² respectively, which results in a variation of 62m² or 13.77% to the sites R20 coding and equates to a density of R25.

The subject land is situated within the area covered by the Willagee Structure Plan, which was adopted by the City of Melville in December 2013. The Structure Plan identifies changes to the density coding of the subject land from R20 to R25.

A Scheme amendment, to facilitate the implementation of the Willagee Structure Plan and proposed upcodings (*Scheme Amendment No. 71*) has subsequently been initiated. If approved, the Amendment will render this application compliant with site area requirements as per the R25 density coding. Further detail of the Structure Plan and associated Scheme Amendment is provided in the 'Policy Context' section below.

CONSULTATION:

The City of Melville (the City) does not support the proposal for the following reasons:

The development is not considered to meet the objectives of Community Planning Scheme No.5. The land is zoned as "Residential R20" and the proposal does not satisfy the minimum and average site area requirements of the Residential Design Codes for an R20 lot. As such, a development proposal such as this would not otherwise be supported under the City's Planning Scheme. With the exception of the abovementioned, all other elements are considered to comply with the Community Planning Scheme No. 5, Residential Design Codes and Council Policy.

Notwithstanding, the Town has provided conditions of approval should the Commission support the proposal.

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

Pursuant to clause 30 of the MRS, the WAPC must have regard to:

- the purpose for which the land is zoned or reserved;
- the orderly and proper planning of the locality; and
- the preservation of the amenity of the locality.

The proposal is generally consistent with the 'Urban' zoning of the land given it is proposed to develop residential dwellings. Further, approval for grouped-dwelling development will not adversely affect the orderly and proper planning of the locality or the preservation of the amenity of the locality.

State Planning Policy No. 3.1 Residential Design Codes (R-Codes)

The City has assessed the proposal against the provisions of the R-Codes and advises that, with the exception of the minimum and average site area requirements, all other elements of the proposal are in accordance with the requirements of the R-Codes.

Willagee Structure Plan and Proposed Scheme Amendment No. 71

The Willagee Structure Plan (WSP) was formally adopted by the City of Melville on 10 December 2013. The WSP identifies changes to the density coding of the subject land from R20 to R25. At its Special Meeting on 22 September 2014, the City initiated Scheme Amendment 71 to CPS 5 to align the zonings of the lots in the Structure Plan area with the WSP.

Scheme Amendment 71 has been publicly advertised with submissions closing on Tuesday, 23 December 2014. Council expects to review submissions in January 2015, and will submit the amendment to the WAPC early in 2015 for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

As the Scheme Amendment has been publicly advertised and submissions received for consideration by the City, it is considered a seriously entertained planning proposal, and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

- The proposal is consistent with the general intent of the local planning scheme;
- The proposal is compatible with the objectives of the Willagee Structure Plan;
- The proposal can be assessed in accordance with the provisions of Scheme Amendment No. 71 to CPS 5, on the basis that the amendment is a seriously entertained planning proposal;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- The subject site is strategically well located to be able to benefit from good public transport infrastructure, schools and other servicing provision, and is directly opposite public open space;
- The proposed lots are capable of being developed in accordance with 'deemed- to-comply' R-Code requirements;

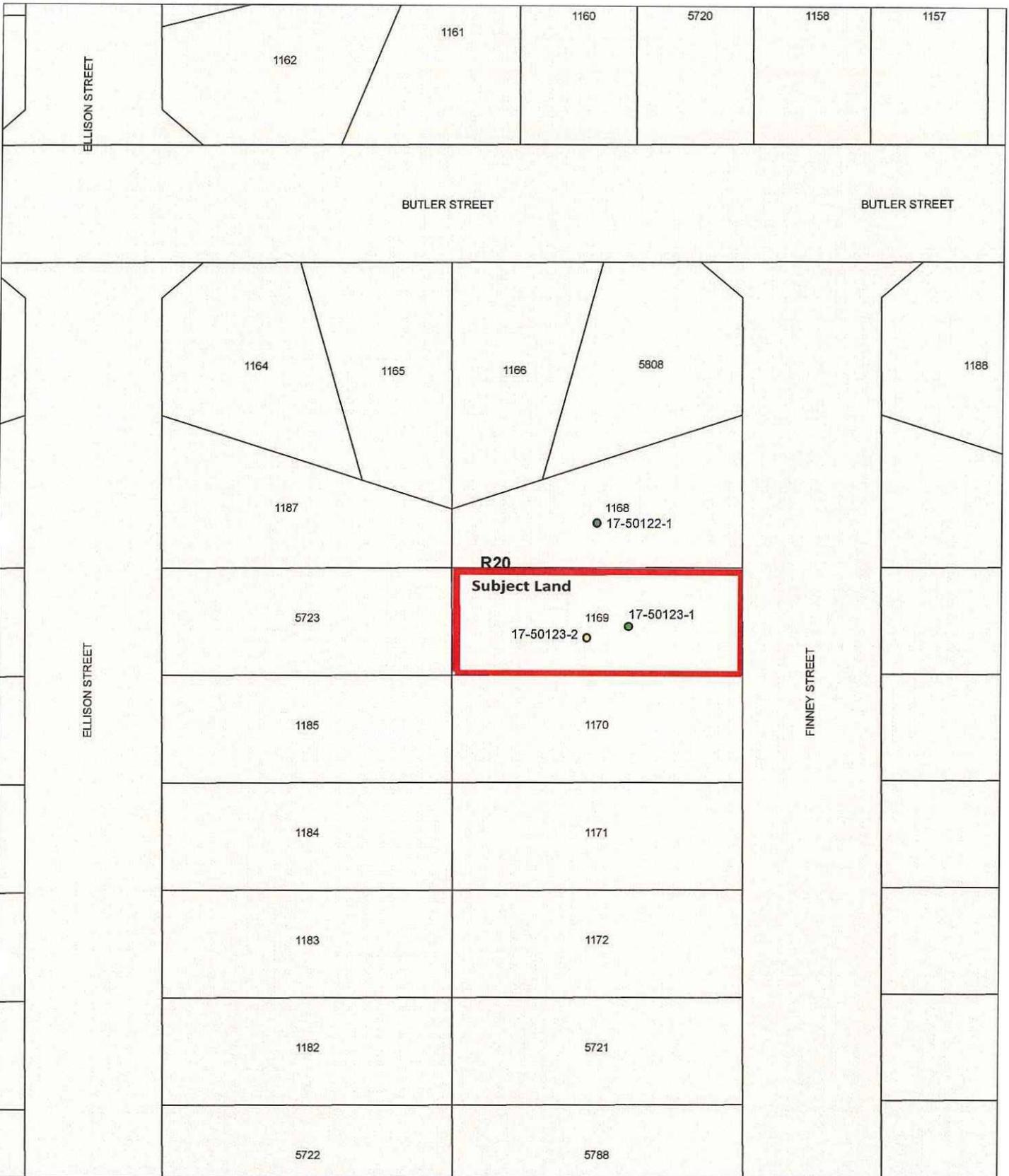
- The proposal will provide a wider choice of residential lot sizes in the locality; and
- This small infill proposal will contribute towards the dwelling targets of the *Central Metropolitan Sub-regional Strategy* and *Directions 2031* which call for an additional 11,000 dwellings within the Melville municipality by 2031.

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

The WAPC does have the ability to refuse the application if it believes it is not warranted at this point in time because the variation, or proposed scheme amendment, are not sound planning proposals.

CONCLUSION:

Whilst the proposed development does not comply with the current density coding of the subject land as designated by CPS 5, it is consistent with the objectives of the Willagee Structure Plan and the provisions of Scheme Amendment No. 71 to CPS 5, a seriously entertained planning proposal. Conditional approval is recommended.

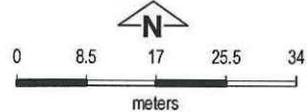


LOCATION PLAN

Development Application 17-50123-2

Decision: **OUTSTANDING**

Printed: 3/11/2014



This data is to be used only for the processing of Development Application

- Legend**
- Development Applications**
- Approved
 - Outstanding

Existing LPS Zones and Reserves

- R Code Boundaries
- Living areas



Department of Planning



ITEM NO: 9.6

PROPOSED DEVELOPMENT: TWO SINGLE STOREY GROUPED DWELLINGS AT LOT 1207 (NO. 11) FINNEY STREET, WILLAGEE

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:	17-50121-2
DATE:	24 December 2014
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Approve
ATTACHMENT(S):	Attachment 1: Location Plan and LGA Zoning Attachment 2: Development Plans Attachment 3: Proposed Scheme Amendment No. 71

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the development application for the construction of two single-storey grouped dwellings at Lot 1207 (11) Finney Street, Willagee as shown on the plans date stamped 31 October 2014 subject to the following conditions and advice:

- 1. All stormwater generated on site is to be retained on site.***
- 2. Prior to the initial occupation of the development, the surface of the retaining wall which is visible from the adjoining properties shall be finished to the satisfaction of the adjoining neighbour.***
- 3. Temporary structures such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or the adjoining properties, to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission, and are to be removed prior to initial occupation of the development.***

4. ***Prior to the initial occupation of the development, the unused crossover/s shall be removed and the kerbing and road verge reinstated at the landowners cost to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission.***

ADVICE:

1. ***This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Melville Community Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required approvals are first obtained, applicable State and Federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to.***
2. ***In regard to Condition 2, the landowner/applicant is advised to liaise with the neighbour regarding the surface of the retaining wall. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager, Statutory Planning, City of Melville.***
3. ***Any additional development which is not in accordance with the original application or conditions of approval will require further approval.***
4. ***This approval is not permission to build. A building application may be required to be submitted and approved for this development prior to the commencement of any works on the site.***
5. ***The City of Melville is concerned to ensure that its street tree assets are not compromised by development proposals, particularly during the construction phase. As such, you are advised that a zero tolerance approach will be adopted if it is brought to the attention of the City that the health and/or integrity of any street tree is, or has been, undermined.***

Prior to the commencement of the development, the street tree/s within the verge are to be protected through the installation of a Tree Protection Zone (TPZ) which is to remain in place until the completion of the development. Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission:

- ***A free-standing mesh fence (or similar material) erected around each street tree with a minimum height of 1.2 metres and a 2 metre minimum radius measured from the outside of the trunk of each tree;***
- ***No persons, vehicles or machinery are to enter the TPZ;***
- ***No stockpiling of building materials, debris or soil is to occur within the TPZ;***
- ***No fuel, oil dumps, chemicals or contaminated water is to be disposed of, or stored within the TPZ;***
- ***No signage or other fixtures are to be attached to the tree;***

- ***All possible care is to be taken whilst works are occurring on site to ensure that no damage is caused to the tree/s including its trunk, roots and structural branches during construction.***

SUMMARY:

The Department of Housing has lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1207 (No. 11) Finney Street, Willagee. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land.

The application has been referred to the Western Australian Planning Commission (WAPC) for determination pursuant to the requirements of the Instrument of delegation, gazetted on 24 July 2009. The Instrument delegates approval for Department of Housing proposals to the WAPC where they are not in strict compliance with the relevant local planning scheme.

The application is being presented to the Statutory Planning Committee (SPC) for determination due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

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

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

Policy
SPP 3.1 Residential Design Codes; Proposal complies with WAPC policies unless discussed in the Planning Assessment section.
DC 1.2 Development Control - General Principles

INTRODUCTION:

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential R20' under the City of Melville Community Planning Scheme No. 5 (CPS 5) (**Attachment 1 – Location Plan**).

The Department of Housing has lodged an application proposing the construction of two grouped dwellings and a common property access leg, at Lot 1207 (No. 11)

Finney Street, Willagee. The subject land is currently vacant (**Attachment 2 – Development Plans**) and the proposal is considered to be public works.

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 309m² and 385m² respectively, which results in a variation of 64m² or 14.22% to the sites R20 coding and equates to a density of R25.

The subject land is situated within the area covered by the Willagee Structure Plan, which was adopted by the City of Melville in December 2013. The Structure Plan identifies changes to the density coding of the subject land from R20 to R25.

A Scheme amendment, to facilitate the implementation of the Willagee Structure Plan and proposed upcodings (*Scheme Amendment No. 71*) has subsequently been initiated. If approved, the Amendment will render this application compliant with site area requirements as per the R25 density coding. Further detail of the Structure Plan and associated Scheme Amendment is provided in the 'Policy Context' section below.

CONSULTATION:

The City of Melville (the City) does not support the proposal for the following reasons:

The development is not considered to meet the zoning requirements of Community Planning Scheme No.5. The land is zoned as "Residential R20" and the proposal does not satisfy the minimum and average site area requirements of the Residential Design Codes for an R20 lot. As such, a development proposal such as this would not otherwise be supported under the City's Planning Scheme. With the exception of the abovementioned, all other elements are considered to comply with the Community Planning Scheme No. 5, Residential Design Codes and Council Policy.

Notwithstanding, the Town has provided conditions of approval should the Commission support the proposal.

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

Pursuant to clause 30 of the MRS, the WAPC must have regard to:

- the purpose for which the land is zoned or reserved;
- the orderly and proper planning of the locality; and
- the preservation of the amenity of the locality.

The proposal is generally consistent with the 'Urban' zoning of the land given it is proposed to develop residential dwellings. Further, approval for grouped-dwelling development will not adversely affect the orderly and proper planning of the locality or the preservation of the amenity of the locality.

State Planning Policy No. 3.1 Residential Design Codes (R-Codes)

The City has assessed the proposal against the provisions of the R-Codes and advises that, with the exception of the minimum and average site area requirements, all other elements of the proposal are in accordance with the requirements of the R-Codes.

Willagee Structure Plan and Proposed Scheme Amendment No. 71

The Willagee Structure Plan (WSP) was formally adopted by the City of Melville on 10 December 2013. The WSP identifies changes to the density coding of the subject land from R20 to R25. At its Special Meeting on 22 September 2014, the City initiated Scheme Amendment 71 to CPS 5 to align the zonings of the lots in the Structure Plan area with the WSP.

Scheme Amendment 71 has been publicly advertised with submissions closing on Tuesday, 23 December 2014. Council expects to review submissions in January 2015, and will submit the amendment to the WAPC early in 2015 for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

As the Scheme Amendment has been publicly advertised and submissions received for consideration by the City, it is considered a seriously entertained planning proposal, and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

- The proposal is consistent with the general intent of the local planning scheme;
- The proposal is compatible with the objectives of the Willagee Structure Plan;
- The proposal can be assessed in accordance with the provisions of Scheme Amendment No. 71 to CPS 5, on the basis that the amendment is a seriously entertained planning proposal;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;

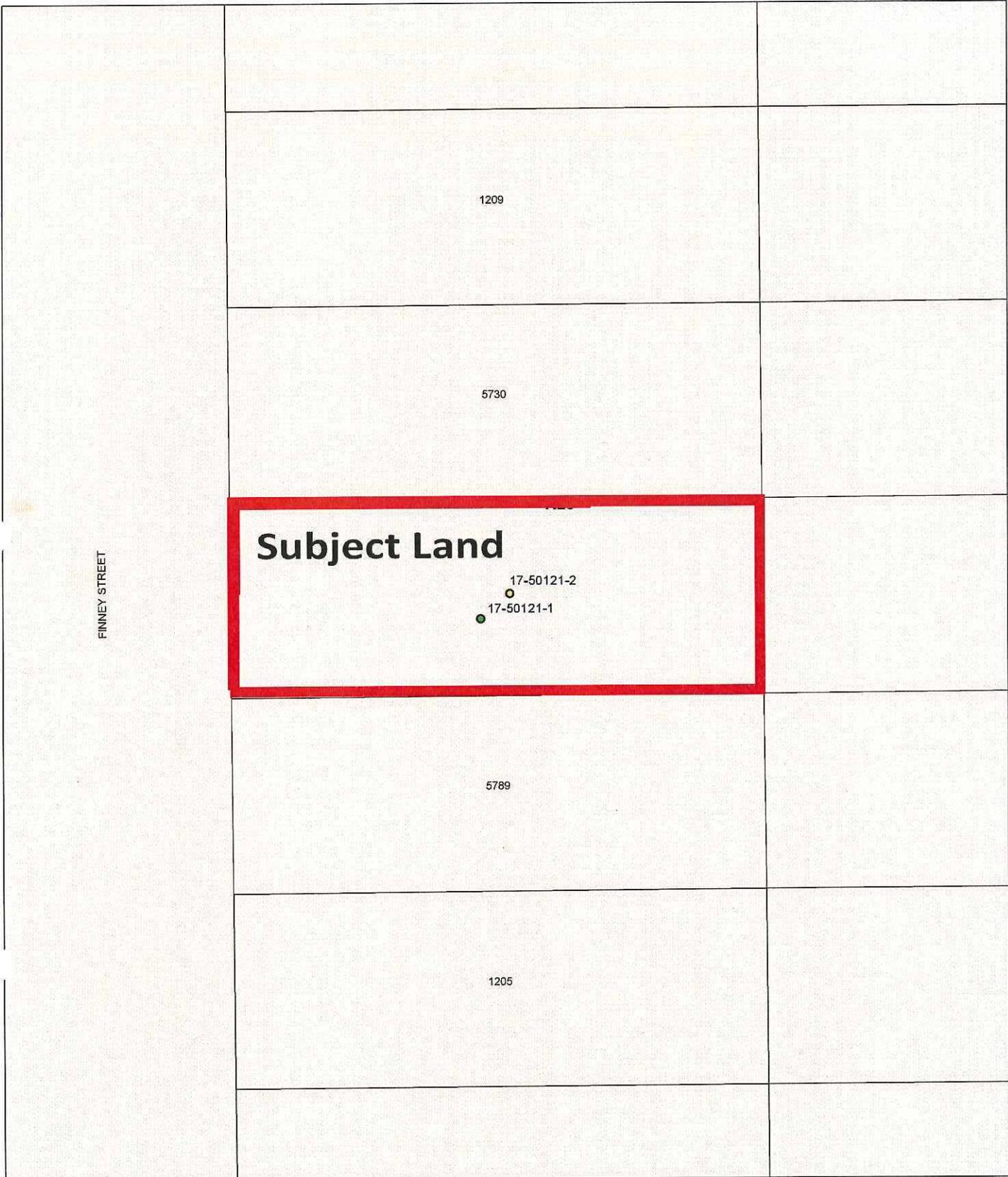
- The subject site is strategically well located to be able to benefit from good public transport infrastructure, schools and other servicing provision, and is directly opposite public open space;
- The proposed lots are capable of being developed in accordance with 'deemed- to-comply' R-Code requirements;
- 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 11,000 dwellings within the Melville municipality by 2031.

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

The WAPC does have the ability to refuse the application if it believes it is not warranted at this point in time because the variation, or proposed scheme amendment, are not sound planning proposals.

CONCLUSION:

Whilst the proposed development does not comply with the current density coding of the subject land as designated by CPS 5, it is consistent with the objectives of the Willagee Structure Plan and the provisions of Scheme Amendment No. 71 to CPS 5, a seriously entertained planning proposal. Conditional approval is recommended.

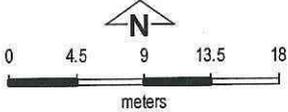


LOCATION PLAN

Development Application 17-50121-2

Decision: **OUTSTANDING**

Printed: 31/10/2014



This data is to be used only for the processing of Development Application

- Legend**
- Development Applications**
- Approved
 - Outstanding

- Existing LPS Zones and Reserves**
- ▭ R Code Boundaries
 - ▭ Living areas



Department of Planning

