



# Statutory Planning Committee

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

**Tuesday 10 February 2015**  
**9.00 am**

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



Tim Hillyard  
WAPC Secretary

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Please convey apologies to Luke Downes on 6551 9549 or email  
[luke.downes@planning.wa.gov.au](mailto:luke.downes@planning.wa.gov.au)

# Statutory Planning Committee

## Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	04/11/2016
Ms Gail McGOWAN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Martin CLIFFORD	Nominee of the Regional Minister Schedule 2 clause 4(3)	14/10/2015
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	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 7515  
held on Tuesday, 20 January 2015

### Attendance

#### Members

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

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

#### Officers

Mr Shau Chong  
Ms Pam Baskind  
Mr Nicholas Welsh  
Mr Mat Selby

#### Department of Planning

Principal Planning Officer; Perth and Peel Planning  
Planning Manager; Regional Planning and Strategy  
Senior Planning Officer; Regional Planning and Strategy  
Planning Director, Metropolitan Central; Perth and Peel  
Planning

#### Presenters

Mr Stephen Kargotich  
Mr Trevor Moran  
Mr Mike Scott  
Mr Matt Thompson  
Mr Mark Szabo

Kargotich Industries (item 6.1 for 11.2)  
Landvision (item 6.1 for 11.2)  
Bushfire Prone Planning (item 6.1 for 11.2)  
Kargotich Industries (item 6.1 for 11.2)  
Burgess Design Group (item 6.2 for 11.4)

#### Committee Support

Mr Luke Downes

Committee Support Officer - Department of Planning

### 7515.1 Declaration of Opening

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

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### 7515.2 Apologies

Mr Ray Glickman  
Ms Gail McGowan

WAPC appointee  
Director General, Department of Planning

### 7515.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

### 7515.4 Disclosure of Interests

Nil.

### 7515.5 Declaration of Due Consideration

No declarations were made.

### 7515.6 Deputations and Presentations

#### 7515.6.1 City of Armadale Town Planning Scheme No. 4 - Amendment 48 - for Final Approval

Presenter Mr Stephen Kargotich, Kargotich Industries

Messer's Kargotich, Moran, Scott and Thompson made a PowerPoint presentation to the Committee and answered questions from members. A copy has been placed on file.

#### 7515.6.2 City of South Perth - Town Planning Scheme No. 6 Amendment No. 44 - for Final Approval

Presenter Mr Mark Szabo, Burgess Design Group

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

### 7515.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman advised members that the presentation on the 'Roles and Responsibilities of WAPC Members' was available on the web for their access and provided a brief overview of the direction the presentation is to provide members of WAPC committees.

The Chairman announced that the Department is close to finalising the structure plans for Perth and Peel and will be ready for advertising.

The Chairman also updated members on the Preston Beach site visit by the Western Australian Planning Commission.



## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### 7515.8 Confirmation of Minutes

#### 7515.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 9 December 2014

##### Resolved

##### *Moved by Mayor Aubrey, seconded by Ms Taylor*

1. *To amend the minutes to reflect that Ms Taylor, not Mr Clifford, did not vote on item 11.15;*
2. *That the minutes of the Statutory Planning Committee meeting held on Tuesday, 9 December 2014 as amended, be confirmed as a true and correct record of the proceedings.*

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

Members agreed to endorse, en-bloc, all the recommendations associated with Items 7515.9.2, and 7515.11.5 to 7515.11.7 inclusive.

##### Resolved

##### *Moved by Mr Clifford, seconded by Ms Bartle*

*That the Statutory Planning Committee to endorse, en-bloc, all the recommendations associated with Items 7515.9.2, and 7515.11.5 to 7515.11.7 inclusive.*

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

### 7515.9 Statutory Items for Decision

7515.9.1	<b>Proposed Subdivision - Lot 16 Surrey Road, Kewdale</b>
	File 150521
	Report Number SPC/771
	Agenda Part G
	Reporting Officer Planning Officer, Metropolitan Central, Perth and Peel Planning

##### Resolved

##### *Moved by Ms Taylor, seconded by Mr Holloway*

*That the Western Australian Planning Commission resolves to approve the application*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

*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;*
  - 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;*
  - 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)*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

*for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

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

### **7515.9.2**

#### **Proposed Subdivision - Lot 629 Bradshaw Crescent, Manning**

File 150710  
Report Number SPC/772  
Agenda Part G  
Reporting Officer Planning Officer, Metropolitan Central, Perth and Peel Planning

#### **Resolved**

***Moved by Mr Clifford, seconded by Ms Bartle***

*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;*
  - 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;*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

- 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, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
2. *In regard to Condition 4, Western Power provides only one underground point of electricity supply per freehold lot.*

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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.*

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

### 7515.9.3

#### **Proposed Development of Two Single Storey Grouped Dwellings at Lot 1193 (No. 14) Greig Street, Willagee**

File 17-50105-2  
Report Number SPC/773  
Agenda Part G  
Reporting Officer Planning Officer, Metropolitan Central,  
Perth and Peel Planning

#### **Officer's 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



## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### Resolved

#### *Motion to defer*

#### *Moved by Ms Bartle, seconded by Mr Hiller*

*That the item relating to Proposed Development of Two Single Storey Grouped Dwellings at Lot 1193 (No. 14) Greig Street, Willagee be deferred to allow finalisation of scheme amendment no. 71 where upon gazettal, the item can be reconsidered by the Statutory Planning Committee.*

*The motion to defer was put and carried.*

7515.9.4

#### **Proposed Development: Three Single Storey Grouped Dwellings at Lot 992 (No. 69) Archibald Street, Willagee**

File 17-50127-2  
Report Number SPC/774  
Agenda Part G  
Reporting Officer Planning Officer, Metropolitan Central,  
Perth and Peel Planning

#### **Officer's 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.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### Resolved

#### *Motion to defer*

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

*That the item relating to Proposed Development: Three Single Storey Grouped Dwellings at Lot 992 (No. 69) Archibald Street, Willagee be deferred to allow finalisation of scheme amendment no. 71 where upon gazettal, the item can be reconsidered by the Statutory Planning Committee.*

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

7515.9.5

#### **Proposed Development: Two Single Storey Grouped Dwellings at Lot 1169 (No. 6) Finney Street, Willagee**

File 17-50123-2  
Report Number SPC/775  
Agenda Part G  
Reporting Officer Planning Officer, Metropolitan Central,  
Perth and Peel Planning

#### **Officer's 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



## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### 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.

### Resolved

#### *Motion to defer*

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

*That the item relating to Proposed Development: Two Single Storey Grouped Dwellings at Lot 1169 (No. 6) Finney Street, Willagee be deferred to allow finalisation of scheme amendment no. 71 where upon gazettal, the item can be reconsidered by the Statutory Planning Committee.*

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

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

7515.9.6

### **Proposed Development: Two Single Storey Grouped Dwellings at Lot 1207 (No. 11) Finney Street, Willagee**

File 17-50121-2  
Report Number SPC/776  
Agenda Part G  
Reporting Officer Planning Officer, Metropolitan Central,  
Perth and Peel Planning

#### **Officer's 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.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### 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

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

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.

### **Resolved**

#### ***Motion to defer***

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

*That the item relating to Proposed Development: Two Single Storey Grouped Dwellings at Lot 1207 (No. 11) Finney Street, Willagee be deferred to allow finalisation of scheme amendment no. 71 where upon gazettal, the item can be reconsidered by the Statutory Planning Committee.*

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

### **7515.10 Policy Items for Discussion/Decision**

Nil.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### 7515.11 Confidential Reports

#### 7515.11.1 Improvement Plan No. 41 - Ashburton North Strategic Industrial Area - for Final Approval

File DP/14/00349/1  
Report Number SPC/777  
Agenda Part A  
Reporting Officer A/Planning Manager - Northern Regions

**THIS ITEM IS CONFIDENTIAL**

#### 7515.11.2 City of Armadale Town Planning Scheme No. 4 – Amendment 48 – for Final Approval

File TPS/0319/2  
Report Number SPC/778  
Agenda Part B  
Reporting Officer Planning Manager, Schemes and Amendments

**THIS ITEM IS CONFIDENTIAL**

#### 7515.11.3 Shire of Sandstone - Local Planning Strategy - Consent to Advertise

File TPS/0913/1  
Report Number SPC/779  
Agenda Part E  
Reporting Officer Statutory Planning Manager, Central Regions

**THIS ITEM IS CONFIDENTIAL**

#### 7515.11.4 City of South Perth - Town Planning Scheme No. 6 Amendment No. 44 - for Final Approval

File TPS/1290  
Report Number SPC/780  
Agenda Part E  
Reporting Officer Planning Manager, Perth and Peel

**THIS ITEM IS CONFIDENTIAL**

#### 7515.11.5 Shire of Corrigin Consolidation of Local Planning Scheme No.2

File TPS/1255/1  
Report Number SPC/781  
Agenda Part E  
Reporting Officer Planning Manager, Wheatbelt Region

**THIS ITEM IS CONFIDENTIAL**



## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### **7515.11.6 Shire of Kulin Consolidation of Local Planning Scheme No. 2**

File TPS/1254/1  
Report Number SPC/782  
Agenda Part E  
Reporting Officer Planning Manager, Wheatbelt Region

**THIS ITEM IS CONFIDENTIAL**

### **7515.11.7 Shire of Wagin Consolidation of Local Planning Scheme No. 2**

File TPS/1253/1  
Report Number SPC/783  
Agenda Part E  
Reporting Officer Planning Manager, Wheatbelt Region

**THIS ITEM IS CONFIDENTIAL**

### **7515.12 Stakeholder Engagement & Site Visits**

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

### **7515.13 Urgent Business**

#### **7515.13.1 Bushfire Regulations**

**THIS ITEM IS CONFIDENTIAL**

### **7515.14 Items for Consideration at a Future Meeting**

<b>Item No</b>	<b>Report</b>	<b>Request</b>	<b>Report Required</b>
7510.7	Legal Services' review of delegations	Report to be presented to the Committee	TBA
7515.14.1	DAP report	Establishment report to be presented to the Committee.	TBA

## Statutory Planning Committee

Minutes  
of ordinary meeting 7515  
held on Tuesday, 20 January 2015

### 7515.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 10 February 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.38 am.

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

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

# INDEX OF REPORTS

Item	Description
<b>9</b>	<b>STATUTORY ITEMS FOR DECISION</b>
<i>C</i>	<i>SUBDIVISIONAL / AMALGAMATIONS</i>
9.1	Lakelands Mixed Business Precinct Outline Development Plan (ODP) - for Final Endorsement
9.2	Modifications to the 'Halls Head Town Centre Precinct Plan', City of Mandurah
<i>G</i>	<i>DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA</i>
9.3	Proposed Subdivision of One Lot into Two Lots - Lot 7 (No. 52) Victoria Avenue, Claremont
9.4	Subdivision of Two Multi Lots to Create Two Freehold Lots - Lot 2 and Pt. Lot 3 (No. 75) Goldsworthy Road, Claremont
<b>10</b>	<b>POLICY ITEMS FOR DISCUSSION/DECISION</b>
	Nil.
<b>11</b>	<b>CONFIDENTIAL REPORTS</b>
<i>B</i>	<i>LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS</i>
11.1	City of Subiaco Town Planning Scheme No. 4 - Amendment 22 for Final Approval
11.2	City of Wanneroo - Local Planning Scheme Amendment 102 - for Final Approval
11.3	City of Wanneroo District Planning Scheme No. 2 - Amendment 130 - for Final Approval
<i>G</i>	<i>DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA</i>
11.4	State Administrative Tribunal Review: Invitation to Reconsider Decision for Commercial Vehicle Parking and Outbuilding at Lot 20 Padbury Avenue, Herne Hill

## ITEM NO: 9.1

### Lakelands Mixed Business Precinct Outline Development Plan (ODP) - for Final Endorsement

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager - Peel
AUTHORISING OFFICER:	Planning Director - Peel
AGENDA PART:	C
FILE NO:	SPN 0652
DATE:	9/01/2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Refuse 2. Advise
ATTACHMENTS:	1. Location Plan 2. Outline Development Plan 3. Schedule of Submissions
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Mandurah
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Approval subject to modifications
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	24/04/2014
PROCESS DAYS:	292
APPLICATION TYPE:	Outline Development Plan
CADASTRAL REFERENCE:	Lot 2021 Mandurah Road, Lakelands

#### RECOMMENDATION:

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

- 1. refuse to endorse the Lakelands Mixed Business Precinct Outline Development Plan as the proposed access arrangements are not appropriate and would adversely affect the function of Mandurah Road as a Primary Regional Road;***
- 2. advise the City of Mandurah of its decision and recommend the City, in conjunction with the landowner, investigate alternative land use options for the site which do not depend upon the construction of a new full-movement intersection with Mandurah Road.***

## **SUMMARY:**

The City of Mandurah (CoM) has requested the WAPC endorse an Outline Development Plan (ODP) for a vacant 9.5 ha lot in Lakelands (**Attachment 1** – Location Plan and **Attachment 2** - proposed ODP).

The proposed ODP relates to land owned by Peet Pty Ltd and proposes a Mixed Use classification for the land in order to accommodate a possible future Bunnings retail outlet.

The ODP proposes that access issues be addressed at development application stage. However, there are fundamental issues with a proposed additional signalised intersection on Mandurah Road that is required to service a Mixed Use development on the subject land. Main Roads Western Australian (MRWA) does not support the proposed ODP as it would result in development that would adversely impact upon the regional function of Mandurah Road. Accordingly, it is recommended that the ODP be refused.

This report is being presented to Committee as there is no delegated authority to refuse an ODP where submissions were made during the consultation period.

## **BACKGROUND:**

In 2001, the Western Australian Planning Commission (WAPC) endorsed an updated version of the then Centennial Park ODP, which identified the subject land for Service Commercial purposes. The Centennial Park ODP has subsequently been replaced by the Lakelands West and Lakelands East ODPs. The subject land is now excluded from the latest ODPs for Lakelands.

The proposed Lakelands Mixed Business ODP was lodged with the CoM in October 2012. The applicant was advised by the CoM that prior to the ODP being presented to the Council for consent to advertise, the following information was required:

- MRWA advice - in relation to the proposed access onto Mandurah Road, which is reserved as Primary Regional Roads (PRR) under the Peel Region Scheme.
- Retail Sustainability Assessment - to support the proposed scale of development of the subject site.

The ODP was not presented to the Council for consent to advertise within the 60 day statutory timeframe outlined in Town Planning Scheme No.3 (TPS 3). As a result, the applicant deemed the ODP to have been refused and sought a review by the State Administrative Tribunal (SAT).

As part of the SAT mediation process, MRWA finalised their traffic modelling and advised that it did not support the ODP as the proposed full access to Mandurah Road would impact on other intersections and adversely affect the function of Mandurah Road. The applicant also lodged a report - 'Bulky Goods Retail Assessment' to justify the proposed use and scale of development, which was intended to accommodate a Bunnings retail outlet. The ODP was presented to the Council in November 2013, at which time consent to advertise was granted.

In April 2014, the Council adopted the ODP and referred it to the WAPC for endorsement. Upon examination of the ODP and the submissions received, the Department of Planning (DoP) sought further advice from MRWA regarding its objection to the ODP, which led to additional traffic modelling being completed by MRWA. The additional traffic modelling revealed that the ODP proposals would still result in an unacceptable impact on the function of Mandurah Road and, therefore, MRWA maintains its objection to the ODP.

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

### **Legislation**

*Planning and Development Act 2005*

*City of Mandurah TPS 3*

Section:

7.11.3.10

### **Strategic Plan**

Strategic Goal: Planning

Outcomes: Planned Local Communities developing a sense of place

Strategies: Encourage innovation in the design of communities

### **Policy**

Number and / or Name: State Planning Policy 4.2 'Activity Centres for Perth and Peel'

## **DETAILS:**

The site is bounded by the reservation for proposed 'Road B' to the east, Mandurah Road to the west and a residential area to the south. The south-western corner of the site is adjacent to the signalised intersection of Mandurah Road and Broadstone Vista.

The proposed ODP adopted by Council shows the whole site as a mixed business precinct, with the following proposed access locations:

- Primary access location - on Mandurah Road approximately 250m north of the signalised 4-way intersection at Broadstone Vista/Lord Hobart Drive;
- Secondary access location - on Road B, which is not constructed;
- Minor access location - on the southern side of the site from Formby Road, which is a local residential street;
- Minor access location - another minor access location on the southern boundary is shown through to the existing commercial development on the corner of Mandurah Road and Broadstone Vista.

Council's letter requesting WAPC endorsement of the ODP also requested the WAPC consider the following issues as part of its assessment:

- access locations on Mandurah Road and Road B in light of the submission received from the MRWA;
- whether a stand-alone ODP is required for this site or whether the details could be shown on the Lakelands West ODP; and
- identification of a landscape buffer area along the southern boundary of the site to protect the amenity of the residential area.

## **GOVERNMENT AND CORPORATE IMPLICATIONS:**

The applicant will have the right to request the State Administrative Tribunal (SAT) to review of any refusal of the ODP by the WAPC. Departmental staff resources would have to be allocated to deal with any application for review to SAT.

## **CONSULTATION:**

The ODP was advertised during January - February 2014. Seven submissions were received, including three objections from private residents, a submission from MRWA objecting to the proposed access arrangements and a submission from Peel Preservation Group providing comments in relation to proposed access and screen landscaping. The Council's Schedule of Submissions with DoP comments and recommendations is presented in **Attachment 3**.

Subsequent advice provided to DoP by MRWA in November 2014, after completion of additional traffic modelling, confirms that only a left-in/left out intersection access from Mandurah Road would be acceptable to MRWA. MRWA maintains this position even if the potential footprint for service commercial development on the subject land were significantly reduced.

In November 2014, the land owner advised that as MRWA does not support full access to the site from Mandurah Road or Road B, even if the commercial component is reduced by 50%, they are no longer pursuing the proposed ODP.

## **OFFICER'S COMMENTS:**

### State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2)

SPP4.2 states that clusters of bulky goods retail should be promoted in close proximity to activity centres, regional roads and public transport networks. Although the site has frontage to Mandurah Road and is close to the Lakelands Town Centre, access to the site is problematic, as discussed below.

### Access from Mandurah Road

The ODP proposes a full-movement intersection with Mandurah Road as the primary access for the site. Mandurah Road is designated as a Primary Regional Road in the Peel Region Scheme and therefore is under control of the MRWA. A submission received from the MRWA during the advertising period of the ODP states that the proposed full movement intersection with Mandurah Road, which would necessitate traffic signals, is not acceptable to MRWA and the ODP should be modified to show a left-in/left-out intersection only.

MRWA gave the following reasons for not supporting the proposed full access signalised intersection with Mandurah Road:

- The proposed intersection is located too close (approximately 250 metres) to the existing traffic lights at Lord Hobart Drive;
- Estimated peak traffic demand on Saturday morning (Uloth & Associates October 2012 report) for a Bunnings development indicates that such a



proposal would have a detrimental impact on the regional function of Mandurah Road;

- Traffic modelling undertaken by MRWA indicates the proposed full access to Mandurah Road would impact on other intersections and detract from the regional function of Mandurah Road;
- The Lakelands West ODP in effect at the time indicated only left-in/left-out access onto Mandurah Road and this was the level of access previously agreed to by MRWA.

The ODP could potentially be approved subject to access onto Mandurah Road being limited to only a left-in/left-out intersection as such an intersection would not compromise the Primary Regional Road function of Mandurah Road. However, a left-in/left-out intersection is not likely to be sufficient for a service commercial/mixed business type development.

As outlined in clause 3.3.1 of WAPC's *Development Control Policy 5.1 - Regional Road (Vehicular Access)*, when considering applications for access on regional roads, the effects of the proposals on traffic flow and road safety will be the primary consideration. Having regard to this principle and the advice received from MRWA, it is considered that approval of the ODP would be contrary to proper and orderly planning.

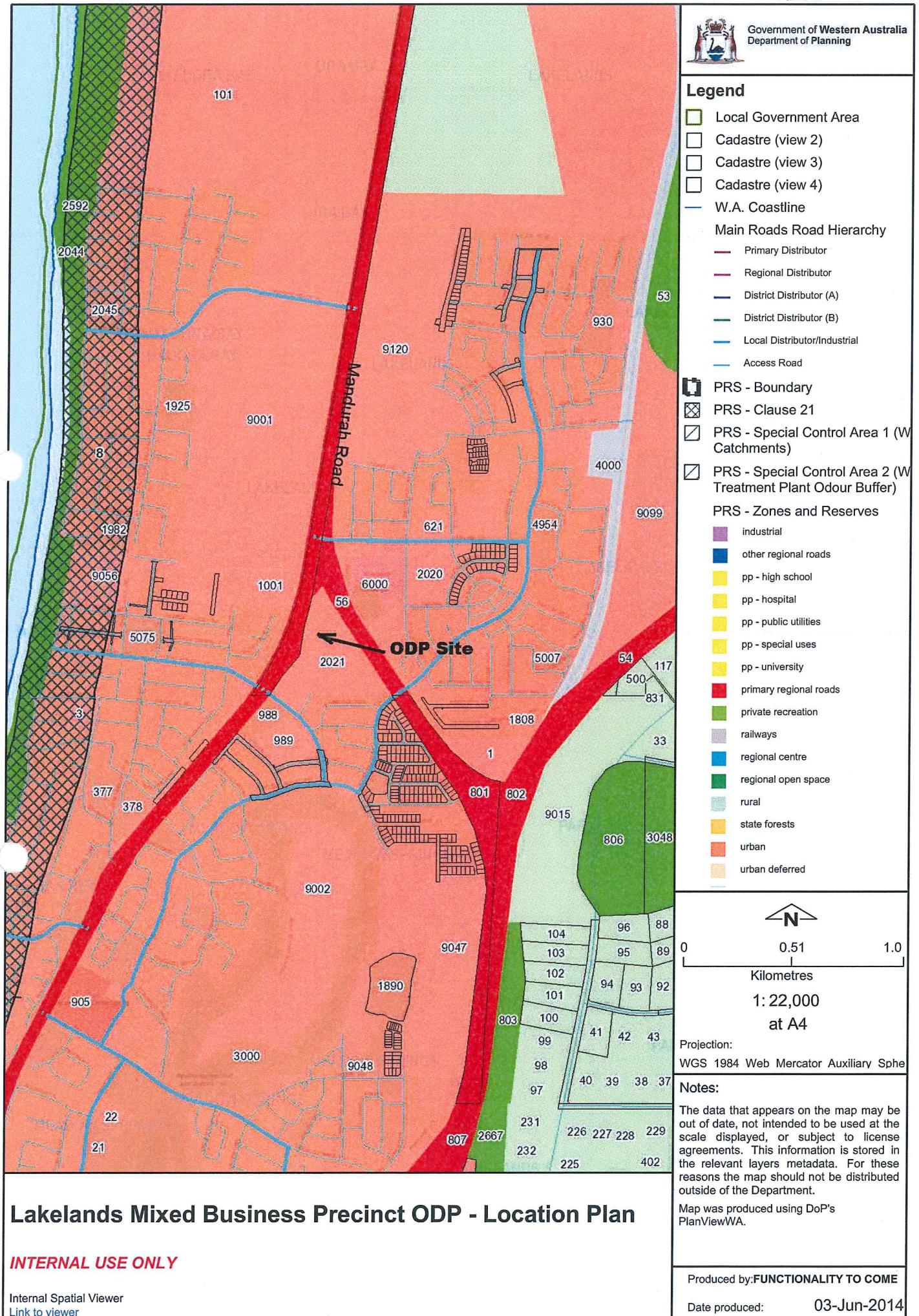
#### Access from Road B

Road B has not been constructed and MRWA advise that there are no plans to construct this road in the foreseeable future. Accordingly, there is no sound basis upon which the proposed secondary access to the subject land from Road B could be approved at this time.

#### **CONCLUSION:**

It is recommended the ODP be refused given the detrimental affects the proposed access arrangements would have on the regional function of Mandurah Road.







## ITEM NO: 9.2

### Modifications to the 'Halls Head Town Centre Precinct Plan', City of Mandurah

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager - Peel  
AUTHORISING OFFICER: Planning Director - Peel  
AGENDA PART: C  
FILE NO: SPN/0635  
DATE: 14 January 2015  
REPORT CATEGORY: Statutory  
RECOMMENDATION OUTCOME: 1. Endorse  
2. Advise  
ATTACHMENT(S): 1 - Location plan  
2 - Endorsed Hall Head Town Centre Precinct Plan  
3 - Modified Hall Head Town Centre Precinct Plan  
4 - Schedule of Submissions  
REGION SCHEME ZONING: Urban  
LOCAL GOVERNMENT: City of Mandurah  
LOCAL SCHEME ZONING: Precinct Development  
LGA RECOMMENDATION(S): Adopt, subject to modification  
REGION DESCRIPTOR: Peel  
RECEIPT DATE: 5 November 2014  
PROCESS DAYS: 97  
APPLICATION TYPE: Structure Plan  
CADASTRAL REFERENCE: Lot 505 Hungerford Avenue, Halls Head

#### RECOMMENDATION:

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

***1. endorse the modifications to the Halls Head Town Centre Precinct Plan stamp date 5 November 2014, subject to the following modifications;***

***a) Provision 2.2.3(b) of the Halls Head Town Centre Precinct Plan to read as follows:***

***'Where a split density is shown on the Precinct Plan, a Residential Density Code Plan is to be submitted consistent with any residential density shown on the Precinct Plan. The Residential Density Code Plan requires the approval of the WAPC as a minor modification to***

***the Precinct Plan prior to the subdivision application being determined.***

***The Residential Density Code Plan shall thereafter form part of the Precinct Plan.';***

- b) Table 1 - Land Use Table of the Halls Head Town Centre Precinct Plan shall be modified by linking specific zones in Town Planning Scheme No 3 to the precinct plan zones in the row 'Other Uses'.***
- c) Modifying Figure 2 - Simplified Zoning Plan to ensure the sub-precinct zones legend is consistent with zones identified on the zoning plan.***

**2. advise the City of Mandurah of its decision accordingly.**

#### **SUMMARY:**

The key points relating to this report are as follows:

- The City of Mandurah requests the Western Australian Planning Commission's (WAPC) approval for modifications to the Halls Head Town Centre Precinct Plan (HHPP);
- The endorsed HHPP comprises approximately 24 hectares of developed and undeveloped urban land between Old Coast Road and Hungerford Avenue (**Attachment 1**- Location Plan, **Attachment 2** - Endorsed HHPP);
- The proposed modifications seek to facilitate the introduction of a mixed business zone for the development of bulky good retail and updating the HHPP to reflect recent planning approval granted for stage 2 of the shopping centre (**Attachment 3** - Modified HHPP);
- 57 of the 68 submissions received during the advertising period opposed the modifications. Matters raised generally relate to amenity, traffic impacts and impacts on existing businesses;
- This report is being presented to Committee for determination due to the large degree of community opposition to the proposed HHPP; and
- It is recommended that the HHPP modifications be endorsed by the WAPC.

#### **BACKGROUND:**

In February 2010, the HHPP was endorsed by the WAPC.

In July 2014, the Council adopted the subject modification to the HHPP for the purposes of advertising.

In August 2014, the Peel Joint Development Assessment (JDAP) granted planning approval to stage 2 of the Halls Head shopping centre on Lot 504 Guava Way.

In September 2014, the WAPC endorsed a modification to the HHPP. The modification was linked with a local planning scheme amendment and resulted in four lots with a total area of 3,441m<sup>2</sup> being incorporated into the Precinct Development zone and HHPP.

In October 2014, Council adopted the latest modifications to the HHPP for approval. The complete HHPP document can be provided to SPC members upon request.

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

**Legislation**                      *Planning and Development Act 2005*  
    *City of Mandurah Town Planning Scheme No 3*  
Section:                              Clause 4.14 - Precinct Development Zone

**Strategic Plan**  
Strategic Goal:                      Planning  
Outcomes:                            Planned Local Communities developing a sense of place  
Strategies:                            Encourage innovation in the design of our communities.

**Policy**  
Number and / or Name:          State Planning Policy 4.2  
    Halls Head Town Centre Precinct Plan

## **DETAILS:**

The HHPP area is identified in State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2) as a district level town centre.

The HHPP area is located approximately 2 kilometres south-west of the Mandurah town centre and covers an area of approximately 24 hectares. The proposed modifications to the HHPP primarily relate to two lots, being Lot 505 Hungerford Avenue and Lot 504 Guava Way, Halls Head.

The following modifications to the HHPP are proposed:

1. Introduction of a 'Mixed Business' site on Lot 505 abutting the service area of the core retail precinct, which is intended to accommodate a Bunnings retail outlet with an area of approximately 12,000m<sup>2</sup>;
2. Reconfiguration of the residential precinct in the north of Lot 505 with residential densities between R40 and R100 as well as reconfigured public open space;
3. Modified key internal roads, including:
  - i) the proposed link road between Old Coast Road and Peelwood Parade has been realigned to facilitate access to the proposed bulky goods site;
  - ii) the intersection of the proposed link road and Old Coast road has been relocated southwards;
  - iii) the planned extension of Guava Way to Glencoe Parade has been redesigned to have a more-direct north-south alignment; and

- iv) the southern vehicular access point from Guava Way area has been reprioritised as the primary vehicular access point to the core retail area;
- 4. Updated HHPP text and Indicative Development Plan notations to reflect the introduction of the Mixed Business zone and related land use controls. The text modifications also relate to the retail core, including deletion of references to a town square, which is no longer a component of precinct plan; and
- 5. Modified layout of the retail core on Lot 504 to reflect the planning approval issued by the Peel JDAP in August 2014.

#### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

Approval of the ODP may lead to subdivision and development applications being lodged over the site. Appropriate staff resources would need to be allocated to the processing of such applications.

#### **CONSULTATION:**

The modifications to the HHPP were advertised for 28 days in accordance with the requirements of Town Planning Scheme 3 (TPS3). 68 submissions were received including 57 opposed and 9 in support of the modification. Three petitions, opposing the modifications, were also received during the consultation period containing a total of 1,342 signatures.

The matters raised in the submissions are summarised in Attachment 4 together with Council's and the Department of Planning's comments. Key issues raised include increased traffic, loss of vegetation, compatibility with surrounding development, economic impacts and non-compliance with *State Planning Policy 4.2 - Activity Centres for Perth and Peel*.

Two letters were sent to the Minister for Planning regarding the proposed modifications to the HHPP, both of which opposed the modifications.

In response to submissions regarding concerns with pedestrian access to the town centre, the City added notation 12 to the HHPP indicative development plan to identify that further detailed traffic assessment was required prior to the subdivision of Lot 505 to ensure the safe integration of the existing and proposed road network.

#### **OFFICER'S COMMENTS:**

##### Mixed Business Site

Although the proposed mixed business site is located within a 400 metre walk of the district centre, this aspect of the ODP is supported for the following reasons:

- i) the mixed business site is located outside of the core activity precinct of the district centre;
- ii) the intended pairing of service areas between the shopping centre and future Bunnings development is a logical urban design outcome and is preferable to

- having residential development backing onto the rear of the shopping centre as proposed in the current endorsed HHPP;
- iii) the location of the mixed business site does not create a barrier for pedestrian access to the retail core. Given the orientation of the shopping centre there is limited pedestrian access from the immediate east;
  - iv) the proposed mixed business site has good access to Primary and Other Regional Roads and is capable of absorbing the anticipated traffic; and
  - v) the proposed mixed business site does not encroach into existing residential areas and will be buffered by proposed residential development.

In terms of broader planning considerations, the proposed mixed business site has the potential to provide the southern suburbs of Mandurah with better access to bulky goods retail. In addition, the introduction of a bulky goods component will improve the mix of land uses available in the district centre.

### Residential Density

The modified residential layout over Lot 505 is estimated to yield approximately 170 residential lots, which represents a gross residential density of approximately 17.2 dwellings per gross hectare of urban land, which is less than the target range of 20-30 dwellings per hectare as set out in SPP4.2.

However, if the land intended to be developed for bulky goods were deducted, the residential density would increase to 25.3 dwellings per gross hectare. If the bushland conservation area required as a result of an assessment under the *Environmental Protection and Biodiversity Conservation Act 1999* were also deducted, residential density would increase to 29.3 dwellings per gross hectare. Therefore it is considered that sufficient residential density can be achieved on Lot 505.

The precinct plan text requires a residential density plan to be submitted with any subdivision application over land where a density range is shown. The need for the residential density plan to be formally approved as a modification to the HHPP should be more clearly stated in the precinct plan text.

### Transport Considerations

The transport assessment prepared to support the proposed mixed business site states that between 79 and 87 percent of vehicles entering or exiting the mixed business site will utilise the link road via Old Coast Road. Therefore, it is unlikely that traffic associated with the mixed business site would adversely affect the amenity of existing residential areas.

Main Roads Western Australia (MRWA) has advised that the proponent of the mixed business site should be required to contribute towards the upgrading of the Old Coast Road/Mandurah Road intersection which will include signalisation. This requirement has been included in the HHPP text, however a specific amount or percentage of the total cost has not been specified. Specific contribution requirements can be addressed more comprehensively at the subdivision and/or development stages.



### Other Considerations

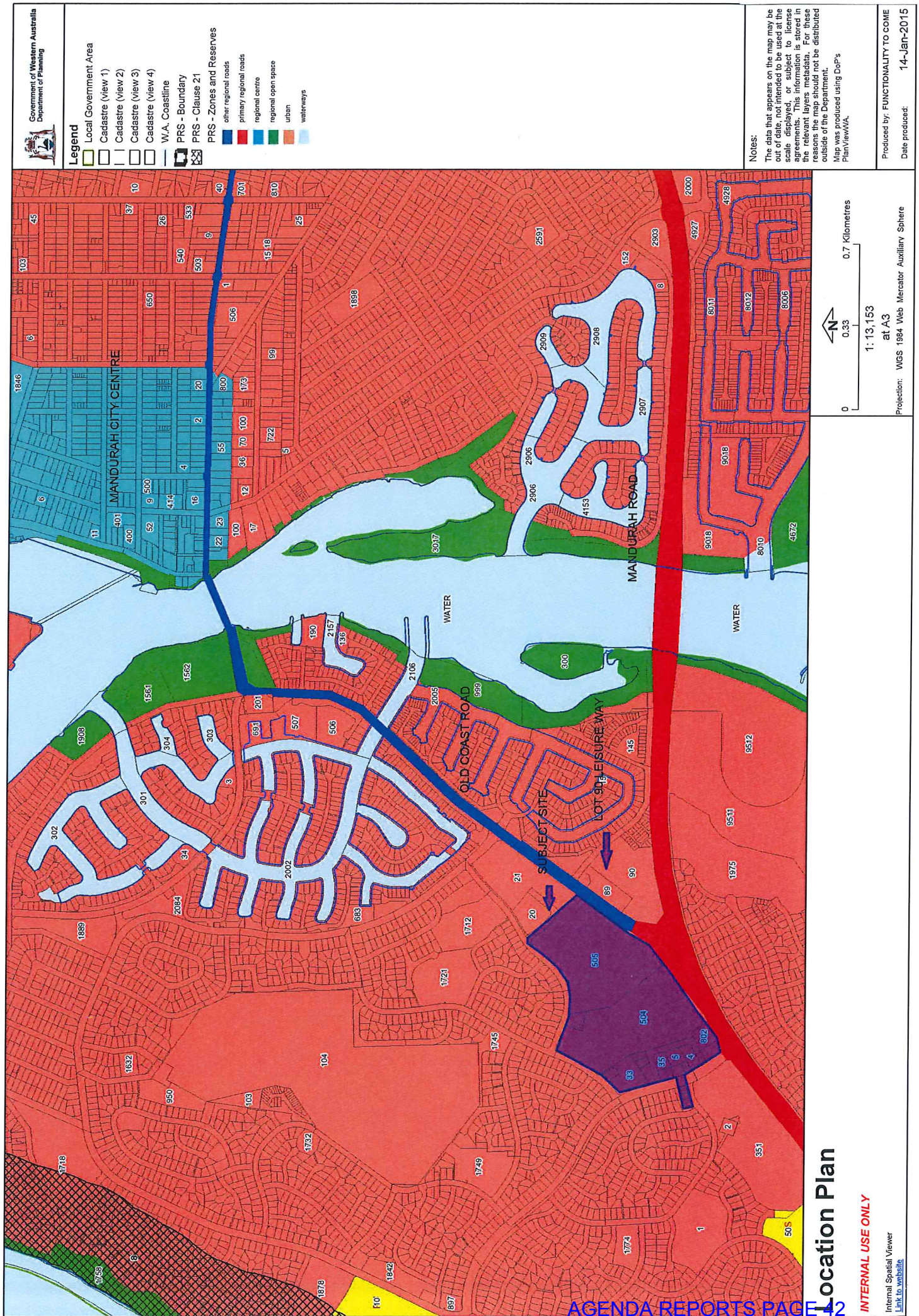
The HHPP includes a land use table to provide land use permissibility to the various precinct plan zones. The land use table links the precinct plan zones to the existing land use tables in TPS3. It is recommended that the 'Other Uses' row in the land use table specifically refer to which TPS3 zone applies to each precinct plan zone.

The HHPP text includes a simplified zoning plan (Figure 2) to identify the extent of the precinct plan zones. The legend of the Figure 2 is inconsistent with the zones identified on the plan and should be modified to reflect the precinct plan map.

### **CONCLUSION:**

It is recommended that the proposed modifications to the HHPP be approved.







## ITEM NO: 9.3

### **Proposed Subdivision of One Lot into Two Lots - Lot 7 (No. 52) Victoria Avenue, Claremont**

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager, Metropolitan Central  
AUTHORISING OFFICER: Planning Director, Metropolitan Central  
AGENDA PART: G  
FILE NO: 150334  
DATE: 19 January 2015  
REPORT CATEGORY: Statutory  
RECOMMENDATION OUTCOME: 1. Approve  
ATTACHMENT(S): Attachment 1 - Location Plan  
Attachment 2 - Plan of Subdivision  
Attachment 3 - Revised Concept Plan  
Attachment 4 - Subdivision Pattern  
Attachment 5 - R Codes in Locality

**RECOMMENDATION:**

***That the Western Australian Planning Commission resolves to approve the application dated 8 July 2014 subject to the following conditions.***

**CONDITION(S):**

- 1. Proposed Lot 1 being modified to achieve a minimum lot size of 551m<sup>2</sup> and proposed Lot 2 achieving a minimum lot area of 691m<sup>2</sup>. (WAPC)***
- 2. The access leg forming part of the rear lot shall be a minimum width of 3 metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and subdivision plan accordingly. (Local Government)***
- 3. 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)***
- 4. 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)***

5. *The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)*
6. *The land being filled, stabilised, drained and/or graded as required to ensure that:*
  - a) *lots can accommodate their intended development;*
  - 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;*
  - c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system*  
*(Local Government)*
7. *A 4.24 metre truncation is to be provided at the junction of the access way and the proposed rear lot. (Local Government)*
8. *A 2.12 metre truncation is to be provided at the junction of the access way and the road reserve. (Local Government)*
9. *Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government)*
10. *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)*
11. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
12. *Arrangements being made 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:**

1. *Any retaining walls on lot boundaries exceeding 0.5m in height (above natural ground level) are to be designed and certified by Practising Structural Engineer to the satisfaction of the Town of Claremont. Approvals are to be sought before works.*
2. *In regard to Condition 4, 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 5, 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.*

4. *In regard to Conditions 10 and 11, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
5. *In regard to Condition 13, Western Power provides only one underground point of electricity supply per freehold lot.*
6. *Future development of the site will be subject to Swan River Trust development policies. This includes Trust Policy SRT/D3 Development Setback Requirements which requires a development setback of 10 metres or 20% of the average depth of the lot, whichever is the lesser, from the landward boundary of the Parks and Recreation reservation. Trust policy SRT/D3 also requires that any fence to be constructed along the boundary of the Parks and Recreation reserve shall be open view with a maximum height of no more than 1.8 metres.*

#### **SUMMARY:**

- The application proposes the subdivision of a freehold lot of 1242m<sup>2</sup> to create two green title lots, in a battleaxe configuration.
- The Town of Claremont recommend refusal as the minimum and average lot size requirements have not been met.
- The applicant has provided justification, citing compliance with a previous approval issued under the 2001 R-Codes and nearby examples of non-compliance with the current R-Codes;

#### **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              Proposal complies with WAPC policies unless discussed  
 Design Codes                        in the planning assessment section

WAPC    DC    2.2    -  
 Residential Subdivision

## INTRODUCTION:

The application proposes the battleaxe subdivision of Lot 7 (No. 52) Victoria Avenue, Claremont into two green title lots of 535m<sup>2</sup> and 707m<sup>2</sup> (**Attachment 1 - Location and Zoning Plan and Attachment 2 – Subdivision Plan**). The subject land is a freehold lot measuring 1242m<sup>2</sup> in area and there is an existing dwelling in the north western portion of the land.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and abuts a Parks and Recreation Reserve along its southern boundary. The land is also zoned 'Residential', with a density coding of R15, under the Town of Claremont Consolidated District Scheme No.3 (CDS 3).

The plan of subdivision does not comply with the minimum or average site area requirements for R15 under Table 1 of the *Residential Design Codes 2013* (R Codes). Following discussions with the applicant a revised concept plan, dated 19 December 2014, has been submitted and will form the basis of this assessment (**Attachment 3 - Revised Concept Plan**).

## GOVERNMENT AND CORPORATE IMPLICATIONS:

Not applicable.

## CONSULTATION:

The Town of Claremont recommends refusal as the proposed lots do not meet the minimum and average lot size requirements for the R15 density code as per the R Codes.

The Swan River Trust, Water Corporation and Western Power support the application subject to the imposition of standard servicing conditions.

## PLANNING ASSESSMENT:

A previous survey strata application was approved by the WAPC for the subject land in 2001 (565-01). At that time the application was assessed against the 1991 R Codes which allowed for an average lot area of 550m<sup>2</sup> for grouped dwellings on land with a density coding of R15. The application achieved an average lot area of 621m<sup>2</sup> and was granted conditional approval. The approval has since expired.

### Minimum and Average Lot Area

The revised concept plan, dated 19 December 2014, proposes a front lot of 551m<sup>2</sup> and a rear battle-axe lot of 691m<sup>2</sup>, serviced by an access leg with a width of 3.0 metres as per Table 1 of the R-Codes. The minimum site area for land assigned a density code of R15 is 580m<sup>2</sup>, or 655m<sup>2</sup> for a battle axe lot without common property, and the average site area is 666m<sup>2</sup>.

The proposed front lot, at 551m<sup>2</sup>, does not comply with the above and results in a variation of 5% to the minimum site area. The rear lot, at 691m<sup>2</sup>, meets the minimum site area for battle axe lots. The average site area is 621m<sup>2</sup> and results in a variation of 6.8%.

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

- a) The minimum lot size variation only applies to one lot in the subdivision;
- b) The variation reduces the area of that one lot by no more than 5% of the minimum lot size specified in Table 1 or elsewhere in the R-Codes;
- c) The variation in the area of that one lot reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-Codes; and
- c) The applicant has provided information that demonstrates the variation will have a beneficial outcome for the community, or the WAPC forms the opinion that it will have a beneficial outcome for the community.

In this instance the variation to average site area is supported for the following reasons:

- the subdivision will facilitate retention of an existing dwelling which will minimise impact on the existing streetscape;
- there are several lots that have been subdivided and developed at a density higher than R15 in close proximity to the subject land (**Attachment 4 - Nearby Subdivision Pattern**);
- The battle axe configuration reflects the pattern of nearby subdivisions;
- The topography of the subject land will mean that the rear lot will be well below the ground level of the front lot and will not be visible from Victoria Avenue, thereby minimising impact on streetscape; and
- There is a diversity of density coding in this particular locality, with land to the north assigned a coding of R15/20 and land to the west R40 (**Attachment 5 - R-Coding in Locality**).

In light of the above it is considered that the variation to average is minimal and reasonable and therefore should be supported.

#### Access Leg

The revised concept plan proposes that a 3.0 metre wide access leg be provided along the south eastern side of the land, adjacent to the existing dwelling. In order to achieve the access leg width, a portion of the existing dwelling will need to be demolished.



The width of the access leg does not meet the battle axe access leg requirements of DC Policy 2.2, clause 3.7.2, which stipulates that a minimum of 3.0 metres width for an access leg may be supported where an existing dwelling is to be retained and the application is for survey strata subdivision. The application is for a freehold subdivision, however, the reduction in access leg width can be supported for the following reasons:

- The reduced width will allow for the retention of an existing dwelling, thereby ensuring that streetscape is not significantly modified;
- The land falls away steeply from Victoria Avenue and views into the rear lot will be obscured when viewed from Victoria Avenue, as opposed to a side by side configuration which would result in significant changes to streetscape; and
- The lots can be serviced from a sewer connection that runs through the centre of the land.

Whilst variations to the above DC policy are not generally supported, in this case it is considered justified given the unusual topography of the site which lends itself to a battle axe configuration and the opportunity to retain an existing dwelling which forms part of an established streetscape.

#### **CONCLUSION:**

Due to the unusual nature of the locality it is considered that the variation to average lot size and a reduction in width of the access leg can be supported. The site has a topography that will ensure that the rear battle axe lot will be hidden from the street whilst retaining the existing dwelling will maintain the current streetscape. Additionally the immediate area has several properties that have been developed and/or subdivided in a manner less than the R15 requirement.

The proposal is recommended for conditional approval.

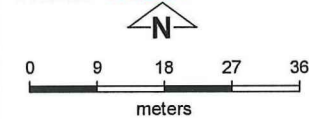


# LOCATION PLAN

Subdivision Application 150334

Decision: OUTSTANDING

Printed: 9/07/2014



Produced by GeoSpatial Planning Support, Department of Planning, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 430-2009-6

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

## Legend

### Subdivision Applications

Conditional Approval

Outstanding

Cancelled

### Existing LPS Zone Category

Residential

Local Authority reserves

No zone

R Code Boundaries

### Existing Region Scheme Reserves

Parks and recreation

Waterways

ATTACHMENT I -  
LOCATION PLAN

## ITEM NO: 9.4

### **Subdivision of Two Multi Lots to Create Two Freehold Lots - Lot 2 and Pt. Lot 3 (No. 75) Goldsworthy Road, Claremont**

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager, Metropolitan Central,  
AUTHORISING OFFICER: Planning Director, Metropolitan Central,  
AGENDA PART: G  
FILE NO: 150805  
DATE: 21 January 2015  
REPORT CATEGORY: Statutory  
RECOMMENDATION OUTCOME: 1. Approve  
ATTACHMENT(S): Attachment 1 - Subdivision Plan  
Attachment 2 - Street Views  
Attachment 3 - Aerial View  
Attachment 4 - Location Plan

#### **RECOMMENDATION:**

***That the Western Australian Planning Commission resolves to approve the application dated 14 October 2014 subject to the following conditions.***

#### **CONDITION(S):**

- 1. 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 service to the lot(s) shown on the approved plan of subdivision. (Western Power)***
- 2. The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)***
- 3. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)***
- 4. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)***

5. ***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)***
6. ***Other than buildings, outbuildings and/or structures required for retention, all buildings, outbuildings and/or structures present on the proposed lots at the time of subdivision approval which require modification to comply with setbacks being demolished and materials removed from the lots. (Local Government)***
7. ***Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)***
8. ***The right-of-way being widened by 0.8 metres along the full frontage of the land the subject of this application by the applicant/owner transferring the land required to the Crown free of cost for the purpose of widening the right-of-way.***
9. ***The portion of the right-of-way abutting the western boundary of the subject land and any portion/s of the right of way required to be widened for the purpose of this subdivision being sealed, drained and paved to its full width and the remaining portion of the right-of-way from the western boundary to the nearest constructed road being made trafficable. (Local Government)***

**ADVICE:**

1. ***With regard to Condition 1, Western Power provides only one point of electricity supply per freehold (green title) lot.***
2. ***In regard to Conditions 3, 4 and 5, 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.***
3. ***In regard to Condition 6, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.***
4. ***The Town of Claremont advises the applicant/owner that Clause 36 (6) of Town Planning Scheme No.3 requires, where practical, vehicular access to be provided from a secondary street, laneway, common property access leg or the like. The applicant/owner should investigate any potential implications, prior to effecting the subdivision.***

## SUMMARY:

The key points relating to this report are as follows:

- The application proposes the re-subdivision of Lots 2 and 3 at 75 Goldsworthy Road, Claremont (the subject site) to create two (2) freehold lots.
- The Town of Claremont does not support the application due to non-compliance with the average site area and frontage requirements of the *Residential Design Codes 2013* (R-Codes) for land coded R25. The Town, however, acknowledges that the land comprises two existing lots and that the proposal is effectively a boundary realignment.
- The application has been referred to the Statutory Planning Committee (SPC) for determination due to the non-compliance with the average site area and frontage requirements and is beyond the scope of the delegation from the Western Australian Planning Commission (WAPC) to officers of the Department.

## LEGISLATION / STRATEGIC PLAN / POLICY:

<b>Legislation</b>	Planning and Development Act 2005
Section:	Section 10

### Strategic Plan

Strategic Goal:	Planning
Outcomes:	Effective delivery of integrated plans
Strategies:	Implement State and Regional planning priorities

### Policy

Number and / or Name:	Proposal complies with WAPC policies unless discussed in the planning assessment section.
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## INTRODUCTION:

The application seeks approval for a boundary realignment between Lot 2 and Pt. Lot 3, which exist under a multi-lot certificate of title, at 75 Goldsworthy Road, Claremont. The application proposes the amalgamation of two lots of 202m<sup>2</sup> and 405m<sup>2</sup> and re-subdivision to create two residential lots, each with an area of 303m<sup>2</sup>. The existing dwelling, which straddles the lots, and all outbuildings, are intended to be demolished. (**Attachment 1 - Subdivision Plan, Attachment 2 - Street Views, Attachment 3 - Aerial View**)

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and 'Residential' with a density coding of R25 under the Consolidated District Scheme No.3 (CDS3). (**Attachment 4 - Location Plan**)

## GOVERNMENT AND CORPORATE IMPLICATIONS:

Not applicable.



## CONSULTATION:

The Town of Claremont advises that it does not support the proposal as the average lot area and the minimum frontage required under the R25 density code is not achieved. However, the Town has provided conditions should the Commission resolve to approve the proposal. The Town also acknowledges that the application is effectively a boundary realignment.

There are no servicing constraints associated with the site and both the Water Corporation and Western Power recommend approval subject to the imposition of standard 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 2012.

## PLANNING ASSESSMENT:

### R-Codes Requirements

The proposal is consistent with the minimum (300m<sup>2</sup> required, 303.5m<sup>2</sup> provided) but not the average (350m<sup>2</sup> required, 303.5m<sup>2</sup> provided) site area requirements of the *Residential Design Codes 2013* (R-Codes) for the assigned R25 coding.

Under Clause 6.1.3 of the R-Codes, the Western Australian Planning Commission (WAPC) may approve the creation of a lot of lesser area than that specified for minimum or average figures in Column 3 of Table 1, provided the variation does not exceed 5%. This requirement must be met along with other criteria detailed in Clause 3.2.3 of the Commission's policy DC2.2: '*Residential Subdivision*'.

The proposed lots do not comply with the above policy, as the proposal results in a variation of 13.3% to the average lot area requirement.

On 9 December 2014 the Statutory Planning Committee (SPC) considered a report recommending an interim policy position in relation to subdivision proposals where the minimum lot area is met (without variation) but the average exceeds the 5% variation permitted under DC 2.2 and the R-Codes.

The interim policy was adopted subject to the following criteria:

- a. the application is for land located within the Metropolitan Planning Central area; and
- b. the proposed lots meet the minimum lot area requirements as prescribed in Table 1 of the R Codes, without variation; and
- c. the proposal is for a corner site, a side by side lot configuration or for land that has dual frontage to a dedicated road or right of way; and
- d. the proposal is not for a battle-axe lot configuration; and
- e. the proposed lots are of a regular shape; and
- f. the subdivision site is fully serviced; and
- g. the proposed lots meet the minimum frontage as prescribed in Table 1 of the R Codes.

The subject proposal does not meet the interim policy requirements with regard to minimum lot frontage (8m required, 7.55m provided) and therefore needs to be considered by the SPC.

#### Applicant's Justification

The applicant has justified the application on the following grounds:

1. Other multi-title lot subdivision/boundary realignments have been approved by the WAPC which proposed greater variations to the average lot size and frontage requirements (WAPC Refs: 143020 and 148979);
2. The WAPC is able to vary these requirements under Section 138 of the *Planning and Development Act 2005* (P&D Act);
3. The application satisfies Section 138 of the P&D Act, as CDS3 was gazetted in 1999 and has not been consolidated in the previous five years. Additionally, the conflict is minor as the existing lots are already non-compliant with the average lot sizes requirements;
4. The proposal meets key performance criteria and circumstances in which a variation to average lot size requirements may be considered by the WAPC;
5. The application is not seeking to create under-sized lots but rather to adjust the existing boundary;
6. The proposal creates lots that meet the minimum lot size required, removing the current significant variation to the minimum lot size requirement;
7. The proposed plan of subdivision will have a beneficial outcome for the community by allowing land to be developed with housing of the same type and form as land in the vicinity; and
8. The boundary realignment will provide an opportunity for urban infill in close proximity to a range of established local services, infrastructure and facilities, without any adverse impact on the amenity or streetscape of the area.

#### Merit of proposal

It is considered that the proposal can be supported for the following reasons:

- precedent have been set whereby the WAPC has approved the subdivision of multi-lot titles to create lots with greater variation to average lot area and frontage than currently proposed (WAPC Refs: 143020 and 148979);
- precedent exists for regarding the subdivision as a boundary realignment;
- the proposal will creates lots that now meet the minimum lot size requirement;
- the variation to frontage is minor, and is be offset by the provision of vehicular access to the rear of the properties via an existing right-of-way;



- the proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- the proposed lots are capable of being developed in accordance with the character of surrounding development, as evidenced by the existing developments adjoining to the north;
- 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.

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

#### Other considerations

The Town of Claremont has provided recommended conditions which include ceding land to the abutting right-of-way, paving the abutting portion and ensuring that the right-of-way is made trafficable. This is considered reasonable and the applicant advises that the owner has no objections to the conditions.

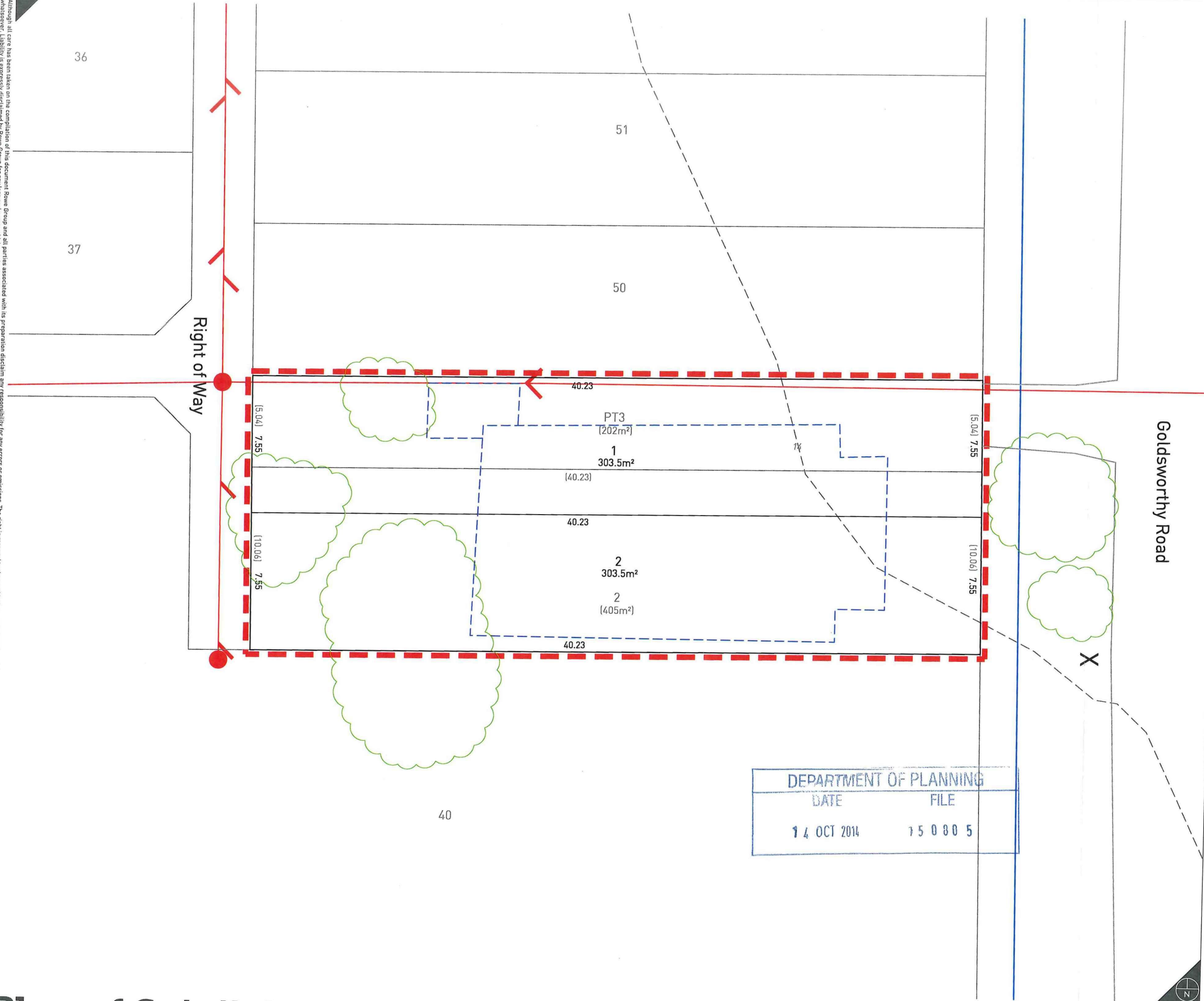
#### **CONCLUSION:**

The general lot configuration is considered to be capable of development and the proposed lots can be serviced appropriately. Accordingly, the proposal is recommended for conditional approval.

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# Plan of Subdivision

\\GWA-PER-DC1\DATA\TOWN PLANNING\B000-8999\B244\DRAWING\A-CAD\B244\_5\B01A\_20141006 CLAREMONT.DWG  
Maitt Sullivan 13 October 2014



DEPARTMENT OF PLANNING  
DATE FILE  
14 OCT 2014 150805

Planning Design Delivery



- LEGEND**
- Subject Site
  - - - Contours
  - 7 Proposed Lot Numbers
  - 7 Existing Lot Numbers
  - Water
  - Sewer
  - Existing Building (To be removed)
  - Existing Boundaries
  - Proposed Boundaries
  - Road Pavement
  - X Street Light
  - Existing Trees

**Lot Summary**

No. of Lots	2
Total Area of Lots	607.00m²
Average Area of Lots	303.50m²
Minimum Lot Area	303.50m²
Maximum Lot Area	303.50m²

0 5 10 Metres

**REVISIONS**

Rev	Date	Drawn
A	2014.10.06	M. Sullivan

**ROWEGROUP**  
PLANNING DESIGN DELIVERY

w: www.rowegroup.com.au  
e: info@rowegroup.com.au  
p: 08 9221 1991

Date Drawn: 2014-10-06  
Job Ref: 8244  
Scale: 1:200 @ A3  
Client: Sharon Joy Thompson  
Designer: N. Stewart  
Drawn: M. Sullivan  
Projection: MGA50 GDA94  
Plan ID: 8244-SUB-01-A

Lots 2 & 3 (No.75) Goldsworthy Road  
Claremont



AGENDA REPORTS PAGE 56

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