



Statutory Planning Committee

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

**Tuesday 12 May 2015
9.00 am**

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



Tim Hillyard
WAPC Secretary

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

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	04/11/2016
Ms Gail McGOWAN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Martin CLIFFORD	Nominee of the Regional Minister Schedule 2 clause 4(3)	14/10/2015
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	31/12/2015
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	31/12/2015
Mayor Russell AUBREY	Local government representative Schedule 2 clause 4(2)(f)	23/09/2016
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	04/12/2016
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2015
Mr Ray GLICKMAN	WAPC appointee Schedule 2 clause 4(2)(g)	23/09/2016
Mr Stephen HILLER	WAPC appointee Schedule 2 clause 4(2)(g)	23/09/2016

Quorum: 5

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

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

Role:

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

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

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

Delegated Authority (Del 2009/05)

Planning and Development Act 2005 Section 16(1)

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

- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
 - (i) Part 5 of the Act;
 - (ii) *Town Planning Regulations 1967*

as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

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

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

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

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

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

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

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

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

Disclosure of representations

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

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

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes**
- 9. Statutory items for decision**
- 10. Policy items for discussion/decision**
- 11. Confidential items (Statutory & Policy)**
- 12. Stakeholder engagement & site visits**
- 13. Urgent business**
- 14. Items for consideration at a future meeting**
- 15. Closure**

Statutory Planning Committee

Minutes
of ordinary meeting 7521
held on Tuesday, 28 April 2015

Attendance

Members

Mr Eric Lumsden
Ms Sue Burrows
Mr Ray Glickman
Mr Stephen Hiller
Mr Ian Holloway
Ms Gail McGowan
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)
WAPC appointee
WAPC appointee
WAPC appointee
Professions representative
Director General, Department of Planning
Community representative

Officers

Ms Lindsay Baxter
Mr Paul Ellenbroek

Mr Stephen Ferguson
Ms Sally Grebe
Mr Ben Harvey

Department of Planning

Planning Director; Perth and Peel Planning
Planning Manager; Infrastructure, Projects, Policy and Research
Senior Solicitor; Legislative and Legal Services
Manager; Planning Appeals
Director; Infrastructure, Projects, Policy and Research

Presenters

Mr John Petrich
Ms Lois Petrich
Mr Peter Petrich
Ms Alison Fleming
Mr Vince McMullen
Mr Bruce Roberts
Mr Tayne Evershed
Mr Trevor Lovelle

Land owner (item 6.1 for item 11.4)
Land owner (item 6.1 for item 11.4)
Land owner (item 6.1 for item 11.4)
Landgate (item 6.2 for item 11.1)
Landgate (item 6.2 for item 11.1)
Landgate (item 6.2 for item 11.1)
Planning Solutions (item 6.3 for item 11.3)
Planning Solutions (item 6.3 for item 11.3)

Committee Support

Mr Luke Downes

Committee Support Officer - Department of Planning

7521.1 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 7521
held on Tuesday, 28 April 2015

7521.2 Apologies

Ms Megan Bartle

WAPC appointee

7521.3 Members on Leave of Absence and Applications for Leave of Absence

Mayor Aubrey and Mr Clifford have previously submitted applications for a leave of absence for the Statutory Planning Committee meeting scheduled for 28 April 2015.

7521.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Mr Ray Glickman	7521.11.3	5	Impartiality

Resolved

Unanimous agreement from Members

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Mr Glickman, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on item 7521.11.3 - Amendment to State Planning Policy 3.1 Residential Design Codes – Multiple Dwellings, Parking and other Incidental Changes.

The motion was put and carried.

7521.5 Declaration of Due Consideration

No declarations were made.

7521.6 Deputations and Presentations

7521.6.1 Subdivision to Create 2 Lots for Rural Purpose - Lot 8 Cathedral Avenue, Baskerville

Presenter Mr John Petrich; Land owner

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

A copy has been placed on file.

Statutory Planning Committee

Minutes
of ordinary meeting 7521
held on Tuesday, 28 April 2015

7521.6.2 Reform of the Strata Titles Act 1985

Presenter Mr Vince McMullen; Landgate

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

A copy has been placed on file.

7521.6.3 Amendment to State Planning Policy 3.1 Residential Design Codes – Multiple Dwellings, Parking and Other Incidental Changes

Presenter Mr Tayne Evershed; Planning Solutions

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

A copy has been placed on file.

7521.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman thanked members for their attendance to the two site visits on 16 and 21 April 2015.

The Chairman advised that the Minister would be making an announcement on the release of the Perth and Peel 3.5 million suite of documents.

7521.8 Confirmation of Minutes

7521.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday, 14 April 2015

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 14 April 2015, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7521.9 Statutory Items for Decision

Nil.

Statutory Planning Committee

Minutes
of ordinary meeting 7521
held on Tuesday, 28 April 2015

7521.10 Policy Items for Discussion/Decision

Nil.

7521.11 Confidential Reports

7521.11.1 Reform of the Strata Titles Act 1985

File DP/11/02217
Report Number SPC/823
Agenda Part A
Reporting Officer Senior Solicitor, Planning Director

THIS ITEM IS CONFIDENTIAL

7521.11.2 Liveable Neighbourhoods – Consent to Publicly Advertise

File 13 April 2015
Report Number SPC/824
Agenda Part DP/11/0026011
Reporting Officer Director Policy and Research

THIS ITEM IS CONFIDENTIAL

7521.11.3 Amendment to State Planning Policy 3.1 Residential Design Codes – Multiple Dwellings, Parking and Other Incidental Changes

File DP/14/00301/1
Report Number SPC/825
Agenda Part Report Items
Reporting Officer Director Policy and Research

Mr Glickman disclosed and interest, took part in discussion but did not vote on the item.

Member	Nature of Interest
Mr Glickman	Impartiality

THIS ITEM IS CONFIDENTIAL

Mr Holloway did not vote on the item.

7521.11.4 Subdivision to Create 2 Lots for Rural Purpose - Lot 8 Cathedral Avenue, Baskerville

File 150516
Report Number SPC/826
Agenda Part G
Reporting Officer Planning Manager Metropolitan North East

THIS ITEM IS CONFIDENTIAL

Statutory Planning Committee

Minutes
of ordinary meeting 7521
held on Tuesday, 28 April 2015

7521.11.5 State Administrative Tribunal Review: Reconsideration of Commercial Vehicle Parking and Outbuilding - Herne Hill

File 21-50433-1
Report Number SPC/827
Agenda Part G
Reporting Officer Manager, Planning Appeals

THIS ITEM IS CONFIDENTIAL

7521.12 Stakeholder Engagement and Site Visits

Members recently completed two site visits, on 16 April 2015 to the Vale, Ellenbrook and Swan Valley regions and on 21 April 2015 to the Baldivis, Golden Bay and Madora Bay regions.

7521.13 Urgent Business

Nil.

7521.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required
7510.7	Legal Services' review of delegations	Report to be presented to the Committee	TBA
7515.14.1	DAP report	Establishment report to be presented to the Committee	TBA
7517.14.1	Building Codes	To be discussed at a future meeting of the Committee	TBA
7517.14.2	Sub-Regional Planning Frameworks	A presentation to be made to the Committee at a future meeting	TBA
7519.14.1	Housing Choice by Construction	Member Ian Holloway to present (20 minutes) to the next SPC meeting "Housing Choice by Construction"	14/04/2015

7521.15 Closure

The next ordinary meeting is scheduled for 9.00 am on 12 May 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.43 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	STATUTORY ITEMS FOR DECISION
<i>C</i>	<i>SUBDIVISIONAL / AMALGAMATIONS</i>
9.1	Subdivision to Create 3 Single Residential Lots
<i>G</i>	<i>DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA</i>
9.2	Request for Clearance of Condition 12 and Endorsement of Deposited Plan 69273
9.3	Proposed Rural Shed - Lot 102 West Swan Road Henley Brook
10	POLICY ITEMS FOR DISCUSSION/DECISION
	Nil.
11	CONFIDENTIAL REPORTS
<i>B</i>	<i>LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS</i>
11.1	City of Canning - Town Planning Scheme No. 40 Amendment No. 192 - for Final Approval
11.2	City of Armadale Town Planning Scheme No. 4 – Amendment 48 – for Final Approval
11.3	City of Stirling - Local Planning Scheme No. 3, Amendment No. 48 - for Final Approval
11.4	City of Fremantle - Local Planning Scheme Amendment 43 - for Final Approval
<i>E</i>	<i>MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS</i>
11.5	Shire of Coorow - Local Planning Strategy and Local Planning Scheme No. 3 - for Final Approval
11.6	Shire of Wyndham East Kimberley - Consent to Advertise Local Planning Scheme No. 9 and the Local Planning Strategy

ITEM NO: 9.1

Subdivision to Create 3 Single Residential Lots

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Metropolitan Central, Planning Officer
AUTHORISING OFFICER:	Metropolitan Central, Planning Director
AGENDA PART:	C
FILE NO:	151244
DATE:	14 April 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Conditional Approval
ATTACHMENT(S):	A - Proposed Subdivision Plan B - Location Plan C - Proposed Development Plan
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Town of Victoria Park
LOCAL SCHEME ZONING:	Residential (R40)
LGA RECOMMENDATION(S):	Conditional Approval
REGION DESCRIPTOR:	Perth Metro Central
RECEIPT DATE:	23 December 2014
PROCESS DAYS:	100
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 12 Shepperton Road, East Victoria Park

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 12 Shepperton Road, East Victoria Park as shown on the plan dated 23 December 2014. This decision is valid for three years 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 the proposed lots at the time of subdivision approval being demolished and materials removed from the lots. (Local Government)***
- 2. All dwelling(s) being constructed to plate height prior to the submission of the diagram or plan of survey (deposited plan). (Local Government)***

3. ***Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Shepperton Road being lodged on the certificate(s) of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to specify:***

"No vehicular access is permitted from Shepperton Road." (Main Roads Western Australia)

4. ***The land required for the widening of Shepperton Road is to be set aside as a separate lot for acquisition pending future road widening requirements. (Western Australian Planning Commission)***
5. ***Easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of proposed Lots 2 and 3 are to be placed on the certificate(s) of title of the proposed Lots 1 and 2 specifying access rights. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). (Western Australian Planning Commission)***
6. ***A 1 metre wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the rear boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the [Diagram or Plan of Survey (Deposited Plan) and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)***
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. ***A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:***

'The lot/s is/are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.'
(Local Government)

9. ***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; and***

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

(Local Government)

- 10. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)**
- 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 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)**
- 13. 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)**
- 14. 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. Main Roads Western Australia advises that:**
 - (a) No earthworks are to encroach onto the road reserve;**
 - (b) No stormwater drainage is to be discharged onto the road reserve; and**
 - (c) The landowner/applicant should make good any damage to the existing verge vegetation within the Shepperton Road reservation, at their full expense.**
- 2. With regard to Condition 1, a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.**
- 3. With regard to Condition 2, the Town of Victoria Park advises that given the size and shape of the proposed lots, and the development constraints**

that exist, the landowner/applicant is required to demonstrate via submission of a development application that the proposed lots can be developed in accordance with the relevant provisions of the Residential Design Codes and the Town of Victoria Park Town Planning Scheme No. 1. Such application is to be submitted and approved by the Town, and construction completed to plate height prior to the issue of any subdivision clearance.

- 4. With regard to Conditions 11, 12 and 13, 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. With regard to Condition 14, Western Power provides only one underground point of electricity supply per freehold lot.*

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

Strategic Plan

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

Policy

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

INTRODUCTION:

The application submitted by Rowe Group, on behalf of Goldblaze Nominees Pty Ltd, seeks approval to subdivide a 722m² lot located along Shepperton Road to create three single residential (freehold) lots of 255m², 255m² and 322m². An existing single-storey dwelling and outbuildings/structures on the subject land are to be removed and demolished.

A reciprocal right of access is proposed over proposed Lots 1 and 2 for the benefit of proposed Lots 2 and 3 to provide access to the existing right-of-way (ROW) at the rear of the subject land, which connects to Somerset Street (**Attachment A – Proposed Subdivision Plan**).

The subject land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential R40' under the Town of Victoria Park Town Planning Scheme No. 1 (**Attachment B – Location Plan**).

BACKGROUND:

The subject site comprises left over land from the historic construction of Shepperton Road and has a triangular configuration. Currently, a single-storey dwelling on the site has direct vehicular access onto Shepperton Road. A right-of-way extends partly along the rear of the subject land and connects to Somerset Street.

CONSULTATION:

The Town of Victoria Park supports the proposal subject to various conditions. Where considered fair, reasonable and relevant, these conditions should be imposed.

Main Roads Western Australian raises no objection to the proposal subject to conditions.

The Water Corporation and Western Power support the proposal subject to standard servicing conditions being imposed.

PLANNING ASSESSMENT:

Town of Victoria Park Town Planning Scheme No. 1 (TPS No. 1)

Part 2 - Land Use of TPS No. 1 identifies the subject land as part of 'Precinct P10 - Shepperton' with the density code of R40. The proposed subdivision is generally consistent with the Precinct Plan and the density code of R40.

Development Control Policy 1.1 - Subdivision of Land - General Principles (DC 1.1)

The proposed subdivision is consistent with the Western Australian Planning Commission's (the Commission) DC 1.1 objectives particularly with regard to the site constraints, the orderly and proper planning within the locality and connection to public utility services.

The Proposal

The application proposes to subdivide a physically constrained parcel of land, being triangular in shape and located along a 'Primary Regional Road' to create three single residential lots (freehold lots). Access to the proposed lots will be achieved using the existing right-of-way (ROW) at the rear of the subject land, which connects to Somerset Street. A reciprocal right of access easement is to be placed over proposed Lots 1 and 2 for the benefit of proposed Lots 2 and 3.

Several issues have been identified with the proposed subdivision and are discussed below:

(a) Access Arrangements

Development Control Policy 5.1 - Regional Roads (Vehicular Access) (DC 5.1)

The subject land abuts Shepperton Road which is reserved 'Primary Regional Road' under the MRS. The Commission's Policy DC 5.1 sets out the principles to be applied when considering proposals for vehicle access to or from developments abutting regional roads. These principles include minimising the number of junctions and driveways.

Clause 3.3.2 of DC 5.1 states that *"where alternative access is or could be made available from side or rear streets or from right-of-way, no access shall be permitted to the regional road unless special circumstances apply."* In this case, the proposal seeks to gain access from the existing right-of-way at the rear of the subject land consistent with DC 5.1.

Clause 3.3.3 of DC 5.1 states that *"an arrangement whereby adjoining owners enter into cross-easement agreements to provide reciprocal rights of access across adjacent lots may be required as a means of rationalising access to the regional road."*

The proposed subdivision proposes no access onto Shepperton Road, therefore no rationalising of access onto regional road is required. However, it proposes to gain access from the existing right-of-way at the rear of the subject land which connects to Somerset Road. This will require a reciprocal right of access, with easement over proposed Lots 1 and 2 for the benefit of proposed Lots 2 and 3. This is considered appropriate as it will provide a better planning outcome in keeping with the orderly and proper planning for the locality.

Road Widening

The subject land is affected by future road widening of Shepperton Road under the MRS. The landowner/applicant acknowledges that 20m² at the north-western portion of the subject land may be subject to future acquisition.

Main Roads Western Australia recommends that the land required for the widening of Shepperton Road be set aside as a separate lot for acquisition pending future road widening requirements. This is supported and shall be imposed as a condition of approval.

(b) Lot Sizes

The subject land is capable of complying with the minimum (180m² required, 255m² provided) and the average (220m² required, 240.6m² provided) lot size requirements of the *State Planning Policy 3.1 - Residential Design Codes* (R-Codes) for the density code of R40.

Notwithstanding the above, the proposed reciprocal rights of access with easement over proposed Lots 1 and 2 will reduce the effective site areas of these lots from 255m² to 181m² and from 255m² to 148m² respectively. In this case, the effective site area of proposed Lot 2 at 148m² is below the required minimum of 180m² and represents a shortfall of 32m².

Development Control Policy 2.2 - Residential Subdivision (DC 2.2)

Clause 3.2.3 of the Commission's Policy DC 2.2 allows for site area variations to the minimum of one lot only by not more than 5%, provided the proposal provides a beneficial outcome for the community or the Commission forms the opinion that it will provide a beneficial outcome for the community.

In this case, the site area variation is for one lot only (proposed Lot 2) which can only achieve an effective site area of 148m². The shortfall of 32m² represents a variation of 17.7%, which is well above the 5% variation permitted under the Commission's Policy DC 2.2.

Development Application

The Town of Victoria Park advises that a development application for three double-storey dwellings on each of the proposed lots is currently being assessed by the Town (**Attachment C - Proposed Development Plan**). The Town has verbally advised that a decision on the development application is dependent upon the Commission's determination of the proposed subdivision.

It is noted that the landowner/applicant is liaising with the Town to address any concern relating to the proposed development plan.

(c) Merit of Proposal

Whilst the application will create one lot that is significantly less than the minimum site area, it can be supported for the following reasons:

- The subject land is constrained by its triangular shape and location along Shepperton Road. The proposal represents a practical solution that addresses the difficulties of the site;
- The proposal is consistent with the general intent of the local planning scheme in spite of the site constraints, configuration and location;
- The proposal is generally compatible with the objectives of the Town of Victoria Park Precinct Plan - Precinct P10 - Shepperton;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- The subject land is strategically well located to be able to benefit from good public transport infrastructure, schools and other servicing provision, and it is directly opposite the local open space;
- The proposed lots are capable of being developed in accordance with the R-Codes requirements;
- The proposal will provide a wider choice of residential lot sizes in the locality; and

- This small infill proposal will contribute towards the dwelling targets of the *Central Metropolitan Sub-regional Strategy and Directions 2031* which call for an additional dwellings within the Town of Victoria Park by 2031.

On the basis, there is sufficient justification to support the proposed subdivision.

(d) Plate Height

The Town of Victoria Park recommends that a plate height condition be imposed on this application. This is supported and shall be imposed as a condition of approval given the site constraints, configuration and access arrangement.

CONCLUSION:

The subject land would normally be capable of complying with the minimum and the average site area requirement for R40 under the R-Codes under normal circumstances.

However, with the existing site constraints, configuration and restrictive vehicular access onto Shepperton Road from the subject land, reduces the effective site area of one lot. For the reasons detailed above, this application can be supported and conditional approval is recommended.

ITEM NO: 9.2

Request for Clearance of Condition 12 and Endorsement of Deposited Plan 69273

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: A/Planning Manager: Metropolitan Planning North East
AUTHORISING OFFICER: A/Director: Metropolitan Planning North East
AGENDA PART: G
FILE NO: 142459
DATE: 28 April 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Note
2. Note
ATTACHMENT(S): 1. Approved Subdivision Plan
2. Deposited Plan 69273
3. WAPC Resolution
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: City of Swan
LOCAL SCHEME ZONING: Special Use - Ellenbrook
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Aveley
RECEIPT DATE: 16 January 2015
PROCESS DAYS: 21
APPLICATION TYPE: Deposited Plan
CADASTRAL REFERENCE: Lot 9067 The Broadway, Aveley

RECOMMENDATION:

That the Western Australian Planning Commission resolves to note the background to the issue arising in relation to the clearance of Condition 12 of WAPC 142459 and the endorsement of Deposited Plan 69273 for Lot 9067 The Broadway, Aveley.

SUMMARY:

A report was submitted to the Statutory Planning Committee (the SPC) of 24 February 2015 to clear condition 12 of WAPC 142459 and endorse Deposited Plan 69273 for Lot 9067 The Broadway, Aveley.

The SPC at its meeting of 24 February 2015 resolved to clear the condition and endorse the deposited plan, but requested that background information on the issue

be presented to the Committee. In accordance with the resolution, additional information is provided for the Committee's consideration.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Section 145

Strategic Plan

Strategic Goal:

Strategic Goal 2: Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

Number and / or Name:

Liveable Neighbourhoods

Development Control Policy 2.3 'Public Open Space in Residential Areas'.

BACKGROUND:

The Western Australian Planning Commission (WAPC) conditionally approved an application to subdivide Lot 9067 The Broadway, Aveley in December 2010 (WAPC 142459) (**Attachment 1 - Approved Subdivision Plan**). Condition 12 of the approval required that Lot 8020 on the approved plan be shown on the deposited plan as a 'Reserve for Recreation'. The subsequent deposited plan submitted to the WAPC for clearance, however, showed Lot 8020 as a drainage reserve, which is inconsistent with the approved subdivision plan and the Vale Development Plan 2, which identifies the lot as a public open space (POS) reserve (**Attachment 2 - Deposited Plan 692730**).

As the SPC considered that the identification of the approved POS reserve as a drainage reserve will not adversely impact the provision of POS in the area, it resolved to clear the condition and endorse the deposited plan (**Attachment 3 - WAPC Resolution**). As part of the resolution, the SPC also included advice that the Committee be advised of the background to the issue arising.

COMMENTS:

Lot 8020 created by subdivision WAPC 142459 was not identified in the initial Urban Water Management Plan as being required for drainage purposes and was identified as public open space. The original land developer Multiplex created the subject site and sold it off to the current landowner early on in the subdivision. It was not until the current landowner completed detailed subdivision and engineering design that it was identified that Lot 8020 would be required for drainage purposes.

On 12 November 2012, the WAPC received a modification to Vale Development Plan 2 from the City which reclassified the approved POS reserve as a drainage reserve and amended the POS schedule accordingly. The modification was advertised by the City with no submissions received, and was subsequently adopted by the City on 6 November 2012. In accordance with Clause 5A.1.14.2 of the City's Local Planning Scheme No.17, the modification was forwarded to the WAPC for information

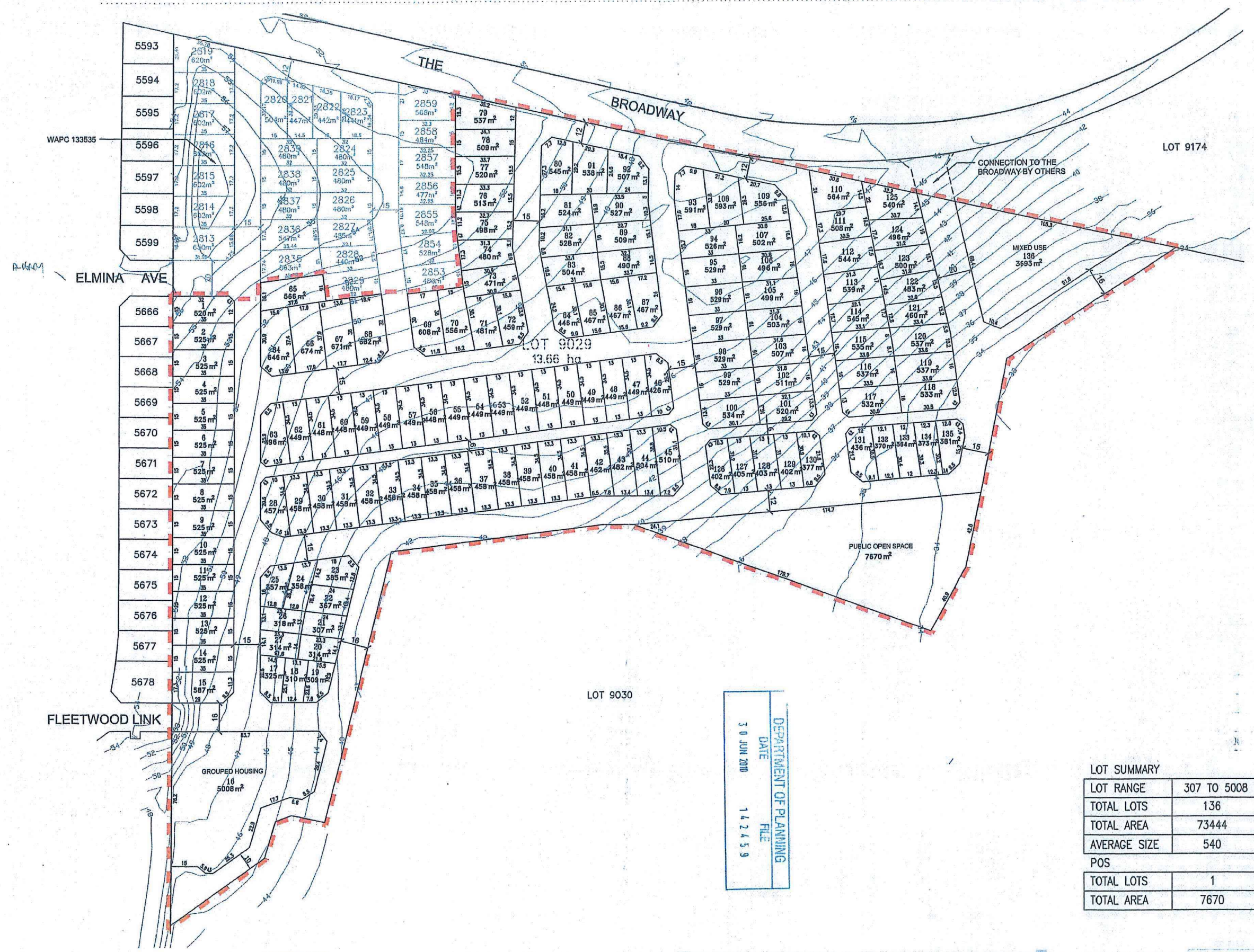
purposes as it did not propose the subdivision of land. However, due to an administrative error, subsequent modifications to Vale Development Plan 2 by the City did not include the reclassified drainage reserve and amended POS schedule as adopted by the City, but have shown the drainage reserve as 'Local Open Space'. As a result of this administrative error, which did not include the reclassified drainage reserve, sales brochures were prepared by the developer which incorrectly depicted the drainage reserve as a POS reserve. Potential landowners opposite the reserve were, therefore, misled as a result of this administrative error which did not include the reclassified drainage reserve in subsequent modifications to Vale Development Plan 2.

The City subsequently issued engineering approval for four drainage basins on 22 November 2012 which have now been constructed. The City has confirmed that the entire site is required for a drainage reserve. The developer designed the basins and their associated volumes in the form of four large drainage basins which take up the entire site. As there is no overflow permitted into the adjoining Metropolitan Region Scheme 'Park and Recreation' reserve (Bush Forever Site 22) to the south, these drainage basins hold a large volume of water even during the summer months. As such, there is extremely limited scope to relocate or co-develop the subject site for any type of public open space. In addition, the City advises that it would not be safe for the public to be within the subject site and therefore inappropriate to make the land available for use by the public as open space.

It is noted that the Vale Development Plan 2 area will still provide approximately 14.0% of the gross subdivisible area as POS which exceeds the 10% POS requirement of the WAPC's *Liveable Neighbourhoods* policy.

CONCLUSION:

It is recommended that the WAPC note the above background to the issue arising in relation to the clearance of condition 12 and the endorsement of the deposited plan for Lot 9067 The Broadway, Aveley.



DEPARTMENT OF PLANNING
DATE 30 JUN 2010
FILE 1 4 2 4 5 9

LOT SUMMARY	
LOT RANGE	307 TO 5008
TOTAL LOTS	136
TOTAL AREA	73444
AVERAGE SIZE	540
POS	
TOTAL LOTS	1
TOTAL AREA	7670

Legend
SUBJECT SITE
CONTOURS

date	29/06/2010	job no.	5871	scale	1:1500	title	proposed subdivision
designer	D Evans	prepared by	S Jelicic	e-ref	061002	address	lot 9029 the Broadway, Avelley
client	Level 1, 269 Newcastle Street, Northbridge, Western Australia, 6003 email: greg@greg-rowe.com web: greg-rowe.com tel: +618 9221 1991 fax: +618 9221 1919						
peel / south west tel	+618 9582 8288	email	mandurati@greg-rowe.com	mid west tel	+618 9556 0633	email	geralton@greg-rowe.com
pillbain tel	+618 9173 4332	email	porthead@greg-rowe.com				

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GREG ROWE & associates
FOCUSED ON ACHIEVEMENT



TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

ITEM NO: 9.3

Proposed Rural Shed - Lot 102 West Swan Road Henley Brook

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: A/Planning Manager Metropolitan Planning North East
AUTHORISING OFFICER: A/Director - Metropolitan Planning North East
AGENDA PART: G
FILE NO: 21-50449-1
DATE: 23 April 2014
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Recommend
2. Refuse
ATTACHMENT(S): Attachment 1 - Proposed Development Plans
Attachment 2 - Location / Zoning Plan
Attachment 3 - Aerial Photograph
REGION SCHEME ZONING: Rural
LOCAL GOVERNMENT: City of Swan
LOCAL SCHEME ZONING: Swan Valley Rural
LGA RECOMMENDATION(S): Conditional approval
REGION DESCRIPTOR: N/A
RECEIPT DATE: 11 February 2015
PROCESS DAYS: 67
APPLICATION TYPE: Development Application
CADASTRAL REFERENCE: Lot 102 West Swan Road, Henley Brook

RECOMMENDATION:

That the Western Australian Planning Commission resolves to refuse the application to commence development for the construction of a shed on Lot 102 West Swan Road Henley Brook for the following reasons:

- 1. The proposed development is inconsistent with the objectives of Area B of the Swan Valley Planning Act 1995;***
- 2. The land is zoned 'Rural' in the Metropolitan Region Scheme and 'Swan Valley Rural' within the City of Swan Local Planning Scheme No.17. The proposed development is contrary to the intent of the rural zoning which is to preserve the rural character and landscape of the area;***

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

SUMMARY:

The owners of Lot 102 West Swan Road, Henley Brook have applied for approval to commence development in order to construct a 512m² shed on the land.

The application was referred to the Swan Valley Planning Committee (SVPC) which at its meeting on 6 October 2014 resolved to refuse the application, stating that the applicant did not justify the need for the construction of a larger shed relative to the predominant use of the lot. The City of Swan (the City) resolved to approve the proposal subject to conditions. Due to the conflicting resolutions of the SVPC and the City, the application was forwarded to the Western Australian Planning Commission (WAPC) for final determination.

The proposal is inconsistent with the objectives of the 'Swan Valley Rural' zone under the City of Swan Local Planning Scheme No.17, the objectives of Area B of the *Swan Valley Planning (SVP) Act 1995* and the WAPC's Swan Valley Interim Policy.

It is recommended that the application be refused.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Planning and Development Act 2005
Section:	Part 10

Legislation	Swan Valley Planning Act 1995
Section:	Part 3

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

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

INTRODUCTION:

The subject land is zoned 'Rural' under the Metropolitan Region Scheme and 'Swan Valley Rural' under the City of Swan's Local Planning Scheme No.17 (LPS 17)

(Attachment 1 - Location Zoning Plan). The subject land is approximately 3.88 ha in area, and is situated within 'Area B' of the *Swan Valley Planning Act 1995*.

The application seeks planning approval to construct a 512m² shed on Lot 102 West Swan Road Henley Brook **(Attachment 2 - Development Proposal)**. Access to the subject land is gained from West Swan Road, and there is currently two existing dwellings and an outbuilding located on the lot, which will be retained **(Attachment 3 - Aerial Photograph)**.

The proposed shed is to be approximately 32m x 16m, with a wall height of 4.6m and a pitched roof height of 5.2m. The proposed shed also includes a 64m² mezzanine floor, is to be constructed of 'Colorbond' cladding, and is proposed to be setback 14m from the northern side lot boundary and 70m from West Swan Road. It is proposed to be used for domestic storage, including machinery and equipment and for the garaging of 14 vehicles (including seven trailers) all below 3.5 tonnes tare in weight.

The landowner currently operates a landscaping business on the subject land, and the proposed shed will also be used to store the owner's personal items as well as various small scale machinery and equipment associated with the business. The applicant has advised that the existing 280m² outbuilding is at capacity with the storage of building materials which will be utilised for the renovation of the existing dwelling on the land. The applicant maintains that the proposed shed will also be utilised as storage and as a workspace for renovation activities. The applicant has advised that the proposed shed was sited at the particular location to utilise the substantial tree cover in order to screen the structure from street view.

Pursuant to Clause 26 (3) and 30B (5) of the Metropolitan Region Scheme, the City is required to refer the application to the WAPC for determination when the advice of the SVPC is not accepted by the local government.

CONSULTATION:

The proposal was advertised for public comment to surrounding landowners considered to be potentially affected by the proposal for a period of 14 days. No submissions were received.

The application was referred to the SVPC on 6 October 2014, which resolved to note and recommend that:

1. *there is an existing shed and lean-to with a floor space of 280m² on the subject property; the proposed additional shed has 512m² of floor space; and the combined floor space of the sheds will be 792m²;*
2. *the proposed wall height of the new shed is 4.6m and has a maximum roof height of 5.2m, but a request to increase that to 6m is foreshadowed in the explanatory notes;*
3. *the proposed use of the shed is the storage of salvaged materials already on site, 'domestic purposes', and 'various small scale machinery used in the family's landscaping maintenance business';*
4. *the Swan Valley Planning Act 1995 - Planning Objectives requires the proponent to demonstrate that the shed is necessary for the carrying out of the predominant*

use of the lot, and that the shed is subordinate and ancillary to the predominant use of the lot;

5. *the proponent has satisfied neither of these requirements; and*
6. *to advise the City of Swan that approval not be granted.*

The City of Swan Council on 4 February 2015 recommended approval of the proposal subject to conditions.

The Department of Water raised no objections to the proposal.

COMMENTS:

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

The subject site is zoned 'Swan Valley Rural' under LPS 17. The objectives of the Swan Valley Rural zone are to:

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

Schedule 5 provides for exemptions for planning approval for the construction of rural sheds with respect to requiring planning approval. The proposal does not meet the provisions for exemption of planning approval due to the fact that the area of the proposed shed exceeds the maximum prescribed 300m² allowance for shed area within the zone. The proposed shed is not considered to be incidental to the use of the land for horticultural uses and does not accord with the planning objectives for Area B as specified in the *Swan Valley Planning Act*. The use class 'storage' is an 'X' or nonconforming use in the zoning table for the zone, and the use of the shed for the sole purpose of storage is therefore not considered to be incidental to the use of the land for horticultural purposes.

Swan Valley Planning Act 1995 (SVP Act)

The subject land lies within 'Area B' of the SVP Act. The planning objectives for this area and the assessment of the proposal in terms of these are as follows:

Planning Objective (Area B)	Does the proposal contribute to the planning objective?	Comment
1. The protection of viticulture.	Neutral	There does not appear to be viticultural uses on the subject land, and the proposed development will not impact on the existing viticulture and horticultural activities within the Swan Valley.
2. The provision of water for viticulture and horticulture and the discouragement of other activities that have high water demands.	Neutral	The shed will be used for vehicle and machinery storage and is unlikely to affect water demand.
3. The encouragement of tourist facilities provided that they do not detract from the rural character of the area.	Neutral	The proposal is not a tourist facility.
4. The encouragement of traditional activities of the Swan Valley and industries associated with viticulture, horticulture and cottage industry provided that they are compatible with the rural character of the area.	No	The proposed shed is to be used to store, personal items and machinery associated with the landscaping business operated by the owners of the subject land. Therefore it does not encourage any viticultural or horticultural uses on the land.
5. The encouragement of the consolidation of retail and community facilities at Herne Hill, Caversham and West Swan. 5A. The limited expansion of existing retail and community facilities at Herne Hill, Caversham and West Swan where such facilities are required to service the local community and will not detract from the rural character of the area.	Neutral	The proposal is not a retail or community facility.
6. The compatibility of design, siting and landscaping with the character of the area.	Yes	The proposed 512m ² would be suitably set back and screened from street view.
7. The discouragement of uses	No	This use of the shed for the

<i>that are incompatible with the rural character and traditional agricultural activities of the area.</i>		storage of vehicles and personal items, as well as machinery associated with the landscaping business operated by the owners of the subject land; is not related to the use of the land for traditional agricultural activities of the area.
<i>8. The extraction of basic raw materials so far as it is compatible with the character and amenity of the area and subject to the rehabilitation of the affected land.</i>	Neutral	Not applicable to this proposal.
<i>9. The subdivision into lots of less than 4 hectares only where this is consistent with the objectives set out in this section [of the Act]</i>	Neutral	No subdivision is proposed.
<i>10. The avoidance of overstocking, of activities causing pollution or degradation of the environment and of any other land management practices detrimental to the amenity of the area.</i>	Yes	The proposed shed for the storage of vehicles and machinery is unlikely to cause pollution or degradation of the area.

Swan Valley Interim Planning Policy

The WAPC's Swan Valley Interim Planning Policy (Interim Policy) has been prepared to assist decision making authorities to provide consistent advice on land use and planning matters within the Swan Valley, until the new Swan Valley legislation and associated planning instruments take effect. The Interim Policy is to be used by the WAPC when determining subdivision and development applications within the *Swan Valley Planning Act 1995* area.

In terms of the policy, any application for the construction of sheds larger than 200m² in floor area or 5 metres in height (at the highest point of the roof) must be referred by the City to the SVPC for advice, pursuant to clause 5(1) of the SVP Act. In providing its advice, the Committee will expect the proponent to demonstrate that:

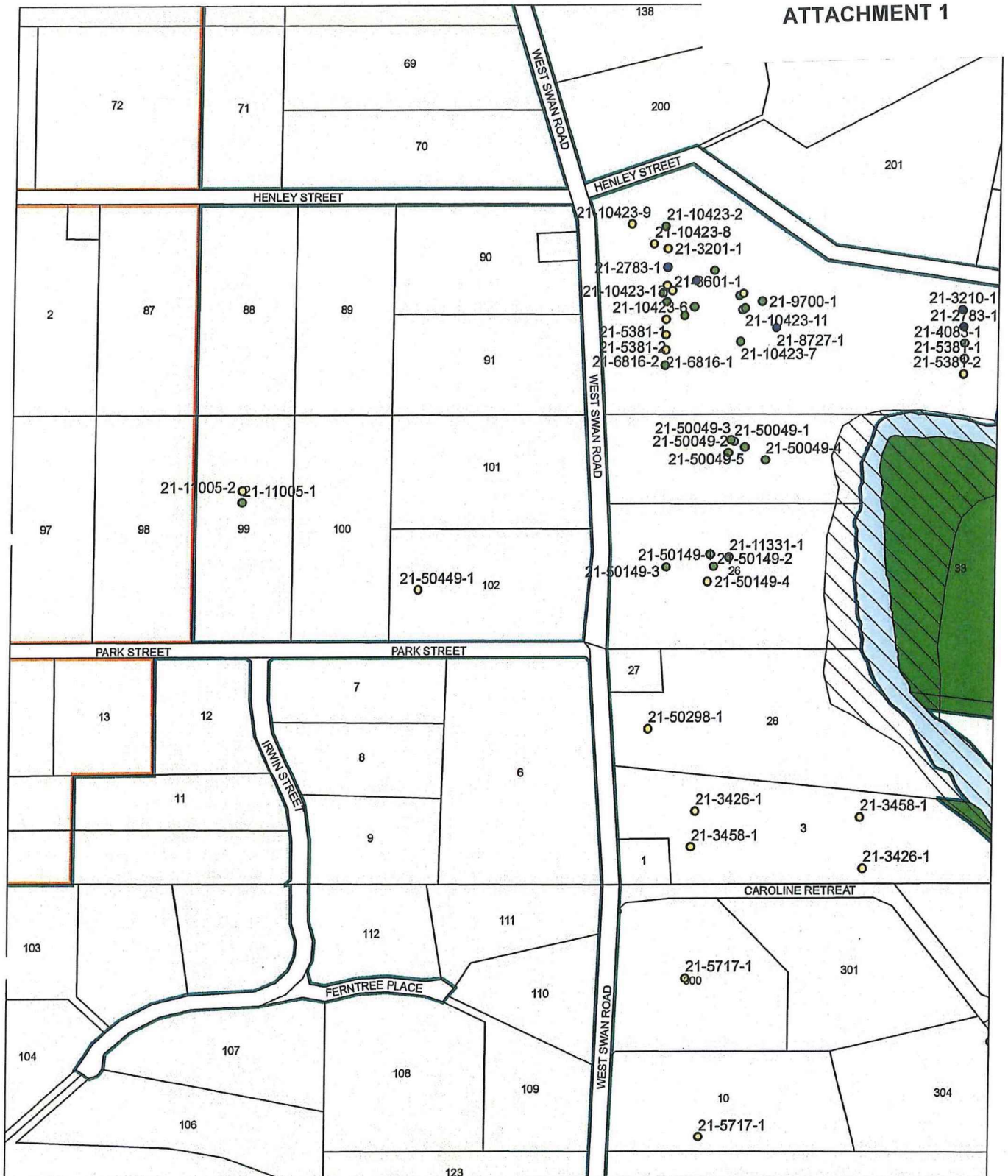
- The shed is necessary for the carrying out of the predominate use of the lot on which it is proposed to be constructed.
- The shed is subordinate and ancillary to the predominate use of the lot on which it is proposed to be constructed.
- The shed is set back a minimum of 50m from the primary street and 25m from any secondary street.
- To the extent possible, the shed is sited perpendicular to the primary street to minimise the visual impact of the shed from that road.

- Any external parking or forecourt areas are screened by vegetation from the primary street.

The 200m² floor area threshold for referral to the SVPC includes the aggregate of all sheds on the lot of the subject of the application. In this regard, the total floor area for all the sheds including the proposed shed on the subject land will be approximately 729m², and is therefore contrary to the objectives of Area B of the SVP Act. The proposed shed is not ancillary to the predominate agricultural use of the land and the size, scale and use of the shed is considered inconsistent with the rural character of the locality. Furthermore, the SVPC has recommended refusal of the proposed shed. The proposal is therefore inconsistent with the SVIPP in all other respects.

CONCLUSION:

The proposal is not consistent with the objectives of LPS 17, the *Swan Valley Planning Act 1995* or the Swan Valley Interim Policy, and it is therefore recommended that the application to commence development is refused.

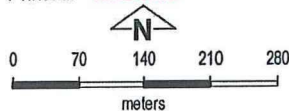


LOCATION PLAN

Development Application 21-50449-1

Decision: **OUTSTANDING**

Printed: 13/02/2015



Department of
Planning



Western
Australian
Planning
Commission

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

Legend

Development Applications

- Approved
- Outstanding
- Refused

Existing LPS Zones and Reserves

□ Rural residential

□ Swan Valley rural

Existing Region Scheme Reserves

■ Parks and recreation

□ Waterways

□ Bush Forever Area