



Statutory Planning Committee

Notice is hereby given that meeting 7534 of the
Statutory Planning Committee will be held on:

Tuesday, 10 November 2015
9:00 am

Level 3, Room 3.23, 140 William Street Perth

This meeting is not open to members of the public



Tim Hillyard
WAPC Secretary

**Committee
Secretary:**

Melanie Dawson
6551 9085
committees@planning.wa.gov.au

**Attendance by
Department of
Planning officers:**

Only Assistant Director General's and Commission support staff to be present unless attendance of others is specifically requested or approved by the Chair or Director General. Assistant Director General's and Commission support staff will be responsible for providing feedback on items to staff.

Statutory Planning Committee

Tuesday, 10 November 2015, 9:00 am

ITEM	ORDER OF BUSINESS	
1.	Declaration of opening	
2.	Apologies	
3.	Members on leave of absence and applications for leave of absence <i>Stephen Hiller – 23 October 2015 - 28 November 2015 inclusive</i>	
4.	Disclosure of interests	
5.	Declaration of due consideration	
6.	Announcements by the Chairperson without discussion	
7.	MINUTES	
7.1	Confirmation of minutes – Meeting No. 2533 on 27 October 2015	
8.	DEPUTATIONS AND PRESENTATIONS	
9.	STATUTORY ITEMS FOR DECISION	Officers attending
9.1	Application for Planning Approval – Two Storey Single House with Outdoor Living Areas	Mathew Selby <i>Planning Director, Metro Planning Central</i>
9.2	Development: Commercial Vehicle Parking – Lot 98 Railway Parade, Middle Swan	Robert Hodges <i>Planning Manager, Metro Planning North East</i>
9.3	Proposed Development: Three Single Storey Grouped Dwellings at Lot 992 (No. 69) Archibald Street, Willagee	Mathew Selby <i>Planning Director, Metro Planning Central</i>
9.4	Proposed Development: Two Single Storey Grouped Dwellings at Lot 1168 (No. 4) Finney Street, Willagee	Mathew Selby <i>Planning Director, Metro Planning Central</i>
9.5	Proposed Development: Two Single Storey Grouped Dwellings at Lot 1169 (No. 6) Finney Street, Willagee	Mathew Selby <i>Planning Director, Metro Planning Central</i>
9.6	Proposed Development: Two Single Storey Grouped Dwellings at Lot 1193 (No. 14) Greig Street, Willagee	Mathew Selby <i>Planning Director, Metro Planning Central</i>
9.7	Proposed Development: Two Single Storey Grouped Dwellings at Lot 1207 (No. 11) Finney Street, Willagee	Mathew Selby <i>Planning Director, Metro Planning Central</i>
9.8	Proposed Development: Two Single Storey Grouped Dwellings at Lot 1372 (No. 23) Greig Street, Willagee	Mathew Selby <i>Planning Director, Metro Planning Central</i>
10.	POLICY ITEMS FOR DISCUSSION / DECISION	
	Nil.	
11.	CONFIDENTIAL ITEMS	Officers attending
11.1	City of Cockburn – Town Planning Scheme No.3 Amendment No.78 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>

11.2	City of Gosnells – Repeal of Town Planning Scheme No. 20	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.3	City of Gosnells – Town Planning Scheme No.6 Amendment No.136 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.4	City of Joondalup – District Planning Scheme No. 2 Amendment No. 73 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.5	City of Melville – Community Planning Scheme No.5 – Amendment No. 71 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.6	City of Rockingham – Town Planning Scheme No. 2 – Amendment No. 124 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.7	City of Subiaco Town Planning Scheme No. 4 – Amendment 24 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.8	City of Vincent Town Planning Scheme No.1 – Amendment No.39 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.9	City of Vincent Town Planning Scheme No.1 – Amendment No.40 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
11.10	Shenton Park Improvement Scheme – for Consent to Advertise	Mathew Selby <i>Planning Director, Metro Planning Central</i>		
11.11	Current State Administrative Tribunal Applications			
11.12	Amendment No. 95 to City of Swan Local Planning Scheme No.17 – for Final Approval	Lee O'Donohue <i>Planning Manager, Schemes and Amendments</i>		
CORPORATE MATTERS				
12.	Stakeholder engagement and site visits			
13.	Urgent or other business			
14.	ITEMS FOR CONSIDERATION AT A FUTURE MEETING			
	Item No	Report	Request	Due date
	7515.14.1 (20 Jan 2015)	Detailed Area Plan Report	Establishment report to be presented to the Committee.	TBA
	7517.14.1 (24 Feb 2015)	Codes to Support Increased Density Workshop	To be discussed at a future meeting of the Committee.	David MacLennan February 2016
	7517.14.2 (24 Feb 2015)	Sub-Regional Planning Frameworks	A presentation to be made to the Committee at a future meeting.	Nicole Lucas-Smith 24 November 2015

	7527.9.1 (24 Feb 2015)	Proposed "Lifestyle Village" (Park Home Park) Within the Jandakot Groundwater Protection Policy Area	<p>Report to be presented to the Committee on 'retirement villages' and the DOP's policy setting in regard to land use and the policy/merit discussion.</p> <p>Members agreed that they were specifically looking at park home lifestyle villages which fall under the caravan park legislation, not the retirement villages. legislation.</p>	15 December 2015
	7531.14.1 (22 Sep 2015)	SAT Applications	<p>The Members are to be advised of the current applications before SAT and requests for reconsideration. The current exercise of delegated authority is to be reconsidered at the next Committee's Policy meeting.</p> <p>Members advised that the report needs to include decisions back to 1 July 2014. If that is not possible, must go back to at least 1 January 2015.</p> <p>Report needs to focus on overturned decisions and provide details on:</p> <ol style="list-style-type: none"> 1. Decisions that have been overturned by SAT. 2. Why the decision was overturned. 3. Who made the original decision (officer, committee etc). 	On agenda – item 11.11
	7533.13.2 (27 Oct 2015)	Policies	Members agreed that a list of policies was to be included on the next meeting agenda. If the agenda is too full, an out of session meeting is to be scheduled.	An out of session meeting to discuss policies is to be arranged.
	7533.13.3 (27 Oct 2015)	Report Templates	Members discussed the report templates and agreed that they need to be revised.	March 2016
15.	Meeting Closure – next meeting Tuesday 24 November 2015 at 9:00 am			

Information for SPC Members

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
VACANT	Nominee of the Regional Minister Schedule 2 clause 4(3)	
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) *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - (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) *Planning and Development (Local Planning Schemes) Regulations 2015*
- 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.

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.

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Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member)
Mayor Russell Aubrey	Local government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Ray Glickman	WAPC appointee
Mr Ian Holloway	Professions representative
Ms Gail McGowan	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Ms Pamela Baskind	Planning Manager, Regional Planning and Strategy
Mr Mario Carbone	Senior Planning Officer, Metro Planning North East
Ms Stephanie Clegg	Senior Planning Officer, Regional Planning and Strategy
Ms Vanessa Crispe	Executive Assistant WAPC
Ms Kym Davis	A/Assistant Director General, Policy and Priority Initiatives
Mr Paul Ellenbroek	Planning Manager, Urban Policy
Mr Ben Harvey	Director Policy and Research
Mr David MacLennan	A/Assistant Director General, Regional Planning and Strategy
Ms Kym Petani	A/Planning Director, Metro Planning North East
Mr Paul Sewell	A/Planning Director, Metro Planning South East

Presenters

Mr Gary Wilson	Landowner (Item 8.1)
Mr Matt Wilson	Landowner (Item 8.1)
Mr Tim Trefry	RobertsDay (Item 8.2)

Committee Support

Mrs Melanie Dawson	Commission Support Officer
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7533.1 Declaration of Opening

The Presiding Member declared the meeting open at 8:59 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

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7533.2 Apologies

Nil.

7533.3 Members on Leave of Absence and Applications for Leave of Absence

Stephen Hiller on a leave of absence from 23 October 2015 - 28 November 2015 inclusive.

7533.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ian Holloway	7533.11.1		Impartiality
Ian Holloway	7533.11.2		Impartiality

The members discussed the disclosures by Mr Holloway and, notwithstanding the discussion at the last meeting, clarified any potential conflict of interest and agreed that there was no conflict with the items on the agenda.

7533.5 Declaration of Due Consideration

All members indicated that they had received and considered the agenda items before the meeting.

7533.6 Announcements by the Chairperson of the Board and Communication from the WAPC

The Chairman advised members that the new delegations were gazetted on 16 October 2015.

7533.7 Confirmation of Minutes

7533.7.1 Revoked a confidential decision from the previous meeting.

7533.7.2 **Minutes of the Statutory Planning Committee meeting held on Tuesday 13 October 2015**

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday 13

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October 2015, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7533.8 Deputations and Presentations

7533.8.1 Request for Reconsideration of a Refusal to an Application for the Subdivision of Lot 98 Gull Road, Serpentine into One Lot of 17.86 Hectares and One Lot of 12.84 Hectares (Item 9.1)

Presenter Mr Gary Wilson and Mr Matt Wilson (landowners)

Mr Gary Wilson and Mr Matt Wilson made a presentation to the Committee in support of the amendment and answered questions from members.

Mr Gary Wilson invited the members to come and view the site.

7533.8.2 Endorsement of Modification to Ellenbrook Town Centre Development Plan (Item 11.2)

Presenter Mr Tim Trefry (RobertsDay)

Mr Trefry made a presentation to the Committee in support of the report and answered questions from members.

Mr Trefry advised members that he has been working with the engineers and landscape architects and they believe that they can get all the requirements of the streetscape in 13.3m.

7533.8.3 Residential Subdivision and Development on Lots Less than 100m² (Item 11.1)

Presenter Mr Ben Harvey (Director Policy and Research, Department of Planning)

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

A copy has been placed on file.

The members stopped for a break at 9:49 am and recommenced the meeting at 9: 55 am with all members present.

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7533.9 Statutory Items for Decision

7533.9.1

Request for Reconsideration of a Refusal to an Application for the Subdivision of Lot 98 Gull Road, Serpentine into One Lot of 17.86 Hectares and One Lot of 12.84 Hectares

File WAPC Ref: 151587
Agenda Part H
Reporting Officer Planning Director

Officer's recommendations:

That the Statutory Planning Committee resolves to affirm the decision of 25 June 2015 and refuse the application for the subdivision of Lot 98 Gull Road, Serpentine for the following (amended) reasons:

1. Approval of this application would contravene Section 138(2) of the Planning and Development Act 2005 which requires the Western Australian Planning Commission to not issue an approval that conflicts with the provisions of the relevant local planning scheme.
2. The proposal is not consistent with Clause 5.10.4 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 which states that Council will generally not support subdivision within the Rural Zone that will result in the creation of lots less than 40 hectares.
3. The application does not comply with the Serpentine Jarrahdale Rural Strategy 1994 (as reviewed in 1996, 2002) which recommends a minimum lot size of 40 hectares for land in the Rural Policy Area.
4. The application does not comply with the principles and objectives of WAPC State Planning Policy No.2.5 - Land Use Planning in Rural Areas.
5. Approval of this application would create an undesirable precedent for further ad hoc subdivision of land in this locality, in a manner inconsistent with the principles of orderly and proper planning.

The members agreed that they should conduct a site visit.

Resolved

Motion to defer

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Moved by Ms Taylor, seconded by Mayor Aubrey

That the item relating to Request for Reconsideration of a Refusal to an Application for the Subdivision of Lot 98 Gull Road, Serpentine into One Lot of 17.86 Hectares and One Lot of 12.84 Hectares as detailed in the report dated 12 October 2015 be deferred until a site visit can be conducted by members.

The motion was put and carried.

7533.10 Policy Items for Discussion/Decision

7533.10.1 Review of Development Control Policy 1.10 Location and Design of Freeway Service Centres – for Consent to Advertise

File DP/13/00814
Agenda Part A
Reporting Officer Planning Director, Wheatbelt Region

Resolved

Moved by Mr Holloway, seconded by Mayor Aubrey

That the Statutory Planning Committee resolves to:

- 1. endorse the revised draft of Development Control Policy 1.10 – Location, siting and design of freeway service centres and roadhouses; and*
- 2. approve the release of draft Development Control Policy 1.10 – Location, siting and design of freeway service centres and roadhouses, for public advertising for a period of 60 days.*

The motion was put and carried.

7533.11 Confidential Reports

7533.11.1 Residential Subdivision and Development on Lots Less Than 100m²

File DP/14/000301/1
Agenda Part A

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Reporting Officer Director Policy and Research

THIS ITEM IS CONFIDENTIAL

7533.11.2 Endorsement of Modification to Ellenbrook Town Centre Development Plan

File SPN/0342/M
Agenda Part C
Reporting Officer Planning Manager, Metropolitan Planning North East

THIS ITEM IS CONFIDENTIAL

7533.12 Stakeholder Engagement and Site Visits Nil.

7533.13 Urgent and Other Business

7533.13.1 Bushfire SPP

Members were advised that there were some issues with regards to practical implementation regarding BAL assessors going to regional areas.

It is planned for the policy to go to Cabinet for a verbal briefing on 9 November 2015 and to be considered as a package on 16 November 2015.

7533.13.2 Policies

Members agreed that a list of policies was to be included on the next meeting agenda. If the agenda is too full, an out of session meeting is to be scheduled.

7533.13.3 Report Templates

Members discussed the report templates and agreed that they need to be revised.

7533.14 Items for Consideration at a Future Meeting

Item No	Report	Request	Discussion
7510.7 (23 Sep 2014)	Legal Services' review of delegations	Report to be presented to the Committee	No report required as delegations have already been dealt with.
7515.14.1 (20 Jan 2015)	Detailed Area Plan Report	Establishment report to be presented to the Committee.	TBA

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7517.14.1 (24 Feb 2015)	Building Codes	To be discussed at a future meeting of the Committee.	TBA
7517.14.2 (24 Feb 2015)	Sub-Regional Planning Frameworks	A presentation to be made to the Committee at a future meeting.	Members agreed that a presentation should be made soon.
7527.9.1 (24 Feb 2015)	Proposed "Lifestyle Village" (Park Home Park) Within the Jandakot Groundwater Protection Policy Area	Report to be presented to the Committee on 'retirement villages' and the DOP's policy setting in regards to land use and the policy/ merit discussion.	Members agreed that they were specifically looking at park home lifestyle villages which fall under the caravan park legislation, not the retirement villages. legislation.
7531.14.1 (22 Sep 2015)	SAT Applications	The Members are to be advised of the current applications before SAT and requests for reconsideration. The current exercise of delegated authority is to be reconsidered at the next Committee's Policy meeting.	Being prepared for 10 November 2015 meeting. Members advised that the report needs to include decisions back to 1 July 2014. If that is not possible, must go back to at least 1 January 2015. Report needs to focus on overturned decisions and provide details on: 1. Decisions that have been overturned by SAT. 2. Why the decision was overturned. 3. Who made the original decision (officer, committee etc).
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7533.13.3 (27 Oct 2015)	Report Templates	Members discussed the report templates and agreed that they need to be revised.	

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7533.15 Closure

The next ordinary meeting is scheduled for 9:00 am on Tuesday 10 November 2015.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10:32 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	STATUTORY ITEMS FOR DECISION
<i>G</i>	<i>DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA</i>
9.1	Application for Planning Approval – Two Storey Single House with Outdoor Living Areas
9.2	Development: Commercial Vehicle Parking – Lot 98 Railway Parade, Middle Swan
9.3	Proposed Development: Three Single Storey Grouped Dwellings at Lot 992 (No. 69) Archibald Street, Willagee
9.4	Proposed Development: Two Single Storey Grouped Dwellings at Lot 1168 (No. 4) Finney Street, Willagee
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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 Cockburn – Town Planning Scheme No.3 Amendment No.78 – for Final Approval
11.2	City of Gosnells – Repeal of Town Planning Scheme No. 20
11.3	City of Gosnells – Town Planning Scheme No.6 Amendment No.136 – for Final Approval

- 11.4 City of Joondalup – District Planning Scheme No. 2 Amendment No. 73 – for Final Approval
- 11.5 City of Melville – Community Planning Scheme No.5 – Amendment No. 71 – for Final Approval
- 11.6 City of Rockingham – Town Planning Scheme No. 2 – Amendment No. 124 – for Final Approval
- 11.7 City of Subiaco Town Planning Scheme No. 4 – Amendment 24 – for Final Approval
- 11.8 City of Vincent Town Planning Scheme No.1 – Amendment No.39 – for Final Approval
- 11.9 City of Vincent Town Planning Scheme No.1 – Amendment No.40 – for Final Approval
- 11.10 Shenton Park Improvement Scheme – for Consent to Advertise

D GENERAL ITEMS / OTHER MATTERS

- 11.11 Current State Administrative Tribunal Applications

E MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS

- 11.12 Amendment No. 95 to City of Swan Local Planning Scheme No.17 – for Final Approval
- 11.13 Shire of Waroona - Town Planning Scheme No. 7 - Amendment 34 - for Consent to Advertise

ITEM NO: 9.1

Application for Planning Approval – Two Storey Single House with Outdoor Living Areas

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planner Metropolitan Planning Central
AUTHORISING OFFICER:	Director Metropolitan Planning Central
AGENDA PART:	C
FILE NO:	08-50151-1
DATE:	23 October 2015
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	1. Refer 2. Request 3. Request
ATTACHMENT(S):	1. Context Plan 2. Aerial View 3. Statutory Boundaries MRS and SRT 4. Site Plan Overlay Statutory Boundaries MRS and SRT 5. Application Plans
REGION SCHEME ZONING:	Urban and Parks and Recreation
LOCAL GOVERNMENT:	City of Nedlands
LOCAL SCHEME ZONING:	Residential R12.5
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Metropolitan Central
RECEIPT DATE:	5 June 2015
PROCESS DAYS:	126
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 105 Victoria Avenue, Dalkeith

RECOMMENDATION:

That the Statutory Planning Committee in relation to the application for the construction of a two storey dwelling at Lot 105 Victoria Avenue, Dalkeith resolves to:

- 1. refer the application to the Minister for Planning in accordance with clause 30 (a) (7) of the Metropolitan Region Scheme;***
- 2. request the Minister for Planning to liaise with the Minister for Environment in relation to this application;***

3. *request the Minister for Planning to form a view on the application and advise the Western Australian Planning Commission to dismiss the advice of the Department of Parks and Wildlife (Rivers and Estuaries Division) and approve the subject application subject to the following conditions:*
- a. *The outdoor entertaining areas shall be removed in its entirety, including all related structures (planter boxes/retaining walls), from within the Parks and Recreation reserve and the area reinstated, if and when the Parks and Recreation reserve is purchased, or ceded to the Crown, to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission.*
 - b. *The landowner indemnifying the Western Australian Planning Commission against any claim for compensation for the improvements located on land reserved for Parks and Recreation when the land is ultimately acquired, to the satisfaction of the Western Australian Planning Commission.*
 - c. *A Landscaping plan for the Parks and Recreation Reserve (to replace removed vegetation and to ameliorate the visual impact of development shall be approved and implemented to the specification of the Swan River Trust and to the satisfaction of the Western Australian Planning Commission.*
 - d. *The proponent shall ensure that appropriate on-site measures are implemented to prevent sediment from entering the stormwater system and river during construction.*
 - e. *No soil, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation reserve.*
 - f. *Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system.*
 - g. *The boundary fence shall be an open view style of a total height not exceeding 1.8 metres in compliance with Swan River Trust Policy SRT/D3 Development Setback Requirements.*

ADVICE

- 1. *With regard to Condition a, it is recommended that the planter boxes be constructed immediately outside the the Parks and Recreation reserve and on constructed on land zoned Urban, under the Metropolitan Region Scheme.*
- 2. *With regard to Condition b, it is recommended that a legal agreement is put in place to ensure that at such time that the WAPC acquires the P&R, the land shall be acquired at the unimproved value of the land, and that if the improvements are required to be removed by the WAPC, the owner of the land must do so at their cost. This is to ensure the improvements to the land will not prejudice the timely transfer to the Crown in the future.*

3. *Any landscaping within the Parks and Recreation Reserve should be locally native species that are suited to the soil type of the area and strategically placed vegetation should be used to screen the more prominent parts of the stairway structure, where visible from Crown Reserve 24523 and the river. The revegetation shall also be done in such a way to offset the trees that were removed and trimmed during the construction of the stairway.*
4. *A planning approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works.*

SUMMARY:

- The application relates to Lot 105 Victoria Avenue, Dalkeith, which is located on the western side of the road on a site that slopes toward the Swan River (**Attachment 1 - Context Plan**).
- The application seeks approval for the construction of a two storey dwelling, associated retaining walls and outdoor entertaining areas, all which face westwards to maximise views to the river (**Attachment 2 Aerial View**).
- The residence is proposed to be constructed entirely on land zoned 'Urban' under the Metropolitan Region Scheme (MRS). A proposed fire pit and outdoor seating area are proposed to be developed within the Parks and Recreation Reserve.
- Portion of the proposed residence (lower level terrace and upper level viewing deck), associated retaining walls (planter boxes) are proposed to be developed within the Swan River Trust (SRT) 10 metre setback. This is identified on **Attachment 3 and 4 - Statutory Boundaries and Site Plan Overlay**.
- Development to the north is similarly developed partly within the SRT 10 metre setback area and Parks and Recreation Reserve.
- As a result of the application area being partially reserved for 'Parks and Recreation' under the MRS, the application is required to be referred to the Western Australian Planning Commission (WAPC) for determination, pursuant to the provisions of the Section 29(1)a(ii) and 30A(2)a(i) of the MRS.
- The application has been recommended for approval by the Department of Parks and Wildlife (Rivers and Estuaries Division) and the City of Nedlands. The recommendation of the aforementioned agencies is conditional upon the plans being amended to show the building being setback in line with the eaves of the adjoining dwelling (to the north). The conditional recommendation of the agencies would still result in the encroachment of the residence into the SRT 10 metre setback line.
- The Department considers that the alignment of the proposed dwelling will not have an adverse impact on the intent and functionality of the Parks and Recreation Reserve or the Swan River Trust Development Control Area.

- The Department does not therefore agree with the recommendation of the SRT and as such recommends that the application be referred to the Minister for Planning and the Minister for Environment and request they form a view on the application and advise the WAPC accordingly.
- The primary issue to be considered as part of this application is whether the SRT 10 metre setback requirement should be strictly applied, if there is a basis to require development to be setback to align with the dwelling to the north and the development of private structures on reserved land.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10, Division 5

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

Number and / or Name:

*State Planning Policy 2.10 Swan-Canning River System
Development Control Policy 5.3 Use of Land Reserved
for Parks and Recreation and Regional Open Space*

INTRODUCTION:

Application Details

The proposal is for the construction of a two storey residence on a sloping site that has frontage and views to the river and upon which the design of the house is premised. The residence has been designed to be family oriented with a strong emphasis on outdoor living and entertainment and maximising the views to the river in a contemporary architectural form (**Attachment 5 - Application Plans**).

The residence is proposed to be setback in the order of 12 metres from the rear boundary abutting the river. On the land between the proposed residence and the river it is proposed to construct a landscaped and terraced outdoor living area with planter boxes, outdoor eating areas and a fire pit.

The structures are partially inside the Parks and Recreation Reservation and are located within the 10 metre Swan River Trust setback area. More specifically, the application proposes the following encroachments:

- an outdoor eating area/fire pit into the Parks and Recreation Reserve;
- retaining walls and planter boxes straddling the boundary of the Parks and Recreation Reservation and the 10 metre Swan River Trust Development Setback area; and
- portion of the residence (lower floor terrace and upper floor deck) into the 10 metre Swan River Trust Development Setback area.

The plans do not propose direct access to the river foreshore.

Determination of Applications on Reserved Land - Metropolitan Region Scheme

The WAPC is required to determine applications for the development and use of reserved land having regard to the following factors:

- *the purpose for which the land is zoned or reserved under the MRS;*
- *the order and proper planning for the locality; and*
- *the preservation of the amenities of the locality.*

As detailed above, the MRS requires that the WAPC have due regard to the recommendation provided by the Swan River Trust (SRT) and in the case of any disagreement, Clause 30A (7) of the MRS states:

'if the Commission does not agree with part or all of the advice of the Swan River Trust on an application referred to in subclause (2) (a) -

- (a) the matter on which there is not agreement is to be resolved in the matter determined by the SCRM Minister and the Minister for Planning;*
- (b) the Minister for Planning is to direct the Commission accordingly; and*
- (c) the Commission is to determine the application in accordance with the direction.'*

In the case of this application the Department of Parks and Wildlife Rivers and Estuaries Division, being the Swan River Trust (SRT) has recommended the application be approved subject to a condition to reposition the dwelling. The SRT further advises that if the plans are not amended to show the proposed house in line with the eaves of the house to the north, the Swan River Trust withdraws its support for the application.

The Department does not agree with the recommendation to reposition the house or the alternate recommendation to refuse the application, if the house is not repositioned. It is therefore necessary that the Department recommend the application be referred to the Minister's for Planning and Environment and request they form a view on the application and advise the WAPC accordingly.

The Site and Surrounding Landuse and Development

The subject land comprises:

- a battle-axe leg that provides frontage to Victoria Avenue;
- a westerly inclining cleared lot that extends to the river; and
- a sandy foreshore at the foot of the escarpment that abuts the property boundary.

The western portion of the property adjacent to the Swan River is reserved for Parks and Recreation under the MRS. A summary of other structures that have been constructed within the 'Parks and Recreation' Reserve adjacent to Freshwater Bay

are listed below however the Department is aware that other private structures such as jetties and boat storage facilities exist also:

- Claremont and Royal Freshwater Bay Yacht Clubs
- Christchurch Grammar Boat Club
- MLC Boat storage
- Private Pump Shed
- Private Boat Shed
- Funicular Railway
- Public and private Jetty structures
- Cliff Street Private Stairs
- Private stairway Bindaring Parade

The Department acknowledges the other private structures that have been constructed on the reserved land and has formed a view that the construction of private structures on reserved land is appropriate, subject to appropriate conditions which would indemnify the WAPC and require any construction to be removed if and when the reservation was purchased or ceded to the Crown.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Approval for construction of a private outdoor living area could set a precedent for similar developments emerging on reserved land adjacent to Freshwater Bay. If however, approvals were issued with appropriate conditions, then the corporate implications of issuing such approvals could be lessened.

CONSULTATION:

Department of Parks and Wildlife - Swan River Trust

Clause 30A(1)a(i) of the MRS provides that where an application for approval relates to a development of land part of which is in the management area within the meaning of the *Swan River Trust Act 1988* the Commission shall give full particulars of the application to the Minister for Waterways. This has occurred as part of the standard referral of the application to the SRT.

The Trust supports the application subject to the plans being amended to show the building setback in line with the eaves of the existing residence to the immediate north and equates to setting the terrace area back, in the order of 1 metre. As discussed, the Department does not support this recommendation and will discuss this in the Planning Framework section of this report.

City of Nedlands

The City of Nedlands has assessed the application in light of the comments received from the Department of Parks and Wildlife and recommends the application be approved subject to the dwelling being relocated eastwards and in line with eaves

of the neighbouring property or alternatively 7.5 metres from the rear boundary, in accordance with Council Policy.

The proposed residence is set back well outside of Council's setback requirements and the recommendation of the City is therefore not supported as will be discussed in the Planning Framework section of the report.

Department of Planning Land Acquisition Office

The Land Acquisition and Disposals Branch (LAO) objects to the application as part of the development is contained within land reserved for Parks and Recreation, however the LAO states that if the development is outside of the reservation no objection would be raised.

The concerns of the LAO can be addressed through conditions, should the application be approved. Conditions could require that applicant to indemnify the WAPC against any claim for compensation for the improvements located on land reserved for 'Parks and Recreation'.

COMMENTS:

Planning Framework

Metropolitan Region Scheme

A large portion of the subject land is reserved for 'Parks and Recreation' under the MRS. As detailed previously, the WAPC is required to determine applications for the development and use of reserved land having regard to the following factors:

- *the purpose for which the land is zoned or reserved under the MRS;*
- *the orderly and proper planning for the locality; and*
- *the preservation of the amenities of the locality.*

The purpose of the 'Parks and Recreation' reservation is to protect open space of regional significance for recreation, landscape and conservation and to provide public access where possible.

Whilst the reservation of the land under the MRS and the intent of the reservation is an important consideration, it is also relevant to consider the context of the application. In this case, it is considered that whilst the land is partially reserved, it is still in private ownership and on a property that has frontage to the Swan River foreshore and it is reasonable for landowners to be able to access their property in entirety and to access the foreshore. It is also relevant to note that there is no intention or timeframe, within the next 5 years for the WAPC to purchase the reserved land and as such it could be considered unreasonable to sterilise its use by the landowners until such a time as it is purchased by the WAPC.

The construction of outdoor living areas on reserved land is supported by the Department in the case of this application.

Swan River Trust Policy SRT/D3 Development Setback Requirements

The objectives of this policy are to:

- Protect and enhance the riverine ecosystem and landscape values;
- Provide a consistent demarcation between private development and existing or potential future public land;
- Preserve the visual amenity of Parks and Recreation reserves, foreshores and the riverine landscape;
- Protect the community's enjoyment of the public reserve in the Trust's Development Control Area; and
- Maintain the function of the floodway

The Policy requires that where land adjacent to the river or 'Parks and Recreation,' reserve is zoned residential; a minimum setback of 10 metres is required from the boundary of the 'Parks and Recreation' reserve.

The Policy also states that the Trust may accept outdoor living areas and car parking areas which are not elevated above natural or established ground level and have minimal visual impacts on the foreshore and riverine viewscape to be located within the setback area, provided that they do not compromise the objectives of this policy.

The Trust may accept the following to be located within the setback area: landscape features including open-sided gazebos, paved areas, decks, below-ground swimming pools, access ways; and open carports (on at least 3 sides) and uncovered hardstand areas.

The Policy also states that the Trust may also accept the development of open-view balconies without roofs within the setback area provided they are setback a minimum of 4m from the boundary. Covered balconies or alfresco areas, or balconies constituting major living areas located under the main roof of the residence will be subject to the 10 metre setback requirement.

The subject application proposes the construction of outdoor living areas and planter boxes and most significantly the construction of a lower terrace and portion of an upper deck area within the 10 metre setback area. This is similar to the development to the north, which has been supported by the Trust and the WAPC.

It is the view of the Department, that the SRT Policy provides scope for development to be approved within the 10 metre setback area and in the case of this application and the adjoining development, this is supported on the following grounds:

- The intrusion of the lower terrace and upper deck into the 10 metre setback area will not interfere with the riverine ecosystem or landscape values, this is because the site is cleared;
- The minor intrusion into the setback area will still provide for a demarcation between private development and the reserved land;
- The amenity of the Parks and Recreation reserve will not be disadvantaged by the proposed development because only an outdoor seating area is proposed

within it, similar to adjoining development and the majority of the Parks and Recreation reserve will remain undeveloped; and

- The community will still maintain access to the foreshore area which is within the Parks and Recreation Reserve.

City of Nedlands Controlled Development Area

The City of Nedlands Town Planning Scheme No. 2 states that any development within specific areas (including Victoria Avenue) shall require special Council approval. The scheme further states that within a Controlled Development Area the following provisions shall apply:

- (a) the Council shall not permit the ground level of any portion of any lot to be raised by an amount greater than 0.5m above natural ground level whether by means of a retaining wall or not, unless it is satisfied that such changes in level will not unduly affect the amenity of the area including amenity of neighbouring properties.
- (b) for the purpose of this clause the rear boundaries of certain lots shall be as delineated in Appendix I and the rear setback applicable to boundaries of lots so delineated shall be 7.5m. Where the 7.5m setback is a front boundary the provisions of clause 5.3.3 (a) shall apply and the setback shall be 9.0m unless varied by Council.

The application does propose structures including the outdoor living area/fire pit to be located within the Controlled Development Area but proposes that this structure be constructed partially below ground level and therefore complies with this requirement.

Development Control Policy 5.3 Use of Land Reserved for Parks and Recreation and Regional Open Space

The WAPC Development Control (DC) Policy 5.3 deals with the use of land reserved for Parks and Recreation. The policy informs that the use and development of reserved land shall be restricted to that which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes. The policy further informs that the use and development of land reserved for Parks and Recreation or Regional Open Space for purposes inconsistent with the purpose of the reserve should not be supported.

DC 5.3 sets out that land reserved for Parks and Recreation or Regional Open Space shall be used for:

- Passive recreation;
- Active sporting pursuits;
- Cultural and or community activities;
- Activities promoting community education of the environment; and/or
- Uses that are compatible with and or support the amenity of the reservation (i.e. cafe, restaurant)

The policy is silent on how to deal with land that is privately owned and reserved under the MRS. It is the view of the Department that the Committee therefore has the discretion to consider the application under this policy. To assist the Committee in considering whether to exercise its discretion and approve private development on privately owned and reserved land, the following points are made:

- The location of the outdoor entertaining area will not impact on or impede access which is along the foreshore, outside of the subject site; and
- The proposed outdoor entertaining area would not impact upon furthering the enhancement of the reserve or facilitating its use for recreational or conservation purposes if approved with appropriate conditions.

Statement of Planning Policy No 2.10 Swan-Canning River System

This policy applies to the Swan and Canning rivers and their immediate surroundings, as described in the Swan River System Landscape Description. The relevant objectives of this policy are to:

- provide a context for consistent and integrated planning and decision making in relation to the river; and
- ensure that activities, land use and development maintain and enhance the health, amenity and landscape values of the river, including its recreational and scenic values.

The property is included within the Melville Water Precinct and the policy states that planning decisions in this area should:

- Protect views, in particular the long axial corridors from public vantage points such as Pelican Point, Nedlands foreshore, Keanes Point, Attadale foreshore, Point Heathcote, Canning Bridge, Mounts Bay Road, and the intermediate views in Freshwater Bay, Matilda Bay and Alfred Cove;
- Improve opportunities for public access and use of the river, particularly between Chidley Point and Keanes Point, parts of Freshwater Bay and Point Resolution on the northern side, taking account of the terrain, public risk and recreational opportunities;
- Ensure urban development complements natural landforms; and
- Ensure that vegetation is integrated with development to minimise the contrast between the natural and built elements of the landscape and that ridgeline vegetation and its backdrop to the waterway is retained

The site, the subject of this application is cleared and has removed any natural vegetation. The location of the proposed outdoor/fire pit area will not restrict public access to the foreshore because they are setback from the foreshore area where public access is available. On balance it is considered that because the residence and associated outdoor living areas will not impact the functioning of the Parks and Recreation Reserve, the proposed structures could be supported, if recommended by the relevant Minister's.

Private Development on Reserved Land

The application consists of development that will be used for private recreational purposes and is contrary to the purpose and intent of the public recreational purposes and is not consistent with:

- Clause 30(1) of the MRS which requires the WAPC to have regard for the purpose for which the land is reserved under the MRS;
- SPP 2.10 that seeks to maintain the Swan River and its setting as a public community resource, limiting development to that which demonstrates a benefit to the community;
- Development Control Policy 1.2 that requires the WAPC to have regard for the purpose for which the land is reserved; and
- DC 5.3, which seeks to restrict the construction of any additional private facilities on reserved land.

It is however acknowledged that the reserved portion of the site is still in private ownership and may be lawfully used by the owner to gain access to the river foreshore. The intent of reserving land under the MRS however is for the land to be ultimately acquired but this has not happened and, as detailed earlier, there is no specified timeframe for this to occur.

Whilst private development and use of the reserved land is not consistent with the MRS and other various WAPC and SRT Policies, it is possible that a structure such as the outdoor living area and fire pit could be approved conditionally subject to the WAPC being indemnified for any costs associated with the removal of the structure, when and if the land is ever purchased by the WAPC. Whilst this is considered to be a proactive approach and allows the use of the land in the short term without restricting the purchase of the land by the WAPC and its development for a Parks and Recreation Reserve in the future, a decision that can only be made on recommendation to the WAPC by the relevant Minister's, because the Swan River Trust has recommended refusal.

CONCLUSION:

In accordance with the provisions of the MRS, in determining the merits of a development application, the WAPC is required to have regard to orderly and proper planning, the preservation of the amenities of the locality and the purpose of the land's zoning. The proposed residence and associated outdoor living area which partially encroach into the SRT 10 metre setback area and into the Parks and recreation Reserve are considered to be appropriate development on the grounds that it will not have an adverse impact on the amenities of the locality and is in line with surrounding developments.

In addition, conditions have been included to require the applicant to indemnify the WAPC and remove any structures from the Parks and Recreation Reserve if and when the land is purchased by the WAPC. The application is therefore recommended for referral to the Minister for Planning with a request that the Minister liaises with the Minister for the Environment and forms a view on the application in terms of the Department of Planning not agreeing with the recommendation of the SRT.

ITEM NO: 9.2

Development: Commercial Vehicle Parking – Lot 98 Railway Parade, Middle Swan

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER:	Director, North East, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	21-50436-2
DATE:	12 October 2015
ATTACHMENT(S):	1. Aerial View 2. Location Plan/Zoning Map
REGION SCHEME ZONING:	Rural
LOCAL GOVERNMENT:	City of Swan
LOCAL SCHEME ZONING:	Swan Valley Rural
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Middle Swan
RECEIPT DATE:	11 February 2015
PROCESS DAYS:	222
APPLICATION TYPE:	Development
CADASTRAL REFERENCE:	Lot 98 Railway Parade, Middle Swan

RECOMMENDATION:

That the Statutory Planning Committee resolves to approve the application for the proposed development on Lot 98 Railway Parade, Middle Swan subject to the following conditions and advice:

CONDITIONS:

- 1. This approval is only for the occupier of Lot 98 (No.24) Railway Parade, Middle Swan who must also be:**
 - (a) the owner of; or**
 - (b) the driver of; or**
 - (c) the proprietor of a business which owns or operates****any commercial vehicle which is to be parked on the land.**
- 2. This approval is for the parking of two (2) "commercial vehicles" as defined in the City of Swan Local Planning Scheme No.17 and the**

subject land may not be used for any other use without prior approval from the City.

- 3. *The commercial vehicles subject of this approval are to be garaged within the existing shed when parked on the land.***

SUMMARY:

The application seeks approval for the parking of two commercial vehicles on Lot 98 Railway Parade, Middle Swan. The land is within 'Area B' of the *Swan Valley Planning Act 1995*. The application is considered consistent with the objectives of the *Swan Valley Planning Act 1995* for Area 'B' and the objectives of the City of Swan Local Planning Scheme No.17 for the 'Swan Valley Rural' zone.

The application is referred to the Statutory Planning Committee for determination as it is recommended the application be approved contrary to the Swan Valley Planning Committee's recommendation to limit the approval to a single commercial vehicle and a single trailer.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Swan Valley Planning Act 1995</i> <i>Metropolitan Region Scheme</i>
Section:	<i>Swan Valley Planning Act 1995 - Section 8</i> <i>Metropolitan Region Scheme Text - Part III subclause 26(3) & Part IV subclause 30B(5)</i>

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:	<i>Swan Valley Interim Planning Policy 2014</i>

INTRODUCTION:

The application seeks approval for the parking of two commercial vehicles on Lot 98 Railway Parade, Middle Swan. There is an existing dwelling and an approved shed on the land in which the commercial vehicles are proposed to be parked (**Attachment 1** - Aerial View).

The subject land is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Swan Valley Rural' zone under the City of Swan Local Planning Scheme No.17 (LPS 17) (**Attachment 2** - Local Zoning Plan). The land is located within 'Area B' of the *Swan Valley Planning Act 1995* (SVP Act).

The application has been referred to the Western Australian Planning Commission (WAPC) pursuant to Clauses 26(3) and 30B(5) of the MRS due to the City of Swan's Council resolution being inconsistent with the advice of the Swan Valley Planning Committee (SVPC).

CONSULTATION:

The City of Swan supports the proposal subject to conditions. The conditions, where generally relevant and reasonable, have been imposed.

The SVPC does not support the proposal on the basis that it contravenes the Swan Valley Interim Planning Policy.

The Public Transport Authority, on behalf of Brookfield Rail as the operators of the adjacent railway line, raises no objections to the proposal.

PLANNING ASSESSMENT:

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

The City of Swan LPS 17 allows the parking of commercial vehicles only where the vehicles are parked on a lot where the owner or driver of the vehicles resides. For the 'Swan Valley Rural' zone, lots between 750m² and 3 hectares are allowed a maximum of one commercial vehicle and one trailer. The subject land is 1.9 hectares in area.

Further to the above, LPS 17 allows the maximum number of commercial vehicles to be varied by a maximum of one vehicle if it is Council's opinion that the vehicles are sufficiently screened from view and do not detrimentally impact on the character of the surrounding locality. The landowner owns the commercial vehicles that are the subject of this application and proposes to garage them within an existing shed.

Given that the proposal would have no significant impact on the character or amenity of the locality, the application meets the Scheme requirements to vary the permissible number of commercial vehicles to be parked on the land. The application is supported by the City of Swan.

Swan Valley Planning Act 1995 (SVP Act) & Swan Valley Interim Planning Policy (SVIPP)

The SVIPP was endorsed by the Swan Valley Planning Committee and the Western Australian Planning Commission in July 2014 for the purpose of assisting authorities in interpreting the objectives of the SVP Act when considering or determining applications within the SVP Act area.

Under the general definitions provided by the interim policy, the parking of commercial vehicles is '*not consistent with the objectives of the SVP Act, unless it can be demonstrated that the vehicles are required for the carrying out of the predominant use on a lot, and are to be used only for that purpose*'. While commercial vehicle parking is not considered a land use which is consistent with 'rural character' in the context of the general objectives of the SVP Act, the proposal will not impact upon the 'rural character' or amenity of the locality, or broader SVP Act area, due to the enclosure of the vehicles in an existing shed.

CONCLUSION:

The proposal is consistent with the Commission's *Swan Valley Interim Planning Policy*; it complies with the general planning objectives and the area specific planning objectives of the *Swan Valley Planning Act 1995* and the City of Swan Local Planning Scheme No.17. It is recommended that the application be approved subject to conditions.

ITEM NO: 9.3

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

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART: G
FILE NO: 17-50127-2
DATE: 26 October 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Approve
ATTACHMENT(S): 1. Location Plan and LGA Zoning
2. Development Plans
3. Scheme Amendment No. 71

RECOMMENDATION:

That the Statutory Planning Committee 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:

CONDITIONS:

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

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.***
6. ***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 to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission:***

ADVICE:

1. ***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 Western Australian Planning Commission.***
2. ***Any additional development which is not in accordance with the original application or conditions of approval will require further approval.***
3. ***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.***
4. ***In regard to Condition 6, the applicant/landowner is advised to liaise with the City of Melville regarding the specifications of the TPZ.***

SUMMARY:

The Department of Housing has lodged an application with the City of Melville (the City) proposing to construct three single-storey grouped dwellings on Lot 992 (No. 69) Archibald Street, Willagee, on 24 October 2014. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land. However, the development is within the Willagee Structure Plan area where the density is proposed to be changed to R40 and a scheme amendment (Scheme Amendment No. 71) has been initiated to change the density coding.

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

This application was first presented to the SPC on 20 January 2015 due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is now appropriate to assess the proposal in accordance with the provisions of Scheme Amendment 71. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

SPP 3.1 Residential
Design Codes;
DC 1.2 Development
Control - General
Principles

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

INTRODUCTION:

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

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

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 193m² and 250m²

respectively, which results in a variation of 200m² or 44.4% to the site's R20 coding and equates to a density of R40.

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

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

CONSULTATION:

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

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

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

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

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

Notwithstanding, the City has provided conditions of approval should the WAPC support the proposal.

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

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

- the purpose for which the land is zoned or reserved;

- the orderly and proper planning of the locality; and
- the preservation of the amenity of the locality.

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

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

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

Willagee Structure Plan and Proposed Scheme Amendment No. 71

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

Scheme Amendment 71 was publicly advertised in December 2014 and the amendment was subsequently submitted to the WAPC for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

This application was originally presented to the SPC on 20 January 2015. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is now being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is considered a seriously entertained planning proposal and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

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

- The subject site is strategically well located to be able to benefit from good public transport infrastructure, schools and other servicing provision, and is directly opposite public open space;
- The proposed lots are capable of being developed in accordance with 'deemed- to-comply' R-Code requirements;
- The proposal will provide a wider choice of residential lot sizes in the locality; and
- This small infill proposal will contribute towards the dwelling targets of the *Central Metropolitan Sub-regional Strategy and Directions 2031* which call for an additional 11,000 dwellings within the Melville municipality by 2031.

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

CONCLUSION:

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

ITEM NO: 9.4

Proposed Development: Two Single Storey Grouped Dwellings at Lot 1168 (No. 4) Finney Street, Willagee

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART: G
FILE NO: 17-50122-2
DATE: 26 October 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Approve
ATTACHMENT(S): 1. Location Plan and LGA Zoning
2. Development Plans
3. Scheme Amendment No. 71

RECOMMENDATION:

That the Statutory Planning Committee resolves to approve the development application for the construction of two single-storey grouped dwellings at Lot 1168 (4) Finney Street, Willagee as shown on the plans date stamped 22 January 2015 subject to the following conditions and advice:

CONDITIONS:

- 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(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle site lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Western Australian Planning Commission, and are to be removed prior to initial occupation of the development.***
- 2. Upon advice from the adjoining neighbour and prior to the initial occupation of the development, the surface finish of the retaining wall(s) visible from the adjoining properties shall be finished to the satisfaction of the Western Australian Planning Commission.***

3. ***Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Western Australian Planning Commission.***
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 6m and located a minimum of 2 metres away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City of Melville's specifications to the satisfaction of the Western Australian Planning Commission.***
6. ***Prior to the commencement of works, the street tree/s within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 to the specification of the local government and the satisfaction of the Western Australian Planning Commission.***

ADVICE:

1. ***In regard to Condition 2, the applicant/landowner is advised to liaise with the adjoining neighbour regarding the surface of the retaining walls. In the event of a dispute the surface finish will be to the satisfaction of the Western Australian Planning Commission.***
2. ***In regard to Condition 4, the applicant/landowner is advised to liaise with the City of Melville regarding the specifications of the TPZ.***

SUMMARY:

The Department of Housing lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1168 (No. 4) Finney Street, Willagee in January 2015. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land. However, the development is within the Willagee Structure Plan area where the density is proposed to be changed to R25 and a scheme amendment (Scheme Amendment No. 71) has been initiated to change the density coding.

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

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

Planning Commission (WAPC) to officers of the Department. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

INTRODUCTION:

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

The Department of Housing has lodged an application proposing the construction of two grouped dwellings and a common property access leg, at Lot 1168 (No. 4) Finney Street, Willagee. The subject land is currently vacant (**Attachment 2 – Development Plans**) and the proposal is considered to be public works. The subject land contains an existing dwelling, for which approval to demolish was granted by the Western Australian Planning Commission on 19 March 2014 (WAPC Ref: 17-50122-1).

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 339m² and 383m² respectively, which results in a variation of 67m² or 14.9% to the sites R20 coding and equates to a density of R25.

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

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

CONSULTATION:

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

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

the Residential Design Codes for an R20 lot. As such, a development proposal such as this would not otherwise be supported under the City's Planning Scheme. With the exception of the above-mentioned, all other elements are considered to comply with the Community Planning Scheme No. 5, Residential Design Codes and Council Policy.

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

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

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

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

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

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

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

Willagee Structure Plan and Proposed Scheme Amendment No. 71

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

Scheme Amendment 71 was publicly advertised in December 2014 and the amendment was subsequently submitted to the WAPC for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

As the Scheme Amendment is now being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is considered a seriously

entertained planning proposal and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

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

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

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

CONCLUSION:

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

ITEM NO: 9.5

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

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART: G
FILE NO: 17-50123-2
DATE: 26 October 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Approve
ATTACHMENT(S): 1. Location Plan and LGA Zoning
2. Development Plans
3. Scheme Amendment No. 71

RECOMMENDATION:

That the Statutory Planning Committee 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:

CONDITIONS:

- 1. Temporary structures such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or the adjoining properties, to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission, and are to be removed prior to initial occupation of the development.***
- 2. Upon advice from the adjoining neighbour and 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 Western Australian Planning Commission.***
- 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. 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 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.***
- 6. 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.***

ADVICE:

- 1. In regard to Condition 2, the landowner/applicant is advised to liaise with the adjoining neighbour regarding the surface of the retaining wall. In the event of a dispute, the surface finish shall be to the satisfaction of the Western Australian Planning Commission.***
- 2. Any additional development which is not in accordance with the original application or conditions of approval will require further approval.***
- 3. This approval is not permission to build. A building application may be required to be submitted and approved for this development prior to the commencement of any works on the site.***

SUMMARY:

The Department of Housing lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1169 (No. 6) Finney Street, Willagee on 29 October 2014. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land. However, the development is within the Willagee Structure Plan area where the density is proposed to be changed to R25 and a scheme amendment (Scheme Amendment No. 71) has been initiated to change the density coding.

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

This application was first presented to the SPC on 20 January 2015 due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is now appropriate to assess the proposal in accordance with the provisions of Scheme Amendment 71. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

SPP 3.1 Residential
Design Codes;
DC 1.2 Development
Control - General
Principles

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

INTRODUCTION:

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

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

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 330m² and 388m² respectively, which results in a variation of 62m² or 13.77% to the sites R20 coding and equates to a density of R25.

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

A Scheme amendment to facilitate the implementation of the Willagee Structure Plan and proposed re-coding (*Scheme Amendment No. 71*) is currently being considered

by the WAPC. If approved, the Amendment will render this application compliant with site area requirements as per the R25 density coding. Further detail of the Structure Plan and associated Scheme Amendment is provided in the 'Policy Context' section below.

CONSULTATION:

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

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

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

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

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

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

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

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

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

Willagee Structure Plan and Proposed Scheme Amendment No. 71

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

Scheme Amendment 71 was publicly advertised in December 2014 and the amendment was subsequently submitted to the WAPC for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

This application was originally presented to the SPC on 20 January 2015. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is now being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is considered a seriously entertained planning proposal and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

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

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

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

CONCLUSION:

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

ITEM NO: 9.6

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

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART: G
FILE NO: 17-50105-2
DATE: 26 October 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Approve
ATTACHMENT(S): 1. Location Plan and LGA Zoning
2. Development Plans
3. Scheme Amendment No. 71

RECOMMENDATION:

That the Statutory Planning Committee 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:

CONDITIONS:

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

3. ***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.***
4. ***All stormwater generated on site is to be retained on 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 to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission.***

ADVICE:

1. ***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 Western Australian Planning Commission.***
2. ***Any additional development which is not in accordance with the original application or conditions of approval will require further approval.***
3. ***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.***
4. ***In regard to Condition 5, the applicant/landowner is advised to liaise with the City of Melville regarding the specifications of the TPZ.***

SUMMARY:

The Department of Housing lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1193 (No. 14) Greig Street, Willagee on 9th September 2014. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land. However, the development is within the Willagee Structure Plan area where the density is proposed to be changed to R25 and a scheme amendment (Scheme Amendment No. 71) has been initiated to change the density coding.

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

This application was first presented to the SPC on 20 January 2015 due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the

scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is now appropriate to assess the proposal in accordance with the provisions of Scheme Amendment 71. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

SPP 3.1 Residential
Design Codes;
DC 1.2 Development
Control - General
Principles

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

INTRODUCTION:

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

The Department of Housing has lodged an application proposing the construction of two grouped dwellings and a common property access leg, at Lot 1193 (No. 14) Greig Street, Willagee. The subject land is currently vacant (**Attachment 2 – Development Plans**) and the proposal is considered to be public works.

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

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

A Scheme amendment, to facilitate the implementation of the Willagee Structure Plan and proposed re-coding (*Scheme Amendment No. 71*) is currently being considered by the WAPC. If approved, the Amendment will render this application compliant with site area requirements as per the R25 density coding. Further detail of the Structure

Plan and associated Scheme Amendment is provided in the 'Policy Context' section below.

CONSULTATION:

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

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

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

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

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

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

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

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

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

Willagee Structure Plan and Proposed Scheme Amendment No. 71

The Willagee Structure Plan (WSP) was formally adopted by the City of Melville on 10 December 2013. The WSP identifies changes to the density coding of the subject land from R20 to R25. At its Special Meeting on 22 September 2014, the City

initiated Scheme Amendment 71 to CPS 5 to align the zonings of the lots in the Structure Plan area with the WSP.

Scheme Amendment 71 was publicly advertised in December 2014 and the amendment was subsequently submitted to the WAPC for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

This application was originally presented to the SPC on 20 January 2015. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is now being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is considered a seriously entertained planning proposal and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

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

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

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

CONCLUSION:

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

ITEM NO: 9.7

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

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART: G
FILE NO: 17-50121-2
DATE: 26 October 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Approve
ATTACHMENT(S): 1. Location Plan and LGA Zoning
2. Development Plans
3. Proposed Scheme Amendment No. 71

RECOMMENDATION:

That the Statutory Planning Committee 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:

CONDITIONS:

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

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. ***All stormwater generated on site is to be retained on 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 to the specification of the Local Government and the satisfaction of the Western Australian Planning Commission.***

ADVICE:

1. ***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 Western Australian Planning Commission.***
2. ***Any additional development which is not in accordance with the original application or conditions of approval will require further approval.***
3. ***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.***
4. ***In regard to Condition 5, the applicant/landowner is advised to liaise with the City of Melville regarding the specifications of the TPZ.***

SUMMARY:

The Department of Housing has lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1207 (No. 11) Finney Street, Willagee on 31 October 2014. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land. However, the development is within the Willagee Structure Plan area where the density is proposed to be changed to R25 and a scheme amendment (Scheme Amendment No. 71) has been initiated to change the density coding.

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

This application was first presented to the SPC on 20 January 2015 due to non-compliance with the minimum and average site area requirements of the Residential Design Codes 2013 for an R20 lot, and because approval would be beyond the

scope of delegation granted by the Western Australian Planning Commission (WAPC) to officers of the Department. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is now appropriate to assess the proposal in accordance with the provisions of Scheme Amendment 71. The application is recommended for conditional approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

Policy

SPP 3.1 Residential
Design Codes;
DC 1.2 Development
Control - General
Principles

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

INTRODUCTION:

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

The Department of Housing has lodged an application proposing the construction of two grouped dwellings and a common property access leg, at Lot 1207 (No. 11) Finney Street, Willagee. The subject land is currently vacant (**Attachment 2 – Development Plans**) and the proposal is considered to be public works.

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

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

A Scheme amendment to facilitate the implementation of the Willagee Structure Plan and proposed re-coding (*Scheme Amendment No. 71*) is currently being considered by the WAPC. If approved, the Amendment will render this application compliant with site area requirements as per the R25 density coding. Further detail of the Structure

Plan and associated Scheme Amendment is provided in the 'Policy Context' section below.

CONSULTATION:

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

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

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

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

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

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

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

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

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

Willagee Structure Plan and Proposed Scheme Amendment No. 71

The Willagee Structure Plan (WSP) was formally adopted by the City of Melville on 10 December 2013. The WSP identifies changes to the density coding of the subject land from R20 to R25. At its Special Meeting on 22 September 2014, the City

initiated Scheme Amendment 71 to CPS 5 to align the zonings of the lots in the Structure Plan area with the WSP.

Scheme Amendment 71 was publicly advertised in December 2014 and the amendment was subsequently submitted to the WAPC for endorsement and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

This application was originally presented to the SPC on 20 January 2015. The SPC resolved to defer the determination pending the advancement of Scheme Amendment 71. As the Scheme Amendment is now being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is considered a seriously entertained planning proposal and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

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

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

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

CONCLUSION:

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

ITEM NO: 9.8

Proposed Development: Two Single Storey Grouped Dwellings at Lot 1372 (No. 23) Greig Street, Willagee

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Officer, Metropolitan Central
AUTHORISING OFFICER: Director, Metropolitan Central, Perth and Peel Planning
AGENDA PART: G
FILE NO: 17-50133-1
DATE: 26 October 2015
REPORT CATEGORY: Statutory
RECOMMENDATION OUTCOME: 1. Approve
ATTACHMENT(S): 1. Location Plan and LGA Zoning
2. Development Plans
3. Scheme Amendment No. 71

RECOMMENDATION:

That the Statutory Planning Committee resolves to approve the development application for the construction of two single-storey grouped dwellings at Lot 1372 (23) Greig Street, Willagee as shown on the plans date stamped 20 July 2015 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(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle site lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Western Australian Planning Commission, and are to be removed prior to initial occupation of the development.***
- 2. Upon advice from the adjoining neighbour and prior to the initial occupation of the development, the external surface of the retaining wall(s) which are visible from the adjoining property(ies) are to be finished to the same standard as the rest of the development, to the satisfaction of the Western Australian Planning Commission.***
- 3. Prior to the initial occupation of the development, the surface finish of the boundary wall(s) are to be finished externally to the same standard***

as the rest of the development, to the satisfaction of the Western Australian Planning Commission.

- 4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the specification of the City of Melville and the satisfaction of the Western Australian Planning Commission.**
- 5. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and located a minimum of 2 metres away from the outside of the trunk of any 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.**
- 6. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Western Australian Planning Commission.**
- 7. Any street walls and fences (including the height of any retaining walls) constructed within the front setback area shall be visually permeable 1.2 metres above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Design Codes 2013 to the satisfaction of the Western Australian Planning Commission.**
- 8. All external clothes drying facilities shall be screened from view of the primary and secondary street to the satisfaction of the Western Australian Planning Commission.**
- 9. All stormwater generated on site is to be retained on site.**
- 10. Prior to the commencement of works, the street tree/s to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 to the specification of the local government and the satisfaction of the Western Australian Planning Commission.**

ADVICE:

- 1. The City of Melville is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011 Geographic Information - Rural and Urban Addressing. The applicant/owner is advised that the following street numbers have been provisionally allocated to the proposed development:**

<i>House/Lot/Tenancy/Unit number depicted on Approved Plans</i>	<i>Allocated Lot and Street Number</i>
Unit 1	23A Greig Street
Unit 2	23B Greig Street

It is recommended that the applicant confirm these street numbers with the City prior to the completion of building works. At this time the City will notify Landgate, Australia Post, Alinta Gas, Western Power and the Water Corporation of the new address details. Please note that Australia Post requires letterboxes to be located on the street to which the property is addressed.

- 2. In regard to Condition 2, the landowner/applicant is advised to liaise with the adjoining neighbour regarding the surface of the retaining wall. In the event of a dispute, the surface finish shall be to the satisfaction of the Western Australian Planning Commission.***
- 3. In regard to Condition 10, the landowner/applicant is advised to liaise with the City of Melville regarding the specifications of the TPZ.***

SUMMARY:

The Department of Housing lodged an application with the City of Melville (the City) proposing to construct two single-storey grouped dwellings on Lot 1372 (No. 23) Greig Street, Willagee in July 2015. The application does not comply with the City of Melville Community Planning Scheme No. 5 in respect of the R20 density coding over the subject land. However, the development is within the Willagee Structure Plan area where the density is proposed to be changed to R25 and a scheme amendment (Scheme Amendment No. 71) has been initiated to change the density coding.

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

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

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning Priorities

INTRODUCTION:

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

The Department of Housing has lodged an application proposing the construction of two grouped dwellings and a common property access leg, at Lot 1372 (No. 23) Greig Street, Willagee. The subject land is currently vacant (**Attachment 2 – Development Plans**) and the proposal is considered to be public works.

The application does not comply with the current density coding of R20 for the site. Table 1 of the R-Codes stipulates that dwellings with a residential coding of R20 are to have a minimum and average site area of 350m² and 450m² respectively. The development proposes a minimum and average site area of 313m² and 382m² respectively, which results in a variation of 68m² or 15.1% to the sites R20 coding and equates to a density of R25.

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

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

CONSULTATION:

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

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

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

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

OFFICER'S COMMENTS:

Policy Context

Metropolitan Region Scheme (MRS)

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

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

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

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

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

Willagee Structure Plan and Proposed Scheme Amendment No. 71

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

Scheme Amendment 71 was publicly advertised in December 2014 and the amendment was subsequently submitted to the WAPC for approval and recommendation to the Minister for Planning (**Attachment 3 - Proposed Scheme Amendment 71 Map**).

As the Scheme Amendment is now being considered by the WAPC for endorsement and recommendation to the Minister for Planning it is considered a seriously entertained planning proposal and should be taken into account when determining relevant planning applications. In this instance, it is appropriate to assess the proposal in accordance with the provisions of Scheme Amendment No. 71.

Merit of Proposal

The application can be supported for the following reasons:

- The proposal is consistent with the general intent of the local planning scheme;
- The proposal is compatible with the objectives of the Willagee Structure Plan;

- The proposal can be assessed in accordance with the provisions of Scheme Amendment No. 71 to CPS 5, on the basis that the amendment is a seriously entertained planning proposal;
- The proposal will facilitate infill development in an established residential area, utilising existing infrastructure and services;
- The subject site is strategically well located to be able to benefit from good public transport infrastructure, schools and other servicing provision, and is directly opposite public open space;
- The proposed lots are capable of being developed in accordance with 'deemed- to-comply' R-Code requirements;
- The proposal will provide a wider choice of residential lot sizes in the locality; and
- This small infill proposal will contribute towards the dwelling targets of the *Central Metropolitan Sub-regional Strategy and Directions 2031* which call for an additional 11,000 dwellings within the Melville municipality by 2031.

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

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

CONCLUSION:

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