



## Statutory Planning Committee

Notice is hereby given that meeting 7549 of the  
Statutory Planning Committee will be held on:

**Tuesday, 26 July 2016**  
**9:00 am**

**Level 3, Room 3.23, 140 William Street Perth**

This meeting is not open to members of the public



**Kerrine Blenkinsop**  
**WAPC Secretary**

**Committee  
Secretary:**

Irene Obales  
6551 9400  
[committees@planning.wa.gov.au](mailto:committees@planning.wa.gov.au)

**Attendance by  
Department of  
Planning officers:**

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

# Statutory Planning Committee

Tuesday, 26 July 2016, 9:00 am

ITEM	ORDER OF BUSINESS	
1.	Declaration of opening	
2.	Apologies Mr Ian Holloway	
3.	Members on leave of absence and applications for leave of absence Ms Gail McGowan – 11 to 31 July 2016	
4.	Disclosure of interests	
5.	Declaration of due consideration	
6.	Announcements by the Chairperson without discussion	
7.	<b>MINUTES</b>	
7.1	Confirmation of minutes – Meeting No. 7548 on 12 July 2016	
8.	<b>DEPUTATIONS AND PRESENTATIONS</b>	
9.	<b>STATUTORY ITEMS FOR DECISION</b>	<b>Officer Attending</b>
9.1	Modification of Byford Town Centre Local Structure Plan	Lindsay Baxter <i>Director, Metro South East</i>
10.	<b>POLICY ITEMS FOR DISCUSSION / DECISION</b>	<b>Officer Attending</b>
	Nil.	
11.	<b>CONFIDENTIAL ITEMS</b>	<b>Officer Attending</b>
11.1	Amendment to State Planning Policy 3.1 Residential Design Codes	David MacLennan <i>Assistant Director General, Policy and Priority Initiatives</i>
11.2	Residential Subdivision and Development on Lots Less than 100m <sup>2</sup>	David MacLennan <i>Assistant Director General, Policy and Priority Initiatives</i>
11.3	Urban Forest Strategy for Perth and Peel	David MacLennan <i>Assistant Director General, Policy and Priority Initiatives</i>
	<b>CORPORATE MATTERS</b>	<b>Notes</b>
12.	General Items – Publications, Briefings and Updates	
	Nil.	
13.	Stakeholder engagement and site visits	Nil.
14.	Urgent or other business	Nil.
15.	<b>FUTURE ACTIONS</b>	
16.	<b>MEETING CLOSURE – NEXT MEETING 9 AUGUST 2016 AT 9:00 AM</b>	

# Information for SPC Members

## 2016 Meeting Dates - Tuesday 9am

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| <ul style="list-style-type: none"> <li>• 9 February</li> <li>• 23 February</li> <li>• 8 March*</li> <li>• 22 March</li> <li>• 12 April</li> <li>• 26 April*</li> <li>• 10 May</li> <li>• 24 May</li> <li>• 14 June*</li> <li>• 28 June</li> <li>• 12 July</li> </ul> | <ul style="list-style-type: none"> <li>• 26 July*</li> <li>• 9 August</li> <li>• 23 August</li> <li>• 13 September*</li> <li>• 27 September</li> <li>• 11 October</li> <li>• 25 October*</li> <li>• 8 November</li> <li>• 22 November</li> <li>• 6 December*</li> <li>• 20 December</li> </ul> |
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\* Policy Meetings

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	04/11/2016
Ms Gail McGOWAN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Ross THORNTON	Nominee of the Minister for Regional Development Schedule 2 clause 4(3)	Current Nominee
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	31/12/2016
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	31/12/2016
Mayor Russell AUBREY	Local government representative Schedule 2 clause 4(2)(f)	23/09/2016
Ms Megan ADAIR	WAPC appointee Schedule 2 clause 4(2)(g)	04/12/2016
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2016
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.
- 2.21 Such powers and functions of the WAPC as set out in -
  - (i) Parts 5 and 8 of the Planning and Development Act 2005;
  - (ii) Town Planning Regulations 1967; and
  - (iii) Any improvement scheme approved,

In relation to improvement plans and improvement schemes for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, Midland, Ashburton north and Browse LNG Precinct Strategic Industrial Areas.

**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.



## STATE PLANNING STRATEGY PRINCIPLES

<b>Community</b> Enable diverse, affordable, accessible and safe communities	<b>Economy</b> Facilitate trade, investment, innovation, employment and community betterment	<b>Environment</b> Conserve the State's natural assets through sustainable development	<b>Infrastructure</b> Ensure infrastructure supports development	<b>Regional Development</b> Build the competitive and collaborative advantages of the regions	<b>Governance</b> Build community confidence in development processes and practices
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## PLANNING POLICY FRAMEWORK



## Statutory Planning Committee

Minutes  
of ordinary meeting 7548  
held on Tuesday 12 July 2016

### Attendance

#### Members

Mayor Henry Zelones  
Ms Megan Adair  
Ms Sue Burrows  
Mr Ray Glickman  
Mr Stephen Hiller  
Mr Ian Holloway  
Ms Elizabeth Taylor  
Mr Ross Thornton

WAPC Deputy Chairman (Presiding Member)  
WAPC appointee  
WAPC appointee  
WAPC appointee  
WAPC appointee  
Professions representative  
Community representative  
Nominee of the Minister for Regional Development

#### Officers

Ms Kerrine Blenkinsop  
Mr Cameron Bulstrode  
Ms Vanessa Crispe  
Mr Robert Cull  
Mr Johan Gildenhuys  
Mr David MacLennan  
Ms Lee O'Donohue  
Mr Mathew Selby  
Mr Craig Shepherd  
Mr Emille van Heyningen

#### Department of Planning

WAPC Secretary  
Director Peel Planning  
Executive Assistant, WAPC  
Senior Planning Officer, Schemes and Amendments  
Principal Planning Officer, Central Regions  
Assistant Director General, Policy and Priority Initiatives  
Planning Manager, Schemes and Amendments  
Director Metro Central  
Director Strategic Infrastructure and Planning  
A/Planning Director, Metro North

#### Presenters

Mr Kevin Broughton  
Mr Kris Nolan  
Mr Hide Shigeyoshi  
Mr Jeremy Hofland  
Mr Garreth Chivell  
Mr Juliette Hammah  
Mr Neil Parry  
Mr Ryan Watts  
Mr Jon Burgess  
Mr Colin Kleyweg  
Mayor John Carey  
Ms Paula Diperna  
Mr Steven Laming  
Mrs Julie Michelle Boulos

Planning Solutions <sup>Item 8.1</sup>  
Urbis <sup>Item 8.2</sup>  
Dynamic Planning & Developments Pty Ltd <sup>Item 8.3</sup>  
Rowe Group <sup>Item 8.4</sup>  
City of Belmont <sup>Item 8.5</sup>  
City of Belmont <sup>Item 8.5</sup>  
DBNGP (WA) Nominees Pty Limited ("DBP") <sup>Item 8.6</sup>  
Senior Legal Counsel, DBP <sup>Item 8.6</sup>  
Burgess Design Group  
Kleyweg Civil Traffic Transport  
City of Vincent <sup>Item 8.8</sup>  
City of Vincent <sup>Item 8.8</sup>  
City of Vincent <sup>Item 8.8</sup>  
Owner of property adjacent to the proposed Fire Station development <sup>Item 8.9</sup>



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Ms Sara Zvaunis	Carr Street Action Group	Item 8.10
Ms Marie Giorgi	Carr Street Action Group	Item 8.10
Mr Darren Klemm	Assistant Commissioner, Metropolitan Operations, DFES	Item 8.11
Mr Mike Waters	Assistant Commissioner, Metropolitan Operations, DFES	Item 8.11
Mr Matthew Goodwin	Assistant Commissioner, Metropolitan Operations, DFES	Item 8.11
Ms Charlotte Hall	Department of Mines and Petroleum	Item 8.12
Mr Paul Bashall	Planwest (WA) Pty Ltd	Item 8.13
Mr Paul Webb	CEO Shire of Coolgardie	Item 8.13
Mr Mal Cullen	Shire President and Chairman GVROC, Shire of Coolgardie	Item 8.13
Mr Vernon Butterly	Whelans Town Planning	Item 8.14
<b>Committee Support</b>		
Mrs Irene Obales	Commission Support Officer	

### 7548.1 Declaration of Opening

Due to the absence of the Chairman and in accordance with Schedule 1 Clause 6(3) of the Planning and Development Act 2005, Mayor Henry Zelones was appointed by the Deputy of the Governor as the Deputy Chairperson WAPC for the period 24 June 2016 – 20 July 2016 inclusive.

The Deputy Chairman declared the meeting open at 9:00 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed the Commission Members.

### 7548.2 Apologies

Nil.

### 7548.3 Members on Leave of Absence and Applications for Leave of Absence

Mr Lumsden has a leave of absence from 24 June 2016 to 20 July 2016.

Ms McGowan has a leave of absence for the Statutory Planning Committee from 11 July – 31 July 2016 inclusive.

Mayor Aubrey has a leave of absence for the Statutory Planning Committee from 5 July – 15 July 2016 inclusive.

### 7548.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
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Mr Ross Thornton

7548.11.3

Impartiality

Mr Thornton declared that he would depart the meeting for Item 7548.11.3 Shire Of Coolgardie Local Planning Strategy And Local Planning Scheme No. 2 – Approval, and take no part in discussion or voting on the item.

### **7548.5 Declaration of Due Consideration**

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

### **7548.6 Announcements by the Chairperson without discussion**

Nil.

### **7548.7 Confirmation of Minutes**

#### **7548.7.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 28 June 2016**

**Resolved**

***Moved by Mr Glickman, seconded by Ms Taylor***

*That the minutes of the Statutory Planning Committee meeting held on Tuesday 28 June 2016, be confirmed as a true and correct record of the proceedings.*

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

### **7548.8 Deputations and Presentations**

#### **7548.8.1 City of Belmont – Local Planning Scheme Amendment 7 – for Final Approval (Item 11.1)**

Presenter Mr Kevin Broughton, Planning Solutions

Mr Broughton made a presentation to the Committee against the amendment and answered questions from members.

A copy has been placed on file.

#### **7548.8.2 City of Belmont – Local Planning Scheme Amendment 7 – for Final Approval (Item 11.1)**

Presenter Mr Kris Nolan, Urbis

Mr Nolan made a presentation to the Committee against the

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amendment and answered questions from members.

**7548.8.3 City of Belmont – Local Planning Scheme Amendment 7 – for Final Approval (Item 11.1)**

Presenter Mr Hide Shigeyoshi, Dynamic Planning & Developments Pty Ltd

Mr Shigeyoshi made a presentation to the Committee against the amendment and answered questions from members.

**7548.8.4 City of Belmont – Local Planning Scheme Amendment 7 – for Final Approval (Item 11.1)**

Presenter Mr Jeremy Hofland, Rowe Group

Mr Hofland made a presentation to the Committee against the amendment and answered questions from members.

**7548.8.5 City of Belmont – Local Planning Scheme Amendment 7 – for Final Approval (Item 11.1)**

Presenter Mr Garreth Chivell, City of Belmont  
Ms Juliette Hammah, City of Belmont

Mr Chivell and Ms Hammah made a presentation to the Committee in support of the amendment and answered questions from members.

**7548.8.6 Lot B38 Lakes Road, North Dandalup – Clearance Request for Condition 11 (Item 9.1)**

Presenter Mr Neil Parry, DBNGP (WA) Nominees Pty Limited (“DBP”)  
Mr Ryan Watts, Senior Legal Counsel, DBP

Mr Watts and Mr Parry made a presentation to the Committee in support of the Officer’s recommendations which is to request the refusal of Lot B38 Lakes Road, North Dandalup – Clearance Request for Condition 11. Mr Watts and Mr Parry answered questions from members.

A copy has been placed on file.

**7548.8.7 Lot B38 Lakes Road, North Dandalup – Clearance Request for Condition 11 (Item 9.1)**

Presenter Mr Jon Burgess, Burgess Design Group  
Mr Colin Kleyweg, Kleyweg Civil Traffic Transport

Mr Burgess made a presentation to the Committee against the officer’s recommendations.

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The Deputy Chairman declared a break at 10:22 AM and resumed the meeting at 10:27am with all members present.

**7548.8.8 Construction of West Perth Fire Station at 27-33 Carr Street, West Perth (Item 9.4)**

Presenter Mayor John Carey, City of Vincent  
Ms Paula Diperna, City of Vincent  
Mr Steven Laming, City of Vincent

Mayor Carey made a presentation to the Committee against the construction of the proposed fire station and requested that this item be deferred for reconsideration to address further work on the acoustic report. Mayor Carey answered questions from the members.

**7548.8.9 Construction of West Perth Fire Station at 27-33 Carr Street, West Perth (Item 9.4)**

Presenter Mrs Julie Michelle Boulos, Owner of property adjacent to the proposed Fire Station development

Mrs Boulos made a presentation to the Committee against the proposed fire station and answered questions from the members.

**7548.8.10 Construction of West Perth Fire Station at 27-33 Carr Street, West Perth (Item 9.4)**

Presenter Ms Sara Zvaunis, Carr Street Action Group  
Ms Marie Giorgi, Carr Street Action Group

Ms Giorgi made a presentation to the Committee against the proposed fire station.

A copy has been placed on file.

**7548.8.11 Construction of West Perth Fire Station at 27-33 Carr Street, West Perth (Item 9.4)**

Presenter Mr Darren Klemm, Assistant Commissioner, Metropolitan Operations, DFES  
Mr Mike Waters, Director Asset Planning and Delivery, DFES  
Mr Matthew Goodwin, Project Services Manager, DFES

Mr Waters, Mr Klemm and Mr Goodwin made a presentation to the Committee in support of the proposed fire station and answered questions from the members.



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A copy has been placed on file.

### **7548.8.12 Shire of Coolgardie Local Planning Strategy and Local Planning Scheme no. 2 – Approval (Item 11.3)**

Presenter Ms Charlotte Hall, Dept of Mines and Petroleum

Ms Hall made a presentation to the Committee against the approval of Local Planning Scheme No. 2 and answered questions from members.

A copy has been placed on file.

### **7548.8.13 Shire of Coolgardie Local Planning Strategy and Local Planning Scheme no. 2 – Approval (Item 11.3)**

Presenter Mr Paul Bashall, Planwest (WA) Pty Ltd  
Mr Paul Webb, CEO Shire of Coolgardie  
Mr Mal Cullen, Shire President and Chairman  
GVROC, Shire of Coolgardie

Mr Bashall and Mr Webb made a presentation to the Committee in support of the scheme and answered questions from members.

A copy has been placed on file.

### **7548.8.14 State Administrative Tribunal application – Subdivision to Create 199 Lots for Residential, Community & Public Purposes and Recreation Purpose – Lot 9507 Swordfish Vista and Lot 9508 Chapman Road, Sunset Beach, Geraldton (Item 11.5)**

Presenter Mr Vernon Butterly, Whelans Town Planning

Mr Butterly made a presentation to the Committee in support of the subdivision.

## **7548.9 Statutory Items for Decision**

### **7548.9.1 Lot B38 Lakes Road, North Dandalup – Clearance Request For Condition 11**

File 151107  
Reporting Officer Senior Planning Officer, Policy and Initiatives

**Resolved**

***Moved by Mr Holloway, seconded by Mr Hiller***

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*That the Statutory Planning Committee resolves to refuse the request for approval upon the Diagram or Plan of Survey for the proposed subdivision (WAPC Ref. 151107) at Lot B38 Lakes Road, North Dandalup, for the following reasons:*

- 1. The Form 1C application for endorsement of approval upon a Diagram or Plan of Survey is not accompanied by a 'certified correct' Deposited Plan or any written advice or evidence that conditions of the subdivision approval have been complied with; and*
- 2. Condition 11 is unlikely to be satisfied because:*
  - (a) DBNGP (WA) Nominees Pty Ltd, the clearing agency, has advised that the requirements of Condition 11 have not been satisfied;*
  - (b) Clearance of Condition 11 would be inconsistent with the requirements of Planning Bulletin 87 in relation to endorsement of the Pipeline Risk Management Plan;*
  - (c) There is insufficient information available to justify clearance of Condition 11 against the clearing agency's advice;*
  - (d) The clearing agency has advised that clearance of Condition 11 would lead to an elevated risk of a gas pipeline failure. As such, it is considered this request does not satisfy the precautionary principle test.*

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

**7548.9.2**

### **ITEM WITHDRAWN PRIOR TO THE MEETING**

**7548.9.3**

### **Consideration Of Kwel Road Structure Plan, Shire Of Murray**

File MURR/2016/2  
Reporting Officer Planning Director, Peel

**Resolved**

***Moved by Ms Taylor, seconded by Mr Thornton***

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*That the Statutory Planning Committee resolves to:*

1. *require the Shire of Murray to modify the Kwel Road Structure Plan, in accordance with the attached Schedule of Modifications (Attachment 5);*
2. *require the Shire of Murray to resubmit the modified Kwel Road Structure Plan to the Western Australian Planning Commission for its approval; and*
3. *advise the Shire of Murray of its decision.*

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

**7548.9.4**

### **Construction Of West Perth Fire Station At 27-33 Carr Street, West Perth**

File 33-50171-1

Reporting Officer Planning Officer - Metropolitan Planning Central

**Resolved**

***Moved by Mr Glickman, seconded by Mr Holloway***

Perth Development Letter D

*The application for approval to commence development in accordance with the plans submitted thereto is granted subject to the following condition(s):*

#### **CONDITIONS**

1. *This approval relates only to the proposed development as indicated on the submitted plans date-stamped 21 January 2016 by the Department of Planning on behalf of the Western Australian Planning Commission (WAPC), as attached, subject to any modifications as required by the conditions of approval.*
2. *The lots which are the subject of this application shall be amalgamated on a*

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*diagram or plan of survey (deposited plan) and the plan endorsed by the WAPC.*

3. *A Construction Management Plan shall be submitted and approved to the specification of the local government and the satisfaction of the WAPC, prior to the commencement of site works. Once approved, the Construction Management Plan is to be implemented in its entirety.*
4. *A Landscape Plan for the development site shall be submitted and approved to the specification of the local government and the satisfaction of the WAPC. All such approved landscape works shall be undertaken prior to occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*
5. *A Noise Management Plan shall be developed to address the noise generated by all equipment and activities at the premises, to the satisfaction of the WAPC, prior to the commencement of site works. Once approved, the Noise Management Plan is to be implemented in its entirety.*
6. *All storm water discharge shall be contained and disposed of on-site to the specification of the local government and the satisfaction of the WAPC.*
7. *All external fixtures such as television, radio and other antennas, satellite dishes, external hot water heaters and air conditioners shall be designed integrally with the development and shall not be visually obtrusive from Carr Street and neighbouring properties to the satisfaction of the WAPC.*
8. *A Lighting Management Plan demonstrating how external lighting will avoid light spillage onto abutting sites, shall be submitted and approved to the specification of the local government and*



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*the satisfaction of the WAPC.*

9. *The applicant is to comply with the State Government 'Percent for Art' policy which requires up to 1% of the construction budget to be expended on public art. If the owner elects to install public art, the approved public art work shall be installed prior to occupation of the development and thereafter maintained by the owner with all costs being borne by the owner to the specification of the City of Vincent and to the satisfaction of the WAPC.*
10. *A minimum of 9 bicycle bays are to be provided on site. The bicycle facilities shall be designed in accordance with AS2890.3.*

### ADVICE

#### No MTPS

1. *All development must comply with all relevant Acts, Regulations and Local Laws. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required, and to commence and carry out development in accordance with all relevant laws. Any development which is not in accordance with the original application or conditions of approval may require further approval from the Western Australian Planning Commission.*
2. *No visual obstructions are to be located within the visual truncation area (1.5m x 1.5m) of vehicle exit points.*
3. *Any street verge tree not required to be removed for operational reasons is to be retained and protected from any damage including unauthorised pruning. The applicant is to liaise with the City of Vincent regarding the replacement of any street verge tree which needs to be removed.*

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4. *The Herring Storer Acoustics Report dated 18 April 2016, prepared for this proposal, is to form the basis of the Noise Management Plan required by Condition 5.*

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

**7548.9.5**

### **Subdivision To Create 5 Residential Lots And Road Reserve – Lots 5 And 500 Darlington Road, Darlington**

File 153289  
Reporting Officer A/Planning Manager, Metropolitan  
Planning North East

#### **Resolved**

***Moved by Ms Taylor, seconded by Ms Adair***

*That the Statutory Planning Committee resolves to approve the subdivision of Lots 5 and 500 Darlington Road, Darlington into five residential lots and a road reserve as shown on the plan date-stamped 22 February 2016. This decision is valid for three years subject to the following conditions and advice:*

#### **CONDITIONS:**

1. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)*
2. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 2, 3 and 5 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*
3. *The existing dwellings being retained are to comply with the requirements of the Residential Design Codes. (Local Government)*

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4. *The land being filled, stabilised, drained and/or graded as required to ensure that:  
a) lots can accommodate their intended development;  
b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and  
c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)*
5. *Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government)*
6. *Evidence is to be provided to demonstrate that the measures contained in the bushfire management plan dated 12 February 2016 (Amended Version) have been implemented during subdivisional works. (Local Government)*
7. *A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
  
'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.'  
(Western Australian Planning*

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Commission)

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

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

9. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:*

- a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and*
- b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly to the satisfaction of the Western Australian Planning Commission. (Local Government)*

10. *A notification, pursuant to Section 70A of*



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*the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*'A reticulated sewerage service is not available to the lot/s. Effluent disposal can be achieved by way of an aerobic treatment unit (ATU) with an irrigation area.'* (Local Government)

11. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
12. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)*
13. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*

### ADVICE:

1. *In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.*
2. *In regard to Condition 2, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
3. *In regard to Condition 8, the*

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*landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*

4. *In regard to Condition 11, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
5. *In regard to Condition 12, Western Power provides only one underground point of electricity supply per freehold lot.*

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

### **7548.10 Policy Items for Discussion/Decision**

Nil.

### **7548.11 Confidential Items**

#### **7548.11.1 City Of Belmont – Local Planning Scheme Amendment 7 – For Final Approval**

File TPS/1741

Reporting Officer Planning Manager - Schemes and Amendments

**THIS ITEM IS CONFIDENTIAL**

#### **7548.11.2 Draft Improvement Scheme No. 2: Anketell Strategic Industrial Area – Consent To Advertise**

File DP/15/00192/1

Reporting Officer Principal Planning Officer - Pilbara

**THIS ITEM IS CONFIDENTIAL**

#### **7548.11.3 Shire Of Coolgardie Local Planning Strategy And Local Planning Scheme No. 2 – Approval**

File DP/12/01257 / TPS/1171

Reporting Officer Statutory Planning Manager, Central

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### Regions

**Mr Thornton disclosed an interest.**

<b>Member</b>	<b>Nature of Interest</b>
Mr Thornton	Impartiality

**Mr Thornton left the meeting at 12:24 pm and hence was absent for Item 7548.11.3.**

**THIS ITEM IS CONFIDENTIAL**

**Mr Thornton returned to the meeting at 12:36 pm.**

**7548.11.4 Shire Of East Pilbara – Draft Local Planning Strategy – Consent To Advertise**

File	DP/15/00337/1
Reporting Officer	Principal Planning Officer – Pilbara

**THIS ITEM IS CONFIDENTIAL**

**7548.11.5 State Administrative Tribunal application – Subdivision to Create 199 Lots for Residential, Community & Public Purposes and Recreation Purpose – Lot 9507 Swordfish Vista and Lot 9508 Chapman Road, Sunset Beach, Geraldton**

File	153073
Reporting Officer	A/Statutory Planning Manager – Central Regions

**THIS ITEM IS CONFIDENTIAL**

**7548. 12 General Items – Publications, Briefings and Updates**

Nil.

**7548.13 Stakeholder Engagement and Site Visits**

Nil.

**7548.14 Urgent or Other Business**

Nil.

**7548.15 Future Actions**

Nil.

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### 7548.16 Meeting Closure

The next ordinary meeting is scheduled for 9:00 am on 26 July 2016.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12:40pm.

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

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

UNCONFIRMED



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<b>10</b>	<b>POLICY ITEMS FOR DISCUSSION/DECISION</b>
<b>11</b>	<b>CONFIDENTIAL REPORTS</b>
<i>A</i>	<i>POLICY</i>
11.1	Amendment to State Planning Policy 3.1 Residential Design Codes
11.2	Residential Subdivision and Development on Lots Less than 100m2
11.3	Urban Forest Strategy for Perth and Peel

## ITEM NO: 9.1

### Modification of Byford Town Centre Local Structure Plan

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan South-East
AUTHORISING OFFICER:	Planning Director, Metropolitan South
AGENDA PART:	C
FILE NO:	SPN/0098M-2
DATE:	20 June 2016
REPORT CATEGORY:	Statutory
RECOMMENDATION OUTCOME:	Refusal
ATTACHMENT(S):	1. Location Plan 2. Byford Town Centre Local Structure Plan 3. Proposed Modified Local Structure Plan 4. Aerial Map 5. Site Photographs 6. Floodplain Maps
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Serpentine Jarrahdale
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION(S):	Approval
REGION DESCRIPTOR:	Metropolitan South-East
RECEIPT DATE:	23 December 2015
PROCESS DAYS:	217 Days
APPLICATION TYPE:	Final Determination of Modified Local Structure Plan
CADASTRAL REFERENCE:	Lot 4, 829 South Western Highway, Byford

#### RECOMMENDATION:

***That the Statutory Planning Committee resolves to:***

***1. Refuse the modification to the Byford Town Centre Local Structure Plan in accordance with Clause 22(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:***

***a) The development does not comply with State Planning Policy 2.9 - Water Resources as it does not:***

***(i) protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values; and***

- (ii) promote and assist in the management and sustainable use of water resources.**
- b) The proposal is contrary to, and would undermine, the following objectives of the Byford Town Centre LSP:**
- (i) Provide land for public purposes,**
  - (ii) Provide for an appropriate distribution of active and passive public open space; and**
  - (iii) Provide for the sensitive incorporation of cultural heritage and rural character elements.**
- c) The proposal is contrary to the following guiding principles of the Byford Town Centre LSP:**
- (i) Identifiable character and distinct sense of place,**
    - Natural, cultural and heritage features, landmarks and public art within the public realm contribute to sense of place,**
    - A network of public space and open space corridors contribute to the rural and bushland feel of the area,**
  - (ii) A place that capitalises on its environmental assets,**
    - Existing natural assets such as mature and remnant vegetation and streams are central to public realm theming,**
  - (iii) A Water Integrated Place,**
    - Living streams and swales are a feature of the Town Centre and contribute to sense of place as well as perform a bio-retention and recreation role.**
- d) The reclassification of the site and its retention in private ownership is inconsistent with the implementation and expectations of the approved Development Contribution Arrangements as per State Planning Policy 3.6 - Development Contributions for Infrastructure.**
- e) The proposed development would prejudice the orderly and proper planning of the area as the ability to protect and promote the creekline and existing vegetation on the site, for the benefit of the public, will be compromised and contrary to the objectives of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, including:**
- (i) to reserve land for future and present public use,**
  - (ii) to make provisions for the conservation and preservation of places of natural beauty, historic buildings and objects of history or scientific interest.**
- 2. Advise the Shire of Serpentine Jarrahdale of its decision accordingly.**

## SUMMARY:

The key points relating to the report are as follows:

- The modification to the Byford Town Centre Local Structure Plan (LSP) involves the reclassification of Lot 4 (829) South Western Highway, Byford from Public Open Space and Drainage to Town Centre (**Attachment 1 - Location Plan, Attachment 2 - LSP, Attachment 3 - Proposed Modification to LSP**).
- The proponent, Urbis, has provided a Local Water Management Plan addendum and information in support of the reclassification of the site. Due regard has been given to this information when undertaking the assessment of this proposal.
- The Shire of Serpentine Jarrahdale (the Shire) has provided a recommendation to approve the modification to the Byford Town Centre LSP.
- The application was presented to the SPC on 26 April 2016 and was deferred to enable the Chairman of the Western Australian Planning Commission (WAPC) to meet with the Shire, which occurred on 15 June 2016.
- The application remains unchanged from the original proposal and it is recommended that the modification to the LSP be refused by the WAPC.

## BACKGROUND:

The site is zoned 'Urban Development' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (the Scheme) which requires a Structure Plan to be approved prior to subdivision and development.

The Byford Town Centre LSP was approved by the WAPC on 2 April 2013 and adopted by the Shire in February 2014. The site is designated for Public Open Space and Drainage on the LSP.

*The Planning and Development (Local Planning Scheme) Regulations 2015* were gazetted on 19 October 2015. Under the new legislation, the LSP is now given 'due regard' rather than having the statutory effect of the Scheme (having not been normalised to date). The classifications (now considered informal zonings) depicted in the Byford LSP remain the most relevant planning instrument to guide decision-makers regarding appropriate land use and/or permissibility in the LSP area.

A development application (DA) has been lodged with the Shire for construction of a Cafe on the southern part of Lot 4 with the associated parking proposed to be located across the creekline on the northern part of the site which is designated Town Centre. This LSP modification is intended to facilitate that proposal. This report assesses the appropriateness of the site for reclassification (informal rezoning) from POS and drainage to Town Centre and any of the land uses that could potentially be accommodated on the subject site, not the specific DA application (for a Dome cafe) that has been lodged with the Shire.

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

<b>Legislation</b>	Planning and Development (Local Planning Schemes) Regulations 2015) Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
Section:	State Planning Policy 2.9 - Water Resources Clause 22 Clause 1.6 Section 4 and 5.3 ((i) and (v))
<b>Strategic Plan</b>	
Objectives:	By improving the planning system and delivering plans that more efficiently meet changing community demands, we will be supporting the development of effective local communities.
Performance Outcomes:	Planned local communities developing a sense of place.
Strategic Imperatives:	Develop connected and accessible communities. Improve local planning service capability.
<b>Policy</b>	
Number and / or Name:	Directions 2031 and Beyond SPP 3.0 - 'Urban Growth and Settlement' SPP 4.2 - 'Activity Centres for Perth and Peel' Liveable Neighbourhoods

## **GOVERNMENT AND CORPORATE IMPLICATIONS:**

Nil.

## **CONSULTATION:**

The modified Byford Town Centre LSP was advertised for a period of 21 days from 22 October 2015 to 12 November 2015. A total of 21 submissions were received, comprising 15 non-objections/support and six (6) objections.

The issues raised primarily relate to:

- loss of public open space,
- drainage; and
- amenity and loss of vegetation.

An assessment of the LSP and the comments received on the proposal has been undertaken by the Department of Planning.

## **OFFICER'S COMMENTS:**

The LSP identifies the southern portion of Lot 4 South Western Highway, being approximately 1,500m<sup>2</sup> in area, for POS and Drainage purposes. A creek traverses the middle of the site in an east-west direction. With exception of a small area of land



closest to the Pitman Way boundary, which is cleared and used informally for car parking, the remainder of the site is moderately vegetated (**Attachments 4 and 5 - Aerial Map and Site Photographs**).

#### Public Open Space (POS)

The site will be predominately used as a passive space given the presence of the creek and vegetation on the subject land. Notwithstanding, this site is the only POS identified in the LSP which is located on the eastern side of the railway. Neither the proponent or the Shire have identified an alternative piece of POS on the eastern side of the railway line within the LSP area that is intended to perform a POS function in lieu of the subject site.

The loss of the POS has been justified solely within the context of POS provided across the total LSP area, which will be reduced from 14.94% to 14.6%, thereby remaining in excess of the 10% required in accordance with *Liveable Neighbourhoods*. The argument pertaining to total POS provision is acknowledged, however, the importance and role of the subject land as POS extends beyond a total provision figure.

The importance of POS in activity centres such as this, is highlighted in *State Planning Policy 4.2 - Activity Centres for Perth and Peel* which outlines that activity centres should offer a diverse range of activities, including recreational opportunities. In the context of the Town Centre, the importance of this POS site is accentuated by the physical barrier of the railway line which is likely to impede or dissuade POS users from easily accessing the POS to the west of the railway line.

The location of the subject site is also important with regard to its serviceable catchment which extends beyond the strict boundaries of the LSP area. *Liveable Neighbourhoods* suggests a local park of up to 3,000m<sup>2</sup> in area should service dwellings within a 150 to 300 metre catchment. It can be reasonably assumed that people within the residential area further east known as the 'existing Byford Townsite', which is within the walkable catchment of the site, will utilise this POS. Further, its role and function may be considered more critical given the recent relocation of the Byford Country Club, which was 100 metres south of the subject site, out of the Town Centre.

The role of the POS as an area which provides amenity, character and contributes to the rural and bushland feel of the locality as outlined by TPS No. 2 and the LSP, should not be undervalued or overlooked. Public spaces such as POS and streetscapes are integral to place making and enhancing the lifestyle of the people who live and work in Town Centres. The retention of the existing vegetation on the subject site has the ability to soften the built form of the Town Centre and provide a refuge for residents and workers within the area, particularly on the eastern side of the railway line.

The location, function and role of the subject site for POS as outlined above is an important aspect and it is considered that the reclassification of the subject land to Town Centre and its retention in private ownership is short-sighted and would undermine the ability to achieve these objectives in the medium to long term.

### Drainage/Land Function

The subject site accommodates a creekline as identified in the context analysis map within the LSP. The Shire's report affirms one of the original intents for this land under the LSP, which was to facilitate drainage requirements. This is verified by the LWMS addendum provided by the proponent which demonstrates the extent to which the site accommodates the 5 year and 100 year event flood plains (**Attachment 6 - Flood Plain Maps**).

The Department of Water (DoW) has confirmed that any proposal to develop the subject land will require some modifications to the existing drainage corridor. For example, a future DA will need to replicate the flood plain storage which is currently available on the site. Whilst DoW has advised that drainage solutions can be engineered and achieved and the risk may be manageable from a flood perspective, the Department of Planning is of the view that the reclassification of the site to Town Centre will lead to development that will have implications for the drainage and creekline on the site. Any solutions which are likely to be employed on the site addressing these issues and which reduces risk to property are liable to encroach on the creekline, remove the associated vegetation and have adverse effect upon the resource and its natural function which is contrary to *State Planning Policy 2.9 - Water Resources* (SPP 2.9).

The site should preferably be left to function in its natural state as POS and drainage, vested and managed by the Shire, as envisaged by the LSP and promoted by SPP 2.9.

### Development Contribution Arrangement (DCA)

The Byford DCA makes provision for the portion of Lot 4 identified for POS and Drainage on the LSP to be purchased by the Shire. The DCA has been approved the WAPC, sits within TPS No. 2 and accords with *State Planning Policy 3.6 - Development Contributions for Infrastructure* (SPP 3.6). The reclassification of the site to Town Centre in the absence of a Town Planning Scheme amendment (to modify the DCA) will result in:

- the DCA having an over-supply of funds which have been collected for the purpose of purchasing the subject site for POS and drainage,
- an inability for contributions to be collected from the subject land which would accommodate a land use that contributes to the need and demand for community infrastructure such as roads and POS.

The Shire has not advised how it intends to address this matter and, in the absence of a statutory solution, the proposed modification to the LSP does not conform to the principles of fairness, transparency and equity as promoted by SPP 3.6.

### Access/Regional Road

The subject site has three road frontages, being South Western Highway, a 'Primary Regional Road' under the Metropolitan Region Scheme, Pitman Way and George Street. The northern portion of Lot 4, identified as Town Centre, has an existing

crossover which provides direct access to South Western Highway. The proponent of the modified LSP has advised of the intention to retain this crossover affirmed on the DA submitted to the Shire.

Whilst the northern portion of the site currently retains a crossover to South Western Highway servicing a commercial business, this access is a legacy of the prior, less intensive use of the site as a single dwelling. The LSP and current planning policies have clearly outlined an expectation that no direct access from the site to South Western Highway would be permitted in the future and upon redevelopment of the northern portion of the site, the current access arrangements would be extinguished.

Main Roads Western Australia (MRWA) has advised that no vehicular access should be permitted to or from South Western Highway from Lot 4 and all access should be achieved via the rear of the site from George Street. MRWA comments align with the objectives of *Development Control Policy 5.1 - Regional Roads (Vehicular Access)* and the LSP Traffic and Transport Analysis.

A dependency or preference to retain the existing crossover has never been anticipated in view of the intention for the southern portion to be utilised for POS and drainage. The alternate classification and commercial use of the site will lead to an unexpected intensification of the site and an expectation for access direct to South Western Highway which is contrary to planning policy and the LSP.

It is also noted that the movement network plan within the LSP identifies that a set of traffic signals will be required at the intersection of South Western Highway and Pitman Way at such time as MRWA determines traffic volumes warrant their implementation. MRWA has provided land acquisition plans which demonstrate the final road design/traffic signals at this intersection will require an additional 1.8 metres of land to be acquired from the southern boundary of Lot 4. Any reclassification of the southern portion of Lot 4 will complicate the land acquisition process.

## **CONCLUSION:**

Under the original LSP the southern portion of Lot 4 was classified for POS and drainage to fulfil a number of functions including drainage, vegetation retention, passive recreation, provide amenity and enhance the rural character of the area. The reclassification of the subject land to Town Centre will remove, undermine or alter the way in which this space fulfils those responsibilities.

The LSP along with the operational DCA have outlined the expectation that this land will:

- be purchased (by the DCA) and managed by the Shire,
- be utilised for POS and drainage in order to meet the objectives of the Scheme and the LSP.
- have its environmental assets protected and enhanced,
- assist in creating a sense of place, and
- function as a reserve/recreation space for the benefit of the community.

The reclassification of the land to Town Centre will not achieve these objectives and will also complicate the DCA, land acquisition and access arrangements intended for the site.

The function and importance of the subject land as POS and drainage extends beyond only being a percentage of POS within a LSP area; the catchments serviced by the POS and the amenity it provides to the locality is significant and requires recognition. It is considered that the modification to the Byford Town Centre LSP to reclassify the subject site from POS and drainage to Town Centre is not consistent with the objectives and guiding principles of the LSP, the Scheme, SPP 2.9 and SPP 3.6.

For these reasons, it is recommended that the modifications to the Byford Town Centre LSP be refused in accordance with Clause 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.