



## **Statutory Planning Committee**

**Notice is hereby given the next meeting of the Statutory  
Planning Committee will be**

**Meeting No. 7634**

**Tuesday, 5 May, 2020, 9:30 am**

**Level 3, Room 3.22, 140 William Street, Perth**

**This meeting is not open to members of the public**

1. Declaration of opening
2. Apologies
3. Members on leave of absence and applications for leave of absence
4. Disclosure of interests
5. Declaration of due consideration
6. Minutes
  - 6.1 Confirmation of minutes - Meeting No. 7632 on Tuesday, 31 March 2020 8 - 31
  - 6.2 Confirmation of minutes - Meeting No. 7633 on Tuesday, 7 April 2020 32 - 59
7. Deputations and presentations
  - 7.1 Urban Tree Canopy Digital Dashboard (15 minutes)
8. Statutory items for decision
  - 8.1 Local Development Plan Approval - Lots 1-7 Tourmaline Ridge, Australind 60 - 67
9. Confidential items
  - 9.1 Shire of Gingin - Local Planning Scheme No. 9, Amendment No. 21 - Lot 201 Brand Highway, Ginginup 68 - 68
  - 9.2 City of Swan - Local Planning Scheme No. 17, Amendment No. 171 - Lot 800 (168) Morrissey Road, Bullsbrook 69 - 69
  - 9.3 Draft Position Statement - Cash-in-Lieu of Public Open Space
10. Reports for noting
11. Stakeholder engagement and site visits
12. Urgent or other business
13. Items for consideration at a future meeting
14. Meeting closure

# WAPC STRATEGIC PLAN 2018-2021

OUR VISION:

**Creating better places to live and work for all Western Australians**

OUR MISSION:

**Ensuring the planning system develops policy and enables planning decisions for the long-term benefit of the Western Australian community**

Our Functions	Our Focus	Our Priorities	Our Outcomes
<ul style="list-style-type: none"> <li>State Planning Strategy and Policy</li> <li>Regional, Sub-Regional and Local Planning Strategies</li> <li>Regional and Local Planning Schemes</li> <li>Planning and Development Applications – Subdivision and Strata Title</li> <li>Structure Planning</li> <li>Improvement Plans &amp; Schemes</li> <li>Infrastructure Planning and Coordination</li> <li>Research, Modelling &amp; Analysis</li> <li>Improve the Planning System</li> <li>Finance &amp; Property Management</li> </ul>	<b>Jobs and infrastructure</b>	<ul style="list-style-type: none"> <li>Facilitate economic diversification and development</li> <li>Support development of a State Infrastructure Strategy</li> <li>Deliver a planning system and processes adapted for technological change in the community and economy</li> <li>Support delivery of METRONET through the planning system as part of a whole-of-government approach</li> </ul>	<ul style="list-style-type: none"> <li>Sufficient urban, commercial, industrial and priority agricultural land for growth</li> <li>Long-term strategic industry, infrastructure planning and corridor protection</li> <li>Strong industry and employment hubs with particular emphasis on tourism, food and agriculture, education, research and technology</li> <li>Alignment and integration of land use, infrastructure and transport planning</li> </ul>
	<b>Liveable Communities</b>	<ul style="list-style-type: none"> <li>Facilitate infill development and sustainable urban growth</li> <li>Address barriers to affordable living and housing diversity through policy leadership</li> </ul>	<ul style="list-style-type: none"> <li>Increased density and diversity around Activity Centres</li> <li>Achieve infill housing and density targets and greater housing choice</li> <li>Enable creation of liveable cities and towns with quality public and private spaces</li> </ul>
	<b>A Better Built Environment</b>	<ul style="list-style-type: none"> <li>Lead precinct planning to enable METRONET</li> <li>Develop a policy and decision-making framework to encourage greater housing options for changing demographic needs</li> <li>Promote and protect the urban tree canopy for all communities for amenity and health benefits</li> </ul>	<ul style="list-style-type: none"> <li>Improved design of urban centres, corridors and stations</li> <li>Improved design quality of the built environment</li> <li>Greater community support for more diverse housing options, urban centres, corridors and stations</li> <li>Protection and enhancement of the urban tree canopy across diverse communities</li> </ul>
	<b>Transparent, Equitable and Efficient Planning Processes</b>	<ul style="list-style-type: none"> <li>Continued review and reform of the planning system and processes</li> <li>Greater early, effective and genuine communication and engagement with the community and industry on planning and development issues</li> <li>Improve collaboration and capability of all key decision-makers in the planning system, including local government</li> <li>Implement technological improvements including quality online reporting on planning performance for all WAPC functions</li> </ul>	<ul style="list-style-type: none"> <li>Efficient, transparent and timely assessment and decisions on planning applications and processes</li> <li>Contemporary region and local planning strategies, schemes and regulations</li> <li>Improved transparency, efficiency and community support for planning processes</li> <li>Updated and effective <i>Planning and Development Act 2005</i> and regulations</li> </ul>
	<b>Environment and Natural Resources</b>	<ul style="list-style-type: none"> <li>Continue the Coastal Management and Planning Program to deal with the risks posed by climate change</li> <li>Ensure bushfire regulations reflect planning appropriate for the risk to community and the environment</li> </ul>	<ul style="list-style-type: none"> <li>Sustainable development which protects, conserves and promotes natural assets (land and water) and biodiversity</li> <li>A planning system which addresses climate change</li> <li>Planning to mitigate risks from natural hazards and events</li> </ul>
	<b>Land and Finance Management</b>	<ul style="list-style-type: none"> <li>Contribute to the successful delivery of METRONET through strategic, efficient and innovative use of the Metropolitan Region Improvement Fund</li> <li>Ensure WAPC land and property assets are used for long-term community benefit</li> </ul>	<ul style="list-style-type: none"> <li>WAPC land management in place to deliver METRONET</li> <li>Effective and sustainable stewardship and management of the Metropolitan Region Improvement Fund</li> <li>Increased regional open space in Greater Perth</li> </ul>

## STATE PLANNING STRATEGY PRINCIPLES:

### Community

Enable diverse, affordable, accessible and safe communities

### Economy

Facilitate trade, investment, innovation, employment and community betterment

### Environment

Conserve the State's natural assets through sustainable development

### Infrastructure

Ensure infrastructure supports development

### Regional Development

Build the competitive and collaborative advantages of the regions

### Governance

Build community confidence in development processes and practices

# Information for SPC Members

*Quorum: 5 of 10 members*

Member	Representation in accordance with the <i>Planning and Development Act 2005</i>	Term of office ends
Mr David CADDY	Chairman, WAPC Schedule 2 clause 4(2)(a)	15/04/2021
Mr Vaughan DAVIES	Nominee of the Director General, Department of Planning, Lands and Heritage Schedule 2 clause 4(2)(b)	Current Nominee
Ms Paddi CREEVEY OAM	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	Current Nominee
Ms Kym DAVIS	Community representative Schedule 2 clause 4(2)(d)	31/12/2020
Ms Marion THOMPSON	Professions representative Schedule 2 clause 4(2)(e)	31/12/2020
Mr Leonard KOSOVA	Local government representative Schedule 2 clause 4(2)(f)	31/12/2020
Ms Megan ADAIR	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2020
Mr Lino IACOMELLA	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2020
Ms Nina LYHNE	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2020
Mr Ross THORNTON	WAPC appointee Schedule 2 clause 4(2)(g)	31/12/2020

## 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* (PD Act)

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.

## Membership (extract from PD Act):

The composition of the Statutory Planning Committee is in accordance with Schedule 2(4) of the *Planning and Development Act 2005*.

### 4. Statutory Planning Committee

- (1) The Commission is to establish a committee to be known as the Statutory Planning Committee.
- (2) Subject to subclause (5), the Statutory Planning Committee is to consist of —
  - (a) the chairperson, or a person nominated by that person and approved by the Minister; and
  - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and
  - (c) the member of the board referred to in section 10(1)(c)(viii) or a deputy appointed under subclause (3); and

- (d) a person approved by the Minister and appointed to the Commission as having practical knowledge of and experience in community affairs; and
- (e) a person approved by the Minister and appointed by the Commission as having practical knowledge of and experience in one or more of the fields of urban and regional planning, commerce and industry, engineering, surveying, valuation, transport, housing, heritage, environmental conservation, natural resource management, urban design, the planning and provision of community services or infrastructure; and
- (f) a person approved by the Minister and appointed by the Commission to represent the interests of local governments; and
- (g) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.

### **Delegated Authority (Del 2017/01) Powers of Committee**

#### *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-
  - (1) Part 5 and 8 of the Act and the Planning and Development (Local Planning Scheme) Regulations 2015 in relation to any Improvement Plan or Improvement Scheme; and
  - (2) Any gazetted Improvement Scheme;but excluding matters concerning –
  - (i) applications for approval to developments of State or Regional Significance;
  - (ii) scheme amendments relating to zoning (including amendments to the zoning table);
  - (iii) the preparation of a new Improvement Plan or Schemefor 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, Maitland, Ashburton North and Browse LNG Precinct Strategic Industrial Areas.

### **Quorum for meetings**

In accordance with the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, Section 5.1 - Quorum for meetings:

*(2) A quorum for a meeting of a committee is at least 50 per cent of the number of current offices of members of the Committee.*

### **Disclosure of interests**

In accordance with the *Planning and Development Act 2005* and Section 4 of the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, 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**” is one where a member has an 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 member.

An “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a member and another person who requires a WAPC decision in relation to the matter.

A “**proximity interest**” refers to an interest of a member, or close associate of the member, in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) 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 organisation 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 cannot 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.



## Statutory Planning Committee

### Minutes

Meeting No. 7632  
Tuesday, 31 March, 2020

Members: David Caddy - Chairman WAPC  
Megan Adair - WAPC Appointee  
Paddi Creevey - Nominee of the Regional Minister  
Vaughan Davies - Nominee of the Director General  
Kym Davis - Community Representative  
Lino Iacomella - WAPC Appointee  
Leonard Kosova - Local Government Representative  
Nina Lyhne - WAPC Appointee  
Ross Thornton - WAPC Appointee

Apologies: Marion Thompson - Professions Representative

Others present: Tia Byrd – A/Planning Manager – Metro South and Peel  
Garreth Chivell – Planning Manager – Schemes and Amendments  
Michael Daymond – Manager, Special Projects  
Sam Fagan – Manager, Commission Business  
Isla Finlay – Principal Planning Officer, Metro Central  
Tristram French – Senior Planning Officer, Schemes and Amendments  
Johan Gildenhuis – Principal Planning Officer, Metro North  
Lisa Hall – A/Principal Planning Officer, Metro South  
Ben Hesketh – Planning Manager, Metro Central  
Jo Kempton – Senior Planning Officer, Metro South  
Georgina Lockhart – Administration Officer, Commission Support  
Nina Lytton – Senior Planning Officer, Metro Central  
Michelle Matthewman – Senior Commission Support Officer  
Rohan Miller – Planning Director, Schemes and Amendments  
Lisa Powell – A/Planning Director, Infrastructure Planning and Policy  
Mathew Selby – Planning Director, Metro North  
Teneale Taylor - Planning Officer, Metro Central

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#### 1. Declaration of opening

The Chairman declared the meeting open at 9:03am, acknowledged the people of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members. The Chairman noted that all members were attending via Zoom video conference.

## **2. Apologies**

Marion Thompson - Professions Representative

## **3. Members on leave of absence and applications for leave of absence**

The Chairman, Ms Lyhne and Ms Adair indicated that due to the current COVID-19 State Government regulations they have cancelled their leave of absence applications for the foreseeable future.

## **4. Disclosure of interests**

Mr Caddy declared an Impartiality Interest on item 8.7 – Gateways Structure Plan Amendment – For final approval. Mr Caddy stated that he was involved in the lodgement of the 2018 Structure Plan prior to him commencing as the WAPC Chairman and that he met with the consultant and proponent recently and there could be a perception he would be unable to take an unbiased view. Members agreed that Mr Caddy should not be present during the discussion/and or decision making on the item.

Mr Caddy declared an Impartiality Interest on item 9.3 – Shire of Augusta Margaret River – Local Planning Scheme No. 1, Amendment No. 36 – Perimeter Road – Development Contribution Plan. Mr Caddy stated that prior to him commencing as the WAPC Chairman, he worked as a consultant with Karen Browne at Hopgood Ganim in assessing Amendment No. 36 and preparing submissions opposing the amendment. Members agreed that Mr Caddy should not be present during the discussion/and or decision making on the item.

Mr Kosova declared an Impartiality Interest on item 8.1 – Local Development Plan Approval – Lots 5, 6 and 7 Christina Street, Australind. Mr Kosova stated that his private consultancy, LK advisory, represents several developers in the Shire of Harvey and that he has been negotiating closely with the Shire on their behalf. Members agreed Mr Kosova is permitted to be present during the discussion/and or decision making procedure on the item as this is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on item 8.2 – Proposed two Lot Subdivision – Lot 800 and 9003 Killarney Road, Dardanup West. Mr Kosova stated that his private consultancy, LK advisory, is representing a developer in the Shire of Dardanup and that he has been negotiating closely with the Shire on their behalf. Members agreed Mr Kosova is permitted to be present during the discussion/and or decision making procedure on the item as this is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on item 8.4 – City of Fremantle – Local Planning Policy – Varying R-Codes Requirements. Mr Kosova stated that he owns a single residential property in Fremantle to which this policy would apply. Members agreed Mr Kosova is permitted to be present during the discussion/and or decision making procedure on the item as this is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on item 8.6 - East Roselea Local Structure Plan. Mr Kosova stated that both Parcel Property and the City of Stirling are past clients of his private consultancy, LK Advisory. Members

agreed Mr Kosova is permitted to be present during the discussion/and or decision making procedure on the item as this is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared a Pecuniary Interest on item 9.3 – Shire of Augusta Margaret River – Local Planning Scheme No. 1, Amendment No. 36 – Perimeter Road – Development Contribution Plan. Mr Kosova stated that Hopgood Ganim is a current client of his private consultancy, LK Advisory, in respect of a land compensation matter in the Shire of Augusta Margaret River arising from the Margaret River Perimeter Road. Mr Kosova stated that Satterley Property Group and Lester are current clients of his private consultancy, LK Advisory, and have development interests in and will be affected by the Development Contribution Plan. Members agreed Mr Kosova should not be present during the discussion/and or decision making on the item.

## **5. Declaration of due consideration**

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

## **6. Minutes**

### **6.1 Confirmation of minutes - Meeting No. 7631 on Tuesday, 10 March 2020**

**Moved by** Ms Creevey  
**Seconded by** Ms Davis

*That the minutes of the Statutory Planning Committee meeting held on Tuesday, 10 March 2020, be confirmed as a true and correct record of the proceedings.*

**The motion was put and carried**

## **7. Deputations and presentations**

### **7.1 Development Application – Motel and Rural Pursuit - Lot 625 Great Northern Highway, Herne Hill (Item 8.5)**

**Presenters: Alain Gaudet - Swan Valley Tourism Alliance**

Mr Gaudet presented to the Statutory Planning Committee representing the Swan Valley Tourism Association and thanked the Committee for the opportunity to present on behalf of their membership of grape growers, breweries, distilleries, restaurants, accommodation and bus tour organisations operating in the Swan Valley legislated precinct. Mr Gaudet discussed the viticulture of the Valley and the benefit of ambience created by the vineyards. Mr Gaudet discussed the merit of the development and whether it honours the vision of the Swan Valley.

Mr Gaudet stated that there are several properties that run multiple businesses of a similar nature in the Swan Valley on large land holdings, but that these do not detract from the rural ambience. Mr Gaudet discussed Mandoon Estate and Oakover as developments that meet those requirements, both having extensive vineyards on the

property. Mr Gaudet discussed that the City of Swan receives development applications for standalone enterprises and the negative impact continual approval of these applications, which do not have contributions that observe the grape growing community, which detract from the tourism that the Swan Valley relies on. Mr Gaudet discussed the importance of the value of viticulture and how it cannot be restricted to simply production aspects emphasising that viticulture is the underpinning attraction for all businesses in the Swan Valley.

Members queried the land use of the two establishments that Mr Gaudet used as an example of land holdings not detracting from rural ambience. Mr Gaudet stated that Mandoon Estate sits on 40 acres of land and that the property is extensively covered by vines and that the development on the property is set back from the road. Mr Gaudet discussed how the developments visual impact does not threaten the ambience as this proposed development is on 10 acres of land. Mr Gaudet stated that Oakover is also set back on approximately 40 acres of land and does not have impact on the rural ambience.

Members queried what the smallest size for a viable vineyard would be. Mr Gaudet provided an example of a vineyard on 12 acres, that is farmed correctly, is a viable business and that even 3 acres of vineyard on a smaller property would be enough to promote the viticulture aspect of the Swan Valley.

Members queried what alternative scale or form outcome would be considered acceptable. Mr Gaudet stated that the proposal as it stands is not agreeable, that a three-storey building is not considered a farm stay and has negative visual impacts given the proximity to the highway. Mr Gaudet state that single storey buildings spread out over the ten acres surrounded by viticulture would be acceptable.

## **7.2 Development Application – Motel and Rural Pursuit - Lot 625 Great Northern Highway, Herne Hill (Item 8.5)**

**Presenters: Marija and Philipp Keller.**

Mr and Ms Keller presented to the Statutory Planning Committee and thanked the Committee for the opportunity to discuss their development application for a farm stay in Herne Hill. Ms Keller provided the Committee a brief history of her family's involvement in the Swan Valley since the 1960's, stating that she was born in the Swan Valley to Croatian migrants and that her parents have been instrumental in promoting viticulture. Ms Keller stated that Mr Keller grew up in a hotel and is a third generation butcher outlining that his grandparents had farms and migrated to Australia in the early 1990's.

Ms Keller discussed the successful operation of their bed and breakfast farm stay, where they provide guests with the experience of conventional authentic farming methods and food production. Ms Keller stated that her children are heavily invested in the business. Ms Keller stated that the Swan Valley Tourist Centre has supported their family business for the past ten years.

Ms Keller stated that the new property in Herne Hill was purchased to escape the encroaching subdivision. Ms Keller stated that in 2017 the same development application was applied for on a property three blocks down from the current property, but the sale of the property fell through. Ms Keller gave example that Mandoon Estate has 36 rooms and that Oasis on West Swan Road is building an additional 100 rooms.

Ms Keller stated that an application went to the City of Swan Council before Local Planning Scheme 176 went to the Western Australian Planning Commission for endorsement and that prior to this B&B's, farm-stays and motels were permitted under the Scheme. Ms Keller stated that their application was approved by the City of Swan Council in December 2019 and that it was recommended they provide landscaping and screening from Great Northern Highway and plant vines to enhance rural ambience. Ms Keller stated that the rationale supports the characteristics of the proposal noting that the farm stay is sustainable, provides accommodation and insight into rural lifestyle and is only 25 minutes from Perth City. Ms Keller stated that they are simply relocating an existing business.

Members queried why they have chosen not to do a single-story development. Mr Keller stated the design of the building was chosen to be environmentally friendly and that in keeping the footprint of the building small the building would require less cooling, gain heat between the two storeys' in winter and additionally a smaller development provides more land for farming. Mr Keller stated his brother who lives in Switzerland is the architect.

Members queried if the restaurant at the front of the lot has already been approved. Ms Keller stated that they received approval for both in 2017, but when the sale of the original land fell through it was suggested they do the application in two stages. Ms Keller stated that they received approval for the restaurant at the front of the lot on the condition that the accommodation was at the back. Ms Keller discussed the delay in staging the application has caused and that the application is the same as the one approved in 2017.

Members queried how large the property was on the sale that fell through. Mr Keller stated that it was approximately 12 acres. Ms Keller stated that property had more flat land, backed the Swan River and Susannah Brook and that the new property only backs Susannah Brook.

### **7.3 East Roselea Local Structure Plan (Item 8.6)**

**Presenters: George Hajigabriel - Rowe Group, Jeremy Cordina - Parcel Property and Matt Craven-Kelly – Parcel Property**

Mr Hajigabriel presented to the Statutory Planning Committee representing Rowe Group and introduced Mr Cordina and Mr Craven-Kelly from Parcel Property. Mr Hajigabriel stated that they generally support the officer's recommendation and proposed Schedule of Modifications, but would like to specifically seek the deletion of

proposed Modifications 1 and 2 and to reword proposed modification 15.

Mr Hajigabriel discussed that in accordance with Planning and Development Regulations 2015, Structure Plans are to identify land use zone in accordance with the zones and reserves listed in the corresponding Local Planning Scheme. Mr Hajigabriel stated that the 'City owned playing fields' is not a zone, or reserve listed under the City of Stirling Local Planning Scheme No. 3 and that the land should be shown as 'Public Open Space' to be consistent with local scheme reserves.

Mr Hajigabriel discussed that the Structure Plan is not contingent on the designation of Lot 141 in order to meet the 10 percent public open space requirement. Mr Hajigabriel stated that the City has recommended that the development on Lot 141 be subject to further investigation, and that the City has required the client to provide a 15-metre-wide strip of land adjacent to Lot 141 as public open space. Mr Hajigabriel discussed how this was imposed on the basis that the public open space was to form an extension to the City's playing fields. Mr Hajigabriel stated if the City were to develop Lot 141 for urban residential in the future the provision of the 15-metre-wide public open space is redundant as the linear nature limits opportunity. Mr Hajigabriel requested that Lot 141 be shown on the Structure Plan as Public Open Space, and not to be included within the required 10 percent public open space calculations for the structure plan area.

Mr Cordina discussed the proposed modifications 1 and 2 regarding the Local Water Management Strategy being required prior to subdivision approvals. Mr Cordina stated that the modifications are not supported and should be deleted. Mr Cordina stated that the Department of Water and Environmental Regulation (DWER) approved the Local Water Management Strategy (LWMS) in April 2018 and that it was based on the original Structure Plan. Mr Cordina stated that DWER required a subdivision approval number to engage and obtain feedback in order to set final levels. Mr Cordina stated that ground water separation is a simple thing, but that it cannot be completed until servicing and engineering approvals have been done and that final lot levels have not been done. Mr Cordina stated that this was the reasoning for the stage detail and the concept provision.

Mr Cordina discussed the comparison between the lodged Local Planning Strategy and the modified plan which was developed in consultation with the City between early 2018 and November 2018. Mr Cordina discussed the additional layers for drainage contingencies. Mr Cordina stated that the original plan had a 15-metre drain and the modified plan that went to Council has a 25-metre drainage swale, in addition to a large public open space at the Macedonian site located west of the playing fields which has a significant drainage function.

Mr Cordina stated that the additional contingency was put in over and above the original LWMS to tighten widths and have detailed analysis through water management processes. Mr Cordina stated that the City

of Stirling was engaged in 2015 and walked through how the Local Structure Plan was going to progress and how the Structure Plan was to be funded and delivered in consultation with all major land owners, including Chung Wah, the Macedonian and Sicilian Clubs and stakeholders in the City of Stirling. Mr Cordina stated that this process resulted in approval from the Council in November 2018 and then a period of 12 months to get to this stage. Mr Cordina stated they are looking for a definitive path to move forward and continue in the approval process noting that the clearance of conditions is far from finished and that there are extensive earth works and other items to take place prior to those clearances.

#### **7.4 East Roselea Local Structure Plan (Item 8.6)**

##### **Presenters: Fraser Henderson and Rainer Wolker - City of Stirling**

Mr Henderson and Mr Wolker presented to the Statutory Planning Committee and thanked the Committee for the opportunity to represent the City of Stirling regarding the East Roselea Local Structure Plan.

Mr Henderson outlined that the City of Stirling had identified a number of issues in the Structure Plan and these are summarised in the accompanying written submission noting that the City's main concern was the water management strategy. Mr Henderson stated that the draft Local Water Management Strategy has not demonstrated, to the satisfaction of the City, that the drainage proposed for the area will function as required.

Mr Henderson discussed that there would be a significant risk to infrastructure and development due to high ground water levels and that drainage may fail during major rainfall events. Mr Henderson stated that drainage would be undermined because of ground water impact and that it may impact the structures of the abutting residential site. Mr Henderson stated that the City does not know what the final land fall may be, and a perched water table may affect adjoining residents and onsite drainage issues for future lots.

Mr Henderson stated that the City believes the identified issues within the draft local water management strategy need to be resolved as a part of the Structure Plan and not be left to the subdivision stage due to potential risks outlining that the risks need to be identified, understood and managed at the Structure Plan level. Mr Henderson stated the City's concern that if the water management is left to the subdivision stage it starts to become dislocated from the Structure Plan.

Mr Henderson stated that the swale that was at 15 metres and is now 25 metres wide raises concern with losing integration and the potential for the City to deal with those associated risks down the track.

## **7.5 Gateways Structure Plan Amendment - For final approval (Item 8.7)**

**Presenters: Murray Casselton - Element, Darren Levey - Uloth & Associates and Andre Jones - The Buchan Group**

Mr Casselton presented the Statutory Planning Committee representing Element with Mr Buyers, Mr Levey from Uloth & Associates and Mr Jones from The Buchan Group. Mr Casselton discussed the preparation of the amendment which began 7 years ago and outlined that the finalised amendment will facilitate Cockburn Gateway.

Mr Casselton discussed the new mixed use of the precinct and improved connectivity from the Centre to the railway. Mr Casselton discussed how stage 4 incorporates significant retail commercial floor space and the expansion of the north end of the site which enhances services to the community and economic growth.

Mr Casselton discussed how amendment 1 was approved subject to modifications in December 2018 which was followed by advertising noting that the modifications included did not address standalone commercial development and how these might be integrated into the LDP. He advised that the issues identified have been rectified in the current LDP.

Mr Casselton stated that Design WA have been involved with the LDP and that with the comprehensive planning framework set out by the finalisation of State Planning Policy 7.3 the application has been formalised.

Mr Casselton discussed the alternative or additional controls requested by the City, and that due to not being an Activity Centre and that State Planning Policy 4.2 outlined that any future development application would need to be assessed by the local authority. Mr Casselton stated that these criteria support future development applications subject to State and Federal Transport agencies.

Mr Casselton discussed the design process and the duplication of a more contemporary structure plan as per SPP 7.3 requirements that are dictated by the operational requirements of the Jandakot Airport. Mr Casselton requested that the City support the removal of the LDP requirement.

Members queried if the clients were concerned about the recommendation and he stated they were happy with the recommendation. Members queried the issues identified by stakeholders regarding integration and it was noted the main issues identified were connectivity of Gateways to the town centre, an unsatisfactory underpass and the connections close to Beeliar Road. Mr Casselton stated that a fundamental part is the provision of a pedestrian bridge which will provide a high level of connection and the need to implement other public transport to parts of the precinct within the constraints of the road network.

Mr Levey stated that he has been involved with the Cockburn Gateways since the 1990's, with traffic signalling in the early 2000's, the major upgrade of Beeliar Drive in 2012 and now the traffic modelling for the Structure Plan amendment. Mr Levey outlined that the infrastructure upgrade requirements and major road and intersection upgrades were paid in full by Perron Group as part of Stage Three of the development.

Mr Levey stated that traffic modelling by Main Roads WA already assumes the expansion of the Gateways shopping under the structure plan amendment. Mr Levey discussed how the traffic modelling addresses difficulties with the site access from only two sides and that to achieve acceptable traffic flow the transport assessment report identified additional traffic requirements, new traffic signals on Wentworth Parade, additional modifications to the West of Beeliar Drive and the removal of an existing roundabout.

Mr Levey discussed how the report does not provide detailed solutions for internal carparking and that the City of Cockburn had valid comments regarding further expansion but that those details need to be addressed in the development application. Mr Levey stated the City does not address the traffic modelling in the worst-case scenario which results in higher traffic rates. Mr Levey stated that under transport assessment guidelines expansion can be accommodated and the big-ticket items can work like the pedestrian bridge.

Mr Jones discussed his involvement in the project with Perron and gave some context of Cockburn Central, and the site which is owned by Perron. Mr Jones discussed how the Gateways is adjacent to the Cockburn ARC sporting facility and the train station. Mr Jones stated that approximately 53,000 cars travel on Beeliar Drive each day, which is a point on contention, and that the area is mostly single residential R20 and R30 with higher density against the Kwinana Freeway. Mr Jones discussed the future height limits and R60 coding in central Cockburn leading to the train station.

Mr Jones discussed the future vision for what the centre could look like in 50 years, showing multiple design concepts to the Committee. Mr Jones discussed the large foot print and dining opportunities. Mr Jones discussed the roundabout and the community consultation conducted by Perron.

Mr Jones discussed the wind studies that have been conducted and the effects of wind on future café strips. Mr Jones discussed the constraints of the site and the two-sided access. Mr Jones discussed the traffic flow and the difficulty of all access having to use the roundabout. Mr Jones discussed the potential of a super basement which could deal with traffic volumes and "The Walk" which would be the pedestrian bridge where the upper level would connect to the proposed commercial development.

Mr Jones discussed the curves and shapes of the perimeter blocks to look at wind modelling and sunlight and how those spaces could be shaped. Mr Jones discussed the rendering of what is intended on the

site and how the centre connections would work, and the kind of environment they wish to create. Mr Jones discussed creating moments of relaxation and a private realm associated with residences and a highly landscaped pedestrian bridge with moments of pause in the space.

**The meeting was adjourned at 10:14am.**

**The meeting was resumed at 10:23am, with all members expect Mr Kosova present.**

**7.6 Gateways Structure Plan Amendment - For final approval (Item 8.7)**

**Presenters: Rachel Pleasant - City of Cockburn**

Ms Pleasant presented to the Statutory Planning Committee representing the City of Cockburn. Ms Pleasant discussed the City's three outstanding concerns being the proposed local planning framework guide to mixed use development on the northern side of the site, the traffic impact assessment and the guidance for the staged development over a long period of time.

Ms Pleasant discussed the proposed coding and lack of analysis with building controls and that the SPP prompts local planning advice that the proponent should refer to when preparing these controls and that they be calibrated to suit local building height. Ms Pleasant discussed the design of character streetscape and the impacts of overshadowing. Ms Pleasant discussed mixed use on the northern side is guided by SPP 7.3 and it appears to be an incorrect interpretation of SPP 7.3 regarding site specific RSA coding and primary controls to be done at the design review and development assessment stage. Ms Pleasant discussed that the City does not have issues with height, however, noted that the proposed framework is insufficient and that there is no analysis to suggest that 27 storeys is appropriate.

Ms Pleasant discussed the Transport Impact Assessment and how the modelling has demonstrated how local road networks can support the proposed increase in development, but that there is a lack of clarity for smaller traffic insights. Ms Pleasant stated that the City approves of a decrease in carpark numbers, suggesting that is it something that should go into the Transport Impact Assessment but that it has not been addressed yet.

Ms Pleasant discussed the future subdivision of the Northern portion of the site from the original proposal to the current one. Ms Pleasant stated that the City has made enquires to understand what needs to be flexible retail and notes that the Northern portion of the site may not remain under one ownership and has outstanding queries on what will happen with Development applications when dealing with multiple landowners and how these will be coordinated.

**Mr Kosova returned to the meeting at 10:32am.**

**7.7 City of Swan - Local Planning Scheme No. 17, Amendment No. 169  
– For final approval (Item 9.1)**

**Presenters: Daniel Martinovich - CLE Town Planning + Design,  
Sam Wilson and Daniel Chatley - Harvis Capital**

Mr Martinovich presented to the Statutory Planning Committee representing CLE Town Planning + Design and introduced Mr Wilson and Mr Chatley of Harvis Capital who represent the landowners. Mr Martinovich stated that Harvis Capital and CLE have been involved in the South Bullsbrook Industrial Precinct since 2010 when the land was identified and rezoned across South Bullsbrook. Mr Martinovich stated the Development Contribution Plan (DCP) over the 191 hectares of Lot 300 has been a long journey to work towards feasibility and activation.

Mr Martinovich discussed the drive to establish South Bullsbrook as an industrial precinct for the broader economy and certainty was needed around the Stock Road upgrades and a DCP that could potentially affect the viable development of South Bullsbrook.

Mr Wilson stated that the finalisation of the DCP is the primary objective, however, noted that there are a few elements in the DCP that are not ideal for their site. Mr Wilson discussed the separate DCP with the Bullsbrook Townsite and that the expansion of the townsite needs to be considered and balanced. Mr Wilson discussed that if modifications were required there is opportunity for additional modifications to be considered to improve the industrial precinct and that the standard of infrastructure should not be specified in the DCP itself.

Mr Wilson discussed how a portion of Stock Road should be reviewed based on broader network planning by Main Roads WA, and that due to the identification of a future high wide load route, rail freight line and two bridges over the Ellen Brook a portion should be funded by the Government as the traffic is outside of the DCP area.

Mr Wilson requested that if modifications are required that they have the potential to increase contribution costs, while first and foremost advocating timely finalisation of the Local Planning Scheme.

**7.8 Shire of Augusta-Margaret River - Local Planning Scheme No. 1,  
Amendment No. 36 – Perimeter Road - Development Contribution  
Plan (Item 9.3)**

**Written Submission: Karen Browne - HopgoodGanim Lawyers on  
behalf of Greendene Development Corporation**

**7.9 Shire of Augusta-Margaret River - Local Planning Scheme No. 1,  
Amendment No. 36 – Perimeter Road - Development Contribution  
Plan (Item 9.3)**

**Written Submission: Ray Stokes - Satterley**

## ITEMS FOR DECISION

### 8.1 Local Development Plan Approval – Lots 5, 6 and 7 Christina Street, Australind (1108-18)

*That the Statutory Planning Committee resolves to:*

1. *approve the amended deemed-to-comply provision for 5.3.1 outdoor living areas C1.1 proposed by the Local Development Plan for Lots 5, 6 and 7 Christina Street, Australind, as shown in Attachment 3, pursuant to Clause 7.3.2 of State Planning Policy 7.3 – Residential Design Codes; and*
2. *advise the Shire of Harvey that it should ensure that direction provided in the endorsed Local Planning Strategy addressing amenity and local character is implemented through the Local Planning Scheme now under preparation to address the current split coding of R15/30/50.*

**The motion was put and carried**

### 8.2 Proposed Subdivision – Lots 800 and 9003 Killarney Road, Dardanup West (156732)

*That the Statutory Planning Committee resolves to approve the application for subdivision of Lots 800 and 9003 Killarney Road, Dardanup West as shown on the plan date stamped 30 May 2018 subject to the following conditions:*

**CONDITION(S):**

1. *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)*

2. *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/or*

- 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 and/or*
  - c. *temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or to the satisfaction of the Western Australian Planning Commission. (Local Government)*
3. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in the approved plan of subdivision, engineering drawings and specifications, for the provision of a bridle/shared paths through and connecting to the application area in accordance with the approved Structure Plan dated 15 August 2014. The approved bridle/shared paths are to be constructed by the landowner/applicant. (Local Government)*
  4. *Suitable arrangements being made with the Local Government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*
  5. *Suitable arrangements being made with the Local Government for the full cost of construction of the Killarney Road Bridge over Gavins Gully to the specifications of the Local Government. (Local Government)*
  6. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
  7. *Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government)*
  8. *Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government)*
  9. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*
  10. *The reserve width enclosing Gavins Gully drain shall have a minimum width of 20m, increased as necessary to provide a minimum 5m clearance from the top of the bank on either side. (Local Government)*

11. *Uniform fencing being constructed along the boundaries of all of the proposed lots abutting drain reserves. (Local Government)*
12. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the lot(s) at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*
13. *Prior to the commencement of subdivisional works, a detailed plan identifying building envelope(s) on proposed lot(s) 6 and 7 on the approved plan of subdivision is to be prepared in consultation with the local government and Department of Biodiversity, Conservation and Attractions, as informed by a Level 1 vegetation survey, to ensure the appropriate siting of development, taking consideration of vegetation protection and bushfire management, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
14. *The landowner/applicant contributing towards development of the foreshore community infrastructure pursuant to the Shire of Dardanup Town Planning Scheme No.3. (Local Government)*
15. *A notification, pursuant to Section 70A of the Transfer of Lands 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:*

*‘All dwellings shall be constructed to have a minimum finished floor level of 500mm above the nearest adjoining road level or 600mm above the natural ground level, whichever is the greater, as determined by a licensed survey.*

*The area is subject to seasonal mosquito infestation.*

*The area may be subject to seasonal inundation.*

*Owners may be impacted by noise levels above the normal assigned level for night time but within the bounds of the noise regulations.’ (Local Government)*
16. *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)*
17. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
18. *Information is to be provided to demonstrate that the measures contained in Section 6; Table 5 of the bushfire management plan (Version C, December 2019) (as updated to change reference from Padbury Road to Harold Douglas Drive on pages 31, 33 and 37) have been implemented during subdivisional works. This*

*information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*

*19. 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 is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land."  
(Western Australian Planning Commission)*

*20. A 6m wide emergency access way in accordance with the approved plan of subdivision (attached) is to be provided over proposed Lots 6 and 7 and neighbouring Lot 62 Harold Douglas Drive, Dardanup West. The provision of necessary access rights for the emergency access way as an easement under Sections 195 and 196 of the Land Administration Act 1997 in favour of the Local Government and/or public authority for emergency fire purposes and the deed of easement to specify care and management of the easement area is by the Local Government. (Local Government)*

*21. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*'A reticulated sewerage service is not available to the lot(s). As such, an on-site secondary treatment and disposal system for sewage (which includes nutrient removal) will be required. Therefore, the developable area of the lot is reduced. There are ongoing landowner obligations to ensure that the treatment and disposal system is regularly maintained in accordance with relevant health regulations. Contact the local government for further information.'* (Local Government)

*22. Prior to the commencement of subdivisional works, the landowner/ applicant is to provide a site and soil evaluation to determine the type of on-site sewage treatment system required and the appropriate location for onsite sewage disposal. (Local Government)*

**ADVICE:**

*1. In regard to Condition/s 1, 2 and 3, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, bridle/shared paths and car embayments, are to be generally consistent with the approved plan of subdivision.*

2. *In regard to Condition 5, the local government will accept a per lot proportional contribution to the construction of the bridge to be paid upon creation of the lots.*
3. *The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans.*  
  
*The dust management plans are generally approved, and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation's website [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au) under air quality publications.*
4. *The landowner/applicant and the local government are advised to refer to the Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*
5. *Condition 6 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).*
6. *In regard to Condition 12, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
7. *In regard to Condition 16, Western Power provides only one underground point of electricity supply per freehold lot.*
8. *In regard to Condition 20, the easement is to provide for emergency access in the event of a bushfire emergency and should be constructed to the standards as outlined in the Guidelines for Planning in Bushfire Prone Areas.*

**The motion was put and carried**

#### **8.4 City of Fremantle - Local Planning Policy - Varying R-Codes Requirements (853/02/05/0008P)**

*That the Statutory Planning Committee resolves to approve the amendments to the City of Fremantle Local Planning Policy 2.9 - Residential Streetscapes, subject to modifications as follows:*

1. *Proposed clause 6.2 being modified to read as follows:*  
  
*"Driveways to primary or secondary street provided as follows:*
  - a. *driveways serving four dwellings or less not narrower than 3m at the street boundary,*

- b. *no driveway wider than 4.5m at the street boundary and driveways in aggregate no greater than 6m for any lot."*
2. *Proposed clause 6.3 being modified to read as follows:*
- "Driveways shall be:*
- a. *no closer than 0.5m from a side lot boundary or street pole;*
  - b. *no closer than 6m to a street corner as required under AS2890.1 Parking Facilities: Off street Parking (as amended);*
  - c. *aligned at right angles to the street or, where angled to restrict crossover width, tapered at a maximum rate of 1:5 to each side;*
  - d. *located so as to avoid street trees, or, where this is unavoidable, the street trees replaced at the applicant's expense or re-planting arrangements to be approved by the decision-maker;*  
*and*
  - e. *adequately paved and drained.*
3. *Reference in the Statutory background section to clause C5.5 being removed.*

**The motion was put and carried**

**9.2 Implementation of Strata Titles Act 1985 Amendments – Application forms (PLH2018P0682)**

**THIS ITEM IS CONFIDENTIAL**

**9.3 Shire of Augusta-Margaret River - Local Planning Scheme No. 1, Amendment No. 36 – Perimeter Road - Development Contribution Plan (TPS/1833)**

**THIS ITEM IS CONFIDENTIAL**

**8.3 Subdivision - Various Lots Hoffman Road, Lot 9033 Rowley Road and Lot 8018 on DP77243, Mandogalup (158176)**

Members discussed the considerable size of the subdivision and the number of modifications outlined in the recommendation. It was stated that the subdivision would look to be completed over 11 stages, that the subdivision is primary residential and that the modifications are minor in nature.

Members discussed the modifications referring to a subdivision plan that has already been modified, and that the plan has been subject to some attractive modifications. It was noted that Condition 1 was negotiated throughout, in particular road networks and that Condition 2 was negotiated in terms of meeting bushfire requirements and that these conditions have been accepted by the applicants.

Members discussed the outcome of a large staged subdivision once complete and the potential for a different outcome than what is set out today.

Members queried where the Alcoa residue area is in relation to the subdivision and were advised they are on the eastern boundary of the buffer zone.

Members discussed the urban zoning of the land and that it will be for residential development and that light service industrial development would be to the west of the land. Members discussed the apparent reluctance for the local authority to rezone the land in the local scheme. It was stated that the land within the balance lot is currently urban deferred to the south of residential development, that lot 9006 and 9002 have not be zoned for residential purposes and the local government did not support rezoning in the scheme at this time because it is under the frameworks for further investigation and that the land is being held in balance for this subdivision.

Members discussed that if the matter was deferred pending lodgement of a modified plan that this would be attachment 8. It was stated that it would still show some areas to be temporarily excluded and refer to the temporary excluded areas G, I and K, and that E, F, H and J would be excluded completely from the application area.

Members discussed the bushfire risk and that 107 lots would be excluded because of bushfire risk. It was stated that E, F and J are excluded because the level of bushfire risk is uncertain as to how it would be managed in perpetuity, and that other lots have a fair degree of certainty of how abutting lots could be included.

Members discussed that the subdivision required more work to be done, that the plan needs to show what is actually being applied for to make it clearer and to clarify the outcome of stage 1 development.

Members agreed to defer the decision on this item to seek more clarity in approval for the Committee and the general public and requested that the plan should show exactly what is been approved and to include a clause inviting the proponent to amend the application in accordance with Attachment 8.

#### **MOTION TO DEFER**

**Moved by** Mr Thornton

**Seconded by** Ms Adair

*That the Statutory Planning Committee resolves to defer the item relating to Subdivision - Various Lots Hoffman Road, Lot 9033 Rowley Road and Lot 8018 on DP77243, Mandogalup, as detailed in the report dated 31 March 2020 to allow more clarity for the Committee and the general public in what is being approved and to include a clause inviting the proponents to amend the application in accordance with Attachment 8.*

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

#### **8.5 Development Application – Motel and Rural Pursuit - Lot 625 Great Northern Highway, Herne Hill (21-50610-1)**

Members discussed the position the Committee is put in due to legislation. Members discussed that new developments should be in line with the rural character of the Swan Valley. Members discussed the visual impact of the three-storey building and discussed alternatives for rural farm stays being chalets on a 10-acre lot. It was noted that the building itself is for a two-storey building with a below ground carpark and that the natural ground would be lower. Members noted the Local Government Scheme has no height limit in the Swan Valley and that the heightened scale is consistent with any two-storey dwelling.

Members discussed the design guidelines of the new Scheme, and how interim planning does not provide guidance. Members noted that the Local Government has approved the development application and that they are requested to consider this development application because the Swan Valley Planning Committee has refused the application.

Members discussed if conditions should be placed on the approval and discussed the rural character of the Swan Valley legislation.

Members discussed the latest strategic framework that the Department of Planning, Lands and Heritage is currently progressing and whether there is indication this type of land use would be acceptable in these locations in the future. Members discussed the delivery of regional outcomes. Members noted that decisions must be made with the current framework that is in place.

Members discussed priority agriculture zones to protect soils and viticulture and the limited water licences in the Swan Valley that make it hard to transition from broad acre uses to incentive.

Members discussed the Local Government Sewerage Policy's and the hectare requirement for subdivision and the potential or sites to take effluent disposal. It was noted the site is within a sewer sensitive area given the proximity to Susannah Brook but that it could deal with its own effluent receival and disposal given the site is adjacent to the Great Northern Highway.

Members discussed the aerial imagery of the site dating back to 2011 and the land uses of the surrounding properties. Members discussed that under the ownership of the proponents the land will be put to some agricultural use.

Members discussed the 18-metre setback on the southern boundary and it was stated that the City of Swan stated no minimum setback for the area and that displacing the footprint would not significantly impact the land that could be put to rural processes.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by Mr Kosova**  
**Seconded by Ms Creevey**

*That the Statutory Planning Committee resolves to approve the application subject to the following condition:*

- 1. For effective screening of the proposed development, the Landscaping Plan prepared by the applicant is to ensure that mature (>2 metres) evergreen trees are planted and maintained to the satisfaction of the City of Swan.*

**The motion was put and carried**

**The meeting was adjourned at 11:27am.**

**The meeting resumed at 11:35am with all members present.**

#### **8.6 East Roselea Local Structure Plan (SPN/2196)**

Members discussed the proponents request for clarification from the Department of Water and Environmental Regulation and the subdivision reference number. Members discussed the usual process of concepts using modelling to prove designs will work at a local stage.

Members discussed the stale mate of the proposal and how to move forward with the structure plan. Members discussed a requirement to have more work done prior to the subdivision stage and the pragmatic approach.

Members discussed the intent of point D of the recommendation and the local water management strategy approval in the structure plan; a pre-requisite to the approval of the subdivision. It was noted that if the view was to support the structure plan without the LWMS then it should be finalised prior to subdivision.

Members discussed the ground water modelling under conditions and the Urban Water Management Plan (UWMP) stage.

Members sought clarification of the recommendation and whether the LWMS requirements need to be satisfied prior to the approval of the subdivision. It was stated points 1 and 2 on the Schedule of Modifications is intended to make it clear that more works needs to be done.

Members discussed that a subdivision application may be refused on the basis that water management strategies have not been resolved.

Members discussed the deletion of Modification 15 as the reference to City of Stirling landholdings seems to be unnecessary. Members discussed that if the modification is deleted that it would show the land as playing fields local development and public open space and that the land is held in freehold and not crown land. Members discussed that the land would still be indicated as future development. It was stated that the City has not done work to show what that land might be and the City could change it in the future as an amendment to the Structure Plan. Members discussed the landownership schedule which is included in the structure plan amendment.

Members agreed to move a motion to delete point 15 in the Schedule of Modifications relating to the addition of an annotation on the

structure plan map for Lot 141 Grindleford Drive (City of Stirling site) to read: City Owned Playing Fields.

**Moved by Mr Kosova**  
**Seconded by Ms Adair**

*That the Statutory Planning Committee, in accordance with clause 22 (1)(b), Schedule 2 - Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:*

- a. not support the East Roselea Local Water Management Strategy until such time as further groundwater modelling is undertaken to demonstrate a 'proof-of-concept' for the protection of the proposed urban form, to the specification of the Department of Water and Environmental Regulation;*
- b. require the applicant to modify the draft East Roselea Structure Plan in accordance with the Modified Structure Plan appended as Attachment 9 and Schedule of Modifications appended as Attachment 11, with the exception of Modification 15, which is to be deleted;*
- c. require the applicant to resubmit the modified structure plan to the Western Australian Planning Commission for approval; and*
- d. advise the applicant that finalisation of the East Roselea Local Water Management Strategy is not a pre-requisite to the approval of the East Roselea Structure Plan, but is a pre-requisite to the approval of any subdivision in the structure plan area, as set out in the Schedule of Modifications appended as Attachment 11.*

**The motion was put and carried**

**Mr Caddy declared an Impartiality Interest on Item 8.7 and left the meeting at 11:54am.**

Due to the absence of the Chairperson and in accordance with Clause 1.18 of the Standing Orders 2017 a member was chosen to preside over the meeting.

**Members nominated Mr Thornton**  
**Mr Thornton accepted the nomination**

**Moved by Mr Kosova**  
**Seconded by Ms Lyhne**

*That Mr Thornton preside over the meeting of the Statutory Planning Committee in the absence of the Chairman.*

**The motion was put and carried**

#### **8.7 Gateways Structure Plan Amendment - For final approval (SPN/0849M-1)**

Members discussed the Transport Impact Assessment (TIA) and it was stated that the matters raised by the City of Cockburn rely on changing

behaviour patterns, encouraging the use of public transport is supported by Main Roads WA. Members discussed a parking cap across the centre as being a method of influencing and encouraging mode shifts but that it cannot be the sole responsibility of the Gateways Structure Plan to deliver this and should be a collaborative effort between all landowners in the Activity Centre.

Members discussed the delivery of the pedestrian bridge and its role in facilitating a mode shift, the Principal Shared Paths that are being provided and that there would not be much more in the Structure Plan process that could encourage mode shift.

Members discussed the Local Development Plan (LDP) and the 27-storey residential development proposal and conflict between the City of Cockburn and proponent with the SPP 7.3 and R Codes. It was noted that in December 2018 the planning framework that dealt with high rise residential and mix use residential was different and that in mid 2019 SPP 7.3 came through and was used to firm built form throughout this area.

Members discussed the lack of height limit and noted that the proponent has lodged a Development Application (DA) with a case to understand the restrictions in place due to the proximity of the Jandakot Airport, which is 27 storeys. It was stated the proponent is seeking what is palatable but have not yet confirmed a height number and that a block study would have that level of detail that a DA would require. Members discussed that imbedding a block study in the LDP would add an additional level of planning.

Members discussed that the preliminary plans are trying to bring integrated development and that the subdivision of the site would not occur in a traditional way and under the jurisdiction of a single landowner there is confidence the height and plot ratio overshadowing concerns would be best delivered by a DA.

Members discussed the traffic modelling at a lower scale and it was stated that the TIA would be better informed under a DA process to ensure that the proposal works with what has been expected on the site. It was stated that if the residential was pushed above the limit then the commercial would need to be reduced and that the Structure Plan has measures in place so as not to overstep this.

Members discussed the community integration and the pedestrian bridge and it was stated that when 69,000 square metres of retail is reached it will trigger the need to deliver the bridge under the DA, most likely during stage 2 of the development.

Members discussed whether the City of Cockburn has created its own LDP and it was stated that there is an LDP to the north. Members discussed that the Local Planning Policy does not prevent the City of Cockburn from expanding conditions and it was stated that it was not known if the City had those opportunities in mind.

Members discussed the legacy that Perron has with commercial land holdings and it was stated that although not the typical mode of

delivery Perron seems to have full intentions of retaining the site given the complexity, and that they would need to deliver on built form before there was any subdivision.

Members discussed that the City of Cockburn be notified by letter of the opportunity to prepare its own Local Development Plan to address any concerns and the process of R-Codes and to pursue variations to the R-Codes.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by Mr Kosova**  
**Seconded by Ms Lyhne**

*That the Statutory Planning Committee pursuant to clause 22(1)(c) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:*

1. *Approve Amendment 1 to the Gateway Precinct Local Structure Plan dated March 2020;*
2. *Approve extension of the operation of the structure plan for a further ten (10) year period; and*
3. *Advise the City of Cockburn of its decision.*

**The motion was put and carried**

**The Chairman returned to the meeting at 12:15pm and assumed the Chair.**

**9.1 City of Swan - Local Planning Scheme No. 17, Amendment No. 169 – For final approval (TPS/2401)**

**THIS ITEM IS CONFIDENTIAL**

**10. Reports for noting**

Nil.

**11. Stakeholder engagement and site visits**

Nil.

**12. Urgent or other business**

Nil.

**13. Items for consideration at a future meeting**

Nil.

**14. Meeting closure**

The next ordinary meeting is scheduled for 9:30am, on Tuesday, 7 April 2020

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 12:29pm.

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CHAIRMAN

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DATE

UNCONFIRMED



## Statutory Planning Committee

### Minutes

Meeting No. 7633  
Tuesday, 7 April, 2020

- Members: David Caddy - Chairman WAPC  
Megan Adair - WAPC Appointee  
Paddi Creevey - Nominee of the Regional Minister  
Vaughan Davies - Nominee of the Director General  
Kym Davis - Community Representative  
Lino Iacomella - WAPC Appointee  
Leonard Kosova - Local Government Representative  
Nina Lyhne - WAPC Appointee  
Ross Thornton - WAPC Appointee
- Apologies: Marion Thompson - Professions Representative
- Others Present: Garreth Chivell - Planning Manager, Schemes and Amendments  
Michael Daymond - Manager, Special Projects  
Sam Fagan - Manager, Commission Business  
Isla Finlay - Principal Planning Officer, Metro Central  
Lisa Hall - A/Principal Planning Officer, Metro Central  
Georgina Lockhart - Administration Officer, Commission Support  
Michelle Matthewman - Senior Commission Support Officer  
Rohan Miller - Planning Director, Schemes and Amendments  
Delia Neglie - Planning Manager, Metro Central  
Lisa Powell - A/Planning Director, Infrastructure Planning and Policy  
Suzanne Roach - Senior Planning Officer, Metro Central  
Dale Sanderson - Planning Director, Metro Central  
David Sands - A/Planning Manager, Metro North  
Mathew Selby - Planning Director, Metro North  
Grace Zhang - Planning Officer, Metro North

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#### 1. Declaration of opening

The Chairman declared the meeting open at 9:31am, acknowledged the people of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members. The Chairman noted that all members were attending via Zoom video conference.

#### 2. Apologies

Marion Thompson - Professions Representative

#### 3. Members on leave of absence and applications for leave of absence

Nil.

#### 4. Disclosure of interests

Mr Caddy declared a Direct Pecuniary Interest on item 7.1 – Amendment to Canning Bridge Activity Centre. Mr Caddy stated he owns a property in the Activity Centre Plan area. Members agreed that Mr Caddy should not be present during the discussion/and or decision making on the item.

**Due to the absence of the Chairperson and in accordance with Clause 1.18 of the Standing Orders 2017 a member was chosen to preside over the meeting during the deputations and discussion on the item.**

Ms Adair nominated Mr Thornton.  
Mr Thornton accepted the nomination.

**Moved by Ms Adair**  
**Seconded by Ms Kosova**

*That Mr Thornton preside over the meeting of the Statutory Planning Committee in the absence of the Chairman during the deputations and discussion on the item.*

**The motion was put and carried**

Ms Adair declared an Impartiality Interest on item 7.1 – Amendment to Canning Bridge Activity Centre. Ms Adair stated that she is the Presiding Member of the Metro Central Joint Development Assessment Panel (JDAP) that determines certain applications within the Canning Bridge Activity Centre Plan area. Ms Adair stated she was consulted by Department of Planning, Lands and Heritage officers in relation to the implementation of the current provisions of the Canning Bridge Activity Centre Plan and the impact of height in relation to the applications the JDAP considered. Members agreed Ms Adair is permitted to be present during the discussion/and or decision making procedure on the item as this is unlikely to influence Ms Adair's conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on item 7.1 – Amendment to Canning Bridge Activity Centre. Mr Kosova stated that in 2019 his private consultancy, LK Advisory, was engaged by Eastcourt Property Group to undertake an independent review of the City of Melville's Draft Local Planning Policy No. 1.18 in relation to Bonus Building Height in the Canning Bridge Activity Centre Plan area and made a submission to Council on the results of his review. Mr Kosova stated the Policy was subsequently abandoned by Council after advertising. Mr Kosova stated that in January 2020 he submitted a response, unsuccessfully, to the RFQ from the City of Melville to prepare a new Local Planning Policy regarding bonus building height in the Canning Bridge Activity Centre Plan area. Members agreed Mr Kosova is permitted to be present during the discussion/and or decision making procedure on the item as this is unlikely to influence Ms Kosova's conduct in relation to the matter.

Mr Kosova declared an Indirect Pecuniary Interest on item 7.5 – Subdivision – various Lots Hoffman Road, Lot 9033 Rowley Road and Lot 8018 on DP77243, Mandogalup. Mr Kosova stated that Satterley is a client of his private consultancy, LK Advisory, and that the land is under management by Satterley. Mr Kosova stated that he was not aware of the project management

arrangement when the item was considered at the Statutory Planning Committee on 31 March 2020. Members agreed Mr Kosova should not be present during the discussion/and or decision making on the item.

## **5. Declaration of due consideration**

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

## **6. Deputations and presentations**

### **6.1 Amendment to Canning Bridge Activity Centre (Item 7.1)**

**Mr Caddy declared a Direct Pecuniary Interest on item 6.1 and left the meeting at 9:33am, Mr Thornton assumed the Chair.**

**Presenters: Cr Nicholas Pazolli, Cr Matthew Woodall and Steve Cope - City of Melville**

Councillor Pazolli and Councillor Woodall presented to the Statutory Planning Committee representing the City of Melville. Cr Pazolli discussed how the Canning Bridge Activity Centre Plan came into operation in April 2016 and had general community acceptance. Cr Pazolli discussed the community and Councillor expectations regarding bonus height limits and discretion which would result in nominal additional heights. Cr Pazolli stated that an uncapped bonus would not be supported by the community and Council and outlined that from over 480 submissions during advertising, that 90% supported having caps and 8% asked for less than 5 storeys.

Cr Pazolli discussed that State Planning Policy 7.3 Residential Design Codes Volume 2 Clause 2.8.2 recommends setting a cap for allowable additional development and that height caps should be supported in the M10 and M15 areas. Cr Pazolli discussed the targets for dwelling objectives and gross density per hectare to 2031. Cr Pazolli discussed that the gross density is already in excess of the 2031 target and are already trending ahead of targets.

Cr Pazolli discussed infrastructure upgrades to support larger development growth. Cr Pazolli stated that towers are obstructing standard properties making it difficult to sell and undesirable for developers to buy.

Members stated that there will be a review of the Activity Centre Plan, but that this item is addressing the 5 storey bonus in M10. Cr Pazolli discussed that he is referring to the indicated impact of not capping bonus storey's, and that the Council is seeking a 3 storey limit introduced to the M10 and a 5 storey cap for the M15 area. Cr Pazolli stated this was essential to ensuring the communities continued support of the Activity Centre Plan.

Cr Woodall discussed striking the right balance between what we know increases density and increased height. Cr Woodall discussed the benefits of activating retail commercial but that the community was under the impression it would see buildings in the 10 to 15 storey range. Cr Woodall discussed the benefit of having a height cap across

the M10 and M15 zones and the certainty it would give developers and the fairness for existing property owners. Cr Woodall discussed that if height was capped in one zone there would be potential for property owners in M10 to see the value of their property limited where the same limitation will not apply in M15. Cr Woodall stated that a 5 storey cap in both M10 and M15 would allow developers to tailor community benefits accordingly.

Cr Woodall stated that community support for the plan when it was introduced was strong but has rapidly eroded due to the uncertainty with height limits and developments that seem excessive. Cr Woodall discussed how Canning Bridge has the potential to provide high class retail, café and restaurants but there is concern that if community support continues to erode and political pressure occurs that there could be a situation where the community does not support any development and that it would be a poor outcome in the long term. Cr Woodall asked that 5 storey caps be considered across M10 and M15.

## **6.2 Amendment to Canning Bridge Activity Centre (Item 7.1)**

**Mr Caddy declared a Direct Pecuniary Interest on item 6.2 and remained out of the meeting.**

### **Presenters: Trent Will and Ruby Pettit – Planning Solutions**

Mr Will and Ms Pettit presented to the Statutory Planning Committee representing Prime West, the registered proprietor of Lot 7 Ogilvie Road located in the M15 zone. Ms Pettit stated that they support the officer recommendation for height caps in the M10 areas and presented two key arguments for M15. Ms Pettit stated that the impact of a building is dependent on many things and does not necessarily ensure built form outcomes.

Ms Pettit discussed the contrast between a 20 storey building and a 25 storey building and the similar impact on streetscape, that other factors can be taken into account like narrow form which allows greater view access. Ms Pettit discussed how the flexibility in framework can result in better design outcomes and open the door for more innovative design.

Ms Pettit discussed how retaining the height for community benefits are to be provided and that capping the height at 5 storeys is a disincentive for developers. Ms Pettit discussed how height caps have been proposed in this area to respond to community concern, but that tall buildings are capable of built form outcomes. Ms Pettit stated that height caps be acceptable in M10 transition and to retain flexibility in the M15 zone.

Members queried the community benefits and visual benefits and the feedback from the community. Mr Will stated that there could be a range of community benefits, that if height is capped at 20 storeys developers are only required to pursue four in order to obtain height bonus. Ms Pettit stated that having the flexibility in height would see

more community benefits and what those are would be contingent on development.

**Mr Caddy returned the meeting at 10:09am and assumed the Chair.**

**6.3 Local Structure Plan - Lot 624 and 625 Marshall Road, Bennett Springs (Item 7.2)**

**Presenters: Rachel Chapman – TBB, Mitch Whalen – Bennett Springs Land Development Pty Ltd and Ross Neumann (Observing)**

Ms Chapman, Mr Whalen and Mr Neumann presented to the Statutory Planning Committee and thanked the Committee for the support of the modified approval for Lot 624 and 625 in Bennett Springs.

Ms Chapman discussed the staging approach and the cautious approach in terms of quarantining of some 37 lots. Ms Chapman stated that before the modified structure plan was submitted three lots were removed from the area. Ms Chapman stated that the process took into consideration the future rail line and station following Cranleigh Street, and the ramping up of roads over rail at Dulwich Street.

Ms Chapman stated that development would start in Lot 625 and progress to lot 624, that there are infrastructure works, new roads and upgrades, noise walls, public open space, drainage and revegetation to be undertaken.

Ms Chapman discussed the 6.5 metre separation between railroad and the ramp up of Dulwich Street over Cranleigh Street and the sufficient distance north of the boundary of Lot 624. Ms Chapman stated that the ramping up will be an initial 70 metres before it begins at a 6% grade which is appropriate to standard use and will provide 141 metres of ramping. Ms Chapman stated that this demonstrates no reason for quarantine with lots in the modified structure plan area to provide for future requirements in relation to the rail line.

Ms Chapman stated that Marshall Road upgrade requirement provisions as currently drafted are not clear and have potential to cause issues at the subdivision stage, that modified wording would take into consideration that the landowner for Lots 624 and 625 would require a ceding of land for widening Marshall Road.

Ms Chapman requested that the Committee support option A over option B as detailed in the report. Ms Chapman stated that they wrote to the City of Swan after they indicated support of the modified proposal from October 2019 and indicated a willingness to enter into an agreement for interim contributions and that the offer was not taken up by the City.

Members queried if the developers of Lot 624 and 625 fully support the work that has gone into the modified proposal and it was stated that they were. Ms Chapman stated that there was significant investigation and planning requirements that were invested in with the Ellenbrook Morley line, and that they are amazed at the METRONET response for quarantining 4% of the land holding.

**6.4 Subdivision - Various Lots Hoffman Road, Lot 9033 Rowley Road and Lot 8018 on DP77243, Mandogalup (Item 7.5)**

**Presenters: Rod Dixon – Rowe Group**

Mr Dixon presented to the Statutory Planning Committee representing Rowe Group. Mr Dixon discussed support for the recommendation and conditions as detailed in the report. Mr Dixon stated the subject land is managed by Satterley and that the adjoining land to the west is managed by Qube Property Group. Mr Dixon stated that the two land management groups having been working collaboratively and have entered into a legal agreement to provide road connectivity, water and sewerage sharing. Mr Dixon discussed the delivery of sewer mains through the land to the adjoining Qube land.

Mr Dixon discussed key issues of the separate areas which are now more cleanly presented on the plan, and that the area in pink is subject to bushfire management requirements under Condition 35. Mr Dixon stated that area in blue has been included to be identified and excluded by Condition 2 and the ability for it to be implemented in a coordinated manner.

Mr Dixon discussed site access and northern access arrangements, flagging the emergency access which has been shown on the plan of subdivision. Members queried if the applicants were seeking any further amendments and it was stated they were not.

**The meeting was adjourned at 10:27am.**

**The meeting resumed at 10:35am, with all members present except Mr Kosova.**

**6.6 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Justin Ganly – Deep End Services**

Mr Ganly presented to the Statutory Planning Committee representing Deep End Services. Mr Ganly discussed that Currambine Centre would be an out of centre development, and not defined in the commercial strategy. Mr Ganly discussed the under-construction Iluka plaza and highlighted SPP4.2 and that the nature of the application means that RSA must demonstrate that the proposal not be detrimental to the service of the local community and not undermine the activity centre hierarchy.

Mr Ganly stated that the Macroplan review is prepared in a typical way, and that it does not identify the need for a new neighbourhood centre. Mr Ganly stated that the trade area is poorly identified by Macroplan, and that the primary catchment exceeding past Mitchell Freeway is too far and includes a thousand more people. Mr Ganly stated that populations are important and that the work included recently released data from the Bureau of Statistics and that it cannot be regarded as a high growth area as the population has grown at a rate of 3 percent per annum.

Mr Ganly discussed that the Macroplan review states that ten thousand people would be required to support a supermarket and that the population will not reach that number until 2028. Mr Ganly stated the retail spending given those population figures are too high. Mr Ganly discussed the vacancy rates of Kinross Central and Currambine Central and the high rate of speciality store vacancies. Mr Ganly discussed how due to the large number of moving parts, which can be altered, results in a conclusion that is not transparent or viable.

Mr Ganly discussed how he has provided a simple transparent analysis which looks at the population of the area and trade area, the supply of supermarkets and the construction of Iluka Plaza. Mr Ganly stated that impact of the proposal could lead to the closure of Kinross central, and the upset of the activity centre hierarchy in addition to be being a disservice to the community.

Members queried the accuracy of the vacancy rate numbers with speciality shops in Currambine Central, it was stated Mr Ganley is working off tenancy schedules provided by the owner and that there may have been confusion referring to turnover of tenants.

#### **6.5 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

##### **Presenters: Aleisha O'Connor – SCA Property**

Ms O'Connor presented to the Statutory Planning Committee representing SCA Property. Ms O'Connor discussed the current market conditions, existing 30% vacancies in retail and the limited supply of retail spending in the area causing tenants to not stay for their full term of lease. Ms O'Connor stated that tenants have not been able to repay costs or break even and that adding floor space through this proposal will dilute access to existing retailers resulting in higher levels of closures, vacancies and loss of service.

Ms O'Connor stated that the APIL review of Kinross indicates oversupply of retail floor space which is forecast to continue to 2031 and will dilute retail spending across trade areas including Currambine. Ms O'Connor discussed concern that the RSA and City of Joondalup peer review is inadequate or reliable. Ms O'Connor discussed how the current climate with COVID-19 forecasts significant impact on retail and that pharmacy tenants are the only likely tenants to survive.

Ms O'Connor discussed respecting the existing activity centre and not supporting the application for an out of centre development which would have significant impact on existing centres compounded by COVID-19. Ms O'Connor stated approval of the proposal would place significant impact on the stressed assets they already have.

Members queried the differences in the report being that Mr Ganly had a 12% and Ms O'Connor has a 30% vacancy rate. Ms O'Connor stated her figure of 30% comes from across the last financial year. Members queried the current vacancy rate and it was stated it would be around 12%.

**Mr Kosova returned the meeting at 11:01am.**

**6.7 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Greg Malempre – Location IQ**

Mr Malempre presented to the Statutory Planning Committee representing Location IQ. Mr Malempre stated that Location IQ reviewed the RSA prepared by Macroplan on behalf of the two nearest supermarkets and identified a number of shortcomings.

Mr Malempre discussed the understated impacts on surrounding shopping centres. Mr Malempre stated that other centres outlined in table 4.6 are likely to be impacted by \$8.7 million and highlighted that these are located within a 5.3km radius of the subject site which is a significant distance for supermarket based shopping. Mr Malempre stated that this is 20% of the subject sites projected sales and unlikely for a supermarket, that it will impact Kinross and Currambine Centres.

Mr Malempre stated that the RSA fails to include the appropriate value of the Iluka Plaza which is currently under construction. Mr Malempre discussed the annual growth rate of 1.7% for all these centres including Kinross and Currambine and the forecast average retail spending from Iluka has not been distributed among the centres.

Mr Malempre discussed supermarket demand and the approval of an out of centre development based on subjective assumptions is inappropriate. Mr Malempre summarised that the review of the RSA and peer review have significant shortcomings which are not noted or rectified, have no justification and will have higher impacts on existing supermarkets in the area.

**6.9 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Mary O'Byrne - Private Citizen**

Ms O'Brien presented to the Statutory Planning Committee as a resident of Kinross and discussed the characteristics of the community and the collaboration of the community to work for the greater good. Ms O'Brien discussed the community's expectation regarding a new unnecessary retail space in the midst of accessible road and rail stations. Ms O'Brien discussed the need for aged care and respite in the area.

Ms O'Brien stated that the community presented the City of Joondalup with a letter signed by 560 residents and discussed the concern that the supermarket would be at the expense of reducing the size of the proposed aged care accommodation. Ms O'Brien discussed how the local residents feel they have had no voice in the matter and that no work has been done to produce integrated community development that meets the needs of seniors.

**6.10 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Ben Doyle - Planning Solutions**

Mr Doyle presented to the Statutory Planning Committee representing Planning Solutions and their client Metcash who operate IGA supermarkets. Mr Doyle discussed town planning and ad-hoc land use and planning framework. Mr Doyle discussed the regulations on decision making and the underlying purpose behind town planning and strategic approaches to land use. Mr Doyle discussed adopting a strategy with an objective to achieve particular outcomes, like the Strategy adopted by the City of Joondalup to achieve long term sustainable economic growth, that informs decision making.

Mr Doyle discussed the local commercial strategy map within the Local Planning Strategy and the neighbourhood centre proposed which is not depicted in the Strategy as expected in an ad-hoc approach. Mr Doyle discussed the existing centres servicing their own catchments and highlighted that this proposal is the outcome a Strategy is designed to avoid. Mr Doyle discussed how ad-hoc planning focuses on a single site been a neighbourhood centre and not for long term economic growth.

Mr Doyle discussed how the Local Planning Strategy provides direction for land use and rationale for LPS No. 3 does not contemplate this site been a neighbourhood centre. Mr Doyle discussed how the proposal was presented to the Council in December 2019 for adoption and contains a one-page summary of retail sustainability assessments and that the amendment is not consistent with the LPS. Mr Doyle discussed how the consideration of the amendment is entirely superficial and that the fundamental problem is made explicit in part 4 of the recommendation that to amend the Strategy after decision making is the very definition of ad-hoc planning and inconsistent with orderly and proper planning.

**6.8 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Gary Wrightson – APIL Group**

Mr Wrightson presented to the Statutory Planning Committee representing APIL Group. Mr Wrightson discussed the current climate and hardships tenants have been facing and vacancy levels that would increase with the approval of the proposal. Mr Wrightson discussed his disappointment in the City of Joondalup for not consulting with APIL group or the tenants regarding vacancy levels prior to approving the proposal outlining that his conclusion is that this is approved for Coles market share and the raising of rates. Mr Wrightson discussed the effect on investors which was under the protection of planning criteria which now is in jeopardy.

Members queried the opening hours of an IGA and it was stated that IGA comes under different rules due to the size and number of employees.

**6.11 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Nathan Stewart – Rowe Group**

Mr Stewart presented to the Statutory Planning Committee representing Rowe Group. Mr Stewart discussed concerns that all of the planning context for the proposal needs to give consideration for State Planning Policy 4.2 and in particular Clause 5.1.2 and that the proposal fits neither of these tests. Mr Stewart discussed how Clause 5.1.2 requires the decision maker not to support proposals that are undermine planning strategies.

Mr Stewart discussed how under Clause 6.5 of SPP 4.2, an RSA is required to assess the effect of a proposal on the activity centres in a locality and the potential loss of service. Mr Stewart stated that the application has not demonstrated that loss of services of ALOI holdings. Mr Stewart discussed how the application has not undertaken a review of the entire hierarchy, and that it is an out of centre development not contemplated by the Strategy. Mr Stewart discussed how the site has not met future development for housing achievements. Mr Stewart stated he did not have concerns with aged care facilities.

**6.12 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Lex Barnett – TBB, Ellis Davies – Macroplan and Michael Jordan – Southern Cross Care**

Mr Barnett presented to the Statutory Planning Committee representing Taylor Burrell Barnett with Mr Davies representing Macroplan. Mr Barnett discussed the proposal to rezone a portion of the 6.3-hectare site to facilitate a neighbourhood retail centre, and the primary purpose of site in delivering retirement and aged care facilities. Mr Barnett stated that the access to allied health and aged care in the community is much needed in the location. Mr Barnett discussed the proximity of the site in relation to the Currambine train station and that it is less than 500 metres from the neighbourhood centre site.

Mr Barnett discussed how looking at the precinct more broadly the neighbourhood centre becomes part of a mixed-use environment providing connectivity and convenient facilities for the residential population. Mr Barnett stated that the precinct can transform to a more diverse mix use and that it can be addressed under current zoning frameworks. Mr Barnett discussed that the proposed neighbourhood shopping centre is located on the west side of the land, recognising the City's local commercial strategy and the impact on existing commercial space in accordance with SPP 4.2.

Mr Barnett stated that the City required them to produce a retail sustainability impact assessment that was undertaken by Macroplan to ensure integrity and accuracy of the work. Mr Barnett stated that the City also conducted its own independent review and discussed the

importance that the RSA is considered transparent, viable and in accordance with SPP4.2.

Mr Barnett outlined that after a period of public comment the City requested the RSA be updated, and that the report was again peer reviewed and verified by the City's own consultants and appropriately addressed the benefits of having a neighbourhood centre in the location. Mr Barnett stated that the centre offers choice as the three closest centres are all IGA supermarkets. Mr Barnett stated that a considerable amount of information was provided to ensure the communities concerns were addressed and that the City's support has been based on their ability to answer all of those questions.

Members queried if modelling had been undertaken to show how much retail demand there will be from the new centre and how much will come from the activation of housing in the area. Mr Davies stated that they looked at population and activity in the area and that the precinct will involve a range of commercial residential. Mr Davies discussed the expansion of the aged care and retirement complex as well as the future higher density housing. Mr Barnett stated that the model is conservative and based on the continuation of normal growth projections in the precinct.

**6.13 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (Item 8.1)**

**Presenters: Chris Leigh and Mark Wallace – City of Joondalup**

Mr Wallace and Mr Leigh presented to the Statutory Planning Committee representing the City of Joondalup. Mr Wallace stated their primary purpose in presenting is to make themselves available for queries from the Committee.

Members queried the first retail assessment lodged with the application and it was stated this was prepared by Macroplan in line with SPP4.2 and that Location IQ and Deep End Services were engaged by other parties to review those assessments.

Members queried the claim that the RSA failed to appropriately acknowledge the Iluka Plaza once completed, Mr Leigh stated Iluka Plaza has been identified in the City's local Commercial Strategy and provides retail floor space which was prepared and adopted in December 2013, and that in late 2018 there was a Structure Plan amendment for Iluka Plaza which saw a reduction in size of the centre and that the applicant for the proposal noted they did not believe there was catchment there to sustain the centre as large as what was outlined in the Strategy and that it resulted in a requirement for them to deliver 15 hundred square metres of non-residential floor space like consulting rooms and offices. Mr Wallace stated that Iluka Plaza would be fully operational no later than 2023 and that been the same time that the Currambine subject site would be assessed.

Members queried the growth projections and what the City's view is on those projections. Mr Leigh stated that the site is within the station catchment and around that comes density zoning of R-80 and includes

the Cities housing opportunity area where there is opportunity to support infill development. Mr Leigh stated there is a primary school site been developed by Peet to the north of the scheme amendment area, which provides lots to increase catchment. Mr Wallace stated that they could not duplicate or replicate the population numbers of the other review to confirm accuracy and they used information to compare from WA Tomorrow and Forecast ID.

## ITEMS FOR DECISION

### 7.3 Development Application – Proposed Outbuilding (Security Booth) – Lot 101 Suffolk Street, Caversham (21-50445-3)

**Moved by** Mr Caddy

**Seconded by** Mr Iacomella

*That the Statutory Planning Committee resolves to approve the application subject to the following conditions:*

1. *This approval relates to the attached plans date stamped 4 February 2020 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission. It does not relate to any other development on the lot.*

**The motion was put and carried**

### 7.5 Subdivision - Various Lots Hoffman Road, Lot 9033 Rowley Road and Lot 8018 on DP77243, Mandogalup (158176)

**Moved by** Mr Caddy

**Seconded by** Mr Iacomella

*That the Statutory Planning Committee resolves to approve the application for subdivision of Lot 9000, 9002, 9006 Hoffman Road, Lot 9033 Rowley Road and Pt Lot 8018 on DP77243, Mandogalup, subject to the following conditions:*

**CONDITIONS:**

#### Modifications

1. *The plan of subdivision is to be modified in accordance with the plan date stamped 1 April 2020 (attached).  
(Western Australian Planning Commission)*
2. *The areas outlined in blue on the plan date stamped 1 April 2020 (attached), being Lots 575, 576 and 580, are excluded from this approval.  
(Western Australian Planning Commission).*

#### Movement Network

3. *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)*

- 4. 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/or*
  - 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; and/or*
  - c. temporary turning areas are provided to those subdivisional roads that are subject to future extension; and/or*
  - d. embayment parking is provided abutting public open space areas, grouped housing lots and laneway lots, to the satisfaction of the Western Australian Planning Commission. (Local Government)**
- 5. The proposed access way(s) (including battleaxe access adjoining rebated rain gardens) being constructed and drained at the landowner/ applicant's cost to the specifications of the Local Government. (Local Government).*
- 6. 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, for the provision of shared paths through and connecting to the application area in accordance with the approved Mandogalup East Local Structure Plan. The approved shared paths are to be constructed by the landowner/applicant. (Local Government)*
- 7. Prior to the commencement of subdivisional works, detailed landscaping and engineering designs are to be prepared and approved for the Peel Main Drain, including any emergency access way, road and/or pedestrian crossings, to the specification of the City of Kwinana, in consultation with the Water Corporation. (Local Government)*
- 8. Satisfactory arrangements being made with the local government for the full cost of upgrading Hoffman Road, abutting the subdivision*

*area, to an urban Access Street B standard.  
(Local Government)*

9. *Satisfactory arrangements being made with the local government for the full cost of:
  - a. *upgrading the existing portion of Hoffman Road linking the application area and Anketell Road, to an urban Access Street B standard; or*
  - b. *constructing a local road connecting that part of Hoffman Road which abuts the application area to Anketell Road, should the road reserve for such a local road be created. (Local Government)**

*Drainage*

10. *Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with the approved Mandogalup East Local Water Management Strategy (JDA Consultants Hydrologists, March 2018).  
(Local Government)*
11. *Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development. In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.  
(Local Government).*
12. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.  
(Local Government)*
13. *The land being filled, stabilised, drained and/or graded as required to ensure that:
  - a. *lots can accommodate their intended development; and*
  - b. *finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**

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

*14. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005.  
(Local Government)*

#### Other Works

*15. Arrangements being made for the proposed public open space, the Peel Main Drain and the DBNGP Easement corridor to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space, Peel Main Drain and DBNGP Easement corridor in accordance with the requirements of Liveable Neighbourhoods, and having regard to the Bushfire Management Plan (as amended) and an approved UWMP, to the specifications of the local government.  
(Local Government)*

*16. Uniform fencing being constructed along the boundaries of proposed lots abutting:*

- a. public open space;*
- b. the Western Power easement;*
- c. the DBNGP easement;*
- d. rebated rain gardens; and*
- e. the Peel Main Drain. (Local Government)*

*17. A noise barrier being constructed along the eastern boundary of the application site, abutting the Kwinana Freeway road reserve, in accordance with the Road and Railway Noise Assessment Mandogalup East Local Structure Plan, Mandogalup (document ATP140414-R-TNIA-07, 26 October 2017) prepared by ATP Consulting Engineers. The wall is to be constructed to the specifications of Main Roads WA.  
(Main Roads Western Australia)*

#### Administrative

*18. The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.  
(Local Government)*

19. *Local Development Plan(s) being prepared and approved for lots shown on the plan dated 1 April 2020 (attached) that meet the following circumstances:*

- a. *with an area of 260 square metres or less*
- b. *irregular shaped lots;*
- c. *where specific vehicle access and egress control is required;*
- d. *abutting public open space. the Western Power high voltage power line, Peel Main Drain, DBNGP corridor and/or rain gardens; and*
- e. *that require quiet house design for noise attenuation through deemed-to-comply noise insulation packages, and/or lots identified as requiring specialist acoustic requirements, in accordance with State Planning Policy 5.4 Road and Rail Noise as identified in the Road and Railway Noise Assessment Mandogalup East Local Structure Plan, Mandogalup (document ATP140414-4-TNIA-07 prepared by ATP Consulting Engineers, dated 26 October 2017, as amended).*

*The Local Development Plans should address the following as appropriate for each circumstance:*

- a. *orientation of housing, in particular lots associated with rain gardens;*
- b. *type of fencing;*
- c. *location of carports/garages;*
- d. *surveillance;*
- e. *access;*
- f. *landscaping;*
- g. *setback variations, having regard to the bushfire management plan;*
- h. *solar orientation;*
- i. *built form to shield/block transport noise from the Kwinana Freeway; and*
- j. *the location of acoustic and/or screening walls.*

*to the satisfaction of the Western Australian Planning Commission.  
(Local Government)*

20. *The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply.  
(Local Government)*

### Contributions

21. *The landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Kwinana Local Planning Scheme No. 2. (Local Government)*
22. *Arrangements being made with the City of Kwinana to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure as established through Amendment 145 (when gazetted) to the City of Kwinana Local Planning Scheme No. 2. (Local Government)*
23. *Arrangements being made, to the satisfaction of the Western Australian Planning Commission, for the transfer of land free of cost to the Department of Education for the provision of a primary school site to serve the area, as identified within the approved plan Mandogalup East Structure Plan. (Department of Education)*

*Environmental*

24. *An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Water and Environmental Regulation)*
25. *Prior to the commencement of subdivision works a fauna and habitat management plan is to be prepared and approved, in consultation with the Department of Biodiversity Conservation and Attractions, to ensure the protection and management of the sites environmental assets, in accordance with the Mandogalup East Local Structure Plan, with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)*
26. *Prior to the commencement of subdivision works a dieback management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets, in accordance with the Mandogalup East Local Structure Plan, with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)*
27. *Prior to the commencement of subdivision works a landscape feature and tree retention management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets, in accordance with the Mandogalup East Local Structure Plan, with satisfactory arrangements being made for*

*the implementation of the approved plan.  
(Local Government)*

*28. Prior to the commencement of subdivision works a midge and mosquito management strategy, in accordance with the approved Mandogalup East Local Structure Plan, is to be prepared and approved with satisfactory arrangements being made for the implementation of the approved plan.  
(Local Government)*

*29. Prior to the commencement of subdivision works a construction environmental management plan, in accordance with the approved Mandogalup East Local Structure Plan, is to be prepared and approved with satisfactory arrangements being made for the implementation of the approved plan.  
(Local Government)*

#### Notifications

*30. 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) identified as being subject to quiet house design requirements within the acoustic report titled Road and Railway Noise Assessment Mandogalup East Local Structure Plan (Document ATP140414-R-TNIA-07 prepared by ATP Consulting Engineers, dated 26 October 2017, as amended). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*'The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise.'*

*(Local Government)*

*31. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*a. Vehicle access via the Anketell Road/Hoffman Road intersection will eventually be closed with access via Anketell Road to be obtained via the future extension of Hammond Road with Mandogalup Road, at that time.*

*b. Vehicle access via Rowley Road will eventually be modified to become left-in/left-out upon access being made available via the future Hammond Road extension.'(Main Roads Western Australia)*

#### Bushfire

*32. 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 Commission)*

33. *Information is to be provided to demonstrate that the measures contained in the bushfire management plan (Strategen Environmental) dated 10 January 2020 v2 (as amended) address the following:*
- a. an emergency access way is to be provided between Hoffman Road and a constructed and dedicated road connecting with a constructed and dedicated road for stage one. The emergency access way is to be in place prior to endorsement of a deposited plan or plan of survey for stage one.*
  - b. Bushfire management condition requirements identified on the plan dated stamped 16 March 2020 have been satisfied.*
  - c. the BMP being updated to include an updated vegetation classification for Reserve 44542 and a BAL assessment updated for the abutting land. have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*
34. *An emergency access way in accordance with the plan dated stamped 1 April 2020 (attached) is to be provided. The provision of necessary access rights for the emergency access way as an easement under Sections 195 and 196 of the Land Administration Act 1997 in favour of the Local Government and/or public authority for emergency fire purposes and the deed of easement to specify care and management of the easement area is by the Local Government.  
(Local Government)*
35. *The proposed areas shown outlined in pink on the attached plan dated stamped 1 April 2020 (attached) are excluded from the approval until the bushfire risk presented over adjacent land to the west, east and/or south west is either permanently removed or it is demonstrated to the satisfaction of the Western Australian Planning Commission that a bushfire attack level (BAL) rating of BAL-29 or below can be achieved for the development of the lots.  
(Local Government)*

#### *Servicing*

36. *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)*

- 37. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure.  
(Western Power)*
- 38. Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each of the lot(s) shown on the approved plan of subdivision. (Water Corporation)*
- 39. Arrangements being made with the Water Corporation for the provision of a sewerage service to each of the lot(s) shown on the approved plan of subdivision.  
(Water Corporation)*
- 40. The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body.  
(Water Corporation)*
- 41. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body.  
(Water Corporation)*

**ADVICE:**

- 1. No public open space credits can be claimed with respect to the DBNGP Easement or the Peel Main Drain.*
- 2. With regard to Condition 2 and 35, exclusion of the proposed lots identified under this condition does not extend to any necessary subdivisional works on or in proximity to these lots and more broadly. This may include the required clearance of vegetation, construction of noise attenuation works, services and the like. The landowner/applicant is advised that upon removal of the bushfire risk within the relevant 100 metres of land adjacent to the areas outlined in pink on the plan dated 1 April 2020, Condition 35 will become redundant and the temporarily excluded lots will form part of this approval.*
- 3. With regard to Condition 3, prior to endorsement of a diagram or plan of survey (deposited plan) for the first residential stage of subdivision:
  - a. a constructed and dedicated road for primary access is to be in place over the area marked in red on the plan date stamped 1 April 2020 within the abutting landholding; and*
  - b. an unrestricted public easement in gross or a constructed and dedicated road is to be in place over the abutting land, marked in green on the plan date stamped 1 April 2020, within the abutting landholding.**

4. *The landowner/applicant's attention is drawn to those conditions of subdivision that require the provision and approval of various plans prior to the commencement of subdivisional works. In particular, subdivisional works are not to commence without the prior satisfaction of conditions that require the identification and protection of vegetation not impacted by necessary subdivisional works and the trees to be retained prescribed by the approved structure plan. Conditions 27, 28, 29 and 31 are not to be interpreted as requiring the protection of vegetation, landscape features and trees that cannot be retained because of implementation of the approval with respect to road alignments, fill levels, drainage and similar.*
5. *The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australasia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*
6. *In regard to Conditions 3-7, the 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.*
7. *With regard to condition 7, the landowner/applicant is advised to liaise with the Water Corporation to obtain relevant works approvals.*
8. *Condition 10 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).*
9. *With regard to Condition 15, the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.*
10. *With regard to Condition 15, the landowner/applicant and Local Government is advised that the Peel Main Drain is Unallocated Crown Land. It is expected that vesting of the drain will occur concurrently with ceding of the abutting proposed Public Open Space. Further information can be obtained from the Department of Planning, Lands and Heritage – Land Use Management.*
11. *The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by the Local Government. Further information on the guidelines can*

*be obtained from the Department of Water and Environmental Regulation's website: [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au) under air quality publications.*

- 12. With regard to condition 16, uniform fencing is to be provided in accordance with the City of Kwinana's Local Planning Policy No.7 - Uniform Fencing.*
- 13. With regard to condition 17, anti-graffiti coating is to be applied to the noise barrier to the specification of Main Roads WA.*
- 14. Condition 22 is in acknowledgement of proposed Amendment 145 that is viewed by the Western Australian Planning Commission to be a seriously entertained planning proposal, which will provide for developer contributions for community infrastructure.*
- 15. With regard to Conditions 21 and 22, the applicant is referred to the City of Kwinana's Local Planning Policy: Administration of Development Contribution Plans for requirements to clear these conditions.*
- 16. Condition 24 refer to an 'acid sulphate soils self-assessment form'. This form can be downloaded from the Western Australian Planning Commission's website [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au). The 'acid sulphate soils self-assessment form' makes reference to the Department of Water and Environment Regulation's 'Identification and Investigation of Acid Sulphate Soils' guideline. This guideline can be obtained from the Department of Water and Environment Regulation's website [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)*
- 17. With regard to Condition 25 (Fauna Management Plan), the management plan is to include a pre-clearing fauna trapping and relocation plan, including kangaroo management, address the requirements of EPBC 2014/7308 Approval Notice, including the retention and revegetation of existing habitat within identified areas of the proposed public open space.*
- 18. In regard to Condition 28, the applicant is advised that a per-lot contribution in accordance with the City of Kwinana's schedule of fees and charges is to be paid for ongoing mosquito management costs.*
- 19. With regard to Condition 33, the proposed emergency access way within the abutting landholding to the north is to be redundant as the emergency access way subject of condition 34 is considered as the second access for this application.*
- 20. With regard to Condition 34, the easement is required to be in place prior to the endorsement of the first diagram or plan of survey (deposited plan) for the creation of residential lots being lodged with the Western Australian Planning Commission. The connection is to provide access between Quartermaine Boulevard and Hoffman Road until such time as an alternative permanent road access is available.*

21. *In regard to Condition 36, Western Power provides only one underground point of electricity supply per freehold lot.*
22. *In regard to Conditions 38-40, 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.*
23. *With regard to Condition 39, the implementation of planning for the provision of wastewater infrastructure to service this area is dependent on frontal and orderly development. Further information can be obtained from the Water Corporation to determine its planning and funding requirements.*
24. *The applicant is advised that clearance of subdivision conditions will not be issued until the sewer headworks construction has been taken over by the Water Corporation.*
25. *The applicant is advised that ground levels on the Primary Regional Roads reserve (Kwinana Freeway) boundary are to be maintained as existing. No earthworks are to encroach into the Primary Regional Road reserve, and no stormwater drainage shall be discharged into the Primary Regional Roads reserve.*
26. *With regard to Condition 31, the landowner/applicant is advised that the timeframe for the closure of the Anketell Road and Hoffman Road intersection is unknown. It is recommended that the landowner/applicant obtain alternative vehicular access prior to the endorsement of any deposited plans or plans of survey for any of the proposed lots south of the Peel Main Drain alignment.*

**The motion was put and carried**

**The meeting was adjourned at 12:09pm.**

**The meeting resumed at 12:17pm with all members present except Mr Caddy who declared a Direct Pecuniary Interest on item 7.1 and remained out of the meeting, Mr Thornton assumed the Chair.**

#### **7.1 Amendment to Canning Bridge Activity Centre (SPN0754M4)**

Members discussed the deputation presented by the City of Melville councillors and the 5 storey limitation. Members discussed that the numbers presented were not based on additional dwelling's like Perth and Peel. Members discussed the need for certainty for the community and the conservative approach to supporting the proposal and that small refinements to activity centre plan might provide some certainty. Members discussed the approval of the Structure Plan 4 years ago, and that there is more work required to the Activity Centre Plan to support change.

Members discussed the urgency for review of the plan and how in its current form it may be premature to deal with the scale and

development that is occurring. Members discussed how the community may not be seeing benefits or infrastructure emerging from the plan in its current form. Members discussed the need for a more comprehensive review and noted that point two of the recommendation is focused on built form.

Members discussed the height bonuses and that there does not seem to be urgency for moving forward without those caps. Members discussed that there does not seem to be enough background to support it and the issues that could arise if the community is not brought along the journey.

Members discussed that a comprehensive review could take two years. Members discussed the misunderstanding and confusion regarding the height caps and the time frame in which it has been in draft. Members discussed the need for clarification to the community about the intention and what the heights are, it was stated that recommendation as an interim faze will help the review period.

Members discussed the reactions to development pressure and community pressure and what the community perceives the height limit as being absolute. Members discussed the need for clarity between the 5 storey height limit bonus in the M10 zone and the City of Melville and the lack of comprehension as to why there is disparity in the Structure Plan.

**Mr Davies left the meeting at 12:23pm.**

**Mr Davies returned to the meeting at 12:25pm.**

Members discussed height restrictions on M15 and the recommendation on M10 and it was stated in the absence of a proper review officers did not want to send the message that ad-hoc amendments would continue to be supported. It was stated that balance and consideration for M15 and the vision and intent that more height brings more land use, but that more work needs to be done to support more height in the area.

Members discussed an amendment to Attachment 8 - Schedule of Modifications Point 1 regarding bonus provisions on Point 2 of the M10 zone maximum bonus height relating to the quarters of Kintail and Ogilvie to delete the words "for any (lots) that interfaces (either opposite or adjacent to) the H8 and H4 zones". Members discussed additional priority to point two of the recommendation for a comprehensive review of the Structure Plan and all of its elements.

**Motion with an amendment to the recommendation.**

**Moved by Mr Kosova**

**Seconded by Ms Davis**

Members discussed the need to progress a blanket capping on the M10 zone that may have unintended consequences and that all development may go for that height and the built form outcome in the long run may be undermined as opposed to getting variation in height.

Members discussed support of what has been done in the interface, and that a cap would be necessary where interfaced with lower density.

**The motion was put and lost.**

Members discussed support of the recommendation, and for part two to be expanded for more urgent and comprehensive review of the Canning Bridge Activity Centre Plan and all of its elements.

Members agreed to endorse an amended recommendation of the Department of Planning, Lands and Heritage to expand point two of the recommendation to advise the City of Melville to undertake a comprehensive review of all elements of the Canning Bridge Activity Centre Plan as a priority.

**Moved by Ms Davis**  
**Seconded by Ms Lyhne**

**Dissent: Mr Kosova**

*That the Statutory Planning Committee resolves to:*

1. *In accordance with clause 38 (1)(b), Schedule 2 - Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, require the City of Melville to:*
  - a. *modify the Canning Bridge Activity Centre Plan in accordance with the attached Schedule of Modifications, appended as Attachment 8; and*
  - b. *resubmit the modified plan to the Western Australian Planning Commission for approval.*
2. *a. advise the City of Melville that a comprehensive review of all elements of the Canning Bridge Activity Centre Plan should be undertaken as a priority. In relation to the built form elements of the ACP, this should include, but not be limited to, consideration of the following;*
  - *A built form study examining the need for, or otherwise, amendments to height limits.*
  - *The application of height bonuses to provide a range of incentives, including to achieve exemplary design*
  - *Community needs assessment and review of community benefit provisions to provide a clearer nexus between bonus height and community benefits as well as the type and quantity of community benefits required, as determined through a community needs assessment.*
  - *Analysis of transition between zones within, and to land adjoining, the CBACP area.*
  - *Consideration of the merits of implementing the R-Codes.*

*b. expects that the City of Melville's full review of the Canning Bridge Activity Centre Plan will be undertaken in liaison with the City of South Perth to achieve the united vision of the plan.*

**The motion was put and carried**

**Mr Caddy returned to the meeting at 12:41pm.**

**7.2 Local Structure Plan - Lot 624 and 625 Marshall Road, Bennett Springs (SPN/2128)**

Members discussed the pragmatic approach of option B as detailed in the report and the subdivision proceeding from Lot 625 to 624.

Members discussed the timeframe in relation to the second stage of development.

Members queried the density per hectare and dwellings per hectare and it was noted the two rates are from the original local structure plan which included some R-50 and increased density. Members discussed enabling density in early developments proceeding the station precinct being developed. Members discussed the distance of the proposed Bennett Springs station and the walkable catchment of the site and the future development to lift density.

Members discussed the collaboration with METRONET and that they are supportive of the direction of the proposal. Members discussed the flexibility it would provide for the northeast corner.

Members discussed the conflicting advice from the Department of Water and Environmental Regulation (DWER) and the Environmental Protection Authority (EPA) and the conservation wetland. It was stated the wetlands have been given the highest regard and that the standard 50 metre buffer has been applied. It was stated there is miss mapping throughout the corridor, in particular in Bennett Springs and that the area is a drainage corridor. Members discussed the sufficient buffer to deal with the values of the area and vegetation within the corridor and the benefit for the public to enjoy the area.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by Mr Iacomella**

**Seconded by Ms Lyhne**

*That the Statutory Planning Committee resolves to:*

- 1. require the applicant to modify the Bennett Springs East Local Structure Plan in accordance with the attached schedule of modifications, and be resubmitted to the WAPC for final approval; and*
- 2. advise the City of Swan and applicant accordingly.*

**The motion was put and carried**

**7.4 Development Application – Retrospective Approval for an Outbuilding - Lot 3 Great Northern Highway, Herne Hill (21-50616-1)**

Members queried the retrospective aspect of the approval and if the shed already exists. It was stated that the shed exists and is visible on the aerial package. Members discussed clarification of reasons the City of Swan has made its decision and why the Swan Valley Planning Committee did not approve the application. Members discussed the decision making process and the terminology of retrospective approval.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by** Mr Thornton  
**Seconded by** Mr Iacomella

*That the Statutory Planning Committee resolves to approve the application subject to the following condition:*

- 1. This approval relates to the construction of an outbuilding in accordance with the attached plans date stamped 17 February 2020 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission.*

**The motion was put and carried**

**8.1 City of Joondalup - Local Planning Scheme No. 3, Amendment No. 1 – For Final Determination (TPS/2418)**

**THIS ITEM IS CONFIDENTIAL**

**9. Reports for noting**

Nil.

**10. Stakeholder engagement and site visits**

Nil.

**11. Urgent or other business**

Nil.

**12. Items for consideration at a future meeting**

Nil.

**13. Meeting closure**

The next ordinary meeting is scheduled for 9:30am on Tuesday, 5 May 2020.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 1:18pm

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CHAIRMAN

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DATE

UNCONFIRMED

<b>REPORT TO</b>	Statutory Planning Committee		
<b>Meeting date</b>	5 May 2020	<b>File number</b>	158048
<b>Subject</b>	Lots 1-7 Tourmaline Ridge, Australind - Local Development Plan Approval		
<b>Purpose</b>	Requires WAPC decision		
<b>Title of Approving Officer</b>	Planning Director - Regional South West		
<b>Agenda Part for Reports (All parts are confidential unless otherwise stated)</b>			
SPC - Non-Confidential (To be published to the website)			
<b>SITE-SPECIFIC DETAILS</b>			
<b>Region/s</b>	South West		
<b>Local government/s</b>	Shire of Harvey		
<b>Landowner/Consultant</b>	Treendale Nominees Pty Ltd (Landowner)/Calibre Consulting (Consultant)		
<b>Location map</b>	<b>Attachment 1</b>		
<b>Bushfire Prone Area</b>	YES		
<b>SUMMARY</b>			
<p>The Shire of Harvey (the Shire) are seeking to vary the requirements of the <i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i> (the R-codes), through the approval of a Local Development Plan (LDP). The deemed-to-comply provisions being varied are 5.3.1 outdoor living areas C1.1 to allow outdoor living areas forward of the primary street setback and 5.4.3 outbuildings C3 to only allow outbuildings adjacent to Lolite Lane (secondary street frontage). This variation requires the approval of the Western Australian Planning Commission (WAPC) pursuant to Clause 7.3.2 of the R-codes.</p> <p>The proposed variation is considered an appropriate outcome for the lots, which allow the house design to capitalise on views to the Brunswick River and provide passive surveillance of the opposite Public Open Space, and ensures outbuildings are appropriately located adjacent to the rear laneway.</p>			
<b>DETAILS OF PROPOSAL</b>			
<p>The LDP applies to Lots 1 – 7 Tourmaline Ridge, Australind (the land) proposed by WAPC approval 158048. The land is located along the western boundary of parent Lot 9530 Carnelian Avenue, Australind. The land is bound by Tourmaline Ridge to the north and west, Lolite Lane to the east and Aquamarine Terrace to the south. Land north and west of Tourmaline Ridge is proposed Public Open Space/Regional Open Space and land south and east is Residential (see <b>Attachment 1</b>). The land is approximately 800 metres west of the Treendale Shopping Centre and 1.5 kilometres east of the Australind Village Shopping Centre. The lots will have views over the Brunswick River and Regional Open Space, given the elevation of the land.</p> <p>The LDP (see <b>Attachment 2</b>) proposes to apply specific controls to the land to facilitate development of the site. These controls address –</p> <ul style="list-style-type: none"> <li>• Orientation and design;</li> <li>• Setbacks;</li> <li>• Incidental development;</li> </ul>			

- Fencing;
- Building heights; and
- Bushfire Attack Levels.

All except two of the variations sought through the LDP are allowable without WAPC approval, pursuant to Clause 7.3.1 of the R-codes. Approval, pursuant to Clause 7.3.2 of the R-codes, is required to vary deemed-to-comply provisions 5.3.1 and 5.4.3 of the R-codes as follows:

*“6. Outdoor living areas may be proposed in the primary street setback, subject to the all other requirements of the Residential Design Codes, Section 5.3.1 Outdoor Living Areas being met.*

*9. Outbuildings are to be positioned on the secondary street frontage (Iolite Lane).”*

## BACKGROUND

An application for subdivision of 77 freehold lots over three parent lots was approved by the WAPC on 17 October 2019 (WAPC 158048) (see **Attachment 3**). Condition 22 of the approval requires a Local Development Plan to be prepared and approved to the satisfaction of the WAPC, with the clearance authority being the local government. The LDP was approved by the Shire at its meeting dated 24 March 2020.

## KEY ISSUES

<b>Consistency with WAPC Policies &amp; Planning Framework</b>	<i>Planning and Development Act 2005</i>	Fully consistent
	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Fully consistent
	<i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i>	Broadly consistent, some discretion required
<b>Government Considerations</b>	N/A	N/A
<b>Budget</b>	In-house (officer hours and incidentals)	
<b>Consultation</b>	The proposed LDP was advertised in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for a period of 14 days. No submissions were received.	

## PLANNING ASSESSMENT

### State Planning Policy 7.3 – Residential Design Codes

LDP's may amend the specific deemed-to-comply provisions listed under clause 7.3.1 of the R-Codes, provided the provisions are consistent with the corresponding design principle. Clause 7.3.2 of the R-Codes, however, states:

*“Notwithstanding clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed-to-comply provision within the R-Codes by means of a local planning policy, activity centre plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:*

- *is warranted due to a specific need related to that particular locality or region;*
- *is consistent with objectives and design principles of the R-Codes; and*
- *can be properly implemented and audited by the decision maker as part of the ongoing building approval process.”*

### Outdoor Living Areas

5.3.1 outdoor living areas C1.1 sets out the following deemed-to-comply criteria for outdoor living

areas:

*“An outdoor living area to be provided:*

- *in accordance with Table 1;*
- ***behind the street setback area;***
- *directly accessible from a habitable room of the dwelling;*
- *with a minimum length and width dimension of 4m; and*
- *to have at least two thirds of the required area without permanent roof cover.”*

The design principles applicable are listed at 5.3.1 outdoor living areas P1.1 and are:

*“Outdoor living areas which provide spaces:*

- *capable of use in conjunction with a habitable room of the dwelling;*
- *open to winter sun and ventilation; and*
- *optimise use of the northern aspect of the site.”*

The proposed variation permits outdoor living areas within the primary street setback of all lots subject of the LDP (Lots 1 – 7 Tourmaline Ridge). The variation allows dwelling design to capitalise on views toward the Brunswick River and Public Open Space and will contribute toward improved interaction and passive surveillance of the streetscape, given these lots are serviced by a rear laneway. Permeable fencing up to 1.2 metres in height is required by the LDP to ensure that passive surveillance is maintained. The proposed variation to deemed-to-comply provision 5.3.1 C1.1 meets the design principles listed under 5.3.1 P1.1 as:

- the variation only applies that the outdoor living area can be located in the street setback area. It will still need to be capable of use in conjunction with a habitable room, pursuant to the deemed-to-comply provision;
- It enables outdoor living areas to orientate towards the sun and ventilation, with prevailing sea breezes coming from the west; and
- It optimises the western aspects of the respective lots to provide passive surveillance over the opposite Public Open Space.

### Outbuildings

5.4.3 outbuildings C3 sets out the following deemed-to-comply criteria for outbuildings:

*“Outbuildings that:*

- vi. are not within the primary or secondary street setback area;”*

The design principle applicable is listed at 5.4.3 outbuildings P3 and states:

*“Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”*

The proposed variation places an increased level of restriction on the location of outbuildings to the R-Codes. This is a beneficial outcome as:

- Outbuildings will be positioned towards to Lolite Lane and will not be able to be located towards Tourmaline Ridge or Aquamarine Terrace, thus meaning that outbuildings will not detract from the streetscape or visual amenity of residents; and
- It enforces the use of the area adjacent to Lolite Lane for outbuildings and incidental use to the dwelling.

### Conclusion

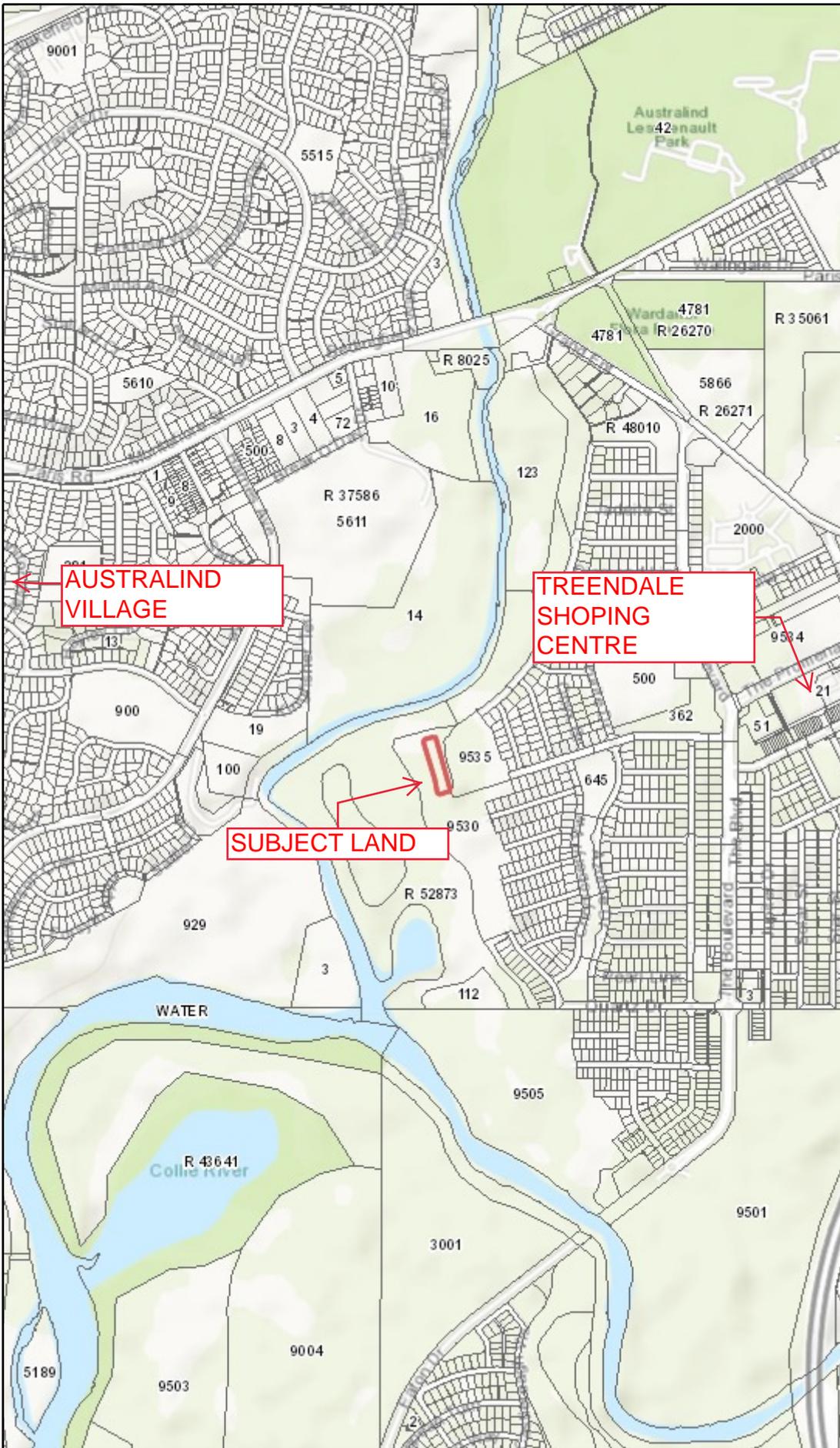
It is therefore recommended that the amended deemed-to-comply provisions of the LDP be approved in regard to outdoor living areas and outbuildings, pursuant to Clause 7.3.2 of the R-codes.

<b>RECOMMENDATION</b>
<i>That the Statutory Planning Committee resolves to:</i>  <b>1. approve the amended deemed-to-comply provision for 5.3.1 outdoor living areas C1.1 and 5.4.3 outbuildings C3 proposed by the Local Development Plan for Lots 1-7 Tourmaline Ridge, Australind, as shown in Attachment 2, pursuant to Clause 7.3.2 of State Planning Policy 7.3 – Residential Design Codes, subject to modifying provision 6 of the Local Development Plan to remove the word ‘the’ from the phrase ‘to the all’.</b>
<b>ATTACHMENTS</b>
A1 - Location Plan and Aerial A2 - Proposed Local Development Plan A3 - Approved Plan of Subdivision WAPC 158048



Legend

Cadastre (View 1)



0 0.42 0.8

Kilometres

1: 18,056  
at A4

Projection:  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphe

Notes:

The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuery.

InQuery Map

DPLH BUSINESS USE ONLY



Legend

Cadastre (View 1)



0 0.05 0.1

Kilometres

1: 2,257

at A4

Projection:

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphe

Notes:

The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuery.

InQuery Map

DPLH BUSINESS USE ONLY

**LOCAL DEVELOPMENT PLAN**

Application of Local Development Plan

This Local Development Plan (LDP) applies to Lots 1 to 7, Tourmaline Ridge within stage 9G, Treendale as shown in the plan.

**Residential Design Code**

The Residential Design Coding for the subject lots as per the adopted Treendale Farm Structure Plan is 'R20'. All lots to be developed in accordance with R20 standards, unless otherwise identified on the LDP.

**Orientation and Design Elements**

1. The design of the dwellings shall include articulated primary orientation in the direction of the foreshore area and as shown 'Orientation of Dwelling' (arrow) shown on the LDP.
2. Verandas, pergolas, patios and the like on the primary and secondary orientation shall be constructed in materials to complement the dwelling.
3. All garages are to be orientated towards the Iolite Lane.
4. Vehicular access to all lots shall be from the Iolite Lane.

**Setbacks**

5. Development setbacks to lot boundaries must comply with the Residential Design Codes (R20) and approved Bushfire Management Plan with the exception of the Primary Street setback, which can be an average of 3m provided that the area of dwelling intruding into the setback area is compensated for by at least an equal area of open space between the setback line and line drawn parallel to it at twice the setback distance. The Bushfire Management Plan requirements have hierarchy over the primary street setback variation.
6. Outdoor Living areas may be proposed in the primary street setback, subject to the all other requirements of the Residential Design Codes, Section 5.3.1 Outdoor Living Areas being met.

**Incidental Development**

7. Enclosed, non-habitable structures such as storage sheds, are only permitted if are to be clad in complimentary finishes to the dwelling, unless screened from the public view.
8. All clothes drying and storage areas are to be screened from public view from the primary street.
9. Outbuildings are to be positioned on the secondary street frontage (Iolite Lane). No outbuildings or external fixtures, utilities and facilities are to be located within the primary or secondary street setback.

**Fencing**

10. Solid side fencing is not to exceed 1.8m in height and be consistent in material and colour.
11. Fencing facing the primary street shall be permeable to allow passive surveillance of the adjoining foreshore.
12. The primary street fencing is not to exceed 1.2m above lot level, be uniform and aesthetically pleasing from the direction of the foreshore.
13. The primary street fencing may not be modified without the approval of the Shire of Harvey.

**Building Height**

14. Any building shall not exceed 3 storeys.

**Bushfire Attack Levels**

15. Bushfire Attack Level (BAL) construction standards for dwellings and any outbuilding located within 6m of the dwelling are to comply with a BAL assessment prepared by a suitably qualified persons.
16. For lots 1 to 7, the BALs are identified in the plan. Where multiple BAL ratings apply to a building footprint, the highest BAL rating is to be applied to the whole of dwelling, except where shielding provisions under Australian Standard AS3959 apply. More information on BALs can be found in the Bushfire Management Plan.

**Approval**

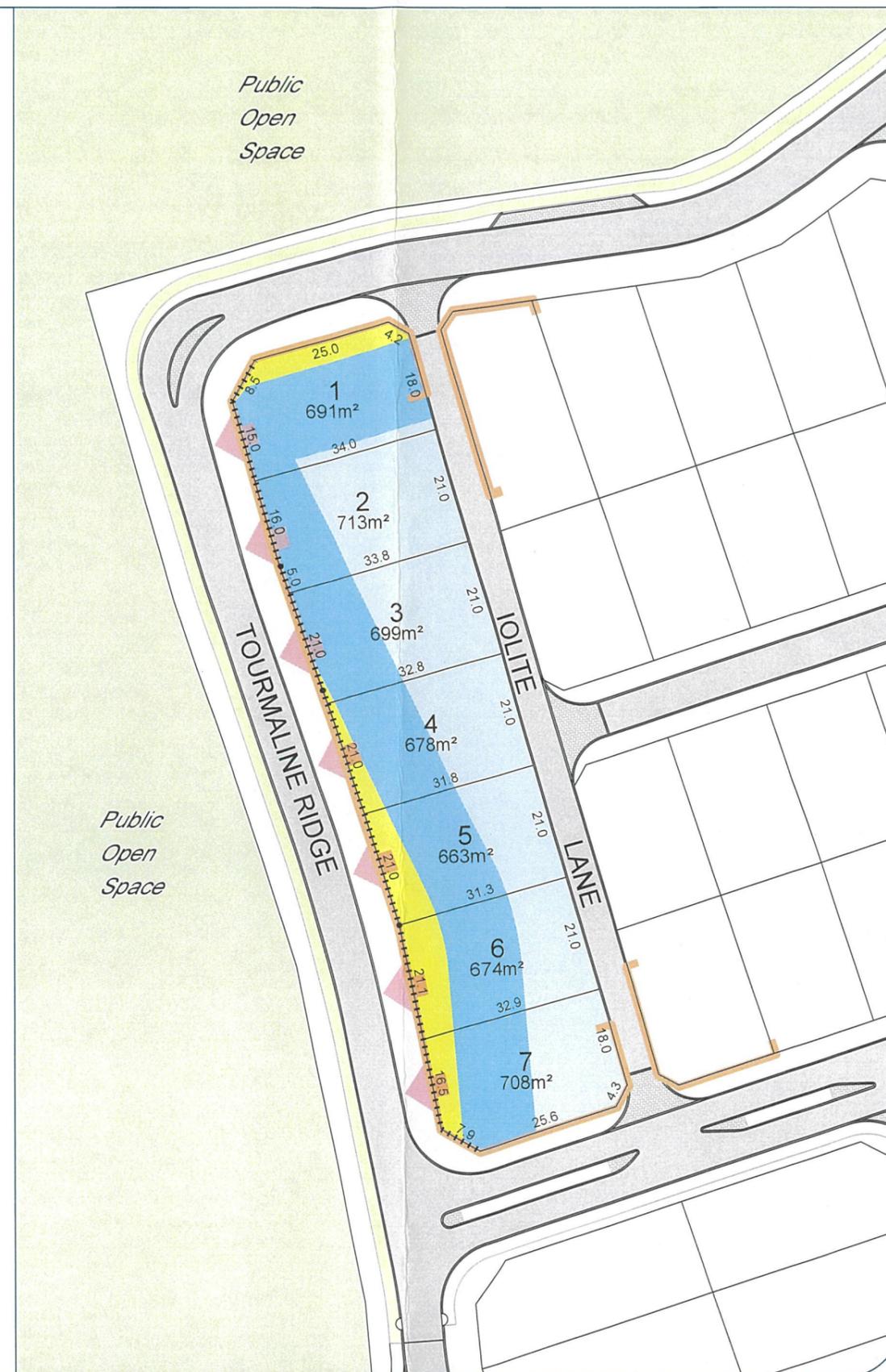
This LDP has been approved by the Shire of Harvey under Clause 52 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Signature

25/3/20  
Date

**LEGEND**

- Lot Boundary
- 700m<sup>2</sup> Lot Area
- ← Primary Orientation
- Retaining Wall
- ..... Permeable fencing
- Bushfire Attack Level (BAL)**
- BAL-29
- BAL-19
- BAL-12.5



Calibre Professional Services Pty Ltd  
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**LOCAL DEVELOPMENT PLAN**

Lots 1 - 7 Tourmaline Ridge, Treendale



Plan No: 19-000209P-DP-01B

Date: 24.02.2020  
Rev: B  
Scale: A1 @1:500, A3 @ 1:1000  
Co-ords: MGA  
Aerial: Nearmap

250m  
0m

**Legend**

- Subject Land
- Existing Cadastre
- Existing Lot Numbers
- Proposed Cadastre
- Lots currently under construction
- Future Lots (subject to other applications)
- Existing Power Infrastructure



**Existing Lot Summary**

Lot 9526	3,7623ha
Lot 9530	6,9646ha
Lot 9531	0,5471ha
<b>TOTAL</b>	<b>11,2740ha</b>

**Proposed Lot Summary**

Size	LOT YIELD		LOT AREA		Area
	No. Lots	% Total Lots	Average Size	% of Total Area	
551m <sup>2</sup> - 599m <sup>2</sup>	19	25.00%	572m <sup>2</sup>	19.13%	10876m <sup>2</sup>
600m <sup>2</sup> - 699m <sup>2</sup>	28	36.84%	662m <sup>2</sup>	32.65%	18562m <sup>2</sup>
700m <sup>2</sup> - 799m <sup>2</sup>	18	23.68%	735m <sup>2</sup>	23.28%	13239m <sup>2</sup>
800m <sup>2</sup> - 899m <sup>2</sup>	6	7.89%	835m <sup>2</sup>	8.82%	5013m <sup>2</sup>
901m <sup>2</sup> - 1000m <sup>2</sup>	4	5.26%	925m <sup>2</sup>	6.51%	3700m <sup>2</sup>
5401m <sup>2</sup> +	1	1.32%	5467m <sup>2</sup>	9.62%	5467m <sup>2</sup>
<b>Number of Lots</b>	<b>76</b>				
<b>Minimum Lot Size</b>			<b>557m<sup>2</sup></b>		
<b>Maximum Lot Size</b>			<b>5467m<sup>2</sup></b>		
<b>Average Lot Size</b>			<b>748m<sup>2</sup></b>		
<b>Balance of title lot (1)</b>			<b>13357m<sup>2</sup></b>		

**POS Summary**

Proposed POS Area	1,4789ha
Area of original lots	11,2740ha
% of POS	13.12%

DEPARTMENT OF PLANNING, LANDS AND HERITAGE  
DATE 17-May-2019  
FILE 158048

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**SUBDIVISION PLAN**  
Lots 9530, 9526 and 9531, Treendale

Plan No: 19-000209P-SU-01A

Date: 16.05.2019  
Rev: A  
Scale: A1 @ 1:2500, A3 @ 1:5000  
Co-ords: MGA  
Aerial: Nearmap



<b>REPORT TO</b>	Statutory Planning Committee		
<b>Meeting date</b>	5 May 2020	<b>File number</b>	TPS/2494
<b>Subject</b>	Key Matters Coversheet - Shire of Gingin - Local Planning Scheme No. 9, Amendment No. 21 - Lot 201 Brand Highway, Ginginup.docx		
<b>KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE</b>			
<p><i>The key matters outlined below are those identified by the Department of Planning, Lands and Heritage and do not fetter the consideration of the proposal by the Western Australian Planning Commission, its Committees or the decision-maker.</i></p>			
<p>The proposal is to formalise an existing development that has been approved by the Shire of Gingin for 'workforce accommodation' on a temporary basis, and is constructed. The matter is presented to SPC because WAPC policy is for workforce accommodation to be located in townsites where possible. In this case it is possible for the development to be located in Gingin, and an accommodation provider has made a submission objecting to the proposal.</p> <p>However, as the development already exists, modifications to the proposal are recommended by the local government, and supported by the Department, to cap the number of people permitted to stay at the site to 40, to require that the only people who may use the accommodation must be employed by the nearby Boonanarring Mineral Sands operation, and that when the mineral sands operation has ceased, the accommodation be removed and the site remediated. This is intended to provide a compromise between the purpose and intent of WAPC policy by placing a limited timeframe and purpose for the development, while acknowledging that the mine commenced operations in 2018, and use of the accommodation is underway.</p>			



<b>REPORT TO</b>	Statutory Planning Committee		
<b>Meeting date</b>	5 May 2020	<b>File number</b>	TPS/2512
<b>Subject</b>	City of Swan LPS 17 – Amendment No. 171 – For Final Approval		
<b>KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE</b>			
<p><i>The key matters outlined below are those identified by the Department of Planning, Lands and Heritage and do not fetter the consideration of the proposal by the Western Australian Planning Commission, its Committees or the decision-maker.</i></p>			
<p>Amendment 171 to the City of Swan Local Planning Scheme seeks to apply an additional use for 'Caravan Park' to the south-western portion of the site at Lot 800 (168) Morrissey Road, Bullsbrook.</p> <p>The key matters to be considered by the Statutory Planning Committee are:</p> <ul style="list-style-type: none"> <li>• Whether the proposed additional use is appropriate on the subject site;</li> <li>• Whether the proposal is consistent with the planning framework; and</li> <li>• Whether the bushfire requirements can be adequately addressed in accordance with State Planning Policy 3.7.</li> </ul> <p>The scheme amendment is being presented to SPC to determine if it is appropriate for the application to progress when it is uncertain if the development will be able to address the policy measures of SPP 3.7 (or associated Guidelines) at this point in the planning process. It is noted that this matter will be considered and addressed as part of a future Development Application.</p> <ul style="list-style-type: none"> <li>• The scheme amendment is recommended for approval without modification.</li> </ul>			