



SHAPING THE FUTURE OF WESTERN AUSTRALIA



Statutory Planning Committee Agenda

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

Meeting No. 7698

Tuesday, 2 May, 2023, 9:30 am

Room 2.24, 140 William Street

This meeting is not open to members of the public










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13.	Urgent or other business	

14. **Items for consideration at a future meeting**
15. **Meeting closure**

Information for SPC Members

Quorum: 5 of 9 members

Representation in accordance with the Planning and Development Act 2005

	Mr David CADDY WAPC Chairman <i>Schedule 2, clause 4(2)(a)</i>		Mr Len KOSOVA Local Government Representative <i>Schedule 2, clause 4(2)(f)</i>
	Mr Vaughan DAVIES Nominee of the Director General, Department of Planning, Lands and Heritage <i>Schedule 2, clause 4(2)(b)</i>		Mr Lino IACOMELLA WAPC Appointee <i>Schedule 2, clause 4(2)(g)</i>
	Ms Lynne CRAIGIE Nominee of the Minister for Regional Development <i>Schedule 2, clause 4(2)(c)</i>		Ms Nina LYHNE WAPC Appointee <i>Schedule 2, clause 4(2)(g)</i>
	Ms Kym DAVIS Community Representative <i>Schedule 2, clause 4(2)(d)</i>		Mr Ross THORNTON WAPC Appointee <i>Schedule 2, clause 4(2)(g)</i>
	Ms Marion THOMPSON Professions Representative <i>Schedule 2 clause 4(2)(e)</i>		

Role of the Statutory Planning Committee:

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 Scheme
- for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, 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. 7696
Tuesday, 28 March, 2023

- Members:** David Caddy - Chairman WAPC
Lynne Craigie – Nominee of the Regional Minister
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Leonard Kosova - Local Government Representative
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee
- Apologies:** Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage
- Others present:** Joseph Armanasco - Planning Officer, Schemes and Strategies
Kathy Bonus - Chief Planning Adviser, Reform, Design and State Assessment
Garreth Chivell - Planning Manager, Schemes and Strategies
Glenn Coaker - Principal Planning Officer, Metro North
Michael Daymond - Strategic Advisor WAPC
Sam Fagan - Manager Commission Business
Johan Gildenhuys - Principal Planning Officer, Metro North
Sally Grebe - Director Planning Appeals
Cate Gustavsson - Executive Planning Director, Land Use Planning
Robert Hodges - Planning Director, Metro North
Michelle King - Senior Commission Support Officer
Irene Obales - Commission Support Officer
Aiden O'Brien - Senior Planner, Metro South West
Phillida Rodic - Planning Director, Reform Projects
Elyse Saraceni - Director, Reform Delivery
Mathew Selby - Executive Planning Director, Land Use Planning
Ryan Taylor - Principal Planning Officer, Reform Delivery

1. Declaration of opening

The Chairman declared the meeting open at 9:25 am, acknowledged the peoples 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 paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

2. Apologies

Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage

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

Mr Kosova advised that he will require a leave of absence for 4 April 2023.

4. Disclosure of interests

Mr Iacomella declared a Perceived Impartiality Interest on Item 9.3 - City of Cockburn Town Planning Scheme No. 3, Amendment No. 152. Mr Iacomella stated that approximately two years ago he received a phone call from Ms Leanne Chaproniere to explain her opposition to the Scheme Amendment. Mr Iacomella informed members that he knew Ms Chaproniere from his previous employment at the Property Council and that he informed Ms Chaproniere at the outset that his role on the Statutory Planning Committee prevented him from discussing the matter and concluded the conversation. Members agreed that Mr Iacomella is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Iacomella's conduct in relation to the matter.

Mr Kosova declared an Indirect Pecuniary Interest on Item 9.3 - City of Cockburn Town Planning Scheme No. 3, Amendment No. 152. Mr Kosova stated that his consultancy, LK Advisory, is currently engaged through Acumen Development Solutions (the proponent), for a separate client on an unrelated matter elsewhere in the Perth metropolitan region. Mr Kosova stated that LK Advisory's financial relationship in that matter is with Acumen Development Solutions' client, not with Acumen Development Solutions. Members agreed that Mr Kosova should not be present during the discussion and/or decision-making procedure on the item.

Ms Lyhne declared a Perceived Impartiality Interest on Item 8.2 - Ocean Reef Marina Improvement Plan Policies and Design Guidelines - Consent to Advertise. Ms Lyhne stated that prior to 2018, she was a member of the Ocean Reef Marina Government Steering Group. Members agreed that Ms Lyhne is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Ms Lyhne's conduct in relation to the matter.

Mr Caddy declared an Actual Proximity Interest on Item 8.3 - City of Perth Draft Local Planning Strategy - For Endorsement. Mr Caddy stated that he is a ratepayer and resident of the City of Perth. Members agreed that Mr Caddy is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Caddy's conduct in relation to the matter.

Mr Caddy declared a Perceived Impartiality Interest on Item 9.3 - City of Cockburn Town Planning Scheme No. 3, Amendment No. 152. Mr Caddy

stated that in the course of his role as Chairman of the Western Australian Planning Commission, he had meetings with the Glen Iris golf course proponent on 11 December 2020 and 13 May 2021. Members agreed that Mr Caddy is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Caddy's conduct in relation to the matter.

5. Declaration of due consideration

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

5.1 Questions from members and responses from DPLH staff provided prior to the meeting

6. Minutes

6.1 Confirmation of minutes - Meeting No. 7695 on Tuesday, 14 March 2023

Moved by Mr Iacomella

Seconded by Ms Thompson

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 14 March 2023, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 City of Wanneroo Agreed Structure Plan No. 6 (East Wanneroo Cell 4), Amendment No. 38 (SPN/0185M-13) (Item 8.1)

Presenters: Dan Pearce – Hatch Roberts Day and Nicole Barnao – Barnao Property

Mr Pearce and Ms Barnao made a presentation to the Committee on the City of Wanneroo Agreed Structure Plan No. 6 (East Wanneroo Cell 4), Amendment No. 38, in support of the recommendation of the Department of Planning, Lands and Heritage.

Ms Barnao discussed the introduction of the special use zone in the proposed amendment and stated that it would compound the traffic sensitivity during morning peak hours with regards to the subject site and that the list of uses proposed will risk setting the zone up for under performance. Ms Barnao highlighted examples of precincts in Currumbine, Jindalee and Mindarie with commercial use zoning which show recognised brands, fast food and medical offices as tenants and emphasized that an anchor tenant is important in establishing a site. Ms Barnao expressed that these uses do not generate traffic in the

morning peak period. Ms Barnao stated that the existing restrictions results in lack of innovation in the area. Ms Barnao requested the Committee to support the inclusion of fast-food outlet use as well as additional retail uses that serve the local community needs.

Mr Pearce discussed the three separate land uses proposed in the amendment: school site, residential site and the Special Use zone fronting Wanneroo Road. Mr Pearce stated that if the broad definition of fast-food remains a concern, there is an opportunity to restrict the number of fast-food outlets on the site.

7.2 Ocean Reef Marina Improvement Plan Policies and Design Guidelines - Consent to Advertise (RLS/0815) (Item 8.2)

Presenters: Karen Hyde – Taylor Burrell Barnett and Bas Visram – Development WA

Ms Hyde and Mr Visram made a presentation to the Committee on the Ocean Reef Marina Improvement Plan Policies and Design Guidelines - Consent to Advertise.

Ms Hyde stated that the policy framework will be developed in the next 24 months. Ms Hyde discussed the purpose of Stage 1 Residential Precinct Design Guidelines and the Marine Enterprise Precinct Guidelines. Ms Hyde stated that the design guidelines will assist proponents in the preparation of development applications and determination of proposals. Ms Hyde also discussed the parking and landscape requirements for the marina.

Ms Hyde answered questions from members regarding the requirement for recycling of construction materials as noted in the residential component of the guidelines and stated that the aim for this requirement is to go for environmental approval and that the Department of Planning, Lands and Heritage would be involved in the approval process.

Ms Hyde explained the reason of the primary controls in the guidelines and stated that this is due to the range of residential products in the precinct and that rather than amalgamate, the primary controls in the guidelines provide more details for the diversity of products in the precinct.

Ms Hyde discussed the parking provisions in the precinct and explained that they are comfortable with the amount of parking spaces within the development. Ms Hyde stated that the area is not well served by public transport and that they have ongoing discussions with the Department of Transport regarding this matter to help alleviate the visitor parking requirements for the area.

7.3 City of Perth Draft Local Planning Strategy – For Endorsement (TPS/2641) (Item 8.3)

Presenters: Tristan Fernandez – City of Perth and Robert Farley – City of Perth

Mr Fernandez made a presentation to the Committee on the City of Perth Draft Local Planning Strategy - For Endorsement in support of the recommendation of the Department of Planning, Lands and Heritage (the Department). Mr Fernandez thanked the Department for assisting the City of Perth with its first planning strategy.

Mr Fernandez stated that the City is working on a range of key actions and the precinct plan for the Queen Elizabeth II Medical Centre (QEII MC) is the first key action they are working on to achieve the City's vision to deliver vibrancy within the City.

Mr Fernandez noted the concern from QEII Trust regarding the proposed Mass Rapid Transport operation along Hospital Avenue and stated that the City is currently preparing a traffic impact statement for the precinct and working closely with the Department of Transport led by Justin McKirdy to provide a strategic approach for the QEII precinct. Mr Fernandez informed members that the precinct plan boundary for QEII is indicative in nature and it is important to show its strategic intent.

7.4 City of Kalamunda Local Planning Scheme No. 3, Amendment No. 106 – For final determination (TPS/2684) (Item 9.2)

Written Deputation: Mitchell Brooks – City of Kalamunda

Members noted the written deputation on Item 9.2 - City of Kalamunda Local Planning Scheme No. 3, Amendment No. 106 – For final determination.

7.5 City of Cockburn Town Planning Scheme No. 3, Amendment No. 152 (TPS/2833) (Item 9.3)

Mr Kosova declared an Indirect Pecuniary Interest on this item and left the meeting at 10:02 am.

Presenters: Leanne Chaproniere – Jandakot Residents and Ratepayers Association (Inc) and Sean Fairfoul – Lateral Planning

Ms Chaproniere and Mr Fairfoul made a presentation to the Committee against the City of Cockburn Town Planning Scheme No. 3, Amendment No. 152.

Ms Chaproniere stated that she is representing the homeowners within the subject area and expressed that the community values its character

and amenity and has clearly demonstrated their opposition to the zoning.

Mr Fairfoul stated that they would like to consider an amendment to protect the amenity of the area. Mr Fairfoul expressed that the proposed amendment represents a poor residential outcome and stated that the residents do not have access to public transport.

Ms Chaproniere discussed that there is a section in the subject site that is zoned R20-30 which had meant a change in the amendment and expressed that the current zoning and Special Use 1 should be left as is.

Ms Chaproniere informed members that there are two parties who are interested in purchasing the land for a golf course operation if the amendment is not successful.

7.6 City of Cockburn Town Planning Scheme No. 3, Amendment No. 152 (TPS/2833) (Item 9.3)

Mr Kosova declared an Indirect Pecuniary Interest on this item and remained out of the meeting.

Presenters: George Hajigabriel – Rowe Group; Nick Perrignon – Acumen Development Solutions and Jarrod Rendell – Acumen Development Solutions

Mr Hajigabriel, Mr Perrignon and Mr Rendell made a presentation to the Committee in support of the City of Cockburn Town Planning Scheme No. 3, Amendment No. 152.

Mr Hajigabriel provided a summary of the rationale of the proposed amendment and stated that the project commenced three years ago when the land was purchased. Mr Hajigabriel expressed that there is significant detail to be considered for the future development of the site. Mr Hajigabriel discussed the current zoning on the site which has the former golf club house, golf driving range and the remaining golf course land and stated that the proposed scheme amendment seeks to include all the land in the development zone. Mr Hajigabriel stated that a structure plan will enable a holistic approach in addressing several matters related to the project. Mr Hajigabriel informed members that they are working closely with the City of Cockburn on the structure planning process.

Mr Hajigabriel requested the Committee to support the amendment.

Mr Hajigabriel answered a question from members regarding tree retention on the subject site and stated that they have completed a survey across the entire site and found 1,243 trees, in which 500 are proposed to be retained for tree trunks greater than 300 mm. Mr Hajigabriel added that of the 11 black cockatoo habitat trees recorded on the site, they are proposing to retain eight. Mr Perrignon informed

members that part of the provision of the structure plan is that new trees are to be planted.

Mr Hajigabriel answered a question from members regarding concerns raised by the community on public transport network and explained that the Public Transport Authority (PTA) does not extend the bus service in the area. Mr Hajigabriel stated that the PTA indicated that there is insufficient population in the area for public transport to be provided but that PTA may provide a bus services in the future.

Mr Kosova returned to the meeting at 10:26 am.

7.7 City of Armadale Local Planning Scheme No. 4 – Amendment No. 121 (TPS2797) (Item 9.4)

Presenters: Melissa Zappelli – representing landowners of Lots 604, 605 and 606; Aileen McKay – landowner and Kenneth McKay – landowner

Ms Zappelli made a presentation to the Committee on the City of Armadale Local Planning Scheme No. 4 - Amendment No. 121. Ms Zappelli highlighted that the landowners of Lots 604, 605 and 606 Balannup Road wish to retain the rural zoning of their land and be excluded from the York Structure Plan. Ms Zappelli stated that the landowners of the subject lots assert that there are no wetlands of any kind on their land.

Ms Zappelli discussed the wetlands on Lots 201 Skeet Road and Lots 600, 601 and 602 Balannup Road and expressed that these will be destroyed if the York Structure Plan proceeds. Ms Zappelli stated that the Department of Biodiversity, Conservation and Attractions (DBCA) and the City of Armadale have both claimed that these lakes are man-made, therefore no protection is required. Ms Zappelli stated that the landowners of Lots 604, 605 and 606 are concerned by the DBCA's lack of transparency and consultation throughout the entire process.

Ms Zappelli informed members that the DBCA is taking a long time in reviewing their land, which caused distress to the landowners.

7.8 City of Armadale Local Planning Scheme No. 4 – Amendment No. 121 (TPS2797) (Item 9.4)

Presenters: David Coremans – Emerge Associates; Sheldon Day – Hex Design and Planning and Tom Atkinson – Emerge Associates

Mr Coremans, Mr Day and Mr Atkinson made a presentation to the Committee on the City of Armadale Local Planning Scheme No. 4 - Amendment No. 121.

Mr Coremans discussed the hydrology they have undertaken on the subject sites and stated that an environmental assessment report was

prepared in 2021. Mr Coremans informed members that the DBCA conducted a site visit to confirm the vegetation mapping provided by Emerge Associates and that the DBCA completed the final classification of the wetlands, which resulted on some wetlands classified as Conservation Category Wetland (CCW) and some as Resource Enhancement Wetland (REW).

Mr Day answered a question from members on whether the landowners knew about the reassessment of their land and stated that they had advised them that the DBCA needed to go back to the site and that they granted access as confirmed by an email from the City.

Mr Atkinson informed members that it is not an unusual part of the review process that some features are misclassified and that it needs to be reassessed and classifications be adjusted. Mr Atkinson stated that the DBCA methodology for classification looks at a number of criteria and confirmed that Lot 605 Balannup Road and Lot 201 Skeet Road are classified as CCW as they are showing vegetation in good condition.

7.9 Section 31 Reconsideration of Condition of Subdivision Approval – Lot 1465 East Hyden Bin Road, Hyden (DR 128/2022, 162209) (Item 10.1)

Presenter: Joe Algeri – Altus Planning

Mr Algeri made a presentation to the Committee on Section 31 Reconsideration of Condition of Subdivision Approval - Lot 1465 East Hyden Bin Road, Hyden. Mr Algeri stated that they support the recommendation of the Department of Planning, Lands and Heritage to approve the Conditions of the subdivision plans. Mr Algeri expressed that the plan underwent several revisions, and they are now satisfied with the revised plan.

7.10 City of Perth Draft Local Planning Strategy – For Endorsement (TPS/2641) (Item 8.3)

Written Deputation: Bill Anderson – QEII Medical Centre Trust

Members noted the written deputation on Item 8.3 - City of Perth Draft Local Planning Strategy – For Endorsement.

ITEMS FOR DECISION

8.2 Ocean Reef Marina Improvement Plan Policies and Design Guidelines - Consent to Advertise (RLS/0815)

Moved by Ms Lyhne

Seconded by Ms Craigie

That the Statutory Planning Committee resolves to:

1. *advertise the following Improvement Scheme Policies and Design Guidelines pursuant to Part 2 Divisions 2 and 3 of the Ocean Reef Marina Improvement Scheme No. 1 for a period of not less than 21 days:*

- *Stage 1 Residential Precinct Design Guidelines*
- *Marine Enterprise Precinct Design Guidelines*
- *Improvement Scheme Policy No. 1 – Provision of Public Art*
- *Improvement Scheme Policy No. 2 – Public Realm & Landscape Master Plan Policy*
- *Improvement Scheme Policy No. 3 – Stage 1 Parking Policy*

The motion was put and carried

8.3 City of Perth Draft Local Planning Strategy – For Endorsement (TPS/2641)

Moved by Ms Lyhne

Seconded by Ms Craigie

That the Statutory Planning Committee resolves, in relation to the City of Perth Local Planning Strategy, to:

1. *Determine the submissions in accordance with the Schedule of Submissions (Attachment 4 – Schedule of Submissions)*
2. *Consider that modification to the Local Planning Strategy (Attachment 2 and 3 – Local Planning Strategy), in accordance with the attached Schedule of Modifications (Attachment 5 – Schedule of Modifications) is required;*
3. *Subject to the above modifications being satisfactorily undertaken, endorse the Local Planning Strategy under Regulation 15 of the Planning and Development (Local Planning Schemes) Regulations;*
4. *Authorise the Planning Director – Schemes and Strategies of the Department of Planning, Lands and Heritage to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly; and*
5. *Once the documents have been executed, advise the local government to publish a notice of the Local Planning Strategy advising the endorsement of Local Planning Strategy in accordance with Regulation 16 of the Planning and Development (Local Planning Schemes) Regulations.*

The motion was put and carried

9.1 Planning Reform - Consistent Local Planning Schemes – Consent to Advertise (PLH20200084)

THIS ITEM IS CONFIDENTIAL

9.2 City of Kalamunda Local Planning Scheme No. 3, Amendment No. 106 – For final determination (TPS/2684)

THIS ITEM IS CONFIDENTIAL

10.1 Section 31 Reconsideration of Condition of Subdivision Approval – Lot 1465 East Hyden Bin Road, Hyden (DR 128/2022, 162209)

Moved by Ms Lyhne
Seconded by Ms Craigie

Pursuant to Section 31 of the State Administrative Tribunal Act 2004, the Statutory Planning Committee has reconsidered condition 1 of subdivision approval dated 21 June 2022 (DR128/2022, WAPC ref 162209) and resolves to:

1. Substitute the approved plan dated 16 June 2022 with the attached plan dated 7 March 2023.

2. Delete the following condition:

‘Condition 1. The plan of subdivision is to be modified in accordance with the attached plan (Attachment A) dated 16 June 2022. (Western Australian Planning Commission)’

The motion was put and carried

Chairman declared a break at 10:57am.

The meeting resumed at 11:06am with all members present.

8.1 City of Wanneroo Agreed Structure Plan No. 6 (East Wanneroo Cell 4), Amendment No. 38 (SPN/0185M-13)

Members discussed the recommended Special Use zone detailed in Attachment 8 of the Department of Planning, Lands and Heritage (the Department) report and noted that Condition a) may not be of value as a lot of the businesses will operate outside the daylight hours.

Members queried the Special Use zone which facilitates special category land uses that does not sit comfortably within the zone and were advised that the Department opted for Special Use Zone instead of the Commercial Use zone proposed by the applicant, as this means that the zone can be specific with the land uses appropriate for the land. Members were advised that the process of introducing land use needs to be given careful consideration due to existing high traffic on

Wanneroo Road. Members noted that there are objections to fast-food use in the subject site as it is not a use compatible with the surrounding environment. Members were advised that the Department was careful with select uses that will not undermine the existing uses nearby.

Members agreed to endorse an amended recommendation of the Department of Planning, Lands and Heritage to delete 'Condition a) Hours of operation for all uses generally limited to core business and daylight hours' in Attachment 8 of the report.

Moved by Mr Kosova

Seconded by Ms Thompson

That the Statutory Planning Committee resolves to:

- 1. Delete 'Condition a) Hours of operation for all uses generally limited to core business and daylight hours' in Attachment 8 and renumber subsequent points;*
- 2. Require the applicant to modify Amendment 38 to East Wanneroo Cell 4 Agreed Structure Plan No 6 to:*
 - replace the Business zone with a Special Use zone in accordance with Attachment 8, including all consequential modifications to the structure plan map and text;*
 - update Schedule 3: Public Open Space Provision Cell 4 to include the proposed POS; and*
 - modify the proposed Private Clubs / Recreation zone to the Private Community Purposes zone; and*
 - resubmit to the Commission for approval.*
- 3. Advise the City of Wanneroo of its decision.*

The motion was put and carried

9.3 City of Cockburn Town Planning Scheme No. 3, Amendment No. 152 (TPS/2833)

Mr Kosova declared an Indirect Pecuniary Interest on this item and left the meeting at 11:20 am.

THIS ITEM IS CONFIDENTIAL

Mr Kosova returned to the meeting at 11:22 am.

9.4 City of Armadale Local Planning Scheme No. 4 – Amendment No. 121 (TPS2797)

THIS ITEM IS CONFIDENTIAL

11. Reports for noting

Nil.

12. Stakeholder engagement and site visits

Nil.

13. Urgent or other business

Nil.

14. Items for consideration at a future meeting

Nil.

15. Meeting closure

The next ordinary meeting is scheduled for 9:30 am on Tuesday, 4 April 2023.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 11:32 am.

CHAIRMAN

DATE



Statutory Planning Committee

Minutes

Meeting No. 7697
Tuesday, 4 April, 2023

- Members:** Jane Bennett - Deputy Chairperson, WAPC
Lynne Craigie - Nominee of the Regional Minister
Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee
- Apologies:** David Caddy - Chairman WAPC
Leonard Kosova - Local Government Representative
- Others present:** Kathy Bonus - Chief Planning Adviser, Reform, Design and State Assessment
Anika Chhabra - Senior Planning Officer, Schemes and Strategies
Garreth Chivell - Planning Manager, Schemes and Strategies
Shau Chong - Principal Planning Officer, Schemes and Strategies
Layla Crocker - Senior Policy Officer, Land Use Planning and Policy
Michael Daymond - Strategic Advisor WAPC
Jackie Holm - Planning Policy Manager, Land Use Planning and Policy
Michelle King - A/Manager Commission Business
Rohan Miller - Planning Director, Schemes and Strategies
Irene Obales - Commission Support Officer
Diarmuid O'Connor - Planning Manager, Metro South West
Lilia Palermo - Senior Planning Officer, Metro South West
Alyce Parker - Senior Planning Officer, Schemes and Strategies
Michelle Sanfilippo - Commission Support Team Leader
Mathew Selby - Executive Planning Director, Land Use Planning
Jacquie Stone - Executive Director Policy, Strategic Policy and Projects
Loretta van Gasselt - Director Land Use Planning Policy, Projects
-

Due to the absence of the Chairman and in accordance with Clause 6(4) of Schedule 1 of the *Planning and Development Act 2005* the Deputy Chairperson, Ms Bennett, presided over the meeting.

1. Declaration of opening

The Deputy Chairperson declared the meeting open at 9:30 am, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members. The Deputy Chairperson paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

2. Apologies

David Caddy - WAPC Chairman

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

Len Kosova - Local Government Representative

4. Disclosure of interests

Mr Iacomella declared a Perceived Impartiality Interest on Item 7.1 - Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park. Mr Iacomella stated that two years ago, his employer, KPA Architects, was considered for retail design work on the subject site but an alternative architect was selected. Members agreed that Mr Iacomella is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Iacomella's conduct in relation to the matter.

Ms Bennett declared an Indirect Pecuniary Interest on Item 7.1 - Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park. Ms Bennett stated that her employer, CLE, act for Perron Group and Aigle Royal Group on other projects unrelated to the item. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

The Deputy Chairperson declared that all members have a common interest on Item 8.2 - Town of Victoria Park Town Planning Scheme No.1, Amendment No. 56 – for final determination, as the Western Australian Planning Commission is a landowner within the Amendment area.

5. Declaration of due consideration

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

6. Deputations and presentations

Due to Ms Bennett's disclosure of interest on Item 7.1 - Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park and in accordance with Clause 8(4) of Schedule 1 of the *Planning and Development Act 2005*, Mr Davies was chosen to preside over the meeting when Ms Bennett leaves the room during the discussion.

6.1 Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park (SPN/0543M-2) (Item 7.1)

Ms Bennett declared an Indirect Pecuniary Interest on this item and left the meeting at 9:32 am.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Ms Bennett.

Presenters: James Lewison – element (representing Perron Group, owners of Cockburn Gateway Shopping City)

Mr Lewison made a presentation to the Committee on the Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park, against the recommendation of the Department of Planning, Lands and Heritage.

Mr Lewison expressed that the proposed amendment is not a simple amendment as outlined by the applicant and that it can facilitate a significant retail development within the Activity Centre. Mr Lewison stated that the City of Cockburn draft Local Planning Strategy does not envisage an expansion in this retail activity centre and that this will disrupt the activity centre hierarchy and should be refused. Mr Lewison expressed that the proposed amendment is a significant departure from the planning framework.

6.2 Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park (SPN/0543M-2) (Item 7.1)

Ms Bennet declared an Impartiality Interest on this item and remained out of the meeting.

Presenters: Kris Kennedy – Aigle Royal Group and Tim Conneley – Director, Urbis

Mr Kennedy and Mr Conneley made a presentation to the Committee in support of the Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park.

Mr Kennedy outlined that this amendment enables the construction of an activity centre and stated that they had been working with the City of Cockburn (the City) for three years to develop the structure plan amendment. Mr Kennedy discussed that one of the matters that needs

to be considered is the requirements of their prospective tenant, Woolworths. Mr Kennedy expressed that this activity centre is integral to create a neighbourhood centre based on streetscape outcomes. Mr Kennedy informed members that the City of Cockburn came to the conclusion that any residual issues can be addressed in the development application phase.

Mr Conneley informed members that Urbis was engaged to provide internal advice on the supermarket centre for Aigle Royal Group. Mr Conneley stated that there is a significant level of unmet need for retail in the area and that they are helping to fulfil that need, as there is a significant growth in the area that was not anticipated.

Mr Conneley discussed the submissions received and informed members that the majority of submitters supported the proposal.

Mr Conneley answered a question from members regarding information on the level and type of untapped retail and explained that the existing retail is primarily convenience retail. Mr Conneley stated that for supermarkets, 11 percent in the area is captured locally. Mr Conneley expressed that if the activity centre is in place, there is some additional spending that will go to other retail centre like Cockburn Gateway Shopping Centre.

Mr Kennedy discussed the concept plan with a total of 5,500 sqm Net Lettable Area (NLA) and stated that the analysis that has been done was based on the total capacity of the site, which is what the concept plan was based on.

Ms Bennet returned to the meeting 9:57 am and assumed the Chair.

6.3 Town of Victoria Park Draft Local Planning Scheme No. 2 – for certification to advertise (TPS/2917) (Item 8.1)

Presenters: Jack Hobbs – Place Leader, Town of Victoria Park; Robert Cruickshank – Manager, Development Services, Town of Victoria Park and David Doy – Manager Place Planning, Town of Victoria Park

Mr Hobbs, Mr Cruickshank, Mr Doy and Ms McQue made a presentation to the Committee on the Town of Victoria Park Draft Local Planning Scheme No. 2 - for certification to advertise.

Mr Hobbs thanked the Department of Planning, Lands and Heritage (the Department) for their collaboration in preparing the scheme. Mr Hobbs informed members that the Town of Victoria Park (the Town) is supportive of the recommendation of the Department, however, he outlined some of the recommended modifications that are not supported by the Town:

- 'Mixed Use' and 'Light Industry' bespoke zone objectives

- 'Nightclubs' land use permissibility
- Deletion of 'temporary sales office' land use
- Deletion of definitions 'permanent, plot ratio, storey and temporary'
- Removal of restrictions on 'multiple dwellings' in Residential Character Area

Mr Cruickshank discussed the removal of Clause 26 (1) of the Scheme - restrictions on multiple dwellings. Mr Cruickshank stated that the primary purpose of the Local Planning Scheme No. 2 is to convert the Town Planning Scheme No. 1 to model scheme text format without fundamental changes. Mr Cruickshank expressed that the restrictions on multiple dwellings within the Town's Residential Character Areas has been a fundamental component of the existing scheme. Mr Cruickshank stated that under the Local Planning Strategy, the Town is able to exceed its density targets and deliver a diversity of housing types and that the removal of this restriction is not recommended. Mr Cruickshank added that there are some concerns that buildings containing multiple dwellings are not compatible with the scale and form of development within the lower density streetscapes. Mr Cruickshank informed members that the streetscape impact of multiple dwellings will be more pronounced in the Town's character areas and expressed that they have concerns that the incremental development of land with multiple dwellings in these areas will erode the streetscape quality that is highly valued by the community. Mr Cruickshank stated that they are concerned that removing this provision is a significant change and was not flagged to the community through advertising of the Strategy and that it will delay the progression of the Scheme.

Mr Hobbs explained the expanse of the residential areas and stated that it is a large area with some containing dwellings that are unique. Mr Hobbs stated that the planning tools and instruments that were used outlined the design standards for new developments and that it has been effective that any new developments respect the character of the area.

Mr Hobbs answered a question from members on why the Medium Density codes do not address the Town's concerns and explained that the Medium Density codes do not include the consideration of streetscape character at all.

Mr Cruickshank answered a question from members on whether the Town has considered the preparation of a local planning policy and stated that it will depend on the outcome of the item at this meeting.

ITEMS FOR DECISION

7.1 Structure Plan Amendment - Lots 114, 123-125 Wattleup Road, Hammond Park (SPN/0543M-2)

Ms Bennett declared an Indirect Pecuniary Interest on this item and left the meeting at 10:14 am.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Ms Bennett.

Members discussed the proposed structure plan amendment and noted that both the City of Cockburn and the local community are opposed to it. Members were advised that more than 50 percent of submitters fully support the proposal and that they believe that an activity centre is needed in the area. Members noted that if the local area expanded, there will be a demand for the activity centre.

Members were advised that the City recommended refusal of the amendment due to the objections of the community, impact on the amenity of the residential area, potential traffic and the potential impact on the retail hierarchy in the area.

Members queried the lack of a retail impact assessment as raised by the deputation and whether it can be included in the modifications should the amendment be supported. Members were advised that the retail impact assessment is required if it is a major development, such as an additional 2,000 sqm NLA, however, the government has the ability to require that one be undertaken. Members were advised that when there is a retail impact assessment required, it is independently reviewed by the City.

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

Moved by Mr Thornton
Seconded by Mr Davies

That the Statutory Planning Committee resolves to:

- 1. require the submitted Structure Plan Amendment to be modified in accordance with Attachment 13 – Schedule of Modifications;*
- 2. require the modified documentation to be re-submitted to the Western Australian Planning Commission for its consideration; and*
- 3. write to the City of Cockburn to encourage the City to consider amending their Local Planning Scheme and any associated strategies to include a Neighbourhood Centre Zone.*

The motion was put and carried

Ms Bennett returned to the meeting at 10:31 am and assumed the Chair.

7.2 City of Rockingham – Local Planning Scheme No. 2, Amendment No. 191 for Consent to Advertise and Extension of Advertising Period for Rockingham Strategic Centre Precinct Structure Plan (TPS/2909)

Members were provided an overview of the City of Rockingham - Local Planning Scheme No. 2, Amendment No. 191 for Consent to Advertise and Extension of Advertising Period for Rockingham Strategic Centre Precinct Structure Plan. Members were advised that this amendment is a rehashing of the Rockingham Strategic Centre.

Members discussed the land use permissibility of nursing home as an X use versus an A use and queried whether it can be reconsulted if deemed suitable for an A use post advertising. Members were advised that the 'Position Statement for Residential accommodation for ageing persons' states that nursing homes should be permitted uses in residential zones. There may be some risk in readvertising if the City chose to advertise the amendment as a prohibited (X) use. Members noted that the City of Rockingham are comfortable for it to be modified to an A use for advertising.

Members queried the land use permissibility of night clubs being recommended as an A use for residential business zone rather than in the mixed-use zone and were advised that there are three mixed-use zone throughout the Rockingham Strategic Centre, that it provides some flexibility in those kinds of areas and that it is allowing the structure plan on where it might be contemplated.

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

Moved by Mr Davies

Seconded by Ms Lyhne

The Statutory Planning Committee resolves to:

1. *In relation to Amendment No. 191 to the City of Rockingham Local Planning Scheme No. 2, advise the City of Rockingham of the following:*
 - i. *That the amendment is in an appropriate manner and form suitable for advertising as required by Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
 - ii. *The Western Australian Planning Commission recommends that modification of the amendment should*

be undertaken in accordance with the attached schedule of modifications (Attachment 4) prior to advertising;

- iii. Modifications are recommended to address inconsistencies with model provisions and streamline the appropriate use of scheme provisions supplemented by the associated draft Rockingham Strategic Centre Precinct Structure Plan.*

2. In relation to the draft Rockingham Strategic Centre Precinct Structure Plan:

- i. approve the request from the City of Rockingham to extend the advertising period for the structure plan from 42 days to 60 days, in accordance with Schedule 2, Regulation 18(3A)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015; and*
- ii. advise the City of Rockingham that approval has been granted to extend the advertising period for the draft Rockingham Strategic Centre Precinct Structure Plan from a total of 42 days to 60 days.*

The motion was put and carried

8.1 Town of Victoria Park Draft Local Planning Scheme No. 2 – for certification to advertise (TPS/2917)

THIS ITEM IS CONFIDENTIAL

8.2 Town of Victoria Park Town Planning Scheme No.1, Amendment No. 56 – for final determination (TPS/0743)

THIS ITEM IS CONFIDENTIAL

8.3 State Planning Policy 3.7 Planning in Bushfire Prone Areas Review (PLH2019P1195)

THIS ITEM IS CONFIDENTIAL

9. Section 31 Items

Nil.

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 9:30 am on Tuesday, 2 May 2023.

There being no further business before the Committee, the Deputy Chairperson thanked members for their attendance and declared the meeting closed at 11:04 am.

CHAIRMAN

DATE

REPORT TO	Statutory Planning Committee		
Meeting date	2 May 2023	File number	TPS/0174
Subject	Shire of Denmark - Local Planning Policy 49 - Variation of SPP 7.3 (R-Codes) Deemed to Comply		
Purpose	Requires WAPC decision		
Title of Approving Officer	A/Planning Director – Regional South		
Agenda Part for Reports (All parts are confidential unless otherwise stated) SPC - Non-Confidential (To be published to the website)			
SITE-SPECIFIC DETAILS			
Region/s	Great Southern		
Local government/s	Shire of Denmark		
Landowner/Consultant	NA		
Location map	A1 - Location map		
Bushfire Prone Area	YES		
SUMMARY			
<p>The Shire of Denmark proposes to revise Local Planning Policy No. 49 'Ancillary Dwellings' (LPP) to improve guidance on development standards for ancillary dwellings and detached habitable rooms.</p> <p>The ancillary dwelling component of the LPP varies deemed-to-comply provisions of State Planning Policy 7.3 Residential Design Codes - Volume 1 (R-Codes) and requires WAPC approval.</p> <p>The Shire of Denmark has adopted the revised LPP in accordance with Schedule 2, Part 2, clause 4(b) of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> (the Regulations) and requests WAPC approval.</p> <p>Approval of the LPP, to the extent it varies the R-Codes, is recommended.</p>			
DETAILS OF PROPOSAL			
<p>The Shire of Denmark has revised the LPP to:</p> <ul style="list-style-type: none"> expand on development standards for ancillary dwellings including: <ul style="list-style-type: none"> varying the R-Code deemed-to-comply provisions for storage areas and outdoor living areas, defining on-site potable water supply and wastewater disposal requirements, outlining design requirements within the Special Residential zone, and defining the circumstances where holiday accommodation use may be approved, define, and include development standards for, detached habitable rooms. <p>(A2 - Revised Policy)</p> <p>In accordance with Clause 7.3.1 and 7.3.2 of the R-Codes, this report only relates to 5.5.1 'Ancillary Dwelling' deemed to comply variations within a residential zone, and to the extent that the R-Codes is varied, requires WAPC approval.</p>			

All other components of the LPP have been considered by the Shire in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

BACKGROUND

The LPP relates to all properties within the Shire where a single house can potentially be developed. It provides development guidance and promotes ancillary dwellings as small-format housing.

The local government advises the revision of the LPP is in response to implementation issues of the current LPP (adopted November 2021) and development issues prior to adoption.

Changes are to provide control mechanisms for development issues that are not addressed by the R-Codes or Shire of Denmark Local Planning Scheme No. 3 (LPS3).

Issues include lack of guidance for:

- zones beyond the Residential zone,
- outdoor living and storeroom components,
- servicing, and
- land use permissibility.

Policy changes will not trigger retrospective approvals.

In accordance with Schedule 2, Part 2 of the Regulations, the Shire consulted with DPLH planning staff prior to and during advertising. During informal consultation DPLH staff recommended minor modification of wording to clarify interpretation.

The LPP has now been forwarded to the WAPC for final endorsement.

KEY ISSUES

Consistency with WAPC Policies & Planning Framework	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i> <i>State Planning Policy 7.3 - Residential Design Codes (Volume 1)</i>	Broadly consistent, some discretion required
Consultation	A3 - Schedule of Submissions	

PLANNING ASSESSMENT

R-Codes

The LPP proposes to vary R-code deemed to comply provisions of Part 5.5 'Special purpose dwellings', clause 5.5.1 'Ancillary dwellings'.

Objectives of Part 5.5 note ancillary accommodation is independent or semi-independent to a single house and is an opportunity to provide affordable housing. Clause 5.5.1 design principles further defines ancillary dwellings as small scale and which share some site facilities and services with a single house.

Clause 5.5.1 deemed to comply provisions note ancillary dwellings must:

- be developed on the same lot as a single house (minimum lot of 350m²),
- achieve a 70m² maximum plot ratio,
- be designed to be compatible with the colour, roof pitch and materials of the single house on the same lot; and
- meet all other R-Code provisions that apply to single houses, except:
5.1.1 Site area;

5.2.3 Street surveillance; and
5.3.1 Outdoor living area.

- and, development must ensure single house minimum open space and outdoor living area requirements are maintained.

Variation

The LPP proposes to vary the deemed to comply provisions by:

- enabling development of a covered outdoor living component (maximum 30m²),
- prescribing a maximum distance of 50m from primary residence,
- enabling development of a storeroom component (maximum 8m²), and
- where a development proposes to exceed associated outdoor living or storeroom maximums; requiring equivalent reduction of maximum plot ratio area for ancillary dwelling (e.g. reduce maximum ancillary dwelling plot ratio to 65m² where 35m² outdoor living area is proposed).

Outdoor living - deemed to comply provisions note a covered outdoor living component does not apply to ancillary dwellings. This is further reinforced by the outdoor living definition and Table 1 outdoor living area requirements.

- Outdoor living is defined as: *external to a single house, grouped or multiple dwelling used in conjunction with that dwelling.*
- Table 1 prescribes a minimum outdoor living component for single house, grouped or multiple dwellings on lots within an R17.5 to R80 density. Minimums are: 36m² (R17.5), 30m² (R20 to R25), 24m² (R30 to R35), 20m² (R40) and 16m² (R50 to R80).

Storeroom - Clause 7.3.1 notes a local government can vary deemed to comply provisions of clause 5.4.4 'External fixtures, utilities and facilities' without WAPC approval. However, given the storeroom variation is integral to clause 5.5.1 variations, it is discussed within this report.

Clause 5.4.4 deemed to comply provisions defines a storeroom as an enclosed, lockable storage area associated with a grouped dwelling. A minimum 4m² internal area is required. The R-codes are silent on a maximum.

The LPP introduces a maximum storeroom area and notes the maximum can be exceeded when an equivalent reduction of ancillary dwelling plot ratio is proposed.

Submissions

Three submissions were received at advertising. All objected to the LPP. Two relate to clause 5.5.1, recommending further variation to clause 5.5.1 deemed to comply provisions by:

- increasing maximum plot ratio to 100m²,
- removing proximity to single house requirements.

These submissions are recommended to be dismissed as they propose variations that do not comply with R-code objectives and design principles for ancillary dwellings. **(A3 - Schedule of submissions)**

Recommendation

Variations to clause 5.5.1 deemed-to-comply provisions are recommended to be supported for the following reasons:

- reduction to maximum plot ratio will only occur when a proposal takes advantage of a benefit introduced by the LPP,
- introduction of a covered outdoor living or a storeroom component:
 - adds amenity to small-format housing,
 - does not affect minimum open space and outdoor living area requirements of associated single house, and

- the size limitation of covered outdoor living area generally meets the minimum prescribed area applied by Table 1 of the R-Codes.

RECOMMENDATION

That the Statutory Planning Committee resolves, pursuant to Clause 7.3.2 of State Planning Policy 7.3 – Residential Design Codes, to:

- 1. Approve the variations to cl. 5.5.1 of deemed-to-comply provisions of the R - Codes (Volume 1) proposed by Shire of Denmark Local Planning Policy No. 49; and***
- 2. Advise the Shire of Denmark accordingly.***

ATTACHMENTS

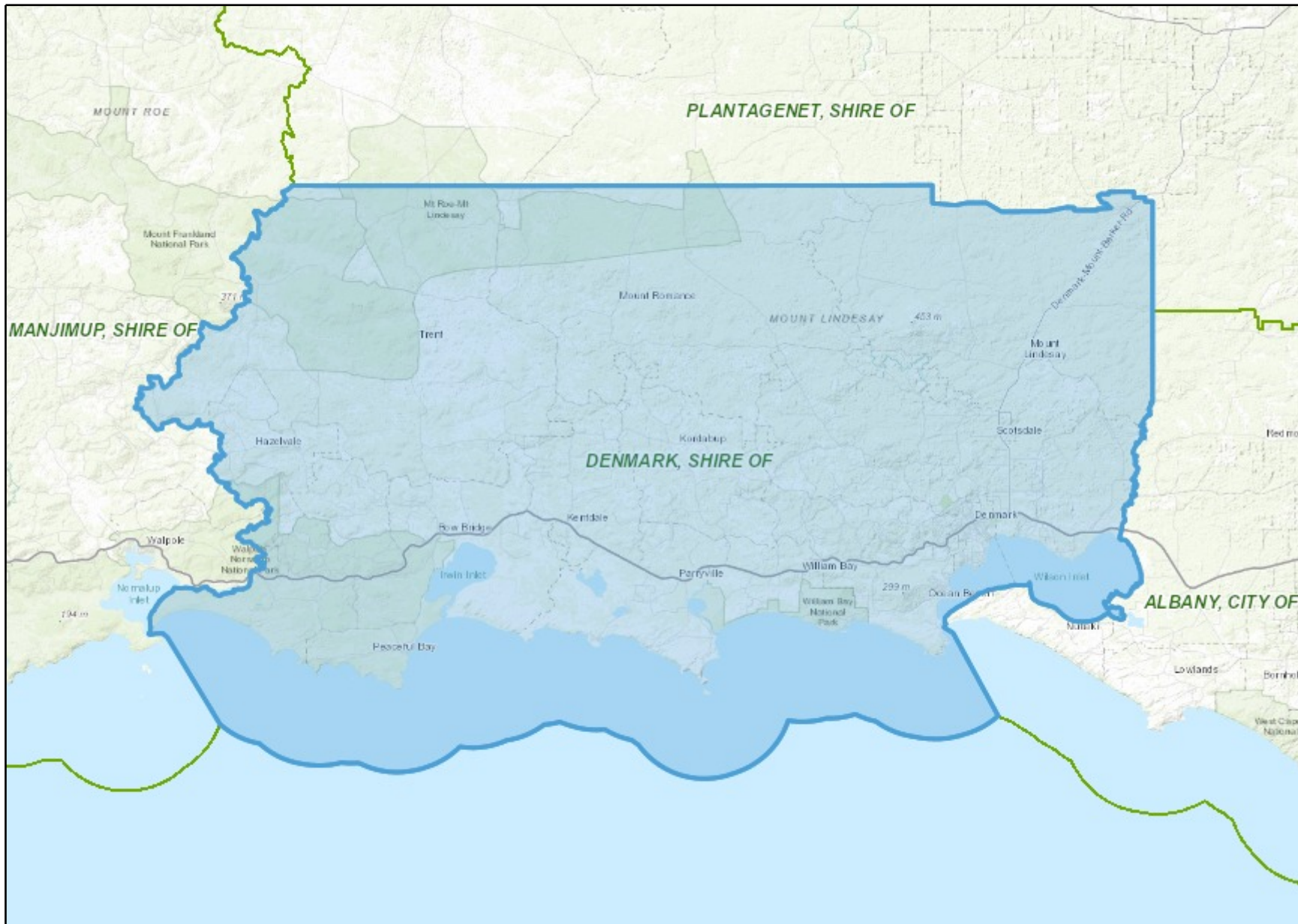
A1 - Location map
A2 - Revised policy
A3 - Schedule of submissions



Department of Planning,
Lands and Heritage

Legend

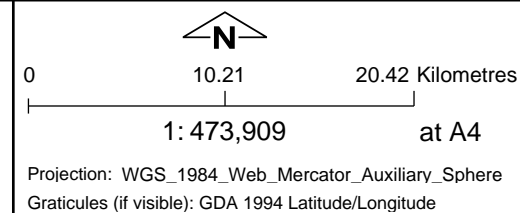
Local Government Area



InQuery Map

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



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.

* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Date produced: 27-Mar-2023



LOCAL PLANNING SCHEME POLICY NO. 49: ANCILLARY DWELLINGS & DETACHED HABITABLE ROOMS

**Adopted on the 21st February 2023 in accordance with
Schedule 2, Part 2 of the *Planning & Development (Local Planning
Schemes) Regulations 2015***

1. INTRODUCTION

This Local Planning Policy has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Denmark Local Planning Scheme No. 3* (the Scheme).

The purpose of this Policy is to detail how the Shire will consider proposals for the development of an Ancillary Dwelling.

2. OBJECTIVES

This Policy aims to:

- Promote the development of Ancillary Dwellings as a type of small-format housing that contributes to housing diversity.
- Preserve the amenity of all areas from inappropriate development.
- Identify development standards that the Shire will apply to proposals for an Ancillary Dwelling where the R-Codes do not apply.
- Identify development standards that demonstrate the distinction between what the Shire considers to be an Ancillary Dwelling and a Grouped Dwelling.
- Define and provide for the development of detached habitable rooms within appropriate limits to enable flexible living and working spaces.

3. DEFINITIONS

Definitions for terms used in this Policy are consistent with the Scheme, the R-Codes and the Regulations.

3.1 Ancillary Dwelling

An Ancillary Dwelling is defined in the R-Codes as a *'Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house'*.

An Ancillary Dwelling is typically limited in size and subsidiary to a Single House, unlike a Grouped Dwelling which is a second (or multiple) house that is entirely separate to and comparable in size and function to a Single House.

An Ancillary Dwelling typically contains bedroom and bathroom facilities to enable it to be used for overnight accommodation. A kitchen, laundry and other services may be provided or may be used in common with the primary residence.

3.2 Detached Habitable Room

A detached habitable room may include a studio, office, personal gym, workshop, games room or similar indoor space that is classed as habitable under the Building Code of Australia and constructed to be physically separate (unable to be accessed internally) from the primary residence on a property.

Note: A house that includes a separate 'pavilion', 'parents retreat' or similar space may be assessed by the Shire as an Ancillary Dwelling or Detached Habitable Room, and not simply as an additional part of a single house. The intent of these provisions is to accommodate this form of development where appropriate, but to avoid the de-facto development of multiple Ancillary Dwellings or Grouped Dwellings on sites that are not otherwise zoned for this purpose. The Shire will assess each proposed design on its merits to determine the most appropriate classification, including consideration of whether a proposed separate habitable space is capable of overnight

Document Control

Draft Policy Council Adoption:
Final Policy Council Adoption:
Policy Review Date:
Office Responsible:
SOD File Ref:

20 December 2022 (Item 9.1.2) – Resolution No. 081222
21 February 2023 (Item 9.1.1) – Resolution No. 060223
As required
Planning Services
PLN.70.O

2 | Page

accommodation (ie. including a bedroom and bathroom), detached (does not share common walls with other habitable rooms of the house), and serviced by a separate external entrance.

4. DEVELOPMENT APPROVAL REQUIREMENTS

4.1 Residential Zone

Development approval is not required for an Ancillary Dwelling or a Detached Habitable Room in the Residential Zone where:

- The Residential Design Codes (R-Codes) apply to the works.
- The works comply with the deemed-to-comply provisions of the R-Codes.
- The works are not located in a heritage-protected place.

Development approval is required where a proposal fails to meet the deemed-to-comply provisions of the R-Codes, is located in a heritage-protected place, or is otherwise inconsistent with the Scheme and relevant Local Planning Policies (including this one).

4.2 All Other Zones

Under the Scheme an Ancillary Dwelling or Detached Habitable Room is considered as development that is incidental to a Single House and therefore requires approval in all other zones.

5. POLICY PROVISIONS – ANCILLARY DWELLINGS

5.1 Permissibility

5.1.1 A maximum of one (1) Ancillary Dwelling can be permitted on any lot.

5.1.2 The Shire will not support proposals for an Ancillary Dwelling in the following circumstances:

- (a) In the Rural Zone where the Shire has otherwise permitted the development of two or more dwellings.

Note: In effect, a lot within the Rural Zone can contain a maximum of two dwellings only, either a Single House and Second Dwelling where lots are greater than 10ha or limited to a Single House and Ancillary Dwelling, on lots of 10ha or less.

- (b) In association with a Single House that has been approved in the Rural Multiple Occupancy Zone, Tourist Zone or the Industrial Zone.

5.2 Development Standards

5.2.1 All proposals for the development of an Ancillary Dwelling will be assessed against the design principles outlined in the R-Codes in addition to relevant provisions of this policy.

5.2.2 The Ancillary Dwelling is of an appropriate scale, clearly subsidiary to an existing primary residence and not a second, comparable dwelling by virtue of being:

- (a) Within a single building envelope (where applicable) or otherwise separated by no more than 50 metres from the primary residence.
- (b) A maximum plot ratio area of 70m².

Document Control

Draft Policy Council Adoption:
Final Policy Council Adoption:
Policy Review Date:
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- (c) Containing no greater than 30m² of covered outdoor living area.
- (d) Containing no greater than 8m² of enclosed store rooms, which must not be of a design or size capable of use for habitable purposes, including:
 - (i) External access only, unless integrated within a garage.
 - (ii) No major openings other than an access door (as defined in the R-Codes).

Note: Should a proposal seek a greater floorspace for an outdoor living area or store room than is identified above the Shire will assess the overall scale of the development and may not support the maximum allowable floorspace for the proposed ancillary dwelling. For example, if an applicant seeks to develop an ancillary dwelling with 35m² of outdoor living area the Shire may only support a maximum internal floorspace of 65m² for the ancillary dwelling.

5.2.3 The Ancillary Dwelling is appropriately sited, designed and serviced, including being:

- (a) Located to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.
- (b) Located and developed in materials that minimise the visual impact of development, particularly on evident landscape values.
- (c) Designed to be generally compatible with the colour, roof pitch and materials of the single house on the same lot.
- (d) Provided with 1 dedicated parking bay.
- (e) Consistent with all other relevant provisions of the zone, including boundary setbacks.
- (f) Connected to adequate servicing for water supply, wastewater disposal and electricity supply, as determined by the Shire.
 - Where an on-site potable water supply is to be provided instead of connection to a reticulated water service, a minimum storage capacity of 38,000 litres is to be provided to service the ancillary dwelling (in addition to the minimum of 92,000 litres required for the existing single residence).
 - Where on-site wastewater disposal is proposed, an ancillary dwelling is to be connected to the same wastewater disposal system as the existing single dwelling.
- (g) An Ancillary Dwelling may be permitted in front of an existing dwelling subject to planning approval. Proposals will be assessed in accordance with the following criteria:
 - Compliance with required setbacks from the street.
 - Compatibility of built form with the existing residence.
 - High standard of design, aesthetics and contribution to the streetscape.
 - Within the Residential and Special Residential zones, orientation to the street and contribution to passive surveillance.
- (h) Within the Special Residential Zone:
 - Sized such that a minimum of 80% open space is maintained on the lot.

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- Connected to the existing primary residence or otherwise designed to appear as single development form.
- Designed in accordance with the specific Special Residential zone provisions and Section 5.5.1 and Section 5.4.4 of the Residential Design Codes.

5.3 Short Stay Accommodation

Approval for an Ancillary Dwelling to be developed assumes that it will be used as a permanent residence and does not automatically allow for use as short stay accommodation.

Application may be made to the Shire to use an Ancillary Dwelling for short stay accommodation under the 'Holiday Accommodation' use class in the Scheme, where this is permissible.

Within the Residential, Special Residential or Special Rural zones the Shire will only support the use of an Ancillary Dwelling for 'Holiday Accommodation' where the landowner is the host and resides permanently on site.

The Shire will not support the use of an Ancillary Dwelling as an unhosted form of short stay accommodation in the Residential, Special Residential or Special Rural zones, including:

- Short stay leasing of an ancillary dwelling in addition to the primary residence as one combined accommodation unit; or,
- Short stay leasing of both a primary residence and an ancillary dwelling as two separate accommodation units.

Note: There are few Special Residential and Special Rural zones where the Shire may consider proposals for Holiday Accommodation – please refer to the Scheme and contact the Shire for further advice.

6. POLICY PROVISIONS – DETACHED HABITABLE ROOMS

6.1 Use

6.1.1 A Detached Habitable Room is not permitted to be used for overnight accommodation of any form and may not be developed in a manner that may facilitate use for accommodation. The following criteria will apply:

- (a) A Detached Habitable Room may contain a small toilet and handwashing basin but must otherwise be entirely dependent on the services of the existing residence, and is not permitted to contain a bathroom, kitchen or laundry facilities.
- (b) A Detached Habitable Room must have a purpose specified on any application for approval to enable the correct classification of its use under the Scheme and Building Code of Australia.

Note: A Detached Habitable Room with the provision of any services facilitating its use for overnight accommodation will be classified as an Ancillary Dwelling and assessed accordingly.

6.2 Development Standards

6.2.1 A Detached Habitable Room must be of an appropriate scale, subsidiary to an existing primary residence and not result in over-development of the subject site. The following criteria will apply:

- (a) A maximum floorspace of 40m² may be permitted.

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- (b) The permitted area of Detached Habitable Room(s) will be subtracted from the allowable area of outbuildings on the subject site.

Note: For example, on a lot under 1000m² in the Residential Zone where an outbuilding/s of up to 80m² may be permitted, this allowance may be reduced to 40m² if a Detached Habitable Room of 40m² is developed on the site. Refer to Local Planning Policy 13.4: Outbuildings for detail of allowable areas of outbuildings.

6.1.2 The Detached Habitable Room is appropriately sited, designed and serviced, including being:

- (a) Located to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.
- (b) A Detached Habitable Room must be located within a single building envelope (where applicable) or otherwise separated by no more than 50 metres from the primary residence.
- (c) Located and developed in materials that minimise the visual impact of development, particularly on evident landscape values.
- (d) Designed to be generally compatible with the colour, roof pitch and materials of the primary residence on the same lot.
- (e) Consistent with all other relevant provisions of the zone, including boundary setbacks.
- (f) A Detached Habitable Room may be permitted in front of an existing dwelling subject to:
 - Complying with street setback requirements.
 - Contributing positively to passive surveillance, aesthetics and streetscape.
- (g) Within the Special Residential Zone, a Detached Habitable Room must be connected to an existing residence or outbuilding and ensure that a minimum of 80% open space is maintained on the lot.

Related Policies	<i>Local Planning Scheme Policy No. 7: Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots</i> <i>Local Planning Scheme Policy No. 13.4: Outbuildings</i> <i>Local Planning Scheme Policy No. 18: Tourist Development other than 'Bed & Breakfast' Uses within the Residential Zone</i> <i>Local Planning Scheme Policy No. 19.5: Holiday Home Policy</i>
Related Procedures and Documents	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i> <i>State Planning Policy No. 7.3 Residential Design Codes Volume 1</i>
Adopted	21 February 2023.

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SCHEDULE OF SUBMISSIONS

Draft Revised Local Planning Policy 49: Ancillary Dwellings & Detached Habitable Rooms

Submissions Received from Public

Ref No.	Submitter Details	Verbatim Submission	Local Government Comment	WAPC Comment
1	Stuart Young, 191 Mount Shadforth Road	<p><i>Survey form submitted via Your Denmark</i></p> <p><i>Do you support the proposed changes to the Local Planning Policy for Ancillary Dwellings?</i></p> <p>No</p> <p><i>What are your questions, comments or concerns?</i></p> <p>The size of 70m² for an ancillary dwelling seem to be abnormally small - too tiny for practical purposes. to me, a size of at least 100m² plus the 20m² outdoor living area would seem to be a necessary maximum.</p>	<p>The 70m² limit on the size of an Ancillary Dwelling is set within the Residential Design Codes and applied consistently across the State. This limit ensures that an Ancillary Dwelling is smaller and dependent and is not a grouped dwelling of a comparable size and function.</p> <p>It is noted that the Shire's current local planning framework supports a second full sized residential dwelling on lots over 10ha in the Rural Zone (in place of an Ancillary Dwelling).</p>	<p>Submission Not Supported - 70m² is defined maximum within R-Codes.</p> <p>The LPP variation does enable a reduction to the 70m², but only in limited circumstance where an equivalent benefit introduced by the LPP is utilised (addition of a storeroom or an outdoor living above the defined maximum).</p>
2	Jane Ferreira, 242 East River Road	<p>Building an ancillary dwelling on one's own property, in my opinion should"n't be so hard & indeed restrictive . I believe you should be able to build on your land, one without , or the ability to change the building envelope. & as far as having the ancillary dwelling 50 meters next to your house simply ridiculous. Nothing SCREAMS suburbs like a house smack right next door! Why not with your</p>	<p>Building envelopes are designated on properties where there is a need to limit the extent of development to preserve significant remnant vegetation, visual landscape values, or other physical or cultural features. This includes to all lots within the Special Rural Zone, and various properties within the Special Residential, Landscape Protection and Tourist zones and selected Additional Use sites.</p> <p>For all other properties the policy includes a standard of 50 metres and other measures to ensure that Ancillary Dwellings are subsidiary to an existing residence (not</p>	<p>Submission Not Supported - Ancillary dwelling by definition, is to be located so that it shares some site facilities and services with a single house in a Residential zone.</p> <p>Extension of the R-codes provisions to other zones does not require Western</p>

		<p>rules, can't we build away from the main house. I love my family, but to live right next door, when there's so much more room, stupid. Land & house price are high, so if a family can help, by having family members to live on family land ,THEIR land. That should be, well be there business, & we should be able to come to the shire for guidance & GOOD advice not restrictions & threats. Thankyou again for this opportunity, I've discussed this at length with many people & we think you are out of step, with what is actually happening out there!</p>	<p>separate Grouped Dwellings), clearing required for bushfire protection is minimised, and the amenity of the neighbourhood is preserved.</p>	<p>Australian Commission consideration.</p> <p>Planning (WAPC)</p>
3	Not stated, Tame Close Shadforth	<p><i>Survey form submitted via Your Denmark</i></p> <p><i>Do you support the proposed changes to the Local Planning Policy for Ancillary Dwellings?</i></p> <p>No</p> <p><i>What are your questions, comments or concerns?</i></p> <p>Some of the provisions appear unnecessarily restrictive, and don't support our strategic community plan with regards to creativity, sustainability, innovation and village living- specifically the requirement that anc dwellings have the same materials, colour and roof pitch as original house. Seriously? I</p>	<p>The policy (existing and proposed) provides for development to be 'generally compatible' with the existing house. This is not intended to infer that they are required to be exactly the same. In practice this provision can be utilised to help avoid development that is entirely incompatible, impacts on neighbours, and is inappropriate within the surrounding context.</p> <p>This provision is consistent with the requirements of the Residential Design Codes.</p> <p>Other than in relation to this provision it is not specified how the submitter believes the policy to be restrictive.</p>	<p>Noted.</p> <p>The LPP does not proposed to vary clause 5.5.1 deemed to comply provisions relating to design.</p>

		can't paint my studio yellow because my house is white?? And I can't build it out of mud brick because my house is cement clad ?? There's no innovation to be seen here.		
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REPORT TO	Statutory Planning Committee		
Meeting date	2 May 2023	File number	RLS/1060
Subject	Amendment No.1 - Shenton Park Hospital Redevelopment Improvement Scheme		
KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE			
<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>			
Amendment No. 1 to Shenton Park Hospital Redevelopment Improvement Scheme has been advertised and submitted to the Western Australian Planning Commission for final determination. The key matter for consideration is:			
<ul style="list-style-type: none">Whether introduction of 'Additional Use Area No.2' over proposed Lots 42 and 43 to allow grouped dwellings as a discretionary 'D' use is appropriate.			



REPORT TO	Statutory Planning Committee		
Meeting date	2 May 2023	File number	TPS/2879
Subject	City of Bayswater Local Planning Scheme No. 24 - Amendment No. 91 - For Final Determination		
KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE			
<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>			
In consideration of this proposal, the Department of Planning, Lands and Heritage has identified the following key matters for consideration by the Statutory Planning Committee:			
<ul style="list-style-type: none">Whether the proposed extension of the Special Control Area No. 2 (Guildford Road, Maylands Activity Centre Zone) and the associated provisions are consistent with the State and Local Planning Framework.			

REPORT TO	Statutory Planning Committee		
Meeting date	2 May 2023	File number	TPS/2568
Subject	City of Kwinana Local Planning Scheme No. 2, Amendment No. 159 – For Final Determination		
KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE			
<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>			
Amendment 159 (the amendment) to the <i>City of Kwinana Local Planning Scheme No. 2</i> seeks to rezone portions of Lots 3, 9011 and 9012 Rowley Road, Mandogalup from the Rural A zone and the Park Recreation and Drainage reservation to the Development zone.			
In its consideration of the amendment, the Department of Planning, Lands and Heritage has identified the following key matters for consideration by the Statutory Planning Committee:			
<ul style="list-style-type: none">• Whether the Development zoning proposed by the amendment is appropriate;• Whether the inclusion of the amendment land within Development Contribution Area No.6 is appropriate in response to <i>State Planning Policy 3.6 – Infrastructure Contributions</i>; and• Whether it is appropriate for a proposed scheme provision to require the preparation of Landscape Feature and Tree Retention Strategy at the Structure Planning Stage.			

REPORT TO	Statutory Planning Committee		
Meeting date	2 May 2023	File number	TPS/2569
Subject	City of Kwinana Local Planning Scheme No. 2, Amendment No. 161 – For Final Determination		
KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE			
<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>			
Amendment 161 (the amendment) to the <i>City of Kwinana Local Planning Scheme No. 2</i> seeks to rezone parts of Lots 11, 9000, 9002 and 9006 Hoffman Road, Mandogalup from the Rural A zone to the Development zone.			
In its consideration of the amendment, the Department of Planning, Lands and Heritage has identified the following key matters for consideration by the Statutory Planning Committee:			
<ul style="list-style-type: none">• Whether the Development zoning proposed by the amendment is appropriate; and• Whether the inclusion of the amendment land within Development Contribution Area 6 is appropriate in response to <i>State Planning Policy 3.6 – Infrastructure Contributions</i>.			

REPORT TO	Statutory Planning Committee		
Meeting date	2 May 2023	File number	TPS/2728
Subject	City of Kwinana Town Planning Scheme No. 2, Amendment No. 162 – for final determination		
KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE			
<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>			
Amendment No. 162 to the City of Kwinana Town Planning Scheme No.2 proposes to rezone a portion of various lots in Lyon Rd, Wandi from Special Rural to Residential R5, R10, and R12.5; insert an Additional Use designation; and extend the existing Development Contribution Area boundary to include the land proposed to be zoned Residential.			
The key matters identified by the Department of Planning, Lands and Heritage for the Statutory Planning Committee's consideration are:			
<ul style="list-style-type: none"><i>Whether the Amendment is consistent the model provisions of the Planning and Development (Local Planning Schemes) Regulations 2015;</i><i>Whether the Amendment is consistent with relevant State Planning Policies including SPP2.4 Jandakot Groundwater Protection, SPP3.6 Infrastructure Contributions and SPP3.7 - Planning in Bushfire Prone Areas;</i><i>Whether the Amendment aligns with the South Metropolitan Peel Sub-regional Planning Framework; and</i><i>Whether the amendment prejudices a declared Planning Control Area for Anketell Road.</i>			