



SHAPING THE FUTURE OF WESTERN AUSTRALIA

# Swan Valley Statutory Planning Committee Agenda

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

**Meeting No. 3**

**Tuesday, 15 February, 2022, 9:00 am**

**Level 6, Room 6.40, 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. 2 on Tuesday, 7 December 2021	7 - 23
7.	Deputations and presentations	
8.	Statutory items for decision	
8.1.	Development Application for an Outbuilding - Lot 12 Saunders Street Henley Brook	24 - 33
8.2.	Development Application for a Proposed Outbuilding on Lot 32 Weir Road, Baskerville	34 - 40
9.	Reports for Noting	
10.	Urgent or other business	
11.	Items for consideration at a future meeting	
12.	Meeting closure	

## Information for SVSPC Members

### Quorum: 5 of 9 members

*Representation in accordance with the Planning and Development Act 2005*

	<p><b>Mr David CADDY</b> WAPC Chairman <i>Schedule 2, clause 1(2)(c)</i></p>		<p><b>Mr Len KOSOVA</b> Member of the Statutory Planning Committee <i>Schedule 2, clause 1(2)(c)</i></p>
	<p><b>Ms Kym DAVIS</b> Member of the Statutory Planning Committee <i>Schedule 2, clause 1(2)(c)</i></p>		<p><b>Mr Lino IACOMELLA</b> Member of the Statutory Planning Committee <i>Schedule 2, clause 1(2)(c)</i></p>
	<p><b>Ms Marion THOMPSON</b> Member of the Statutory Planning Committee <i>Schedule 2, clause 1(2)(c)</i></p>		<p><b>Ms Nina LYHNE</b> Member of the Statutory Planning Committee <i>Schedule 2, clause 1(2)(c)</i></p>
	<p><b>Mr Justin ROGAN</b> Representative of Swan Valley Residents and Businesses <i>Schedule 2, clause 1(2)(c)</i></p>		<p><b>Mr John REX</b> Representative of Swan Valley Residents and Businesses <i>Schedule 2, clause 1(2)(c)</i></p>
	<p><b>Cr Charlie ZANNINO</b> Representative of the Swan Valley Local Government <i>Schedule 2, clause 1(2)(c)</i></p>		

### Role of the Swan Valley Statutory Planning Committee

The Swan Valley Statutory Planning Committee is established under Schedule 2, clause 1 of the *Planning and Development Act 2005* as directed by Clause 33 of the *Swan Valley Planning Act 2020*.

The Swan Valley Statutory Planning Committee has been created as a single decision-maker to determine development applications, subdivision and structure plans, and other functions related to the Swan Valley area.

The Committee will administer the Swan Valley Planning Scheme No. 1 with delegated decision-making responsibility from the Western Australian Planning Commission.

## Establishment of the Committee

On 10 August 2021, the Western Australian Planning Commission established the Swan Valley Statutory Planning Committee as required by Clause 33 of the *Swan Valley Planning Act 2020* in accordance with Schedule 2, clause 1 of the *Planning and Development Act 2005*.

## Membership

The composition of the Swan Valley Statutory Planning Committee is in accordance with Section 33(2) of the *Swan Valley Planning Act 2020*.

- (2) The Swan Valley Statutory Planning Committee is to consist of —
- (a) the chairperson or, if another person has been nominated by the chairperson and approved by the Minister under the *Planning and Development Act 2005* Schedule 2 clause 4(2)(a), that person; and
  - (b) 5 other persons appointed by the Commission, with the approval of the Minister, who must be members of the Statutory Planning Committee established under the *Planning and Development Act 2005* Schedule 2 clause 4; and
  - (c) 1 other person appointed by the Commission, with the approval of the Minister, to represent the Swan Valley local government; and
  - (d) 2 other persons appointed by the Commission, with the approval of the Minister, to represent the interests of Swan Valley residents and businesses.

## Delegated Authority (TBA) Powers of Committee

*Swan Valley Planning Act 2020* Section 34(2)

1. Power to perform all functions and exercise all powers of the WAPC under Part 2 of the *Swan Valley Planning Act 2020*.
2. Power to perform all functions and exercise all powers the WAPC has under the *Planning and Development Act 2005* as the responsible authority for the Swan Valley Planning Scheme.
3. Power to perform all functions and exercise all powers of the Commission under the *Swan and Canning Rivers Management Act 2006* Parts 4 and 5.
4. Power to determine whether or not proposals and the ongoing implementation of the Swan Valley Planning Scheme from time to time pursuant to the *Swan Valley Planning Act 2020* comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
5. All functions of the WAPC as set out in-
  - a. Sections 14(a), 14(c), 97, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 214, 215, 216 of the *Planning and Development Act 2005*;
  - b. The *Planning and Development (Local Planning Schemes) Regulations 2015*
  - c. Regulations 21, 22, 24 and 27 of the *Planning and Development Regulations 2009*;
  - d. *Strata Titles Act 1985* or the provisions of a strata or survey- strata scheme;
  - e. *Strata Titles (General) Regulations 2019*;
  - f. Section 52 and section 85 of the *Land Administration Act 1997*;
  - g. Section 40 of the *Liquor Control Act 1988*.
  - h. *Community Titles Act 2018*
  - i. *Community Titles Regulations 2021*
6. 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.
7. 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.

8. 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*.
9. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the *Planning and Development Act 2005*.
10. Power to defend and otherwise deal with applications for review lodged with the State 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.
11. Power to defend, respond, appeal and otherwise deal with legal proceedings.

### **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.



## Swan Valley Statutory Planning Committee

### Minutes

Meeting No. 2  
Tuesday, 7 December, 2021

Members: David Caddy - Chairman WAPC  
Kym Davis - Member of the Statutory Planning Committee  
Lino Iacomella - Member of the Statutory Planning Committee  
Leonard Kosova - Member of the Statutory Planning Committee  
Nina Lyhne - Member of the Statutory Planning Committee  
Marion Thompson - Member of the Statutory Planning Committee  
John Rex - Representative of Swan Valley Residents and Businesses  
Justin Rogan - Representative of Swan Valley Residents and Businesses  
Charlie Zannino - Representative of the Swan Valley Local Government

Others present: Kathy Bonus - Chief Planning Advisor, Reform, Design and State Assessment  
Charlotte Lavictoire - Senior Planning Officer, Metro North  
Andrew Cook - Planning Manager, Metro North  
Michael Daymond - Strategic Advisor WAPC  
Sam Fagan - Manager Commission Business  
Johan Gildenhuis - Principal Planning Officer, Metro North  
Poppy Justice - Commission Support Officer  
Michelle King - Senior Commission Support Officer  
John O'Hurley - Principal Planning Officer, Metro North  
David Saunders - Assistant Director General, Land Use Planning  
Mat Selby - Planning Director, Metro North

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#### 1. Declaration of opening

The Chairman declared the meeting open at 9:00am, acknowledged the Whadjuk people of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all. The Chairman welcomed members, including the newly appointed John Rex, Justin Rogan and Charlie Zannino to the Swan Valley Statutory Planning Committee meeting.

#### 2. Apologies

Nil.

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

Nil.

**4. Disclosure of interests**

Ms Davis declared a Perceived Impartiality Interest on Item 8.2 - Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan. Ms Davis stated that in a previous role she was the Director overseeing the development application for the expansion of events at Sandalford Winery, including the initial increase from 5,000 persons. Members agreed that Ms Davis is permitted to be present during the discussion and/or decision making procedure on the item.

**5. Declaration of due consideration**

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

**5.1 Questions from members and responses from DPLH staff**

**6. Minutes**

**6.1 Confirmation of minutes - Meeting No. 1 on Tuesday, 31 August 2021**

**Moved by** Mr Iacomella  
**Seconded by** Ms Thompson

*That the minutes of the Swan Valley Statutory Planning Committee meeting held on Tuesday, 31 August 2021, be confirmed as a true and correct record of proceedings.*

**The motion was put and carried**

**6.2 Delegation of Powers by the Swan Valley Statutory Planning Committee - endorsed on 31 August 2021**

Members queried if a schedule of items approved under Delegated Authority could be provided to members to gain an understanding of the scale and proportion of development occurring in the Swan Valley. Members were advised that a detailed schedule will be provided at the next ordinary meeting of the Swan Valley Statutory Planning Committee and could be circulated to members. Members discussed the importance of ensuring a proper governance structure is established, which accurately reflects the decisions of the Swan Valley Statutory Planning Committee.

**7. Deputations and presentations**

**7.1 Introduction to the Swan Valley Statutory Planning Committee**

**THIS ITEM IS CONFIDENTIAL**

**Mr Kosova joined the meeting at 9:14am.**

**7.2 Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan (Item 8.2)**

Ms McLean presented to the Swan Valley Statutory Planning Committee on behalf of Sandalford Wines and Trafalgar Investments Pty Ltd, as part of the Prendiville Group of Companies which owns the Duncraig Stud located immediately adjacent to Nikola Estate. Ms McLean stated that though concerts events are appropriate as tourism and promote hospitality in the wine region, it is necessary that each site is assessed on individual merit, and that there is no comparison for the Nikola Estate and Sandalford sites. Ms McLean discussed the traffic management of Sandalford, which is contained entirely within land owned by Sandalford and provides ingress and egress for a 16,000 patron capacity, and that parking management has been refined over several years. Ms McLean noted that Nikola Estate relies on external properties, and that traffic will travel in single directions, causing severe delays and long queues. Ms McLean requested that the Committee allow a cautious approach to patron capacity to protect impact on amenity and rural character of the locality, and that a 5,000 patron approval be given, to be monitored and reviewed for a future patron increase proposal.

### **7.3 Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan (Item 8.2)**

Mr Mellen presented to the Swan Valley Statutory Planning Committee representing Mellen Events, together with Mr Lewisson, Mr Scott and business partner Mr Yukich. Mr Mellen stated that Mellen Events has entered in to a long term exclusive partnership to stage concerts at Nikola Estate. Mr Mellen stated that Mellen Events has been operating in the industry for 25 years, and has staged over 1000 shows in that time, with the majority of shows produced on Greenfields sites. Mr Mellen stated that Mellen Events is well versed in running concerts from 6,000 to 40,000 patron capacity, particularly in sensitive outdoor environments such as Sandalford, Kings Park and the Belvoir Amphitheatre, and works closely with the appropriate authorities. Mr Mellen stated that Mellen Events looks to bring world class acts that will provide significant impact on employment for the lead up and show date. Mr Mellen highlighted the need to re-establish the industry following the significant impact of COVID-19 in the past two years.

Mr Scott addressed the Committee as the bushfire consultant working on the proposal and in support of the recommendation, subject to the removal of Condition 21 relating to closure of the facility on extreme or catastrophic fire danger days. Mr Scott stated that the site and surrounding area is dominated by low vineyards, a polo course and slashed paddocks and that fire behaviour in the area will be more consistent with what would be expected on a major fire danger day due to the fragmented flat landscape. Mr Scott stated that event management establish robust procedures in bushfire events and that based on his experience Condition 25 and 26 should be removed.

Mr Lewisson stated that the proposed development application does not reduce the character or capacity of the vineyard and winery operations on the site. Mr Lewisson noted that events of this scale can

already be carried out but are limited to a small number per year, and that the proponents are seeking approval for an increase in number of events and for the removal of administrative power from the City of Swan. Mr Lewisson requested that Condition 1 be amended to reference 5 years from the date of the first event due to the potential for uncertainty and impacts of COVID-19, to protect the viability and investment undertaken prior to scheduled events.

Members questioned how many days in the calendar year would the Swan Valley experiences an extreme or catastrophic fire danger day, Mr Scott stated it could be up to approximately 14 days per year. Members queried the number of neighbouring paddocks required for carparking and Mr Yukich stated that only one would be required for approximately 500 cars and that they have a good relationship with their neighbours to accommodate this.

Members queried how pedestrians would access the venue from carparking located at Septimus View. Mr Yukich stated that pedestrians would walk along the Cassidy paddock boundary and that Mellen Events will also have shuttle buses to transport pedestrians. Members queried the delays of 49 – 117 minutes described in the Traffic Impact Assessment (TIA) and Mr Yukich stated that the road is dual lane, and that previous events have being successful in getting 90 percent of people out within 70 minutes. Mr Lewisson further clarified that the TIA was conducted holistically at a large scale, and that the Traffic Management Plan will expand traffic and pedestrian movement in finer grain detail to and from the site.

## ITEMS FOR DECISION

### 8.1 Development Application - Single House - Lot 807 Millhouse Road, Belhus

Members queried if a previous restaurant and tavern licence, which was approved by the City of Swan Council in 2019 still applies to the property. Members were informed that the licence is still active and would have several years to run, but does not coincide with this application. Members were advised the application is for a residential building.

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

**Moved by** Mr Kosova

**Seconded by** Mr Iacomella

*That the Swan Valley Statutory Planning Committee resolves to approve the application for development of a single house on Lot 807 Millhouse Road, Belhus subject to the following conditions and advice:*

#### CONDITIONS:

1. *This approval relates to the attached plans date stamped 5 November 2021 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission.*

2. *The proposed dwelling is to connect to an on-site secondary treatment and disposal system for sewage (which includes nutrient removal) to the specifications of the City of Swan, in consultation with the Department of Biodiversity, Conservation and Attractions (Swan River Trust).*
3. *A wastewater plan is to be prepared that details how wastewater will be managed to the specifications of the City of Swan, in consultation with the Department of Biodiversity, Conservation and Attractions (Swan River Trust).*
4. *All stormwater must be contained and disposed of on-site at all times. Further stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter Ellen Brook untreated.*

**ADVICE:**

1. *This approval does not authorise commencement of any building and/or demolition works. In accordance with the Building Act 2011 and Building Regulations 2012, a building and/or demolition permit must be obtained prior to the commencement of any works.*
2. *The proposed development is not to be within 1.2 metres of any sewerage septic tank or 1.8 metres of any effluent leach drain without the City of Swan's approval.*
3. *The Department of Biodiversity, Conservation and Attractions (Swan River Trust) advises as follows:*
  - *on-site wastewater systems that are located on the Swan Coastal Plain or less than 100 metres from waterways or surface or sub-surface drainage systems that discharge directly to a waterway or wetland within the Swan Canning Catchment are to have secondary treatment systems with nutrient removal;*
  - *the wastewater plan is to demonstrate that the on-site wastewater system and associated land application area have the capacity to attenuate both phosphorus and nitrogen;*
  - *the wastewater plan is to include:*
    - *the size and specifications of the proposed secondary treatment system;*
    - *the location of the proposed secondary treatment system and any wastewater land application area;*
    - *the distance between the highest known groundwater level and the discharge point of the wastewater system;*
    - *the phosphorus retention index of the soil in the wastewater land application area;*

- *details of any proposed soil amendments within the wastewater land application area;*
  - *a landscape plan detailing the type of vegetation that will be incorporated within the wastewater land application area;*
  - *expected performance; and*
  - *a monitoring and maintenance plan.*
- *the on-site wastewater system and associated land application area is to be located as far as practical from the waterway and drainage systems. The discharge point of the on-site wastewater system above the highest known groundwater level should be at least 1.5 metres in sands, 1 metre in gravels and 0.6 metres in loams and clays, and at least 2 metres in public drinking water source areas. Soils within a wastewater land application area are to have a phosphorus retention index (PRI) greater than 20. Where the PRI of the soil is less than 20, it is recommended that amended soils be added to the wastewater land application area to a depth of 1 metre.*
  - *Appropriate vegetation should be planted within the wastewater land application area to assist with the absorption of nutrients. It is recommended that a mix of plant species and growth forms that can tolerate wetting and drying conditions are planted in the wastewater land application area. The appropriate plant species are those capable of high nutrient removal. Refer to table 5 of Vegetation Guidelines for Stormwater Biofilters in the South-West of Western Australia (Monash University, 2014) when considering species selection.*

**The motion was put and carried**

## **8.2 Development Application - Proposed large-scale events - Nikola Estate, Lots 104 and 105 Great Northern Highway, Middle Swan**

Members considered the deputations presented on the proposal and queried if fire conditions relating to closing a facility in the event of extreme or catastrophic fire danger day applies to large events at similar venues Kings Park or Sandalford, and considered that Nikola Estate should be held to the same compliance as these venues. It was noted that this condition does not apply to Sandalford, and was recommended from a policy standpoint and that the applicant can also put additional measures in place.

Members sought clarification for comments made relating to events currently allowed to occur at a capacity of 15,000 people, and it was noted that individual applications are made through the City of Swan, and that two events can be held without planning approval, which triggers temporary approval. Members queried if any impact of previous events was known, and it was stated that there are no known complaints for this particular venue. Members queried if an event at Sandalford and Nikola Estate could coincide, and it was stated that through discussions with the City this could not occur as events will be

approved based on first come first served basis and that an additional Advice Note could be added to advise the that Chief Executive Officer of the City of Swan will not consider approval of the same size event on the same day.

Members noted the minor changes made to the tabled recommendation of the DPLH, including minor amendments to Conditions 4, 5, 8, 9, 23, 24 and a new Advice Note.

Members discussed the consistency of terminology and wording in Conditions 4 – 8 and 15, that the wording could leave conditions open to interpretation and that minor changes to terminology would assist the Department of Planning, Lands and Heritage should conditions be disputed. Members noted a minor administrative correction was required for Condition 14 that the word 'enters' on the fourth line be amended to 'entering'.

Members discussed the applicants request for the 5 year timeframe to begin from the date of the first event, it was noted that this does not align with the regulations, which state that the timeframe begins after the WAPC makes a decision. Members agreed that the approval timeframe should remain for a period of 5 years from the date of issue of an approval, and noted that this timeframe could be reviewed in the future.

Members discussed the construction of a roundabout at Sandalford on West Swan Road and queried if upgrades could be undertaken by the applicant on Great North Highway, it was noted that the City of Swan Council and Main Roads WA are comfortable that traffic impact can be managed, and that Great Northern Highway cannot be altered as it caters for wide loads.

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

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

*That the Swan Valley Statutory Planning Committee resolves to grant planning approval pursuant to the Swan Valley Planning Scheme No. 1, to hold up to 7 concert events per calendar year for a period of five (5) years, with a maximum capacity of 15,000 persons per event plus 600 staff at Lots 104, 105, 21, 62, 63, 9 and 16, Middle Swan in the Swan Valley in accordance with the attached modified Events Plan stamp dated 16 November 2021 subject to the following conditions:*

- 1. The approval is time limited to a period of five (5) years from the date of issue of this approval.*
- 2. A maximum of 15,000 persons are permitted onsite at any one time plus 600 staff.*
- 3. Concert events shall be restricted between the hours of 14:00 and 22:30 restricted to Saturdays and Sundays and on public holidays.*

4. *Prior to each event, the applicant must prepare and submit a Traffic Management Plan, for Main Roads WA approval, in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
5. *Prior to each event, the applicant must prepare and submit a Car Parking Management Plan, for the City of Swan approval, in consultation with Main Roads to the satisfaction of the Western Australian Planning Commission.*
6. *Prior to the commencement of any event, approval of a Traffic Management Plan from Main Roads WA must be obtained to the satisfaction of the Western Australian Planning Commission.*
7. *Prior to the commencement of any event, approval of a Car Parking Management Plan from the City of Swan must be obtained to the satisfaction of the Western Australian Planning Commission.*
8. *Prior to each event, the applicant shall prepare and submit to the City of Swan for approval to the satisfaction of the Western Australian Planning Commission:*
  - *a Noise Management Plan to be prepared by a suitably qualified engineer;*
  - *an Event Management Plan detailing onsite and off-site security/crowd control provisions, protection of Bush Forever site 302 from cars and pedestrians, fire and safety, emergency access and first aid; and*
  - *a Waste/Effluent Management Plan.*
9. *At the end of each financial year in which a concert event or events have been held, the following is to be undertaken by the proponent to the satisfaction of the City of Swan and the Western Australian Planning Commission:*
  - *undertake a survey of its neighbours for the purpose of ascertaining the impact of its concert events on them;*
  - *provide a copy of all returned surveys to the City of Swan; and*
  - *provide a report to the City of Swan on responses contained in the returned surveys and actions that Nikola Estate proposes to undertake to address any concerns identified in them.*
10. *Any temporary structures associated with large scale events will be setup in accordance with the Events Plan stamp dated 16 November 2021 in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
11. *No vehicles, other than in the case of an emergency, are to enter the riverbank exclusion zone as shown in red on the Events Plan stamp dated 16 November 2021.*
12. *In consultation with the City of Swan, the applicant shall ensure that for events greater than 1000 people the Riverbank shall be fenced*

*as shown on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.*

- 13. No vegetation on the Riverbank shall be damaged or removed as a result of an event and should any inadvertent damage occur, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours and rectify the damage to the satisfaction of the Western Australian Planning Commission.*
- 14. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall take appropriate measures to prevent sediment from entering the stormwater system and soil, or rubbish, enters the river as a result of the works and within 48 hours of the completion of each event the applicant shall ensure the site is clear of litter to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to the commencement of the first event, the applicant shall submit for approval to the Department of Biodiversity, Conservation and Attractions, a lighting plan which demonstrates that lighting is designed in accordance with the International Commission of Illumination's Guide on the Limitation of Effects of Obtrusive Light from Outdoor Lighting Installations to minimise light spill so that fauna within the River and Riverbank are not unacceptably affected to the satisfaction of the Western Australian Planning Commission.*
- 16. Temporary toilet facilities shall be removed as soon as practicable and shall not remain in place any longer than 72 hours after an event and in the case of events over consecutive weekends, the toilets shall be pumped and cleaned within 24 hours of each event in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 17. If in the event of a severe weather warning with the potential to cause flooding the applicant shall ensure that all portable toilets and food vans are moved outside of the 1% flood plain in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 18. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall ensure that no grey water, rubbish or other solid or liquid waste materials enter the river or are disposed of in the Swan Canning Development Control Area as a result of the mobile food van operations or catering for an event to the satisfaction of the Western Australian Planning Commission.*
- 19. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant is to provide a riverbank management plan for the exclusion area west of the stage as indicated on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.*

20. *In consultation with the City of Swan the applicant is to ensure that adequate waste disposal facilities are available for patrons to the satisfaction of the Western Australian Planning Commission.*
21. *Events shall be cancelled in consultation with the City of Swan on days where the fire danger forecast is extreme or catastrophic to the satisfaction of the Western Australian Planning Commission.*
22. *Events shall be cancelled in consultation with the City of Swan where heavy rainfall poses a flood risk to property and people to the satisfaction of the Western Australian Planning Commission.*
23. *Prior to the commencement of any event, evidence is to be provided to the City of Swan that all neighbouring residents are informed of an upcoming event to the satisfaction of the Western Australian Planning Commission.*
24. *Prior to the commencement of any event, a Vegetation Management Plan for the management of vegetation areas 2,3,4,6 and 10 in accordance with the Bushfire Management Plan is to be prepared and implemented in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
25. *The Emergency Evacuation Plan submitted by the applicant shall be updated to remove reference to the bushfire shelter building from the document and is to be submitted to the City of Swan to the satisfaction of the Western Australian Planning Commission.*
26. *The modified Bushfire Management Plan submitted by the applicant on 27 August 2021 shall be updated to:*
  - *remove reference to the bushfire shelter building from the document;*
  - *indicate the Asset Protection Zone to surround the proposed stage, seating area and areas accessible to the public during a major event are located within BAL-29 or below;*
  - *dedicate a Fire Service Access Route or alternative solution to allow quick access from Dale Road to the stage area during a fire emergency; and*
  - *indicate and implement a water supply within 90m from the stage area prior to any event.*

*The updated Bushfire Management Plan is to be submitted to the City of Swan and implemented to the satisfaction of the Western Australian Planning Commission.*

#### *Advice to applicant*

1. *In relation to Conditions 4, 5 and 8, the applicant is to coordinate and ensure appropriate time frames are provided to the City of Swan and Main Roads WA to consider assess and approve the required management plans.*

2. *In relation to Condition 15, lighting should be designed to only illuminate the necessary infrastructure/landmark and not result in light spill to the river or vegetation. The use of glare shields and other methods to direct light and reduce spill are encouraged. It is recommended that a light spill diagram is prepared to support the lighting plan. Light spill to the river and vegetation within the Conservation and Protection Zone should be no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences and in this regard the Department of Biodiversity Conservation and Attractions is to be consulted. The WAPC's Position Statement: Dark sky astrotourism (2020) is to be applied in developing a lighting plan for any event.*
3. *The applicant is to consult with the City of Swan to ensure that the wastewater treatment irrigation area associated with the winery does not conflict with the areas to be used for the proposed events.*
4. *In relation to condition 19, the riverbank management plan is to include details of stage setup and pack down that ensures that the bank and fringing vegetation is not damaged and is to include revegetation and stabilisation of the bank to the specifications of Department of Biodiversity, Conservation and Attractions.*
5. *Condition 24 is also to address the conflict between vegetation clearing and environmental protection of the Swan River bank regarding vegetation area 10.*
6. *No road works or alterations to Main Roads WA assets are approved as part of this application.*
7. *Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Western Australian Planning Commission.*
8. *The applicant is advised that between the date of approval of the Development Application and the end of that financial year (30 June 2022), the Chief Executive Officer of the City of Swan will not consider approving more than 2 events under Regulation 18 of the Environmental Protection (Noise) Regulations unless a satisfactory community survey has been conducted since the last event has taken place.*
9. *The applicant is advised that the Chief Executive Officer of the City of Swan will not consider approval of more than one event within the same noise impact area under the Health (Miscellaneous Provisions) Act, or under Regulation 18 of the Environmental Protection (Noise) Regulations on the same day.*

**AMENDING MOTION:**

Members discussed that Condition 21 be amended that in the event of an extreme or catastrophic fire risk that appropriate action be taken, noting that cancelling events does not align with other similar venues approvals and causes difficulty in managing and planning events.

Members moved that an additional Advice Note which advises the applicant that in the event of an extreme or catastrophic fire risk additional fire attack measures are strengthened to ensure that adequate fire protection is upgraded to the elevated threat and that Condition 21 be removed, and the numeration of Conditions be amended accordingly.

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

*Advice Note:*

10. *The applicant is advised that where the fire danger forecast is extreme or catastrophic on an events day, then bush fire protection must be upgraded to elevated threat as indicated in the Bushfire Management Plan and Emergency Evacuation Plan.*

**The motion was put and carried**

#### **AMENDING MOTION:**

Members moved administrative changes to Conditions 6, 7, 22 and 23 that the words "Prior to the commencement of any event" be amended to "Prior to each event".

**Moved by Mr Kosova**  
**Seconded by Mr Zannino**

6. *Prior to each event, approval of a Traffic Management Plan from Main Roads WA must be obtained to the satisfaction of the Western Australian Planning Commission.*
7. *Prior to each event, approval of a Car Parking Management Plan from the City of Swan must be obtained to the satisfaction of the Western Australian Planning Commission.*
22. *Prior to each event, evidence is to be provided to the City of Swan that all neighbouring residents are informed of an upcoming event to the satisfaction of the Western Australian Planning Commission.*
23. *Prior to each event, a Vegetation Management Plan for the management of vegetation areas 2,3,4,6 and 10 in accordance with the Bushfire Management Plan is to be prepared and implemented in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*

**The motion was put and carried**

#### **SUBSTANTIVE RESOLUTION**

*That the Swan Valley Statutory Planning Committee resolves to grant planning approval pursuant to the Swan Valley Planning Scheme No. 1, to hold up to 7 concert events per calendar year for a period of five (5) years, with a maximum capacity of 15,000 persons per event plus 600 staff at Lots 104, 105, 21, 62, 63, 9 and 16, Middle Swan in the Swan Valley in accordance with the attached modified Events Plan stamp dated 16 November 2021 subject to the following conditions:*

1. *The approval is time limited to a period of five (5) years from the date of issue of this approval.*
2. *A maximum of 15,000 persons are permitted onsite at any one time plus 600 staff.*
3. *Concert events shall be restricted between the hours of 14:00 and 22:30 restricted to Saturdays and Sundays and on public holidays.*
4. *Prior to each event, the applicant must prepare and submit a Traffic Management Plan, for Main Roads WA approval, in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
5. *Prior to each event, the applicant must prepare and submit a Car Parking Management Plan, for the City of Swan approval, in consultation with Main Roads to the satisfaction of the Western Australian Planning Commission.*
6. *Prior to each event, approval of a Traffic Management Plan from Main Roads WA must be obtained to the satisfaction of the Western Australian Planning Commission.*
7. *Prior to each event, approval of a Car Parking Management Plan from the City of Swan must be obtained to the satisfaction of the Western Australian Planning Commission.*
8. *Prior to each event, the applicant shall prepare and submit to the City of Swan for approval to the satisfaction of the Western Australian Planning Commission:*
  - *a Noise Management Plan to be prepared by a suitably qualified engineer;*
  - *an Event Management Plan detailing onsite and off-site security/crowd control provisions, protection of Bush Forever site 302 from cars and pedestrians, fire and safety, emergency access and first aid; and*
  - *a Waste/Effluent Management Plan.*
9. *At the end of each financial year in which a concert event or events have been held, the following is to be undertaken by the proponent to the satisfaction of the City of Swan and the Western Australian Planning Commission:*
  - *undertake a survey of its neighbours for the purpose of ascertaining the impact of its concert events on them;*
  - *provide a copy of all returned surveys to the City of Swan; and*
  - *provide a report to the City of Swan on responses contained in the returned surveys and actions that Nikola Estate proposes to undertake to address any concerns identified in them.*
10. *Any temporary structures associated with large scale events will be setup in accordance with the Events Plan stamp dated 16*

*November 2021 in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*

- 11. No vehicles, other than in the case of an emergency, are to enter the riverbank exclusion zone as shown in red on the Events Plan stamp dated 16 November 2021.*
- 12. In consultation with the City of Swan, the applicant shall ensure that for events greater than 1000 people the Riverbank shall be fenced as shown on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.*
- 13. No vegetation on the Riverbank shall be damaged or removed as a result of an event and should any inadvertent damage occur, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours and rectify the damage to the satisfaction of the Western Australian Planning Commission.*
- 14. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall take appropriate measures to prevent sediment from entering the stormwater system and soil, or rubbish, entering the river as a result of the works and within 48 hours of the completion of each event the applicant shall ensure the site is clear of litter to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to the commencement of the first event, the applicant shall submit for approval to the Department of Biodiversity, Conservation and Attractions, a lighting plan which demonstrates that lighting is designed in accordance with the International Commission of Illumination's Guide on the Limitation of Effects of Obtrusive Light from Outdoor Lighting Installations to minimise light spill so that fauna within the River and Riverbank are not unacceptably affected to the satisfaction of the Western Australian Planning Commission.*
- 16. Temporary toilet facilities shall be removed as soon as practicable and shall not remain in place any longer than 72 hours after an event and in the case of events over consecutive weekends, the toilets shall be pumped and cleaned within 24 hours of each event in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 17. If in the event of a severe weather warning with the potential to cause flooding the applicant shall ensure that all portable toilets and food vans are moved outside of the 1% flood plain in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 18. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant shall ensure that no grey water, rubbish or other solid or liquid waste materials enter the river or are disposed of in the Swan Canning Development Control Area as a result of the mobile food van*

*operations or catering for an event to the satisfaction of the Western Australian Planning Commission.*

- 19. In consultation with the City of Swan and the Department of Biodiversity, Conservation and Attractions, the applicant is to provide a riverbank management plan for the exclusion area west of the stage as indicated on the Events Plan stamp dated 16 November 2021 to the satisfaction of the Western Australian Planning Commission.*
- 20. In consultation with the City of Swan the applicant is to ensure that adequate waste disposal facilities are available for patrons to the satisfaction of the Western Australian Planning Commission.*
- 21. Events shall be cancelled in consultation with the City of Swan where heavy rainfall poses a flood risk to property and people to the satisfaction of the Western Australian Planning Commission.*
- 22. Prior to each event, evidence is to be provided to the City of Swan that all neighbouring residents are informed of an upcoming event to the satisfaction of the Western Australian Planning Commission.*
- 23. Prior to each event, a Vegetation Management Plan for the management of vegetation areas 2,3,4,6 and 10 in accordance with the Bushfire Management Plan is to be prepared and implemented in consultation with the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 24. The Emergency Evacuation Plan submitted by the applicant shall be updated to remove reference to the bushfire shelter building from the document and is to be submitted to the City of Swan to the satisfaction of the Western Australian Planning Commission.*
- 25. The modified Bushfire Management Plan submitted by the applicant on 27 August 2021 shall be updated to:*
  - remove reference to the bushfire shelter building from the document;*
  - indicate the Asset Protection Zone to surround the proposed stage, seating area and areas accessible to the public during a major event are located within BAL-29 or below;*
  - dedicate a Fire Service Access Route or alternative solution to allow quick access from Dale Road to the stage area during a fire emergency; and*
  - indicate and implement a water supply within 90m from the stage area prior to any event.*

*The updated Bushfire Management Plan is to be submitted to the City of Swan and implemented to the satisfaction of the Western Australian Planning Commission.*

*Advice to applicant*

1. *In relation to Conditions 4, 5 and 8, the applicant is to coordinate and ensure appropriate time frames are provided to the City of Swan and Main Roads WA to consider assess and approve the required management plans.*
2. *In relation to Condition 15, lighting should be designed to only illuminate the necessary infrastructure/landmark and not result in light spill to the river or vegetation. The use of glare shields and other methods to direct light and reduce spill are encouraged. It is recommended that a light spill diagram is prepared to support the lighting plan. Light spill to the river and vegetation within the Conservation and Protection Zone should be no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences and in this regard the Department of Biodiversity Conservation and Attractions is to be consulted. The WAPC's Position Statement: Dark sky astrotourism (2020) is to be applied in developing a lighting plan for any event.*
3. *The applicant is to consult with the City of Swan to ensure that the wastewater treatment irrigation area associated with the winery does not conflict with the areas to be used for the proposed events.*
4. *In relation to condition 19, the riverbank management plan is to include details of stage setup and pack down that ensures that the bank and fringing vegetation is not damaged and is to include revegetation and stabilisation of the bank to the specifications of Department of Biodiversity, Conservation and Attractions.*
5. *Condition 23 is also to address the conflict between vegetation clearing and environmental protection of the Swan River bank regarding vegetation area 10.*
6. *No road works or alterations to Main Roads WA assets are approved as part of this application.*
7. *Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Western Australian Planning Commission.*
8. *The applicant is advised that between the date of approval of the Development Application and the end of that financial year (30 June 2022), the Chief Executive Officer of the City of Swan will not consider approving more than 2 events under Regulation 18 of the Environmental Protection (Noise) Regulations unless a satisfactory community survey has been conducted since the last event has taken place.*
9. *The applicant is advised that the Chief Executive Officer of the City of Swan will not consider approval of more than one event within the same noise impact area under the Health (Miscellaneous Provisions) Act, or under Regulation 18 of the Environmental Protection (Noise) Regulations on the same day.*

*10. The applicant is advised that where the fire danger forecast is extreme or catastrophic on an events day, then bush fire protection must be upgraded to elevated threat as indicated in the Bushfire Management Plan and Emergency Evacuation Plan.*

**The motion was put and carried**

**9. Urgent or other business**

Nil.

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

Nil.

**11. Meeting closure**

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 10:33am.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

UNCONFIRMED



<b>REPORT TO</b>	Swan Valley Statutory Planning Committee		
<b>Meeting date</b>	15 February 2022	<b>File number</b>	21-50688-1
<b>Subject</b>	Development Application for an Outbuilding - Lot 12 Saunders Street Henley Brook		
<b>Purpose</b>	Requires WAPC decision		
<b>Title of Approving Officer</b>	A/Planning Director - Metro North		
<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>	Perth		
<b>Local government/s</b>	City of Swan		
<b>Landowner/Consultant</b>	Kelvin Cooper		
<b>Bushfire Prone Area</b>	YES		
<b>STATUTORY PLANNING COMMITTEE</b>			
<b>Swan Valley Planning Scheme No.1 (SVPS 1) Zoning</b>	Rural Residential B		
<b>Council's recommendations</b>	Approve		
<b>Property Address</b>	Lot 12 (#44) Saunders Street, Henley Brook		
<b>SUMMARY</b>			
<p>This report relates to a development application for the construction of an outbuilding on Lot 12 Saunders Street, Henley Brook. The subject site is zoned Rural Residential B (RRB) under the Swan Valley Planning Scheme No.1 (SVPS1) within which a maximum site coverage of 5% applies to the Lot.</p> <p>The proposed outbuilding has an area of 300m<sup>2</sup> which when combined with the site coverage of the existing development will result in a total site coverage that exceeds the 5% maximum site coverage requirement (6.9%).</p> <p>It is recommended that the application be refused because the 5% maximum site coverage requirement of the SVPS1 is designed to protect the unique natural landscape and rural character of the Swan Valley and the approval of this application would undermine the integrity of the Scheme.</p> <p>Notwithstanding the above, the SVPS1 provides the discretion for the Commission to approve an application for development that does not comply with the development requirements of the Scheme and therefore the matter is being presented to the Swan Valley Statutory Planning Committee for consideration.</p>			

**DETAILS OF PROPOSAL**

The application seeks approval to construct an outbuilding of 300m<sup>2</sup> on Lot 12 Saunders Street, Henley Brook. The proposed outbuilding will be used for the storage of personal items including a ride-on mower, trailers and vehicles (**Attachment 1** - Development Plans).

**BACKGROUND**

The subject site is zoned RRB under the SVPS1 (**Attachment 2** - Zoning Plan). The subject lot is 2.03ha and contains an existing dwelling and two existing outbuildings (sheds). The proposed outbuilding (shed) is located to the east of the existing development and would be setback 120m from Saunders Street (**Attachment 3** - Aerial Photo).

The proposed outbuilding satisfies the minimum setback and maximum building height requirements under the *Additional Site and Development Requirements* of Schedule 5 of SVPS1.

The proposed outbuilding will result in the site coverage increasing to 6.9% (1398m<sup>2</sup>), which is above the 5% (1012m<sup>2</sup>) maximum site coverage permitted by the Scheme.

The City of Swan supports the proposal for the following reasons:

- The shed will be used in conjunction with the dwelling;
- The shed will not result in the removal of significant vegetation or impact the future use of the land for agriculture;
- The shed will be setback 120m from the primary street boundary, minimising impact on rural amenity along Saunders Street.

**KEY ISSUES**

<b>Consistency with WAPC Policies &amp; Planning Framework</b>	<i>Swan Valley Planning Scheme No. 1</i>	Some inconsistency, variation not recommended
<b>Consultation</b>	<p>The City has assessed the proposal and recommends the Commission approve the application subject to conditions.</p> <p>The application was not subject to public advertising.</p>	

**PLANNING ASSESSMENT**

Schedule 5 of the SVPS1 sets out specific site and development requirements for each of the zones within the Scheme area. In respect to the Rural Residential zone which the subject site is located within, Schedule 5 requires a maximum site coverage of 5% for lots greater than 4000m<sup>2</sup> (this subject lot has an area of 2.03ha).

The proposal does not comply with the maximum site coverage of 5% of the lot area. The 2.03ha lot contains a single dwelling and two sheds with a combined area of 1098m<sup>2</sup> which equates to a site coverage of 5.4%. The existing development on the site therefore already exceeds the maximum 5% site coverage specified under Schedule 5. By adding the proposed outbuilding of 300m<sup>2</sup>, the site coverage would increase to 6.9% (1012m<sup>2</sup> max allowed, 1398m<sup>2</sup> proposed), exceeding the maximum site coverage specified under the SVPS1.

The proponent is of the view that the areas under roof eaves, the carport and the alfresco (404m<sup>2</sup>) should be excluded from the site coverage as they are unenclosed areas. The SVPS1 does not exclude unenclosed areas from site coverage calculations and there is no apparent rationale to support this.

The SVPS1 aims to conserve the history and cultural heritage of the Swan Valley by protecting its unique natural landscape and rural character and ensuring that all development is appropriately located, designed and scaled. The 5% maximum site coverage requirement gives effect to the aims of the Scheme. When taking into account the existing development on the lot including two substantial sized sheds, the additional outbuilding of 300m<sup>2</sup> would result in a combined site coverage exceeding the 5% maximum site coverage and is therefore contrary to the aims of the SVPS1. Further, it is considered that approval of this application could undermine the integrity of the Scheme and potentially result in a proliferation of similar proposals for development in the locality.

Clause 39 (*Variations to Site and Development Requirements*) of the SVPS1 enables the Commission to approve an application for development that does not comply with the site and development requirements (Schedule 5) of the SVPS1. Notwithstanding, for the reasons outlined above, it is recommended that the application be refused.

### Conclusion

It is recommended that the application be refused because the proposal does not comply with the 5% maximum site coverage requirement of the SVPS1 which is designed to protect the unique natural landscape and rural character of the Swan Valley and the approval of this application would undermine the integrity of the Scheme.

### **RECOMMENDATION**

***That the Swan Valley Statutory Planning Committee resolves to refuse the application for development of an additional outbuilding at Lot 12 (44) Saunders Street Henley Brook for the following reasons:***

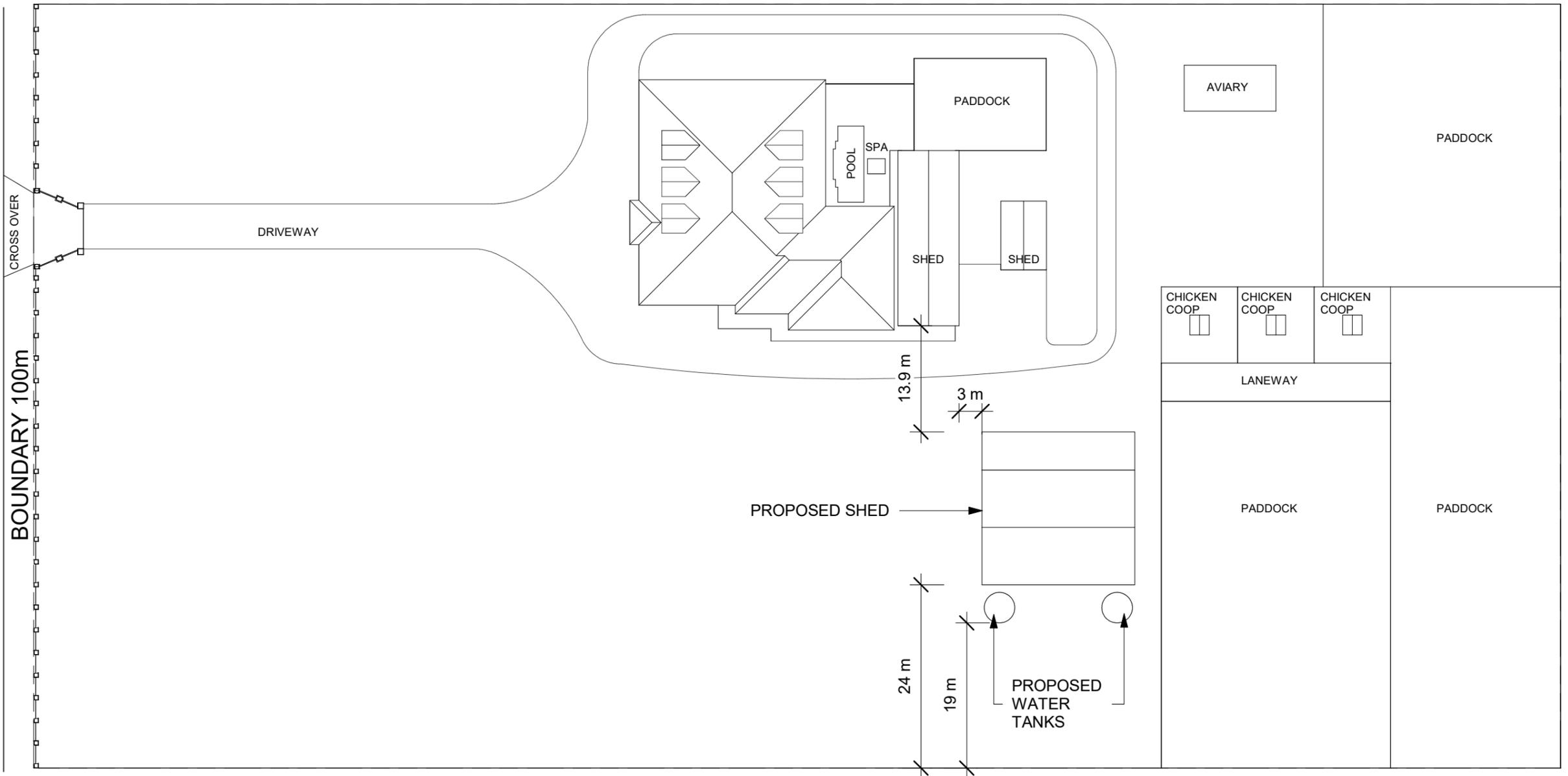
- a) when taking into consideration existing development on the site, the additional proposed outbuilding will exceed the maximum site coverage specified under the Additional Site and Development Requirements of Schedule 5 of the Swan Valley Planning Scheme No.1 which will be contrary to the aims of the Swan Valley Planning Scheme No.1;***
- b) approval of the application would be contrary to the objectives of the Rural Residential B zone of the Swan Valley Planning Scheme No.1 by reason that it would adversely impact on the rural character of the locality; and***
- c) approval of the application would undermine the integrity of the Scheme and potentially result in a proliferation of similar proposals for development in the locality.***

### **ATTACHMENTS**

A1 - Development Plans  
A2 - Zoning Plan  
A3 - Aerial Photo

200 m

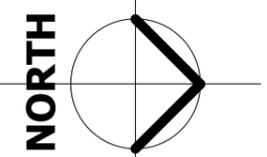
SAUNDERS ST



100 m

BOUNDARY 200m

55.8 m (SHED TO REAR BOUNDARY)



**DEPARTMENT OF PLANNING, LANDS AND HERITAGE**

DATE	FILE
14-Sep-2021	21-50688-1

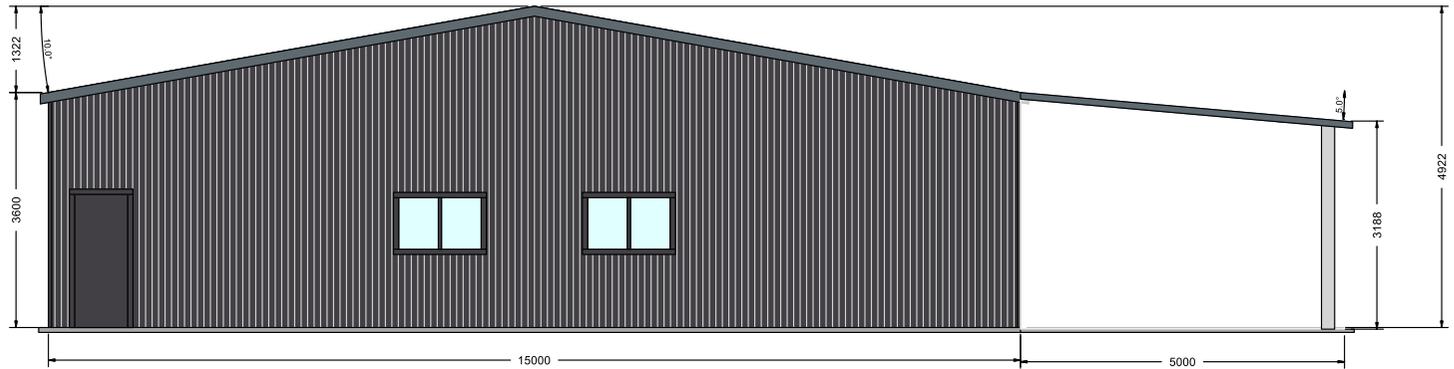
**1 SITE PLAN**  
1 : 600

- NOTES:
- AHD 25M
  - MAX TREE HEIGHT ON PROPERTY APPROX 4M

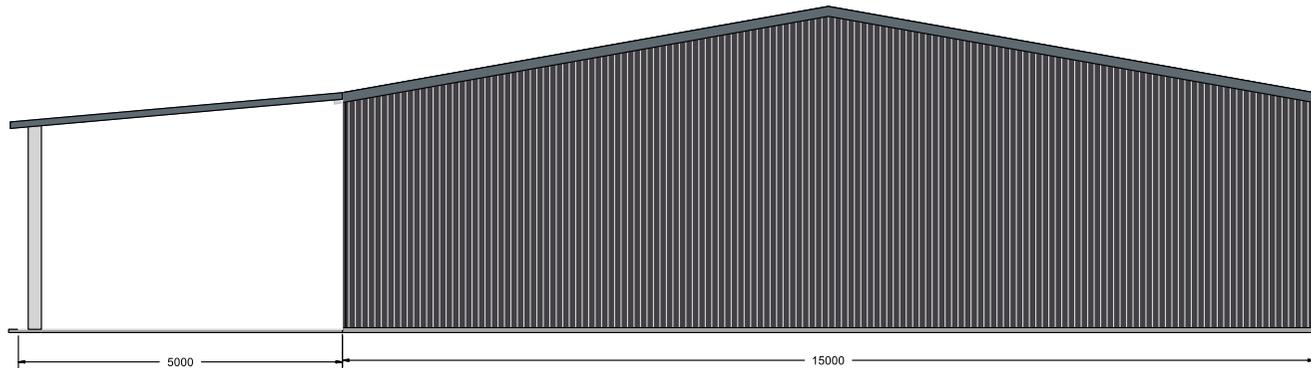
No.	Description	Date
1	Issue for Approval	30/08/21

**KG & HJ COOPER**  
44 SAUNDERS ST  
HENLEY BROOK WA  
6055

SITE PLAN		A100
Project number	01	
Date	30/08/2021	
Drawn by	J MONEYPENNY	
Checked by	K COOPER	Scale SVSPC Agenda Page 27



FRONT ELEVATION



REAR ELEVATION

DEPARTMENT OF PLANNING, LANDS  
AND HERITAGE

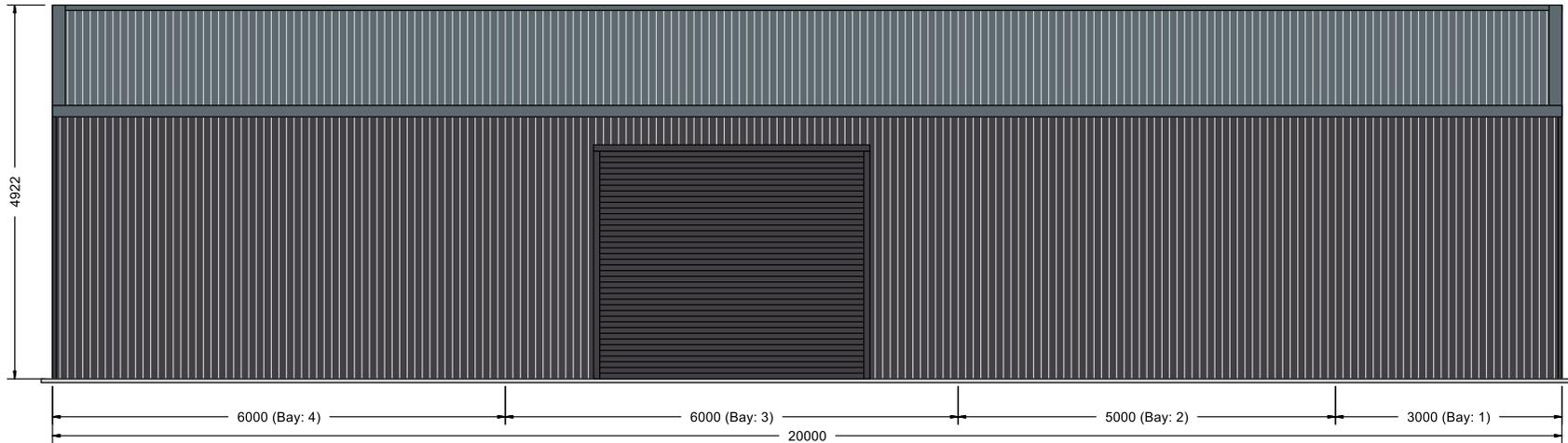
DATE  
14-Sep-2021

FILE  
21-50688-1

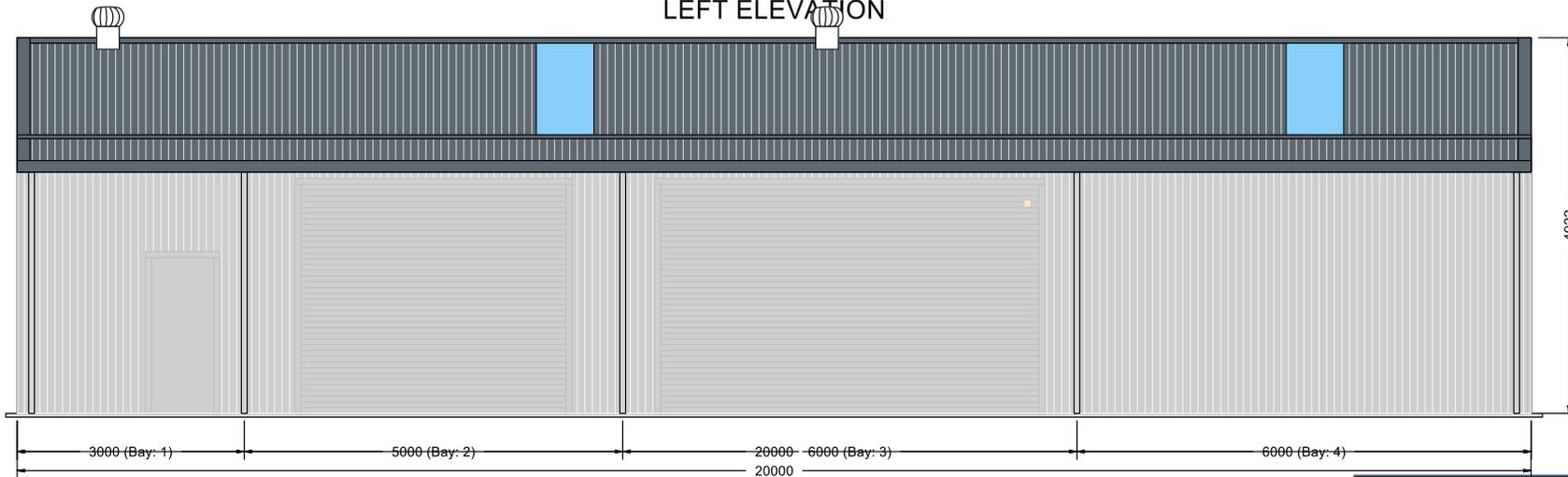
**HIGHLINE**  
QUALITY • STRENGTH • VALUE

Company:  
Client: Kelvin Cooper  
Site Address: 44 SAUNDERS ST  
HENLEY BROOK, WA, 6055  
Email: kelvin.cooper@bigpond.com

Drawing Title: End Elevations  
Scale: 1:116.211  
Date: 26-08-2021  
Job Number: HIGHLINE-200624122803



LEFT ELEVATION



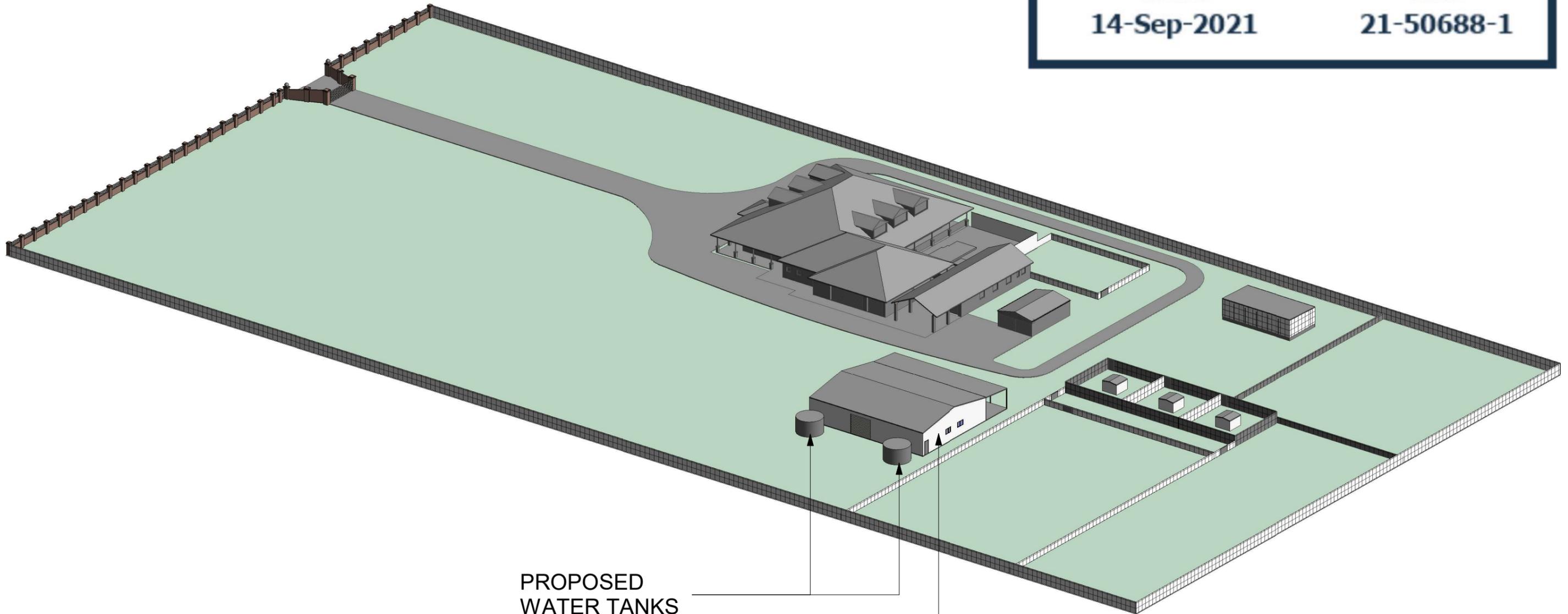
RIGHT ELEVATION

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
14-Sep-2021	21-50688-1

**DEPARTMENT OF PLANNING, LANDS  
AND HERITAGE**

DATE  
**14-Sep-2021**

FILE  
**21-50688-1**



PROPOSED  
WATER TANKS

PROPOSED  
SHED

No.	Description	Date
1	Issue for Approval	30/08/21

**KG & HJ COOPER**

44 SAUNDERS ST  
HENLEY BROOK WA  
6055

**SITE LAYOUT - ISOMETRIC**

Project number	01
Date	30/08/2021
Drawn by	J MONEYPENNY
Checked by	K COOPER

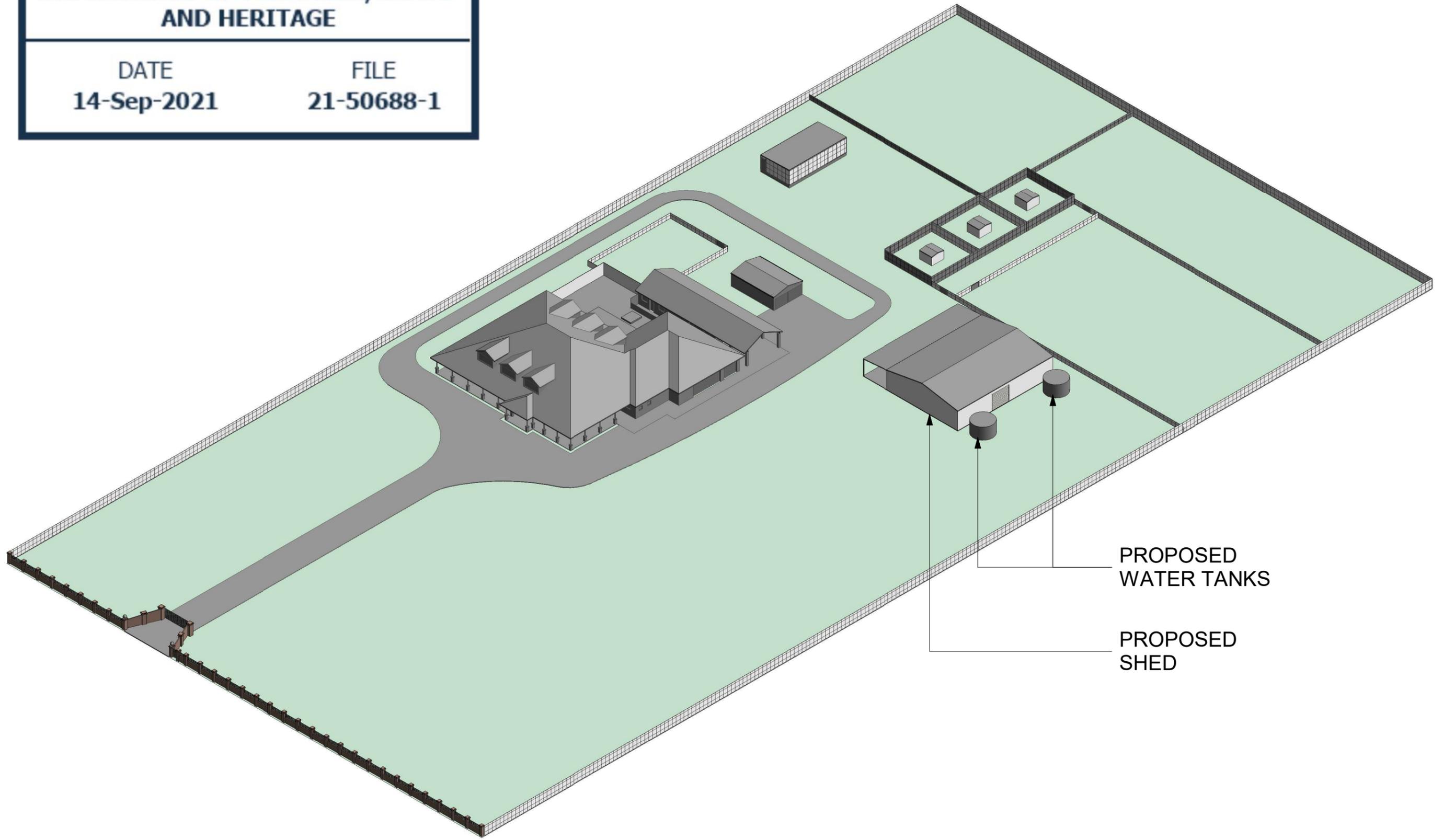
**A101**

Scale SVSPC Agenda Page 30

**DEPARTMENT OF PLANNING, LANDS  
AND HERITAGE**

DATE  
**14-Sep-2021**

FILE  
**21-50688-1**



PROPOSED  
WATER TANKS

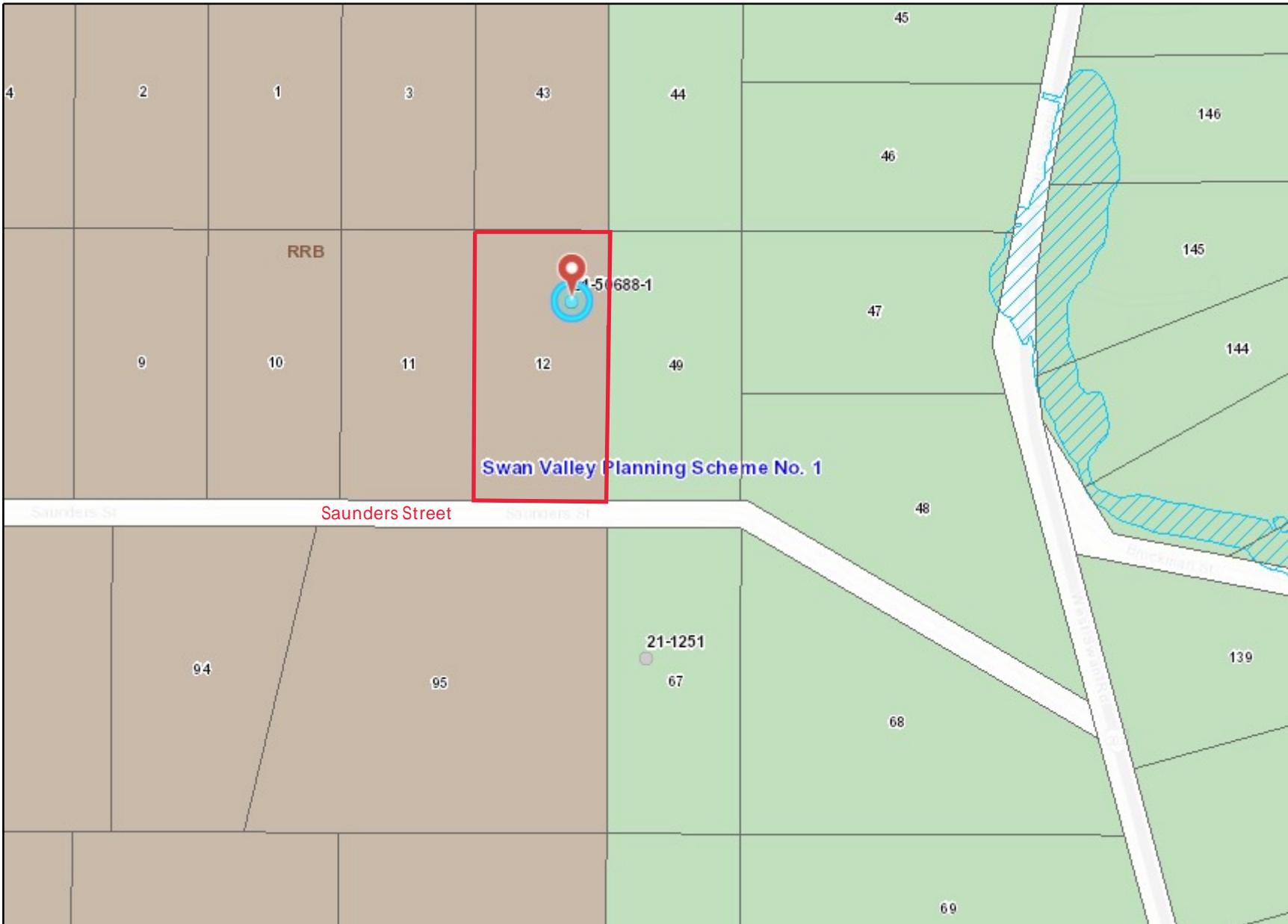
PROPOSED  
SHED

No.	Description	Date
1	Issue for Approval	30/08/21

**KG & HJ COOPER**  
44 SAUNDERS ST  
HENLEY BROOK WA  
6055

**SITE LAYOUT - ISOMETRIC**

Project number	01	<b>A102</b>
Date	30/08/2021	
Drawn by	J MONEYPENNY	
Checked by	K COOPER	Scale SVSPC Agenda Page 31



**Legend**

- Cadastre (View 1)
- Development Applications Point
  - Outstanding
  - Unknown
- Swan Valley Planning Act Area
- Swan Valley Special Control Areas
  - Flood prone Special Control Area
- Swan Valley Zones & Reserves
  - Local road
  - Priority agriculture
  - Rural residential
- Subject Site

**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.

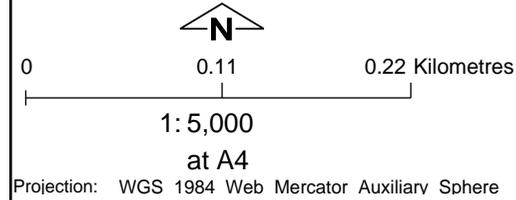
\* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

**InQuery Map**

***DPLH BUSINESS USE ONLY***

Internal Spatial Viewer



Date produced: **31-Jan-2022**



**Legend**

- Cadastre (View 1)
- Development Applications Point
  - Outstanding
  - Unknown
- Subject Site

**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 InQuiry.

**InQuiry Map**

***DPLH BUSINESS USE ONLY***

Internal Spatial Viewer



0                      0.10                      0.19 Kilometres

1: 4,514  
at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Date produced: **31-Jan-2022**



<b>REPORT TO</b>	Swan Valley Planning Committee		
<b>Meeting date</b>	15 February 2022	<b>File number</b>	21-50690-1
<b>Subject</b>	Development Application for a Proposed Outbuilding on Lot 32 Weir Road, Baskerville		
<b>Purpose</b>	Requires WAPC decision		
<b>Title of Approving Officer</b>	A/Director - Metro North		
<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>	Perth		
<b>Local government/s</b>	City of Swan		
<b>Landowner/Consultant</b>	Daniel Gate		
<b>Bushfire Prone Area</b>	YES		
<b>STATUTORY PLANNING COMMITTEE</b>			
<b>Swan Valley Planning Scheme No.1 (SVPS 1) Zoning</b>	Swan Valley Rural		
<b>Council's recommendations</b>	APPROVE		
<b>Property Address</b>	Lot 32 Weir Road, Baskerville		
<b>SUMMARY</b>			
<p>This report relates to a development application for the construction of an outbuilding on Lot 32 Weir Road, Baskerville. The subject site is zoned Swan Valley Rural under the Swan Valley Planning Scheme No.1 (SVPS1) within which maximum floor area requirements apply.</p> <p>The application proposes an outbuilding with an area of 298m<sup>2</sup> which is in excess of the maximum floor area specified under the SVPS1 (200m<sup>2</sup> for an individual outbuilding). Further, when taking into account the existing and approved outbuildings on the site, the Scheme requirement for a maximum total of 300m<sup>2</sup> will be significantly exceeded. On this basis, it is recommended that the application be refused.</p> <p>Notwithstanding the above, the SVPS1 provides the discretion for the Commission to approve an application for development that does not comply with the development requirements of the Scheme and therefore the matter is being presented to the Swan Valley Statutory Planning Committee for consideration.</p>			
<b>DETAILS OF PROPOSAL</b>			
The application seeks approval to construct an outbuilding of 298m <sup>2</sup> on Lot 32 Weir Road, Baskerville. The proposed outbuilding will be used for the storage of personal items including a			

tractor, garden tools, horse float, vehicles, boat, bikes, hay rounds and mowers (**Attachment 1 - Development Plans**).

**BACKGROUND**

The subject site is zoned Swan Valley Rural under the SVPS1 (**Attachment 2 - Zoning Plan**). The subject lot is 7.18ha and contains an existing dwelling (including a carport and swimming pool), stable and dome shelter (**Attachment 3 - Aerial Photo**). The applicant has indicated the stable is used for horses kept as pets and the dome shelter is used for the storage of personal items.

The City of Swan approved a shed of 168m<sup>2</sup> in August 2019, however neither the existing dome shelter nor the approved shed is depicted on the submitted development plan.

**KEY ISSUES**

<b>Consistency with WAPC Policies &amp; Planning Framework</b>	<i>Swan Valley Planning Scheme No. 1</i>	Some inconsistency, variation not recommended
<b>Consultation</b>	<p>The City has assessed the proposal and recommends the Commission approve the application subject to conditions.</p> <p>The proposal was not subject to public advertising.</p>	

**PLANNING ASSESSMENT**

Schedule 5 of the SVPS1 sets out specific site and development requirements for each of the zones within the Scheme area. In respect to the Swan Valley Rural zone which the subject site is located within, Schedule 5 requires a maximum 200m<sup>2</sup> for an individual outbuilding/rural structure or a total area of 300m<sup>2</sup> for all outbuildings/rural structures on the lot for non-commercial uses, hobby farms, lifestyle properties and similar uses.

Whilst the proposal is in accordance with the *Additional Site and Development Requirements* of Schedule 5 of SVPS1 in terms of minimum setbacks and maximum building height, it does not comply with the maximum floor area for outbuildings/rural structures. The proposed outbuilding of 298m<sup>2</sup> will exceed the maximum 200m<sup>2</sup> for an individual outbuilding and a total area of 300m<sup>2</sup> for all outbuildings/rural structures on the lot when taking into consideration the existing and approved outbuildings/rural structures (466m<sup>2</sup>).

The applicant has justified the proposed variations making reference to the significant size of the lot (7.18ha), the need for the proposed outbuilding to accommodate domestic items which would otherwise be stored out in the open and has provided examples of other large sheds in the locality. The above justification is noted, however the new Scheme deliberately seeks to limit the proliferation of large structures in this area to protect the rural landscape character.

Although there is provision for the WAPC to approve a variation to the development requirements under Clause 39 of the SVPS1, in this instance it is not considered there are any extenuating circumstances to justify the variation sought. When taking into account the existing and approved development on the site, the size of the proposed outbuilding is contrary to the aims and objectives of the SVPS1.

Conclusion

It is recommended that the application be refused because the proposal does not comply with the maximum floor area requirement for outbuildings of the SVPS1 which are designed to protect the

unique natural landscape and rural character of the Swan Valley and the approval of this application would undermine the integrity of the Scheme.

#### **RECOMMENDATION**

***That the Swan Valley Statutory Planning Committee resolves to refuse the application for development of an additional outbuilding at Lot 32 Weir Road Baskerville for the following reasons:***

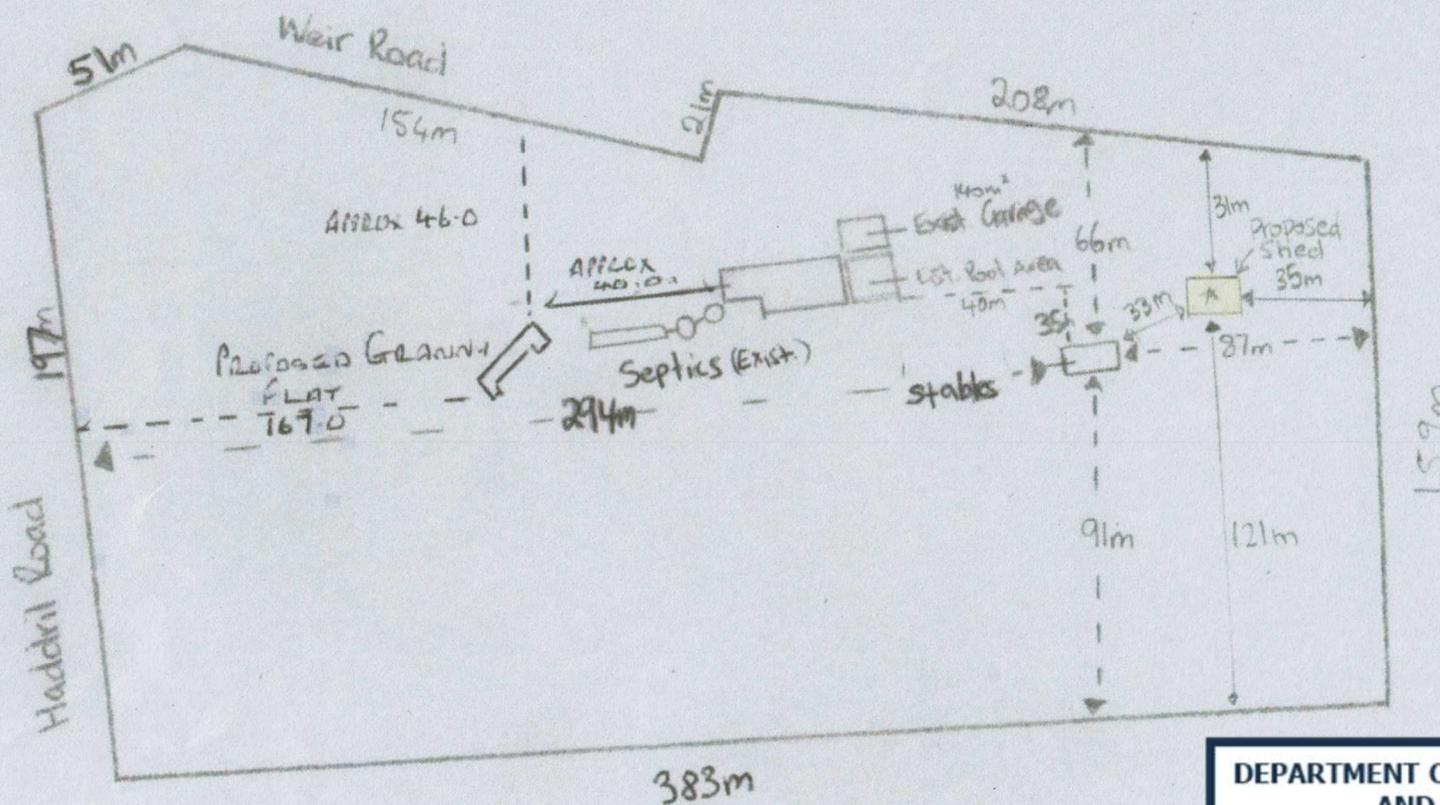
- a) the proposed outbuilding exceeds the maximum floor area requirements specified under the Additional Site and Development Requirements of Schedule 5 of the Swan Valley Planning Scheme No.1 (the Scheme);***
- b) approval of the proposed outbuilding would therefore be contrary to the aims of the Scheme and the objectives of the Swan Valley Rural Zone by reason that it would adversely impact on the rural character of the locality; and***
- c) approval of the application would undermine the integrity of the Scheme and potentially result in a proliferation of similar proposals for development in the locality.***

#### **ATTACHMENTS**

Attachment 1 - Development Plans  
Attachment 2 - Zoning Plan  
Attachment 3 - Aerial Photo

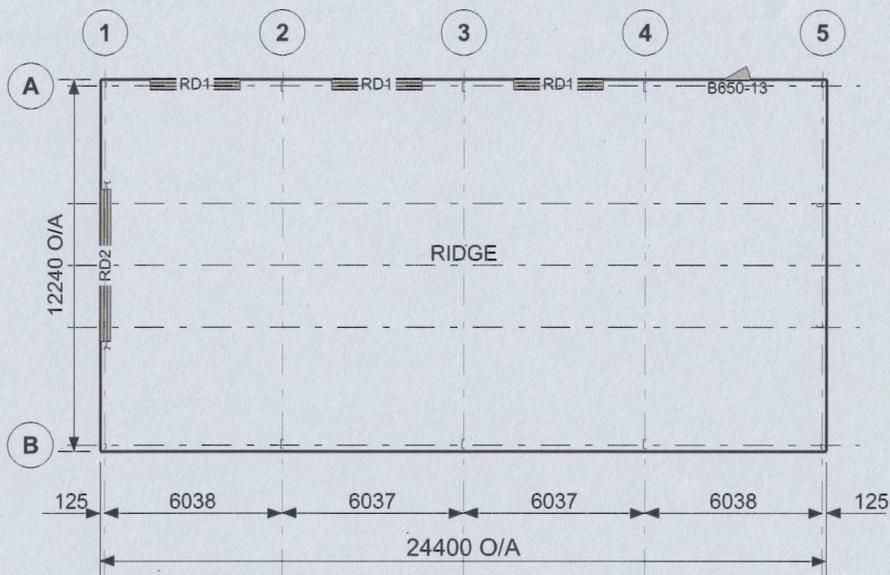
Stephanie + Daniel Cate  
 2 Weir Road  
 Baskerville 60516  
 Lot 32 on Plan 4460

\* APPROX. Location  
 of Proposed Shed

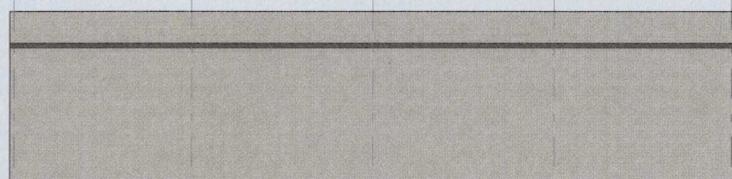


DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
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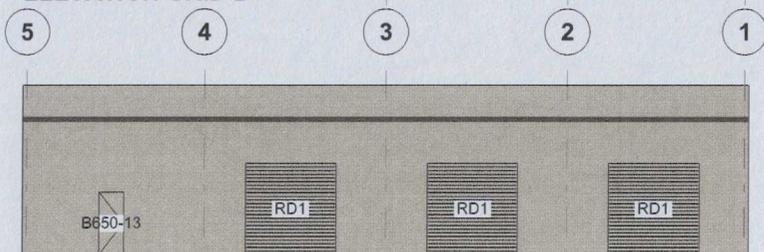
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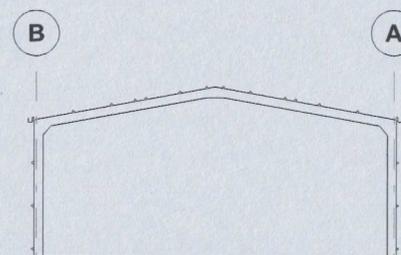
**GROUND FLOOR PLAN**



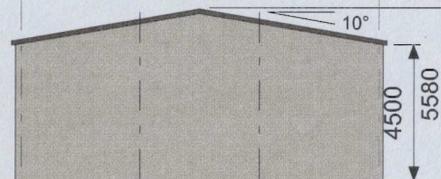
**ELEVATION GRID B**



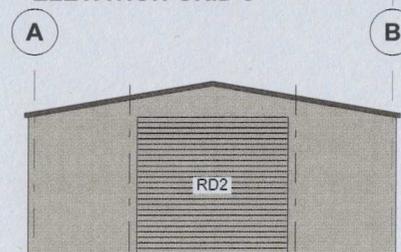
**ELEVATION GRID A**



**SECTION GRID 2, 3, 4**



**ELEVATION GRID 5**



**ELEVATION GRID 1**

**CLADDING**

ITEM	PROFILE (min)	FINISH	COLOUR
ROOF	CUSTOM ORB 0.42 BMT	CB	PB
WALLS	CUSTOM ORB 0.42 BMT	CB	PB
CORNERS	-	CB	JP
BARGE	-	CB	JP
GUTTER	SHEERLINE	CB	JP
DOWNPIPE	100x50	CB	JP

0.35bmt=0.40tct; 0.42bmt=0.47tct; 0.48bmt=0.53tct

**ACCESSORY SCHEDULE & LEGEND**

QTY	MARK	DESCRIPTION
3	RD1	B&D, Firmadoor, R.D, Residential "R1F", 2925 high x 3000 wide Clear Opening C/B
1	B650-13	Lysaght PA Door & Pre-Hung Frame 180 Deg, Std. 2040 x 820 C/Bond (G)
1	RD2	B&D, Firmadoor, R.D, Indust. "R2F", 4418 high x 5000 wide Clear Opening C/B

**DEPARTMENT OF PLANNING, LANDS  
AND HERITAGE**

DATE: 14-Sep-2021 FILE: 21-50690-1

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

**WIND DESIGN**

IMPORTANCE LEVEL	REGION	TERRAIN	Ms
2	A	2.5	1.0

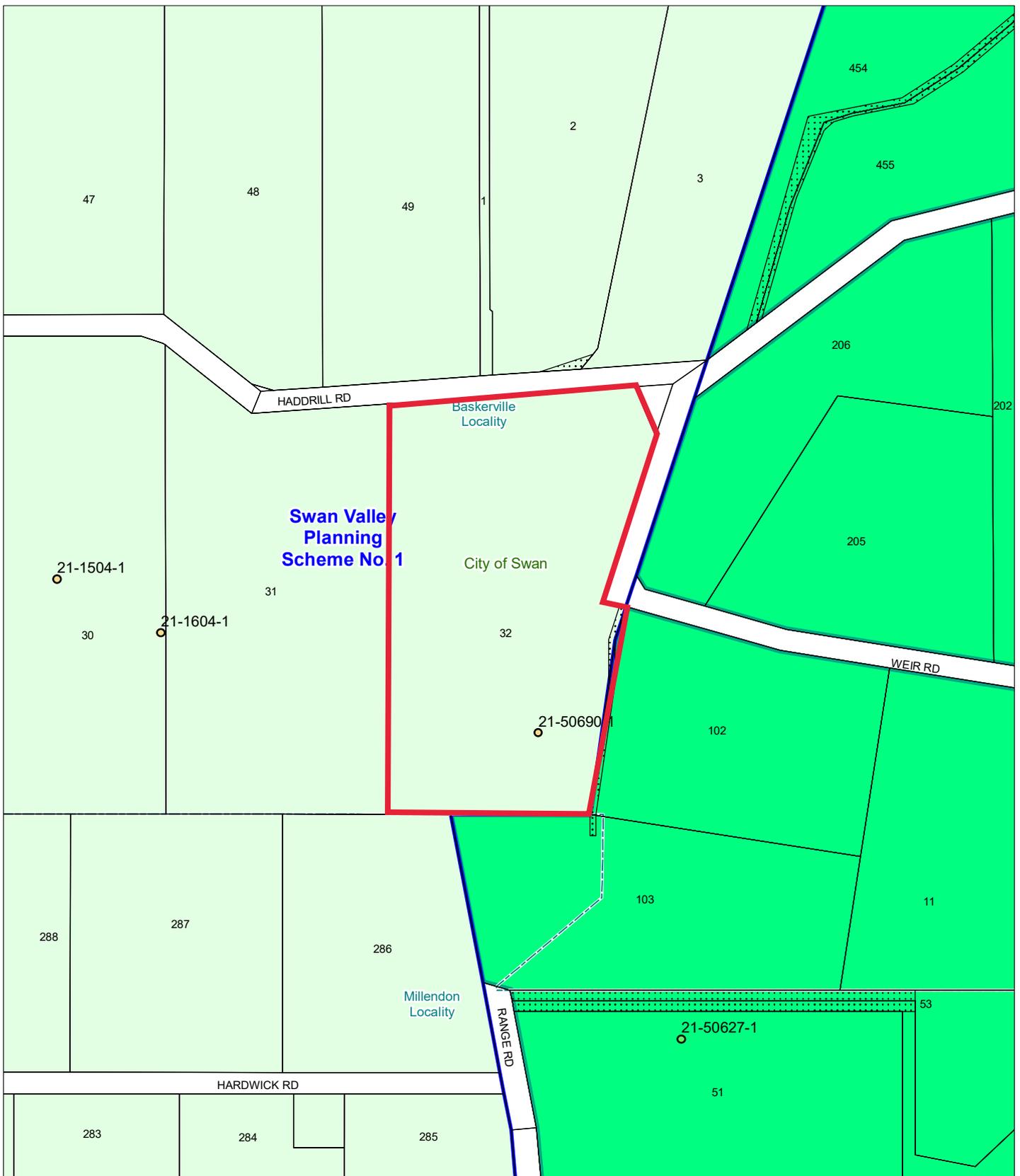
CLIENT  
**DANIEL GATE**

SITE  
**2 WEIR RD  
BASKERVILLE WA 6056**

BUILDING  
**BIG G  
12240 SPAN x 4500 EAVE x 24400 LONG**

TITLE  
**GENERAL ARRANGEMENT**

SCALE	DRAWING NUMBER	REV	PAGE
A4 SHEET 1:250	SVSPC Agenda	Page 38	1/1



**Location Plan for:  
Development Application**

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

Application Number: **21-50690-1**

Decision: **OUTSTANDING**

Printed: **14/09/2021**



Produced by Data Analytics,  
Department of Planning, Lands and Heritage, Perth WA

Base information supplied by  
Western Australian Land Information Authority SLIP 1180-2020-1

**Application Status**

- Approved
- Outstanding

**Existing LPS Zones and Reserves**

- Swan Valley rural

**Swan Valley Planning Scheme**

- Swan Valley Planning Scheme No. 1 - Boundary
- Local road
- Swan Valley rural

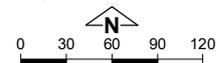
**Easements and Referrals**

- Easements

**Region Scheme Reserves**

**Localities & Local Government Boundaries**

- Local government boundary
- Locality





**Legend**

Cadastre (View 1)



Single House

Carport

Undercover Pool

Dome Shelter

Stables



0 0.04 0.08

Kilometres

1: 2,000

at A4

**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 to be used for measurement purposes.

Map was produced using DPLH's InQuery.

**InQuery Map**

Proposed Shed (298sqm)

**DPLH BUSINESS USE ONLY**