



Statutory Planning Committee

Minutes

Meeting No. 7654
Tuesday, 30 March, 2021

Members: David Caddy - Chairman WAPC
Lynne Craigie - Nominee of the Regional Minister
Vaughan Davies - Nominee of the Director General
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee
Leonard Kosova - Local Government Representative

Others Present: Emily Berry - Planning Officer, Metro Central
Catherine Beamish - Senior Planning Officer, Metro Central
Justin Breeze – Planning Manager, Metro South
Garreth Chivell - Planning Manager, Schemes and Amendments
Christine Collins - Senior Planning Officer, Schemes and Amendments
Andrew Cook - Planning Manager, North Metro
Michael Daymond - Manager, Special Projects
Leah Elliott - Senior Planning Officer, Schemes and Amendments
Sam Fagan - Manager, Commission Business
Stephen Ferguson - Director, Legal Services
Isla Finlay - Principal Planning Officer, Metro Central
Ben Hesketh - Planning Manager, Metro Central
Poppy Justice - Commission Support Officer
Nicole Lucas-Smith - Director, Metro South and Peel
Andrea Lawson - Senior Planning Officer, Metro South and Peel
Rohan Miller - Planning Director, Schemes and Amendments
Frank Ness - Senior Planning Officer, North Metro East
Irene Obales - Commission Support Officer
Dale Sanderson - Director, Metro Central
David Saunders - Assistant Director, Land Use Planning

1. Declaration of opening

The Chairman declared the meeting open at 9:31am, 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 and acknowledged the majority of members were attending the meeting via Zoom

video conference. 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

Nil.

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

Nil.

4. Disclosure of interests

Mr Iacomella declared an Indirect Pecuniary Interest on Item 9.1 - City of South Perth - Local Planning Scheme No. 6, Amendment No.63 - For Final Determination. Mr Iacomella stated that he has previously attended meetings with his client KPA Architects and one of the landowners/proponents of the Preston Street Revival Initiative to discuss housing option for the precinct, and that his client may secure future work in the precinct. Members agreed that Mr Iacomella should not be present during the deputations, discussion and/or decision-making procedure on the item.

Mr Caddy stated that he has met with several of the parties presenting to the Committee and proponents and Council officers across several agenda items in his capacity as the Chairman of the Western Australian Planning Commission.

5. Declaration of due consideration

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

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

6. Minutes

6.1 Confirmation of minutes - Meeting No. 7653 on Tuesday, 9 March 2021

6.1.1 Amendments to minutes for the consideration of the Statutory Planning Committee

Members discussed Amendments to the minutes of the Statutory Planning Committee meeting dated Tuesday, 9 March 2021.

Moved by Ms Lyhne
Seconded by Mr Iacomella

The Statutory Planning Committee moved to amend the minutes from the Statutory Planning Committee Meeting No. 7653 held on 9 March 2021 for agenda Item 8.3 - Proposal to create two Freehold Residential lots - Lot 58 Simpson Street, Applecross as follows:

1. *to correct the advice notes accompanying the approval referred to the wrong condition numbers - Advice note 2*

should refer to condition 4 and 5 and advice note 3 should refer to condition 6.

The motion was put and carried

Moved by Mr Thornton

Seconded by Ms Thompson

The Statutory Planning Committee moved to amend the minutes from the Statutory Planning Committee Meeting No. 7653 held on 9 March 2021 for agenda Item 8.4 - Reconsideration Subdivision Approval - Condition No. 5 - Restrict Access from Currambine Boulevard and Connolly Drive - Lot 1 Sunlander Drive, Currambine as follows:

That the Statutory Planning Committee resolves to:

1. *modify Condition 5 of WAPC Ref: 159759 in respect of Lot 1 Sunlander Drive Currambine by deleting the access restriction to Currambine Boulevard to read as follows:*
5. *Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant managing vehicular access onto Currambine Boulevard and Connolly Drive being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant. The covenant is to control access, to the benefit of City of Joondalup, in accordance with the plan dated 27 August 2020 (attached) and the covenant is to specify:*
“No vehicular access, other than service vehicles be permitted to enter or exit the site onto Connolly Drive. Such access (ingress or egress) however, is not permitted during the AM or PM peak times as determined by Council. Egress for other vehicles to Currambine Boulevard is permitted generally in accordance with the plan at Attachment 5 to the agenda item”.

The motion was put and lost

Moved by Mr Thornton

Seconded by Ms Lyhne

The Statutory Planning Committee moved to amend the minutes from the Statutory Planning Committee Meeting No. 7653 held on 9 March 2021 for agenda Item 8.4 - Reconsideration Subdivision Approval - Condition No. 5 - Restrict Access from Currambine Boulevard and Connolly Drive - Lot 1 Sunlander Drive, Currambine as follows:

That the Statutory Planning Committee resolves to:

1. *modify Condition 5 of WAPC Ref: 159759 in respect of Lot 1 Sunlander Drive Currambine by deleting the access restriction to Currambine Boulevard to read as follows:*

5. *Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant managing vehicular access onto Currambine Boulevard and Connolly Drive being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant. The covenant is to control access, to the benefit of City of Joondalup, in accordance with the plan dated 27 August 2020 (attached) and the covenant is to specify:*

“No vehicular access, other than service vehicles be permitted to enter or exit the site onto Connolly Drive. Such access (ingress or egress) however, is not permitted during the AM (7AM-9AM) or PM (4PM-6PM) peak times as determined by Council. Egress for other vehicles to Currambine Boulevard is permitted generally in accordance with the plan at Attachment 5 to the agenda item”.

The motion was put and carried

Moved by Mr Iacomella
Seconded by Mr Thornton

The minutes as amended of the Statutory Planning Committee meeting held on 9 March 2021, be confirmed as a true and correct record of proceedings.

The motion was put and carried

6.2 Ratification of Out of Session Item - Serpentine Jarrahdale Local Development Plan - Variations under Clause 7.3.2 of the Residential Design Codes

Moved by Mr Iacomella
Seconded by Ms Davis

That the Statutory Planning Committee confirms its Out of Session resolution as follows:

That the Statutory Planning Committee resolves to;

1. *Pursuant to Clause 7.3.2 of State Planning Policy 7.3 - Residential Design Codes, to approve the amended deemed-to-comply provisions proposed by the Byford on the Scarp Local Development Plan 12 subject to the following:*
 - a. *provision 3.3 being modified by deleting references to Lot 511, 526, 535, 552 and 555; and*
 - b. *provision 5.1 being modified to require a minimum of 45 percent open space is applicable to the subject lots.*
2. *Advise the Shire of Serpentine-Jarrahdale accordingly.*

The motion was put and carried

7. Deputations and presentations

7.1 Malvern Springs Development Plan- Amendment No. 4 - Lot 9295 Elmridge Parkway, Ellenbrook (Item 8.1)

Presenters: Jessica Shaw MLA - Member for Swan Hills

Ms Shaw presented to the Statutory Planning Committee on behalf of her constituents of the Swan Hills. Ms Shaw thanked members for the opportunity to speak to the Malvern Springs Development Plan – Amendment No. 4 – Lot 9295 and stated this has been a long running issue for the community.

Ms Shaw stated that the City of Swan undertook a survey of 343 members of the community of which 326 people were against the development of residential land. Ms Shaw stated that she undertook her own consultation through door knocking, letters, and phone calls to ensure that her advocacy reflected the views of her constituents. Ms Shaw stated that all but one person wished for the lot to be used for a community purpose, and have complete resistance to residential use.

Ms Shaw stated that the community would like access to nearby commercial facilities and composed a petition against the land being used as residential. Ms Shaw stated that the proposed rezoning is against the neighbourhood principles which Ellenbrook was founded on and residents are concerned that the reclassification will affect the walkability and viability of the area. Ms Shaw stated that the residents feel cheated as they had bought their blocks based on the belief that there would be a commercial precinct in Malvern Springs.

Ms Shaw informed members that children from the adjoining villages will come to the open space in Malvern Springs as they do not have the accessibility or space to play and acknowledged that the lot had not been intended to be Public Open Space. Ms Shaw stated that there is a sentiment in the community in favour of keeping the lot as an open space and to alleviate probable traffic issues caused by a residential development. Ms Shaw stated that there are concerns that there will be congestion during school pick-up and drop-off times and the community values the car park close to the childcare centre.

Ms Shaw stated that there is a large desire for community amenity which outweighs the local demand for housing, outlining that the number of residential lots produced is smaller in comparison to the stock marketed and developed elsewhere in Ellenbrook. Ms Shaw emphasised that developing residential land should not outweigh the community objection to the site.

Ms Shaw informed members that the community supports the village model and there is a desire for a community purpose centre to be consistent with the marketing strategy and the plans which were originally submitted for Malvern Springs.

Ms Shaw noted that the proposed amendment is not supported by the community as the plans for Malvern Springs stated that the subject lot would have a range of commercial land use opportunities and if the

proposed amendment was approved it reduces the accessibility and opportunity for a local centre to foster a sense of community. Ms Shaw concluded by urging the Statutory Planning Committee to accept the recommendation and resolve to refuse the amendment.

Members queried whether a commercial centre would be viable on the proposed lot as it was juxtaposed with a larger shopping centre. Ms Shaw stated that she had not completed commercial studies on the site, however, she noted that the larger shopping centre is not easily accessible by some members of the community. Ms Shaw stated that there is a range of uses permitted for the land use as currently specified and could be used as a shop or a medical practice. Ms Shaw emphasised that they were promised a development in Malvern Springs and the lot is currently used by families, as a Community Centre and a Childcare Centre.

7.2 Malvern Springs Development Plan- Amendment No. 4 - Lot 9295 Elmridge Parkway, Ellenbrook (Item 8.1)

Presenters: Tim Trefry - Hatch Roberts Day, Danny Murphy - LWP

Mr Trefry and Mr Murphy presented to the Statutory Planning Committee opposing the recommendation before the Committee. Mr Trefry stated that the proposed Development Plan addresses the State Planning Policy 4.2 – Activity Centres for Perth and Peel as the community centre was designed around the 8 design principles for community focused neighbourhoods including local employment and social interaction.

Mr Trefry informed members that the Coolamon Village is the only Village that has a Town Centre with specialty shops and stated that it is not essential for Malvern Springs to have a town centre to foster a sense community as this has been created through the Primary School, Public Open Space and Childcare Centre.

Mr Trefry stated that an important structural change was implemented by an MRS Amendment to remove the traffic distribution link to the north of Malvern Springs and the direct connection to the North Link which had previously guided the traffic directly past the Town Centre which resulted in a good outcome for the residents.

Mr Trefry stated that studies have been undertaken to determine the viability of a local centre and it was found that a local specialty store was opening at the same time as the district centre which took away most of the retail catchment, the studies found that the local centre received 2.3% of revenue where retail studies show that retail stores require 7-10% revenue to be viable.

Mr Trefry stated that the feedback received from the City of Swan had been considered and proposed that there is a possibility of a small retail outlet that will be located adjacent to the existing carpark in close proximity to the Primary School, Childcare Centre and Community Centre. Mr Trefry stated that the local centre is not a viable option and they are seeking an outcome which would benefit all parties.

Mr Murphy informed members that he has 30 years of experience and a familiarity to Town Centre's, Village Centre's and District Centres and is willing to play to the long game. Mr Murphy stated that the Malvern Springs catchment has had trouble selling the commercial and retail space for over 8 years and the only significant interest in the space would have resulted in another Childcare Centre. Mr Murphy stated that he does not wish to see a vacant lot at the end of their project and expressed that the space needs to be used as a retail commercial centre or for residential housing.

Members queried whether the restriction placed on commercial development outside of the Town Centre had effect on this site. Mr Murphy stated that the restriction did not apply to this site and only had effect on larger centres including the delay to develop a District Centre in December 2018.

Members queried whether the site had been on the market since the Town's establishment. Mr Murphy stated that the site has been on the market for 10 years and they have attempted to sell the site with the help of a specialist every 2 years. Mr Murphy stated that the site had financial incentives to attract buyers, particularly when a Woolworths Supermarket and the Councils \$50 million Activity Centre were developed in the District Centre.

7.3 Reconsideration of Subdivision Condition 20 – Lot 1 Lakes Road, North Dandalup (Item 8.3)

Presenters: Michael Glendinning - Michael Glendinning Property, Lara Lozzi - MALF Corporation

Mr Glendinning and his client Ms Lozzi presented to the Statutory Planning Committee on behalf of Ms Lozzi's family. Ms Lozzi informed members that her family has owned and farmed on Lot 1 Lakes Road since 1998.

Ms Lozzi referred to Attachment 3 to the Department of Planning, Lands and Heritage's report stating that the approved Structure Plan contained the indicative widening of Lakes Road annotated as "Preliminary Lakes Road Widening (from Department of Planning)".

Mr Glendinning stated that the application for the stage one subdivision was lodged in May 2020 and included entry access from Lakes Road in accordance with the Western Australian Planning Commission Structure Plan. Mr Glendinning stated that the Shire of Murray opposed the direct entry from Lakes Road and resolved that access to Lakes Road should be from McMahon Road which is located directly east of the subject lot. Mr Glendinning stated that the revised Subdivision Plan was approved by the WAPC in October 2020, followed by the request to revise Condition 20 and Advice Note 7 in November 2020.

Mr Glendinning stated that Department of Planning, Lands and Heritage (DPLH) added additional blue crosshatching to the Stage 1 Subdivision Plan to represent the interim widening which was agreed upon. Mr Glendinning stated that they are unable to resolve with the DPLH the longer-term future road widening due to the uncertainty of

the extent of the widening and the timeframe proposed to complete the upgrades to Lakes Road into a Regional Road. Mr Glendinning stated that the proposed widening area is larger than the approved LSP and intrudes on proposed Lot 1, Lot 2 and Lot 3. Mr Glendinning stated that this is an example of the fundamental difficulty of pre-empting the requirement of retaining land for a future Regional Road where there is not definitive reserve available.

Ms Lozzi stated that the Regional Road upgrades to Lakes Road will create issues under the Planning Principles of Nexus, Equity and Certainty and the recommendation put forward by the DPLH to retain the land under a balance title will significantly disadvantage the land owner and developer. Ms Lozzi stated that they see a need for Nexus in Condition 20 to address the future road widening of Lakes Road to create a Regional Road under the Sub-Regional Framework and a freight route under State Planning Policy 5.4 - Road and Rail Noise. Ms Lozzi stated that this will result in fragmenting and isolating the subject lot from development, causing the developer to forego the development and put a burden on the land owner to retain and maintain the land for an unknown period. Ms Lozzi asked Members whether it is equitable to require a rural land owner of 23 years to retain ownership of the road widening land for an indefinite amount of time. Ms Lozzi informed members that the Estate is expected to be sold within 6 to 8 years which would result in the land owner owning the land for several decades which has associated costs for slashing, weeding, land tax and rates because they cannot sell the land, unless to the State Government. Ms Lozzi addressed the uncertainty of the road widening and stated there has not been a process undertaken to formalise the land required for the Lakes Road widening and there is no certainty of when or which land is required. Ms Lozzi stated that if the widening is not required the landowner and developer would have unnecessarily foregone the ability to include the land into Lot 1, Lot 2 and Lot 3.

Mr Glendinning informed members of a pragmatic approach to overcome the uncertainty of the width and timing of widening Lakes Road. Mr Glendinning stated that the land required for the widening should be allocated to Lot 1, Lot 2 and Lot 3 which will allow for the lots to be sold. Mr Glendinning stated that this approach allows for the land to be sold and does not stop the State Government from purchasing the land when the widening is required.

Mr Glendinning proposed an alternative recommendation which addresses the Planning Principles, stating that the alternative recommendation allows for a future way of living, is equitable to all parties involved and provides the parties with certainty of the future use of the land.

Mr Glendinning stated that they are in support of their proposed alternative recommendation and will work with the Shire of Murray in the interim, however, they are not in support of the recommended wording of Condition 20 as it fails to address the long term widening of Lakes Road. Mr Glendinning asked members to adopt the alternative

recommendation that works through the future widening of Lakes Road with current information.

Members asked Mr Glendinning whether he has any indication of the timeline for the widening of Lakes Road. Mr Glendinning stated that all avenues for enquiry have been followed and they have been unable to locate the widening of Lakes Road in MainRoads WA future plans which contains all of the projects for a 5-year projection.

7.4 Development Application - Surfing WA Headquarters - Lot 8 (No. 368) West Coast Highway, Trigg (Item 8.4)

Presenters: Mike Best - Chairman, Surfing WA

Mr Best and Mr Brimage presented to the Statutory Planning Committee on behalf of Surfing WA speaking in favour of the recommendation before the Committee. Mr Best thanked the Department of Planning, Lands and Heritage's officers for their thorough and diligent work undertaken to support the recommendation.

Mr Best informed members of the steps undertaken to complete the Development Application which included feasibility studies, two formal business cases, multiple funding cases, selection of consultants, schematic design, an appearance before the City of Stirling's design review panel with amendments to the design, extensive community engagement, ground lease negotiations and a detailed design lodgement of the Development Application.

Mr Best stated that Surfing WA is an important and highly regarded non-for-profit state sporting organisation that has been based at Trigg Beach for three decades. Mr Best stated that a dedicated team undertake surf lessons, high performance coaching, surf and rescue, training and local and international events out of a small kiosk that is no longer fit for purpose as the facility does not have storage for sports or event gear, training rooms, change rooms or meeting rooms. Mr Best informed members that Surfing WA is overseen by a group of volunteer Directors who provide sound governance and strategic oversight of surfing clubs in Western Australia.

Mr Best informed members that the City of Stirling brought together a large group of stakeholders in 2008 in consultation of the City's Master Plan for Trigg Beach which resulted in a consensus that Surfing WA should relocate to the proposed subject site at the south of Trigg Beach. Mr Best stated that the proposed location was identified in a 2018 business case undertaken with an objective and independent multicriteria analysis that compared numerous potential locations for the headquarters.

Mr Best stated that the Surfing WA headquarters is compliant with all planning policies and will bring an innovative, bespoke, site sensitive asset that can be enjoyed for years to come with support from the community, local, state and federal governments acknowledging the need for a Surfing WA headquarters. Mr Best stated that the community will benefit from the redeveloped Public Open Spaces surrounding the proposed headquarters and within the Surfing WA

headquarters there will be capacity to provide enhanced lessons, coaching, events, reduced congestion in the Trigg Beach carpark, meeting and function rooms that will be available for hire to other groups including 120 schools and 30 board riding classes.

Mr Best thanked members for the opportunity to present to the Committee and asked members to recognise that the proposed headquarters will be a valuable asset to recreational and competitive surfers and the entire community for decades to come.

Members queried the number of toilets included at the proposed headquarters in comparison to the 30,000 surfers who come to Surfing WA a year and wished to clarify whether users of the headquarters would be required to use the public toilets next to the facility. Mr Brimage stated that the headquarters require their own toilets as they currently have student surfers who use the public toilets next door which is a high-risk area and clarified that most of the learn to surf groups are school groups of 30 students who do not always utilise the toilet facilities.

Members queried the use of the toilets during a surfing event to which Mr Brimage clarified that most surfing events are based from Trigg Point and patrons would utilise the public toilets in that area and the projected use for the headquarters is coaching and learn to surf programs.

Members queried the plan for the old facility to the north of the proposed site. Mr Brimage stated that Surfing WA currently lease the facility from the City of Stirling and if the Development Application was approved Surfing WA have agreed to give up the lease.

Members queried the size of the proposed 413sqm hardstand and asked for clarification on what the space would be used for and whether it included staff parking. Mr Best clarified that the hardstand did not include staff parking and was designed to cater for the turning circle of trailers for jet skis and other event equipment and to allow the City of Stirling rubbish trucks to collect waste from the facility.

Members queried whether Surfing WA required their entire headquarters to be located at Trigg Beach rather than having a surf club and administration building located elsewhere. Mr Best stated that the option was considered in the business case and it was determined that having their team of eight full time administration staff land based and others on the coast did not work for the organisation.

Members queried whether Surfing WA would be contributing to the traffic during busy summer days on the one way in and out of the carpark on West Coast Drive and would work be undertaken during weekdays. Mr Best stated that buses carrying learn to surf students create the main traffic volume between Monday and Friday and clarified that moving the headquarters from north end of the carpark to the south will not create new traffic.

7.5 Development Application - Surfing WA Headquarters - Lot 8 (No. 368) West Coast Highway, Trigg (Item 8.4)

Presenters: Robyn Murphy - Friends of Trigg Beach

Ms Murphy presented to the Statutory Planning Committee on behalf of the Friends of Trigg Beach Group. Ms Murphy informed members that the group was formed in 2015 following a campaign to stop a boardwalk through the South Trigg Beach Reserve between Scarborough and Trigg Beach and comprised of beach users, surfers and people concerned about the natural environment surrounding Trigg Beach.

Ms Murphy urged members to reject the Development Application for the Surfing WA headquarters and stated that the Friends of Trigg Beach have a strong view that the 831sqm and adjoining 413 sqm hard surface will have a detrimental impact on the surrounding Bush Forever Area 308 which includes coastal dunes, the adjacent South Trigg Beach Class A reserve and the Trigg Beach Bushland Reserve.

Ms Murphy stated the surrounding ecosystem is a rare example of the Perth Metropolitan Area coastline before white settlement and extends from the shoreline east through the Trigg Bushland Reserve which includes the protected Quindalup Coastal Dune System and Class A reserve that contains a Threatened Ecological Community. Ms Murphy informed members of the history of Trigg Beach stating that in 1981 the Trigg Bushland and coastal reserves were identified in the System 6 Study Report as "...having conservation significance due to the rarity of reserved areas within the metropolitan area which provide an example of a belt of native vegetation extending from sea to tuart and banksia woodland".

Ms Murphy stated that the Friends of Trigg Beach are extremely disappointed that the Department of Planning, Lands and Heritage has recommended leasing a Crown Reserve park to a private organisation to construct a building with a hardstand outdoor area. Ms Murphy stated that if approved, it will result in the loss of Public Open Space and destroy an area of vegetated protected sand dunes. Ms Murphy stated that it is undesirable and unnecessary for additional buildings at Trigg Beach which would put unnecessary pressure on the coastal environment.

Ms Murphy stated that the Friends of Trigg Beach dispute the assertion in the report background which states that "The main matter for consideration is whether the proposed development is consistent with the purpose of the Parks and Recreation Reserve and Policy 5.3 Use of Land for Parks and Recreation". Ms Murphy stated that the majority of the land that would be lost is a grassed park; the fact that it is located within a Bush Forever Area must be considered a key consideration, and outlined that the impact upon the surrounding Quindalup Coastal Dune System must be of equal importance and consideration by the Committee. Ms Murphy stated that the removal of any vegetation protected by State Planning Policy 2.8 - Bushland

Policy is a serious matter and has an impact on the biodiversity and habitat of the coastal dune system at Trigg Beach.

Ms Murphy questioned the report's analysis of the key issues and assessment of the building development proposal being fully consistent with State Planning Policy 2.6 - State Coastal Planning Policy and 2.8 which have objectives to protect, conserve and enhance coastal values and improved environmental outcomes.

Ms Murphy stated that the preservation of Bush Forever Area 308 must be at the forefront of decision making when considering a building within its boundaries and noted that within State Planning Policy 2.8 there is a general presumption against the clearing of regionally significant bushland or other degrading activities, it also states that it is "...imperative that planners understand the environmental significance of the Bush Forever sites and the range of policies, processes and outcomes to consider in making planning decisions and recommendations that will operate under and be consistent with the clearing controls under the Environmental Protection Act."

Ms Murphy informed members of the public comments made on the City of Stirling's "Your Say", and stated that many express deep concern at the loss of this public park and ask the valid question as to why Surfing WA does not redevelop or rebuild its existing building at Trigg Beach.

Ms Murphy stated that the Friends of Trigg Beach argue that the Commonwealth Community Development Grant of \$4 million given to Surfing WA for its headquarters would enable the existing building to be extensively renovated or re-built and, as there is vacant land to its east and there is potential for incorporating a hardstand service area.

Ms Murphy urged the Committee to reject the recommendation and to instruct the DPLH to investigate the option of Surfing WA rebuilding or redeveloping in its current Trigg Beach location.

Members clarified that the City of Stirling has plans to demolish the building once the Surfing WA lease has concluded and they move out. Ms Murphy stated that she was unaware that the City of Stirling were demolishing the building and reiterated that the Surfing WA headquarters should be rebuilt on that site as it is also Crown Land.

Members stated that the City of Stirling has a masterplan which identifies the location of the demolished building as a future park. Ms Murphy stated that the City of Stirling did not adopt the masterplan and only refers to the plan when they wish for another development along the beach.

7.6 Development Application - Surfing WA Headquarters - Lot 8 (No. 368) West Coast Highway, Trigg (Item 8.4)

Presenters: Michelle Wilson – Representation of the local community

Ms Wilson presented to the Statutory Planning Committee on behalf of her community's interest on Item 8.4 – Development Application – Surfing WA Headquarters – Lot 8 (No.368) West Coast Highway, Trigg. Ms Wilson stated that the Development Application has not addressed the provisions set out by DC Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open space and informed members that the brochure that was available to the public falsely claimed that the Surfing WA headquarters was being redeveloped instead notifying the public that it would be a new building.

Ms Wilson addressed the communities concerns surrounding the current Surfing WA building appearing to be closed for a wide portion of the year stating that Surfing WA only operates early in the morning on weekdays and not at all in winter as the conditions at Trigg Beach are deemed as unsuitable between May and October during which time the surf school is moved to Mullaloo. Ms Wilson stated that 84% of Surfing WA events are located on the southern coast of Western Australia and only the equipment is stored at the Trigg Beach location.

Ms Wilson questioned the purpose of replacing 1800sqm of parkland for eight fulltime staff to work in whilst their customers are in Mullaloo, on the southern coast or at school, stating that the \$4 million building would not be utilised for its core purpose. Ms Wilson stated that the Surfing WA Annual Report reveals that only eight judging and coaching courses were being conducted per year and questioned whether there was a high demand for Surfing WA to have new conference rooms when Scarborough Surf Club have rooms available for hire. Ms Wilson stated that in order to build the conference rooms, the park that is currently utilised by 61% of people would be bulldozed.

Ms Wilson stated that Surfing WA claim to have 30,000 customers but have refused to provide any substantiation on this figure. Ms Wilson stated that a spreadsheet is used to identify the number of new customers per month, program and surf school location and the figures do not match up. Ms Wilson stated that the Surfing WA Annual Report and Statutory Planning Committee report present two differing figures on the need for surfing lessons, the Annual Report portrays a 20% decrease in the need for surfing lessons in comparison to the SPC report which claims that there is a 20% increase for lessons.

Ms Wilson questioned whether there is a conflict between orderly and proper planning processes and the Federal Government who promised the land to a single user, two years before the public was made aware of the proposal. Ms Wilson stated that the survey of 120 people which was undertaken is not a representative sample when it is considered that 40% of participants are likely to not live near the park and one in seven participants are a member or associated with Surfing WA. Ms Wilson questioned why the 472 people who objected to this

development are being ignored and stated that the development is a deception and full of lies. Ms Wilson urged members to look through the lies and deception before the character of Trigg is permanently ruined.

Members queried the alleged decrease of 20% of surf school participants and stated that the pre-COVID-19 the number of surf school participants was consistently around 32,000, however, during COVID-19 there would have an obvious effect on the number of participants. Ms Wilson stated that there is a total of 30,000 people that have been projected to attend the new facility and the 36,000 students is outlined in the Surfing Australia Annual Report along with all of the figures. Ms Wilson stated that there is not a 20% increase in the number of surf school students as outlined in the SPC report. Members clarified that they were not provided with a decade of figures in Ms Wilson's presentation. Ms Wilson stated that there were eight years of data as the remaining Annual Reports could not be located. Ms Wilson emphasised that there is no increase in participants.

7.7 Development Application - 17 Multiple Dwellings - Lot 77, 79 and 800 Canning Highway, South Perth (Item 8.6)

Presenters: Dominic Mitchell, Garrick Allen - Department of Communities, Beverley Bennett - Development Management and Lawyer

Mr Mitchell presented to the Statutory Planning Committee representing the Department of Communities. Mr Mitchell stated that the purpose of the presentation was to clarify the definition of a 'Public work' and to provide clarification on the approval pathway for the Development Application for 17 Multiple Dwellings – Lot 77, 79 and 800 Canning Highway, South Perth.

Mr Mitchell stated that the Department of Communities considered three pieces of legislation for the application: *The Public Works Act 1902* which establishes what a 'public work' is, *The Housing Act 1980* which authorises the Housing Authority to identify housing and the *Planning and Development Act 2005* identifies the planning approval pathway. Mr Mitchell stated that *The Public Works Act 1902* includes every piece of work which the Crown, Government and Minister have authorised under the Act and any other legislation.

Mr Mitchell informed members that *The Housing Act 1980* authorises the Housing Authority to improve land for the purposes of fulfilling the Housing Authority's functions which functions include the provision of housing and land for housing. In addition, under the Act the Housing Authority has the power to erect houses to make the land suitable for the purposes of the Act and does not restrict the type of housing by tenure or typology for housing-for-rent or any other tenure or typology.

Mr Mitchell stated that the *Planning and Development Act 2005* states that the Public Works are exempt from the requirement for approval under local planning schemes. "...nothing in this Act interferes with the right of the Crown....to undertake, construct or provide any public

work...” and identifies that “a region (such as the metropolitan region scheme) planning scheme binding the Crown”. Development approval under the MRS is therefore required for a public work.

Mr Mitchell stated that Housing Authority’s view is that on the basis of the powers conferred on the Housing Authority under the Housing Act, developments such as the one proposed in South Perth, do comprise a public work for the purposes of the *Planning and Development Act 2005* and the *Public Works Act 1902* as the Housing Authority is authorised to undertake such works.

Mr Mitchell clarified that the development proposed for the site is authorised under the Housing Act and the site is zoned under the MRS, development approval is being sought from the Statutory Planning Committee. Mr Mitchell stated that the development is critical to the progression of the Government’s commitment to affordable and central housing for 2020-21.

Members queried the timeline of the business case and construction of the development and sought clarification for the proportion of social housing, affordable housing and possible key start homes. Mr Mitchell was unable to clarify the proportion of social, affordable and full cost housing but reiterated that the development is a priority for the government and construction will commence as soon as possible.

7.8 City of South Perth - Activity Centre Plan (Item 8.5)

Presenters: Bianca Sandri - Urbanista Town Planning

Ms Sandri presented to the Statutory Planning Committee on behalf of her client, a property owner on Charles Street in the Richardson Precinct. Ms Sandri thanked the City of South Perth and the Department of Planning, Lands and Heritage for their commitment and processes conducted in relation the Activity Centre Plan (ACP) inclusive of the use of trans-oriented development principles which will guide the development in the Richardson Precinct to accommodate the future South Perth Train Station. Ms Sandri stated that they are in support of restricted heights along the foreshore and reducing impact on the Perth Zoo precinct.

Ms Sandri stated that there are design complications caused by the Plot Ratio and water table on Charles Street which restricts the ability to have several levels of underground parking and forces developments to have podium level parking. Ms Sandri stated that the Scheme Amendment includes car parking in the calculation of the plot ratio to which Ms Sandri requests the inclusion of an additional clause within the ACP which states under 4.3.8 “that parking rates specified in table four may be reduced where innovated transport sharing schemes are provided for residential and commercial uses”. Ms Sandri stated that developments will provide alternative solutions for transport such as electric and road scooters and bikes and shared vehicles, which would reduce the need for onsite car parking which would be less than what the policy allows for. Ms Sandri stated that there are up and coming companies that provide shared vehicles which will reduce the

demand for car parking ownership. Ms Sandri stated that the Policy has discretion for car parking, however, believes that by including the clause to allow shared transport will concrete a sustainable option for a developer to consider.

Ms Sandri stated that landscaping clause 4.3.4.3 is restrictive for developers as the proposed amendment asks for 12% deep soil landscaping with a minimum of 6 metres for mature trees at ground level. Ms Sandri stated that the base level of the podium will be negatively affected by the 12% deep soil landscaping as it will reduce basement levels and push parking to the ground level. Ms Sandri stated that Urbanista Town Planning utilises State Planning Policy 7.3 – Residential Design Codes Volume 2 with respect to landscaping on developments in lieu of deep soil landscaping and if the landscaping standards within SPP 7.3V2 cannot be met on the ground level due to a deficiency then double the landscaping will be implemented on the structure which improves the overall amenity. Ms Sandri believes that this method would work affectively in the ACP. Ms Sandri stated that the ACP and SPP 7.3 version 2 do not provide sufficient definitions for 'trees worthy of retention' or a 'mature tree'.

Ms Sandri informed members that they believe there should not be a height limit on tier two developments stating that the plot ratio, density controls and development contours around the base will sufficiently control the development size and not affect the general area.

Ms Sandri stated that providing additional height should be accommodated through providing sustainable principles inclusive of the green star rating and net carbon zero alternative building methods.

Members queried the management and compliance of shared vehicles to which Ms Sandri stated that a development in Fremantle is taking a similar approach which would not be replacing all car parking but allocating space for the shared car model. Ms Sandri stated that a planning condition for shared transport would be included on the planning approval and would also be written into the strata agreement. The shared transport method would be paid for by the residents included in a portion of the Strata Levy.

7.9 City of South Perth - Activity Centre Plan (Item 8.5)

Presenters: Jessica Birbeck, Vicki Lummer, Warren Giddens - City of South Perth

Mr Giddens and Ms Birbeck presented to the Statutory Planning Committee on behalf of the City of South Perth. Mr Giddens thanked the Department of Planning, Lands and Heritage for the opportunity to work collaboratively on the recommendations to the Committee.

Mr Giddens stated that this is an exemplary piece of work that will deliver the very best outcomes for current and future communities of South Perth as it has been worked on by the RobertsDay Team including former Government Architect, the Minister for Planning's staff, former City of South Perth staff Elyse Maketic and Mark Carolane.

Mr Giddens stated that the City is disappointed that in Amendment 61, three qualitative design categories of good, excellent and exemplary have been watered down by removal of the Competitive Design process.

Mr Giddens stated that the City of South Perth are in support of the flexibility provided in the wording of the proposed modifications, to work collaboratively with the DPLH officers and the Office of the Government Architect to prepare the bespoke State Design Review Panel process. Mr Giddens stated that the City is in support of the proposed modifications relating to the preparation of a Community Needs Assessment and Procedural Guide for the public benefit framework and requested that the modification No.13 part 8 should reference the City's "Reserve" rather than a "Trust".

Mr Giddens addressed the proposed modifications to include the preparation of a number of supplementary technical reports required to support the Activity Centre Plan. Mr Giddens informed members that the City has expended a considerable amount of money and time over the last 4 years on this planning process and this process was complex and thorough. Mr Giddens questioned why more reports have been requested to be prepared. Mr Giddens stated that the Commission must be cognisant that costs to Local Governments to develop Activity Centre Plans are unsustainable.

Mr Giddens stated that the City proposes that these documents will not cause delay to the approval timeframe of the framework and a balance should be struck where the necessary missing information required for the ACP can be prepared, while other matters are addressed outside of the ACP process.

Mr Giddens stated that the City supports the preparation of a Local Water Management Scheme which will support the stormwater and groundwater management provisions contained within Part 1 of the ACP and of a high level Environmental Assessment Report.

Ms Birbeck addressed the Coastal Hazard Assessment and stated that the City does not support the modifications propose the preparation of a Coastal Hazard Assessment to investigate how coastal processes, as a consequence of climate change, impact the ACP area. Ms Birbek stated that the City does not dispute that the effects of climate change on the ACP area and Peninsula more widely need to be investigated. Ms Birbeck stated that given these investigations should be completed at a regional scale and this project alone would be a significant undertaking for the City and the City proposes that reference be made in the ACP to this work being completed outside of the ACP process in partnership with the State Government.

Ms Birbeck stated that the Eastern Metropolitan Regional Council are already undertaking studies to assess the impacts from climate change and sea level rise which specifically includes the Peninsula an ACP area. Ms Birbeck stated that it is respectfully requested that Modification No. 8 is replaced to acknowledge further investigations

being undertaken to holistically address future impacts of sea level change on the ACP area and wider area.

Ms Birbeck stated that the provision of existing Public Open Space within the ACP area exceeds 10% of the ACP's gross subdivisible area with 9.89 hectares and there are significant areas of regional open space within and abutting the ACP area including Millers Pool, South Perth Esplanade and Sir James Mitchell Park. Ms Birbeck stated that the Perth Zoo and Royal Perth Golf Course, although restricted in use, are also reserved for regional open space and are publicly accessible creating a total area of over 80 hectares. Ms Birbeck stated that it is not considered that an evaluation of POS is needed on the basis of demand from the forecasted population growth.

Ms Birbeck stated that the City respectfully requests for Modification No. 11 a) to prepare a POS schedule and justify the open space in accordance with the principles of LN and DC Policy 2.3 and clauses b), c) and d) be removed.

Ms Birbeck stated that the City notes there is a lack of justification provided for the removal of the mid-block links within the Richardson Precinct which were an outcome of the Place and Design Study and the City requests that any modifications are clearly explained in writing for the benefit of the community and Council.

Ms Birbeck stated that it should be noted that the public benefit contribution framework is not a 'development contribution' and does not require preparation of a development contribution plan to have effect. Ms Birbeck stated that as a framework, the public benefit contribution component of Scheme Amendment 61 and the ACP should be given significant weight in the application of any discretion associated with building height until its final approval. Ms Birbeck stated that the City notes that the SDAU application for 88 Mill Point Road South Perth, meets the criteria.

Members sought clarification on the time it would take the City to complete the additional reports. Ms Birbeck stated that all of the reports should take between 6 and 8 weeks to complete. Ms Birbeck acknowledged that the Public Benefit Framework and Procedure guide would require advertising as per the modifications. Ms Birbeck stated that the City did not want to do additional reporting that was unnecessary that would delay the approval for the ACP and identified that Coastal Hazard Assessment as a report that has potential to delay the approval. Members clarified that the City could undertake the Civil Services Report, Environmental Report, Local Water Management Scheme and the Community Needs Assessment and wish to defer the Coastal Hazard Assessment. Ms Birbeck stated that the LWMS could pick up on portions of the work that could be completed by the Coastal Hazard Scheme and acknowledged the current work being undertaken by multiple Local Governments and the State Government on the issue.

Members queried the predicted time to complete the requested reports and sought clarification on whether the City has the budget to complete the reports.

Mr Giddens stated that the ACP budget was closed off in good faith that it would be approved and the funds for the additional reports have not been allocated for the 2020-21 financial year. Mr Giddens stated that the City has outlined the report which they are happy to complete and have the means to complete them. Mr Giddens stated the Coastal Hazard Assessment may cost more than what could be budgeted and requested that the Assessment be completed outside of the ACP process.

Members queried the adequacy and relevancy of the traffic reports for the ACP stating that the submissions raised concerns that the traffic on Labouchere Road and the Freeway Connection. Ms Birbeck stated that the Traffic Report was completed in 2018 and DPLH and the City of South Perth are satisfied with its findings.

The Chairman declared a brief adjournment at 11.10am

The meeting was resumed at 11.17am with all members present

7.11 City of Stirling - Local Planning Scheme No. 3, Amendment No. 117 - For Final Determination (Item 9.2)

Presenters: Daniella Mrdja, Mitchell Palmer - Urbanista Town Planning

Mr Palmer presented to the Statutory Planning Committee on behalf the owners of Lot 9002 Balcatta Road, Balcatta on the proposed Scheme Amendment No. 117 for the City of Stirling. Mr Palmer stated that his clients are seeking permission for an additional use on a small portion of the subject site which is informally shared amongst several businesses on approximately seven hectares located on the corner of Balcatta Road and Bendsten Place. Mr Palmer stated that the subject site is zoned for 'General Industry' in accordance with the Local Planning Scheme with adjacent sites to the east and south zoned as 'Mixed use'.

Mr Palmer stated that the proposed amendment would only affect one portion of the subject site where Safety Direct Solutions would conduct workplace training for the mining Industry in addition to their current administration and storage uses. Mr Palmer stated that in accordance with the Local Planning Scheme, the site would require a change of use to allow for an educational establishment and whilst the land use is not being utilised for industrial uses, it is being utilised to support the industry. Mr Palmer clarified that the nature of the training is focused on staff in the mining industry enabling staff to understand and adequately respond to clinical situations that may occur in remote regional environments.

Mr Palmer stated that the City of Stirling held concerns for an educational establishment in an industrial area which resulted in additional conditions to the number of classrooms, students and

restrictions on the operator which would limit the flexibility and future of the business. Mr Palmer stated that they did not actively object to the additional conditions but are not in support of the proposed conditions as they believe that those issues should be dealt with during the planning approval. Mr Palmer stated that they have sought confirmation from the Department of Planning, Lands and Heritage regarding the removal of the specific conditions and determined that DPLH are in support of the motion for the conditions to be dealt with during the planning approval. Mr Palmer stated that they are of the opinion that the conditions are inconsistent with the intent and purpose of the conditions for additional uses.

Mr Palmer stated that if the DPLH has recommended to remove the additional conditions B and C then they are in support of the amendment and any issues foreshadowed by the City of Stirling can be dealt with as a condition of the Planning Approval.

7.10 City of South Perth - Local Planning Scheme No. 6, Amendment No.63 - For Final Determination (Item 9.1)

Presenters: David Read - Element, Tim Dawkins - Urbis

Mr Iacomella declared a conflict of interest on this item and left the meeting at 11.27am

Mr Read presented to the Statutory Planning Committee and thanked members for their time. Mr Read stated that the justification for the unusual neighbourhood height and density was identified during extensive community engagement prior to the progression of the Scheme Amendment from which it was the agreed approach would be tall and narrow and the City of South Perth's adoption of the Council Initiation Resolution in October 2019, which specifically agreed that 13 storeys should be advertised. Mr Read clarified that the density and height of this neighbourhood should be greater due to its 4km proximity to the Perth CBD, cycling infrastructure, public transport and significant amenity and employment opportunities.

Mr Read stated that the current density of South Perth is 17.4 dwellings per hectare and the proposed density of the development at 22.2 dwellings per hectare would align to the Local Planning Stagey and State Planning Policy 4.2 which allows for 25 and 25+ dwellings per hectare respectively. Mr Read stated that the catchment requires a high density to ensure that the viability of the \$2million restoration of the Cygent Cinema and other commercial properties.

Mr Read presented to members the requested modifications which were made after the Statutory Planning Committee Meeting on 16 February 2021. Mr Read requested for discretion for minor structures on the terraces and to allow for the podium terrace to be activated to allow for a patio and outdoor kitchen, an allowance of 10.5 metre parapet walls on both sides of the lot, stating that R100 only allows for parapet walls to be on one side of the lot and for only two thirds of land on the boundary and they should not have to complete an LPP to allow for something that is currently permitted under the

scheme. Mr Read stated that 171 Labouchere Road will contain a 6 metre setback and the additional parapet walls are essential for onsite parking. Mr Read requested for the student housing to be allowed given the 250 metre proximity to Curtin University.

Mr Read requested for an additional storey on Eric Street to enforce consistency with a 6 storey maximum height which has been supported by the Council's 2020 adopted resolution. Mr Read stated that the additional storey is in context with 167 Labouchere Road which is already at 5 storeys and when the property in the middle is developed it will be completely screened from the street. Mr Read stated that the proposed development will be marginally higher than the height allowed on the neighbouring blocks that can get 5 storeys under the base height of 14 metres and any additional height needs to meet the setback, separation distances and visual privacy requirements of State Planning Policy 7.3.

Mr Read informed members that after discussions with the Department of Planning, Lands and Heritage and further analysis they are in acceptance of the 25 metre setback for the 13 storey tower but recognise that the an 8 storey component with a setback of 15 metres would be needed over a 5 storey component. Mr Read stated that the overshadowing of the proposed 8 storey development would only affect a commercial strata titled building. Mr Read compared the height and setback requirements of the southern streetscapes on Preston Street and stated that greater height and density is generally allowed when you have a heritage building and an 8 storey development is setback 3 times the 5 metre setback considered for the southern side of Preston Street and 5 times more for the 13 storey component which has an additional 1.5 metres in height.

Mr Read stated that the 13 storey component was amended to be a single aspect 'L' shaped building to allow for better solar penetration and cross ventilation for the portion of the tower which overshadows the Cygnet Cinema. Mr Read presented members with a 3D illustration of the precinct, stating that from the Labouchere Road and Preston Street intersection the 8 storey building cannot be seen from the street with the 15m setback. Mr Read presented with a 3D illustration which provides context to the 8 storey component with a 5 story setback behind the Cygnet Cinema.

Members were provided a flythrough of the what the developer is anticipating the development would look like as a whole. Mr Read stated that Jacaranda trees will soften the view of the street and the 13 storey tower is visible from 40-50 metres away.

Members thanked Mr Read for the fly through and asked that for future projects whether it can be provided to give context to the application. Mr Read stated that the 3D modelling is a time consuming and expensive task but recognised its importance for these projects.

Members clarified whether there was an outstanding issue with the setback proposed for Preston Street and Mr Read stated that the report is confidential and is unaware of the report before the members,

however, stated that the requirement for a 25 metre setback for the 13 storey tower requested at the 16 February 2021 meeting was accepted. Mr Read stated that an 8 storey component was needed to sit in front of the tower at a 15 metre setback. Members confirmed that the imaging showed an 8 storey component with a 15 metre setback.

Mr Iacomella returned to the meeting at 11.35am

7.12 City of Mandurah - Local Planning Scheme No. 12 - For Final Approval (Item 9.3)

Presenters: Scott Vincent - Planning Solutions

Mr Vincent presented to the Statutory Planning Committee on behalf of the landowner of Lot 601, 22 Old Pinjarra Road, Greenfields.

Mr Vincent stated that his client had purchased the land earlier in the year to subdivide and develop the site which was zoned as 'Urban Development' by the City of Mandurah's current Local Planning Scheme (LPS) and the Structure Plan approved by the Western Australian Planning Commission (WAPC).

Mr Vincent stated the City of Mandurah's Planning Officers have verified that the site has been incorrectly rezoned as Residential R20 in the City of Mandurah draft Local Planning Scheme which would result in significant constraint to the future subdivision and development of the site. Mr Vincent stated that the incorrect zoning would allow for only half of the density of the current Structure Plan which allows for a density of R40 and R60. Mr Vincent respectfully requested for the site to be rezoned as 'Urban Development' and to refer to the modification in the Scheme document prior to the Gazettal of the City's Local Planning Scheme No. 12 to avoid delays in amending the LPS No.12 to reflect the correct zoning.

Mr Vincent stated that they have an understanding that the City of Mandurah has an objection to the subject site being rezoned as 'Urban Development' through discussions with City staff, however, ask that the site is rezoned to be in line with the planning vision which was established by the City of Mandurah and the WAPC.

7.13 City of Mandurah - Local Planning Strategy - For Final Endorsement and City of Mandurah - Local Planning Scheme No. 12 - For Final Approval (Item 8.7, 9.3)

Presenters: Ben Dreckow, Ann Harrop - City of Mandurah

Mr Dreckow presented to the Statutory Planning Committee on Items 8.7 and 8.9 relating to the City of Mandurah's Local Planning Strategy and Local Planning Scheme. Mr Dreckow thanked members for the opportunity speak to the Committee and stated that Council originally resolved to adopt the new scheme in July 2013 and it was then noted later in the year by the Western Australian Planning Commission.

Mr Dreckow stated that between 2013 and 2021 the City has had a draft gazetted with amendments to the regulations which were considered in a planning reform and are the documents before the Committee today. Mr Dreckow thanked the various Department of

Planning, Lands and Heritage officers at the Peel Office and in the Schemes team for the formulation of the Scheme and Strategy.

Mr Dreckow stated that the key focus of the documents are to consolidate future development for all of the City's Planning Framework and as outlined in the SPC report for the Local Planning Strategy approximately 45% of the new dwellings will be in existing infill areas. Mr Dreckow informed Members that this demonstrates the growth of Mandurah and where development will be focused for the next 20 years. Mr Dreckow stated that 1600 hectares of land is being normalised from an Urban Development Zone in the proposed Scheme which will only allow for small Structure Plans.

Mr Dreckow stated that the City does not have any concerns with the recommendation put forward to the Committee for the Local Planning Strategy, however, are not privy to the recommendation put forward to the Committee regarding the Local Planning Scheme. Mr Dreckow stated that through discussions with DPLH officers the City is largely satisfied with the draft recommendation but have a couple of issues which the City would like to highlight.

Mr Dreckow thanked the WAPC for the reform into the deemed modelled provisions and advised members that the City would like some further refinement to ensure that the Local Planning Scheme is a workable document. Mr Dreckow stated that the City will have to make a number of changes in the short term as small structures have been made exempt in the Scheme as patios and shade structures are not primarily the concerns, however, windows fronting onto the canal may be an issue that the City is required to address.

Mr Dreckow stated that the City has a desire to have a clear delineation between the definition of fast food that has a drive through and a restaurant that has the capacity to serve takeaway food as they have different built form outcomes.

Mr Dreckow stated a concern that the City has is regarding the Flood Hazard Area on the Scheme maps and acknowledged that flooding is an important issue but including the data on the map can cause additional issues for the City as the data will change over time. Mr Dreckow stated that the City proposes that the Flood Hazard Areas be treated in a similar format of the Bushfire Prone Areas.

Members informed Mr Dreckow that the Committee had seen one deputation from the owner of 601 Pinjarra Road and Planning Solutions. Members queried whether the City's Senior planning staff had agreed that the Lot should be zoned as 'Urban Development' rather than R20 in the proposed Scheme. Mr Dreckow confirmed that 'Urban Development' was the correct zoning and the Lot may have not been picked up in the City's normalisation process. Mr Dreckow stated that if the Commission had not already picked up this zoning change then the City would run an amendment though as a subsequent process and is keen to ensure that the current Structure Plan remains current.

Members queried the City's position on supporting the rezoning of the area bound by Boundary Road, Adana Street and the cemetery known as the 'Cygni Area' from R25 to R40. Mr Dreckow confirmed that the City is supportive of the rezoning of the Cygni Area and stated that the City should have undertaken some work prior to advertisement.

Mr Dreckow stated that the City did not make many changes to the existing mapping from the existing Scheme to the proposed Scheme before the Committee and based on the submission made to the City it seemed like a valid reason for support. Mr Dreckow stated that the City notes that on the Schedule of Submission appended to the Strategy it outlines that the submission should be advertised in the surrounding area and if the Committee maintains the recommendation then the City will make an amendment immediately with the consultation in mind.

7.14 Malvern Springs Development Plan- Amendment No. 4 - Lot 9295 Elmridge Parkway, Ellenbrook (Item 8.1)

Written Submissions:

- Karen Mowat - Community Member
- Kate Van Namen - Community Member
- Craig Lord-Sole - Community Member
- Nick Lord-Sole - Community Member
- Nikki Kreider - Community Member
- Trevor Kreider - Community Member
- Naomi Jenkin - Community Member
- James Whitehouse - Community Member
- Andric Family - Community Members
- Carleen Wynhorst - Community Member
- Jason Wynhorst - Community Member
- Tanya Richardson - Community Member

7.15 City of South Perth - Activity Centre Plan (Item 8.5)

Written Submission:

- Craig Dermer - South Perth Peninsula Action Group Inc.

7.16 City of Mandurah - Local Planning Strategy - For Final Endorsement (Item 8.7)

Written Submission:

- Dr Peter Punch - Raelynda P/L ATF Dragon Holdings Trust

7.17 Town of Bassendean - Local Planning Strategy and Local Planning Scheme -Certification to Advertise (Item 8.8)

Written Submission:

- Donald Yates - Community Member

7.18 City of South Perth - Local Planning Scheme No. 6, Amendment No.63 - For Final Determination (Item 9.1)

Written Submissions:

- Sarah Schladow - Community Member
- Les Marrable - Community Member
- Sam Winter - Como for the Community
- Roger Riachi - Community Member

ITEMS FOR DECISION

8.2 Telecommunication Tower and Access Provision - Lot 601 Taylor Road and Lot 97 Armadale Road, Forrestdale (22-50232-1)

Moved by Ms Lyhne

Seconded by Cr Craigie

That the Statutory Planning Committee resolves to approve the application for a Telecommunication Tower and Access Provision at Lot 601 Taylor Road and Lot 97 Armadale Road, Forrestdale in accordance with clause 30 of the Metropolitan Region Scheme, subject to the following conditions:

CONDITIONS:

1. *This decision constitutes approval to commence development only and is valid for a period of two years from the date of approval. If development is not substantially commenced within a two-year period, the approval shall lapse and have no effect.*
2. *No access shall be constructed north of the proposed compound along the western boundary of Lot 601.*
3. *Prior to commencing construction, gate arrangements (suitable for construction and post-construction stages, respectively) shall be put in place to the specifications of the City of Armadale and satisfaction of the Western Australia Planning Commission where the proposed access track crosses the eastern boundary of Lot 601.*
4. *Within 60 days of the facility being completed, arrangements shall be made with the City of Armadale for the provision of offsets for the loss of 0.02ha of native vegetation. These shall be provided through revegetation of a minimum of 0.04ha within the site in accordance with State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region, Appendix 4 to the specifications of the City of Armadale and the satisfaction of the Western Australian Planning Commission.*
5. *At least 30 days prior to commencement of works, a Construction Management Plan shall be prepared by the applicant to the specifications of the City of Armadale and satisfaction of the Western Australian Planning Commission and submitted to the City of Armadale. The Construction Management Plan shall be implemented by the applicant to the specifications of the City of Armadale and satisfaction of the Western Australian Planning Commission.*
6. *At least 30 days prior to commencement of works, the applicant shall prepare a Water Management Plan to the specifications of the*

City of Armadale and satisfaction of the Western Australian Planning Commission, addressing the construction phase of development. The approved Water Management Plan shall be implemented to the specifications of the City of Armadale and satisfaction of the Western Australian Planning Commission.

- 7. The Bush Management and Environmental Management Plan for the project dated 3 November 2020 shall be implemented to the specifications of the City of Armadale and satisfaction of the Western Australian Planning Commission.*
- 8. A vegetation assessment shall be carried out for a minimum of two years post-construction to the specifications of the City of Armadale and satisfaction of the Western Australian Planning Commission, to monitor vegetation health, weeds and potential dieback. Any remediation works required by the City shall be carried out to the specifications of the City of Armadale and satisfaction of the Western Australian Planning Commission.*
- 9. A schedule of external colours shall be prepared by the applicant to the specifications of the City of Armadale and satisfaction of the Western Australian Planning Commission for the fencing of, and for equipment installed within the proposed compound. This shall be submitted to the City of Armadale and the development shall be completed/finished and maintained in accordance with the approved schedule to the satisfaction of the Western Australian Planning Commission.*

ADVICE:

- 1. The Department of Water and Environmental Regulations (DWER) advises that, under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).*

Based on the information provided, no exemption applies to the proposed clearing and a clearing permit is required.

The DWER advises that it has not received a clearing permit application relating to this proposal. Application forms are available from:

<https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms>.

Additional information on how to apply for a clearing permit is available here:

https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact_sheets/Fact_Sheet_-_how_to_apply.pdf.

2. *The proposed clearing of native vegetation may require approval from the Department of the Environment and Energy (Federal Government) prior to any clearing of vegetation and commencement of construction.*
3. *Further to Condition 5, the Construction Management Plan shall detail how construction of the development will be managed, including the following Further to Condition 6, the Water Management Plan shall include (but not be limited to):*
 - *Vegetation protection.*
 - *Public Safety and site security.*
 - *Hours of operation.*
 - *Dust management.*
 - *Disposal of materials, waste and other matter.*
 - *Traffic Management plans for the various phases of construction.*
 - *Parking arrangements for contractors and sub-contractors.*
 - *Delivery and access arrangements.*
 - *Storage of materials and equipment onsite (no storage of materials in the public realm will be permitted).*
 - *Bonding and remediation arrangements.*
 - *Any other matters likely to affect surrounding properties and/or the public realm.*
4. *Also in relation to Condition 5:*
 - *the applicant's attention is drawn to the need for protection of vegetation in the vicinity of the proposed compound in accordance with the provisions of Australian Standard AS 4970 - 2009 – Protection of Trees on Development Sites.*
 - *the City of Armadale advises that, under the Environmental Protection Act 1986, all construction work (including earthworks or similar) must be managed with due regard for noise control. Works generating noise, and rock breaking in particular, are not permitted outside the hours of 7.00am to 7.00pm, or on a Sunday, or public holiday.*
5. *Further to Condition 6, the Water Management Plan shall include (but not be limited to):*
 - *fuel and chemical management;*
 - *stormwater management;*

- *wastewater management,*

in accordance with the following Water Quality Protection Notes:

- *WQPN 52: Stormwater management at industrial sites;*
- *WQPN 93: Light industry near sensitive waters; and*
- *WQPN 83: Infrastructure corridors near sensitive water resources.*

6. *Main Roads Western Australia advises that, prior to commencement of works within the Armadale Road road reserve, the responsible party is required to seek a conditional agreement (detail design) for the installation of proposed electrical infrastructure within the road reserve for Armadale Road, including the provision of plans to the Road Reserve Access Manager, Metropolitan Region.*

Application forms and supporting information can be found on the Main Roads website > Technical & Commercial > Working on Roads > Third Party Works.

7. *The City of Armadale advises that, prior to commencing any works within the Taylor Road road reserve, responsible party must obtain approval from the local government. For this purpose, an application form can be found at:*

<https://www.armadale.wa.gov.au/traffic-management-plansworks-road-reserve>

8. *The City of Armadale advises that compliance with the Building Code of Australia is required and, in the respect, a Building Permit application should be submitted to the City's Building Services Department and approved prior to erection of any structures on the site.*

9. *ATCO Gas Australia advises as follows:*

- *ATCO has High Pressure steel gas mains within the road reserve of Armadale Road. ATCO must be notified of any works within 15 metres of High Pressure gas infrastructure before works begin. The proposed cabling design impacts across the HP gas pipeline.*
- *Construction, excavation and other activities may also be restricted in this zone and that no pavements are to be constructed over the pipeline without consent from ATCO Gas Australia. Various pipeline safety tests may apply. The applicant is advised to contact ATCO on 9499 5272 in relation to this and comply with the requirements of the ATCO Gas document AGA-O&M-PR24 Additional Information for Working Around Gas Infrastructure.*
- *Any party proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.*

10. *The Civil Aviation Safety Authority advises that the proponent should address any potential hazards to low flying aircraft in the vicinity of the proposed tower, which may include consideration of the installation of aviation obstacle lighting. Should the proponent wish to voluntarily adopt aircraft hazard identification markings and/or lights, or if a risk assessment determines that the tower should be lit, more information can be found in the CASA Manual of Standards, Part 139 (Aerodromes) under sections 8.10 and 9.4. CASA has recommended that the proponent consults with Jandakot Airport (Operations Coordinator) and local emergency aviation communities, and checks whether there could be significant helicopter traffic in the area (e.g. emergency services etc), especially at night.*

The motion was put and carried

8.7 City of Mandurah - Local Planning Strategy - For Final Endorsement (DP/17/00203)

Moved by Ms Lyhne
Seconded by Cr Craigie

That the Statutory Planning Committee resolves to;

- 1. Determine the submissions in accordance with the attached Schedule of Submissions; and*
- 2. Require the local government to modify the strategy in accordance with the attached Schedule of Modifications, before the strategy is resubmitted to the Commission for endorsement.*

The motion was put and carried

9.2 City of Stirling - Local Planning Scheme No. 3, Amendment No. 117 - For Final Determination (TPS/2614)

THIS ITEM IS CONFIDENTIAL

8.1 Malvern Springs Development Plan- Amendment No. 4 - Lot 9295 Elmridge Parkway, Ellenbrook (SPN/0343M-4)

Members discussed the Development Plan and clarified that there is a wide range of land uses identified for the lot and recognised the applicant's retail assessment which recognised that retail may be limited in this centre.

Members discussed the current use of the land as an informal park and car park to alleviate parking issues on the nearby streets and Members recognised that if the land was to be developed as residential then any community engagement would be lost. Members queried the current condition of the land and it is understood that the proposed lot is a privately owned and is a collective open space with a basketball court and other recreational facilities used by the public. Members queried the maintenance of the open space and were informed that the Department is unaware of who maintains the space. Members noted

that there is a Public Open Space between this lot and the Primary school.

Members queried what could be developed in the current open space if the proposal was approved and were informed that the applicant is attempting to sell the land as a single commercial parcel. Alternatively, the applicant is able to pursue a subdivision which could result in separate lots being developed for residential and commercial uses such as a hairdresser or consultation rooms. Members were informed of an example in the Coolamon Village in Ellenbrook where the village centre classification was divided into lots for residential and commercial use as a real estate agent and X-Ray centre. Members confirmed that the original plan for the site can be achieved.

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

Moved by Ms Lyhne

Seconded by Ms Davis

That the Statutory Planning Committee resolves to:

1. *refuse Amendment 4 to the Malvern Springs Structure Plan, as it is inconsistent with the following:*
 - a. *State Planning Policy 4.2 – Activity centres for Perth and Peel which encourages walkability to local centres for day to day needs;*
 - b. *Liveable Neighbourhoods which promotes the creation of local centres that have a compatible mix of land uses to create a community focus, reduce car dependency and improve self-containment;*
 - c. *Special Use zone No.4 of the City of Swan Local Planning Scheme No.17 which encourages co-locating retail, commercial and community uses to maximise convenience for local communities and provide local employment opportunities;*
 - d. *The intent and objectives of the Ellenbrook Town Centre Development Plan which refers to local centres complementing the functions and services of the Town Centre and providing accessible local conveniences, community services and nodes for social interaction and local employment;*
 - e. *The intent and objectives of the Malvern Springs Development Plan to create a neighbourhood with a distinctive village centre that fosters a sense of community and has accessible conveniences; and*
 - f. *The pattern of subdivision, public open space and residential density that has developed in Malvern Springs based on the 'Special Purpose - Village Centre' classification on Lot 9295.*
2. *Advise the City of Swan and the applicant accordingly.*

The motion was put and carried

8.3 Reconsideration of Subdivision Condition 20 – Lot 1 Lakes Road, North Dandalup (159227)

Members discussed widening Lakes Road under Perth and Peel @ 3.5 million and clarified it is not currently being considered by MainRoads WA. Members considered the proposed modification to Condition 20 presented in the deputation which would allow for the land to be retained in Lot 1, Lot 2 and Lot 3 until there is notification of reacquiring the land for widening Lakes Road.

Members were informed that there is premise to reduce the number of land owners along Lakes Road for acquisition of the land to widen the 60m Road Reserve which on completion will be considered as a secondary freight route and an integrated arterial road by the Department of Transport and South Metropolitan Framework. Members were informed that 60m of Road Reserve was identified and endorsed in the Structure Plan by the Western Australian Planning Commission.

Members were informed that the alternative recommendation presented by the applicant has an achievable outcome but will result in an increase to the number of land owners who would need to be consulted if the road was to be systematically widened and face similar issues to Rowley or Anketell Road developments.

The Committee noted that the Department of Planning, Lands and Heritage's recommendation to have a balance in title to allow for work that may be undertaken to Lakes Road to allow for an east to west connection point from the broader catchment leading to Lake Lands Train Station. Members were informed that the balance of title is the best option for the building envelope as it protects the road whilst enabling the land to be addressed at a further stage of subdivision.

Members discussed whether the applicant could lease the land to the adjacent landowner for their use and maintenance and determined that the option had not been explored by the DPLH but is achievable. Members discussed the timeline for the widening of Lakes Road and confirmed that MainRoads WA have not identified it as a Primary Regional Road in the near future and DPLH have identified Lakes Road to be of regional status by 2050.

Members discussed the approved area for subdivision and clarified that the DPLH has approved the subdivision based on the requested area on the application to exclude the land in question and are recommending that the land is left out of the subdivision.

Members discussed the subdivision plan and the landowner's rights to sell the land required for the road widening if the land was included within the subdivision and queried whether the Western Australian Planning Commission could buy the land. Members were advised that the Commission could not purchase the land as it is in the Peel region and not a part of the Region Scheme.

Members discussed the correct corresponding attachment to Condition 20 and identified that Condition 20 should be modified to reflect that Attachment 6 as the attached plan. Members agreed to endorse the

recommendation of the Department of Planning, Lands and Heritage with an amended attachment number within Condition 20.

Moved by Ms Davis

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to reconsider Subdivision Condition 20 – Lot 1 Lakes Road, North Dandalup as follows:

1. *Reword Condition 20:*

‘Lakes Road being widened in accordance with the Attached Plan (Attachment 6) by the landowner transferring the land required to the Crown free of cost for the purpose of widening’

2. *Confirm that Advice Note 7 is retained, subject to an administrative modification:*

‘Further to Condition 20 the purpose of road widening is to accommodate the road and drainage formation works required for the Lakes Road upgrade at the intersection of McMahon Road.

Lakes Road is included within the South Metropolitan Peel Sub-regional Planning Framework (Perth and Peel @ 3.5 million) as a proposed integrator arterial which will be upgraded in future to accommodate increased traffic volumes. This may impact Lot 1 as land at the north of the site may be required for additional road widening in the future’

3. *All other terms and conditions remain as per the Western Australian Planning Commission’s original decision of 6 October 2020 (WAPC ref 159227).*

4. *Advise the applicant and referral authorities accordingly.*

The motion was put and carried

8.4 Development Application - Surfing WA Headquarters - Lot 8 (No. 368) West Coast Highway, Trigg (20-779-10)

Members discussed the approval process for the proposed Development Application for the Surfing WA headquarters and determined that the Minister for Lands has approved a 21 year lease of land to Surfing WA and they are required to gain approval from the Statutory Planning Committee for the development as the Committee is the decision maker for Reserved Land.

Members were informed that the Development Application is consistent with the purpose of the land and acknowledged that the Surfing WA headquarters is the first in Australia and will not have public space within the building, however, it is reasonable to give an organisation space to fulfil the work needed to meet the community’s expectations.

Members discussed and considered the communities concerns on the scale and consistency of the development aligning with Development Control 5.3 – Use of Land Reserved for Parks and Recreation and

Regional Open Space. Members stated that the development is not entirely consistent with DC 5.3 due to the scale of the development, given the park that that will be removed, public use and the lack of community support, an inconsistent Management Plan and the inability for the Surfing WA headquarters to be integrated with other facilities. Members discussed the size and scale of similar facilities in the area and were informed that the proposed headquarters are 831sqm with a 413sqm hardstand which is of a comparable size to the Marmion Angling Club.

Members queried the proposed use of the facility in consideration to the report which informed the members that there is a total of 8 full time staff who will be on the premises with 8 meeting rooms, a board room, administration offices and a break out space. Members queried the future use of the space or whether the Commonwealth Funding Board has asked how the money will be spent.

Members queried the future of the existing facility and were informed that Surfing WA will surrender their lease if approval is received for the Development and the City of Stirling are open to advertising the site to see what could be done in the existing space if it were to be knocked down. Members discussed placing a condition on the recommendation to encourage the City of Stirling to create a green space in place of the existing facility.

Members discussed the surrounding park and coastal dune system stating that the proposed development will not impact the dune system as the land needed for the Development is grassed and reticulated. Members were informed that a recommendation within the report ensures that all mature trees are to be transplanted into a new location within the reserve and may be replanted in the space that is the current Surfing WA facility if it was knocked down.

Members discussed the proponent's requirement to gain approval under Section 18 of the *Aboriginal Heritage Act 1972* to develop the facility on a coastal reserve, members were informed that the proponent would only be required to submit an application if the site was of Aboriginal Heritage, however, it is recommended that the user of the land have a discussion with the appropriate group.

Members discussed the use of the City of Stirling's Masterplan and considered if the Committee could provide additional guidance to develop a Masterplan for the area. Members were informed that the DPLH have not discussed the Masterplan with the City of Stirling and discussions will not affect the current Development Application.

Members moved the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Kosova

Seconded by Mr Caddy

That the Statutory Planning Committee resolves to approve the development application for the Surfing WA Headquarters on the identified portion of Lot 8 (No. 368) West Coast Highway, Trigg - Crown

Reserve 12992 and the West Coast Drive road reserve, subject to the following conditions and advice:

CONDITIONS:

- 1. Development is to be carried out in accordance with the plans date-stamped 10 March 2021 by the Department of Planning Lands and Heritage, on behalf of the Western Australian Planning Commission, subject to any modifications required by the conditions of approval.*
- 2. This decision constitutes development approval only and is valid for a period of 21 years from the decision date of this letter, after which time the development approval will lapse and the land shall be rehabilitated at the applicant's cost, to the specifications of the City of Stirling and the satisfaction of the Western Australian Planning Commission.*
- 3. Detailed plans demonstrating vehicle access and egress to the site, including details and the material and finish of fencing and the proposed paved hardstand, shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on advice of the City of Stirling, prior to the commencement of development.*
- 4. A Stormwater Management plan shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on advice of the City of Stirling, prior to the commencement of development. Once approved, the Stormwater Management Plan is to be implemented in its entirety.*
- 5. A Waste Management Plan shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on advice of the City of Stirling, prior to the commencement of development. Once approved, the Waste Management Plan is to be implemented in its entirety.*
- 6. A Landscaping and Irrigation Management Plan for the site shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on advice of the City of Stirling and Bushfire Management Plan by Bushfire Prone Planning Pty Ltd October 2020, prior to the commencement of development. The approved landscaping shall be installed prior to the occupation of the buildings and thereafter maintained to a high standard.*
- 7. Suitable arrangements being made with the City of Stirling for the care, maintenance and management of the Asset Protection Zone identified in the supporting Bushfire Management Plan by Bushfire Prone Planning Pty Ltd October 2020, to be managed to a low threat state to the satisfaction of the Western Australian Planning Commission.*
- 8. Outside of the development footprint, no construction materials, rubbish or any deleterious matter shall be deposited within Bush Forever area 308 and any damage to the dune to the east of the*

proposed building is to be reinstated by the applicant, to the satisfaction of the Western Australian Planning Commission, on advice of the City of Stirling.

9. *The proposed development is to achieve a minimum finished floor level of 4.0 metres AHD to ensure adequate protection from inundation to the satisfaction of the Western Australian Planning Commission.*
10. *Suitable arrangements being made with the City of Stirling for the planting of a minimum of seven trees within the existing grassed areas of Reserve 12992 prior to the occupation of the building and at the applicant's cost, to the satisfaction of the Western Australian Planning Commission on advice from the City of Stirling.*

ADVICE:

1. *In relation to Condition 2, the City of Stirling is advised to notify the lessees that this site is located in an area likely to be subject to coastal erosion and/or inundation over the next 100-years.*
2. *In regard to Condition 3, the applicant is to provide detailed vehicle access and egress plans that demonstrate the following;*
 - a. *Fencing to the proposed southern vehicle access point.*
 - b. *Details regarding modification to the existing median island to allow vehicle access to the site. The WAPC and the City of Stirling support one right hand turn only.*
 - c. *Sightline details from the proposed vehicle access point must consider any future fencing (to be demonstrated in landscaping plan) along the southern boundary of the site of development.*
 - d. *Vehicle turning diagrams demonstrating the City's waste trucks to enter and egress in forward gear.*
3. *In regard to Condition 3, the applicant is advised to liaise with the City of Stirling regarding any suitable arrangements necessary for any proposed vehicle access to the beach from the proposed Surfing WA facility.*
4. *In regard to Condition 4, The City of Stirling advises the applicant that no storm water is to discharge out into the City's parking area.*
5. *In regard to Condition 5, the City of Stirling Engineering Services advises the applicant that waste will need to be collected internally, and a truck must enter and leave the site in forward gear. Vehicle turning diagrams will be required.*
6. *In regard to Condition 6, the applicant is to demonstrate the following on the required landscaping plan;*
 - a. *The existing picnic on Reserve 12992 outside of the development site is to be retained within the existing grassed area as shown on the landscaping plan. An additional (1) picnic*

shelter is to be installed within the grassed area to offset the removal of two existing picnic shelters.

- b. Any retaining walls need to be setback a minimum 2m from existing trees;*
 - c. Seating to the coastal planting feature garden on the western elevation of the building is not to have any timber decking.*
 - d. Bollard fencing is to be demonstrated to the City's specifications so as to avoid any unauthorised parking on site.*
 - e. three (3) trees are to be provided in the coastal planting feature garden on the western elevation of the building to provide shade to the seating areas*
 - f. Tree and shrub planting is to be provided to the fence line of the south-east corner to soften the impact of the large hardstand and service area;*
 - g. The plan is to demonstrate plant sizes, plant species and number of plants or densities as per Local Planning Policy 6.6 - Landscaping as well as irrigation construction drawings.*
 - h. A minimum of 75mm mulch is to be provided to all landscaping beds which is to be shown on the plans.*
 - i. At the completion of construction of the POS area, the irrigation system is to be reinstated to the City's specification and satisfaction;*
 - j. The City is to be notified before construction so that the existing irrigation system can be capped.*
- 7. In regard to Condition 6, the City of Stirling advises the applicant that in order for the dune to the east of the proposed building to function as proper dune vegetation, which has biodiversity and habitat value it will need to have minimum vegetation and canopy cover commensurate with a secondary dune system. Any less the vegetation would be susceptible to decline and weed ingress. With the acceptance of the landscaping to the proposed APZ, these cover values are:*
- No vegetation cover – ≤20%.*
 - 300mm-600mm high vegetation cover – ±50%.*
 - 600mm-1,200mm high vegetation cover – ≥30%.*
- 8. In regard to Condition 6, the City of Stirling advises the applicant that selection of Low Threat Vegetation Species for the proposed asset protection zone currently includes some plants that are not locally native to the primary/secondary dunes. The applicant is advised to liaise with the City to determine suitable replacements.*

The motion was put and lost

Members moved to refuse the Development Application based on the scale of the proposal being incompatible with the Parks and Recreation of the land, the lack of the demonstrated community need for the proposed facility given the extent of the office and administration space and the lack of contribution to replace elements of the public realm.

Moved by Ms Thompson

Seconded by Ms Davis

That the Statutory Planning Committee refuse the Development Application for Surfing WA Headquarters on Lot 8 (No. 368) West Coast Highway, Trigg for the following reasons:

- 1. based on the scale of the proposal being incompatible with the Parks and Recreation of the land;*
- 2. the lack of the demonstrated community need for the proposed facility given the extent of the office and administration space;*
- 3. and the lack of contribution to replace elements of the public realm.*

The motion was put and lost

Members moved to defer the decision on the Development Application to invite the proponent back to the next Statutory Planning Committee on Tuesday, 20 April 2021 to discuss the scale and other issues raised.

Motion to defer

Moved by Mr Thornton

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to defer the item relating to Development Application for Surfing WA Headquarters on Lot 8 (No. 368) West Coast Highway, Trigg as detailed in the report dated 30 March 2021 to invite the proponent back to the next Statutory Planning Committee on Tuesday, 20 April 2021 to discuss the scale and other issues raised.

The motion to defer was put and carried.

8.5 City of South Perth - Activity Centre Plan (SPN/2229/1)

Members discussed the Activity Centre Plan (ACP) and the deputations received and were advised that the R-Codes in relation to overshadowing are used as a baseline for consistency for all Local Governments and the use of R-Codes for front, rear and side setbacks and their accompanying design and planning guidance to meet specific element objectives which are in relation to the high-density area within the City of South Perth. Members were informed that there is a change to the proposed modification to confirm that all new developments will achieve the element objectives and applicable provisions.

Members clarified that the Schedule of Modifications was utilised to effectively communicate the acceptance of the City of South Perth's proposed modifications. Members were informed that the ACP was

adjusted by the City after it had been advertised which the Department of Planning, Lands and Heritage rejected and agreed to respond to with what is akin within the R-Codes. Members were advised that in regard to the Perth Zoo a specific metric was proposed by the City of South Perth which could not be achieved due to its ambiguity.

Members sought clarification on the representation of the bold and italicised text in the Schedule for Modification. Members were informed the italicised text represented the modification proposed by the City of South Perth followed by the bold text which was an entirely new modification recommended by the DPLH.

Members discussed the requirement for an Environmental Assessment, Local Water Management Strategy and Civil Service Report to appear as appendages to the Activity Centre Plan prior to the approval of the ACP and their respective timeframes. Members were informed that all pieces of work with the exclusion of the LWMS are not anticipated to be large pieces of work. Members were advised that DPLH acknowledges there is a risk to rising water levels and have not received any documentation on the issue from the City and the DPLH requires a background to the baseline situation and the City's response to any issues which after some technical work could be contained within a two-page letter. Members were advised that the information provided in the LWMS could be included in part two of the ACP and during the implementation, DPLH could outline that forecasting is required to be completed within 5 years. Members discussed the possibility of deferring the LWMS to the East Metropolitan study and were informed that the City has completed 80% of the work on the related issues and identified that the City is going to work with adjoining Local Governments and the East Metropolitan Regional Council to conduct that work at its implementation. Members acknowledged that without the LWMS there may be impacts to development outcomes.

Members discussed the status of Amendment 61 whilst the appendages to the ACP were being completed and it was determined that Amendment 61 would be gazetted with the approval of the ACP. Members were informed that Amendment 61 could not be implemented without the supporting administrative and governance frameworks in relation to public benefit which are required to be concurrent.

Members confirmed that the City's request to replace 'trust' to 'reserve' had been considered by the DPLH. Members were informed that the DPLH considered the rewording as inconsequential to the recommendation.

Members moved to amend the Schedule of Modifications to include language to express that all new developments need to meet the R-Codes in relation to overshadowing and any other applicable R-Codes and with this change adopted the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Thornton

Seconded by Mr Iacomella

That the Statutory Planning Committee resolves to, in accordance with Clause 38(1)(b), Schedule 2 - Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, require the City of South Perth to:

- a. modify the draft South Perth Activity Centre Plan (Attachment 2) in accordance with the Schedule of Modifications included as Attachment 5; and*
- b. resubmit the modified ACP documents to the Western Australian Planning Commission for approval.*

The motion was put and carried

8.6 Development Application - 17 Multiple Dwellings - Lot 77, 79 and 800 Canning Highway, South Perth (11-50123-2)

Members discussed the R-Code provision 'NABERS' and the City of South Perth's sustainability policy surrounding green star rating. Members were informed that the Development Application is conditioned to meet both sets of standards; the objective for 'NABERS' requires the applicant to meet or exceed the energy proficiency by .5 of a star whereas the City of South Perth asks that they meet a 5 star green rating.

Members were advised that the Department of Planning, Lands and Heritage supports the revision of Condition 5 to reflect a 4 star rating based on updated information from the City of South Perth who accept 4 stars, however, typically request a 5 star rating from residential development of this scale.

Members requested for applications of a similar nature that the DPLH works collaboratively with government agencies to provide a wide spread of information to ensure that members have an understanding of the balance of social housing and private housing.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with the removal of Condition No. 12 and an amendment to Condition No. 3 and Condition No. 5 as follows:

Condition No. 3 - Prior to submission of an occupancy permit application, Lots 77, 800 and 79 are to be amalgamated into a single lot on a Certificate of Title, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.

Condition No. 5 - A Four Star 'Green Star – Design & As Built' certified rating must be achieved from the Green Building Council of Australia to the specification of the City of South Perth and the satisfaction of the Western Australian Planning Commission.

Moved by Ms Thompson

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to approve the development application for Lot 77, Lot 800 and Lot 79 Canning Highway, South Perth, subject to the following conditions and advice:

1. *The development is to be carried out in accordance with the plans date stamped 19 January 2021 (attached) subject to any modifications required by conditions of approval.*
2. *The development approval is valid for two years from the date of this letter. If the subject development is not substantially commenced within a two year period, the approval shall lapse and be of no further effect.*
3. *Prior to submission of an occupancy permit application, Lots 77, 800 and 79 are to be amalgamated into a single lot on a Certificate of Title, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
4. *Prior to the commencement of site or construction works, a Construction Management Plan to be submitted and approved, and implemented thereafter in its entirety, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
5. *A Four Star 'Green Star – Design & As Built' certified rating must be achieved from the Green Building Council of Australia to the specification of the City of South Perth and the satisfaction of the Western Australian Planning Commission.*
6. *Prior to submission of a building permit application, the applicant shall supply certification confirming the design of all car parks and vehicle accessways are compliant with Australian Standard 2890.1, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
7. *Prior to submission of an occupancy permit application, all hardstand areas, parking spaces and access aisles are to be constructed, and maintained thereafter, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
8. *Prior to submission of an occupancy permit application, the applicant shall prepare and submit for approval a Parking Management Plan, and once approved, shall be implemented thereafter in its entirety to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
9. *Any front fencing above 1.2 metres in height to a maximum of 1.8 metres is to achieve a minimum of 80% visual permeability; and the height of any wall, fence or other structure shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street; to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
10. *Prior to submission of a building permit application, the applicant must address stormwater management, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*

11. *Prior to submission of a building permit application, a revised landscaping plan is to be submitted and approved, and thereafter implemented and landscaping maintained in its entirety, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission with advice from Main Roads Western Australia regarding landscaping within the Canning Highway Primary Regional Road reserve.*
12. *Prior to submission of an occupancy permit application, all equipment, including ventilation and exhaust systems, plant, vents, water heaters and air conditioning units are to be screened from view from surrounding streets and residences to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
13. *Property line levels and footpath levels are to remain unaltered to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
14. *Prior to the submission of a building permit application, a lighting plan indicating lighting to pathways; communal open space; pedestrian and vehicle entry points and car parking areas is to be submitted and approved.*
15. *The lighting is to be installed prior to the occupation of the development by and at the cost of the developer, and maintained thereafter to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
16. *The Waste Management Plan version 1b, dated 3 December 2020 or approved amendments, is to be implemented to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission.*
17. *Prior to submission of a building permit application, an updated Acoustic Report is to be submitted and approved, and once approved, is to be implemented thereafter in its entirety, to the specification of the City of South Perth and satisfaction of the Western Australian Planning Commission and on the advice of Main Roads Western Australia.*
18. *Prior to submission of building permit application, a notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s), to the specification of the City of South Perth and the satisfaction of the Western Australian Planning Commission. The notification is to state as follows:*

“This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction.”

Prior to submission of a building permit application, certification is submitted to confirm a minimum of 20% of all dwellings across a range of dwelling sizes will meet the Silver Level of design set out under the Liveable Housing Design Guidelines (Liveable Housing Australia), to the specification of the City of South Perth and the satisfaction of the Western Australian Planning Commission.

ADVICE NOTES:

1. *This approval may be subject to a further two year approval extension in accordance with Section 33 of the COVID-19 Response and Economic Recovery Omnibus Act 2020.*
2. *The landowner/applicant is advised that this Development Approval does not authorise any works within the Canning Highway road reserve, including but not limited to drainage works and earth works. Prior to any such works an application must be made to Main Roads Western Australia. The landowner/applicant is advised to liaise with Main Roads Western Australia in this regard.*
3. *In relation to Condition 3, the land required for the widening of Canning Highway may be required to be set aside as a separate lot for acquisition pending future road widening requirements. An easement may be required to be provided over all of the lots to be set aside for the benefit of the remaining lots for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening.*
4. *In relation to Condition 4, the Construction Management Plan shall address matters including but not limited to the following:*
 - a. *public safety and amenity;*
 - b. *site plan and security;*
 - c. *contact details of essential site personnel, construction period and operating hours;*
 - d. *community information, consultation and complaints management plan;*
 - e. *noise, vibration, air and dust management;*
 - f. *dilapidation reports of nearby properties;*
 - g. *traffic, access and parking management;*
 - h. *waste management and materials re-use;*
 - i. *earthworks, excavation, land retention / piling methods and associated matters;*
 - j. *stormwater and sediment control;*
 - k. *street tree management and protection; and*
 - l. *asbestos removal management plan.*

5. *In regard to Condition 5, the following steps must be undertaken:*
 - a. *Prior to commencement of development, a Green Star Registration Certificate must be submitted to the City of South Perth to confirm the intention to achieve an 'As Built' rating. This should be supported by a project plan or similar confirmation document.*
 - b. *Within 24 months of practical completion, 'As Built' certification must be achieved, as per the 'Green Star – Design & As Built' requirements, and evidence of this provided in writing to the City of South Perth.*
6. *In regard to Condition 5, where it can be demonstrated to the satisfaction of the City that a more appropriate rating tool than Green Star exists and can be applied to achieve equivalent or greater performance standards than required by Green Star, the City will accept this as an alternative to 5 Star Green Star provided appropriate 'Design and As Built' certification is also able to be provided.*
7. *In regard to Condition 9, the Parking Management Plan should outline how the parking for the proposed development will be managed for visitors and residents of the building, and identify practical strategies to minimise parking demand and conflict between users.*
8. *In regard to Condition 11, stormwater drainage infrastructure is to be designed and constructed in accordance with the City's requirements, provided in Management Practice M354 'Stormwater Drainage Requirements for Purposed Buildings'.*
9. *In regard to Condition 12, the revised landscaping plan is to include the street verge and road reserve areas, and consist of hardscape and softscape plans, including planting. In addition, it is to detail efficient irrigation systems and sufficient soil standards as per the requirements of State Planning Policy 7.3 - Residential Design Codes - Volume 2 - Part 4.12.*
10. *In regard to Condition 18, the updated acoustic report must address the following issues identified in the Herring Storrer Noise Management Plan dated 23 November 2020:*
 - a. *Acoustic treatments consistent with State Planning Policy 5.4 (SPP 5.4) and associated Guidelines must be recommended that achieve the SPP 5.4 noise targets, noting the difference between measured day and night noise levels is >5 dB.*
 - b. *The noise levels presented in Appendix B need clarification as to whether they are current or future modelling, for day or night time.*
 - c. *Current and future road surface needs to be used as a modelling input and stated in the report.*

- d. *Section 3 heading is currently the same as Section 4 heading and Table 5.1 has a duplicate column header.*
- e. *References require more detail including the DEFRA publication and inclusion of the source of traffic modelling data in the text of the report, citing names, dates and references numbers.*

The acoustic report is to address the requirements of State Planning Policy 7.3 - Residential Design Codes - Volume 2, Part 4.7 and State Planning Policy 5.4 - Road and Rail Noise.

- 11. *No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City of South Perth.*
- 12. *Act 1961. The developer should liaise with the adjoining landowner(s) if there is an intention to remove or replace any portion of fencing.*

The motion was put and carried

8.8 Town of Bassendean - Local Planning Strategy and Local Planning Scheme - Certification to Advertise (TPS/2677 TPS/2676)

Members discussed concerns that the Town of Bassendean are not progressing with key issues such as in-fill and train station precincts, and Members queried whether the recommendation is strong enough to motivate the Town to attend to these issues with a sense of urgency.

Members were informed that the DPLH has revised the recommendation after working collaboratively with the Town and feel confident that the town is aware of the issues and are able to draw from work that has been completed in the background.

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

Moved by Ms Davis

Seconded by Ms Thompson

That the Statutory Planning Committee resolves to:

- 1. *Note the content of the Town of Bassendean Draft Local Planning Strategy (draft Strategy) and Draft Local Planning Scheme (draft Scheme);*
- 2. *Advise the Town of Bassendean that the aspirations set out in the draft Strategy appear to align with the direction of the Central Perth Sub-regional Planning Framework. However, the draft Strategy does not include sufficient detail to allow for consideration by the WAPC or to support the assessment of the draft Scheme.*
- 3. *Request that the Town of Bassendean continue to work on the content of the draft Strategy and draft Scheme in collaboration with the Department of Planning, Lands and Heritage to;*
 - a. *Align the draft Strategy with the Local Planning Strategy Guidelines released for consultation by the Department of*

Planning, Lands and Heritage in February 2021. Including, providing a strategy map or maps;

- b. Provide information and analysis to demonstrate that the Town can meet its minimum dwelling infill target under the Central Sub-Regional Planning Framework;*
 - c. Provide information demonstrating alignment with the Central Sub-Regional Planning Framework with respect to areas for urban consolidation (centres and urban corridors) and the urban consolidation principles. A map or maps linked to text in the draft Strategy will assist with this;*
 - d. Clearly articulate the planning directions in the Bassendean Town Centre and the Success Hill station precinct, particularly;*
 - i. The extent of the area constituting the Bassendean Town Centre, inclusive of Success Hill; and*
 - ii. Desired future land use and development in these areas and planning framework required to facilitate that development.*
 - e. Provide further information and rationale in relation to the purpose of proposed Special Control Areas for heritage and character protection.*
- 4. Request that that the Town review and resubmit revised draft Strategy and Scheme as a matter of priority for the Town.*

The motion was put and carried

9.1 City of South Perth - Local Planning Scheme No. 6, Amendment No.63 - For Final Determination (TPS/2546)

THIS ITEM IS CONFIDENTIAL

Mr Iacomella declared a conflict of interest on this item and left the meeting at 1.05pm

Mr Iacomella returned to the meeting at 1.15pm

9.3 City of Mandurah - Local Planning Scheme No. 12 - For Final Approval (TPS/1197)

THIS ITEM IS CONFIDENTIAL

10. Reports for noting

Nil.

11. Stakeholder engagement and site visits

Nil.

12. Urgent or other business

Nil.

13. Items for consideration at a future meeting

Nil.

14. Meeting closure

The next ordinary meeting is scheduled for 9:30am on Tuesday, 20 April 2021.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 1:20pm.

CHAIRMAN

DATE

UNCONFIRMED