



## **Statutory Planning Committee Minutes**

Meeting No. 7720  
Tuesday, 30 April, 2024

Members: David Caddy - Chairman WAPC  
Lynne Craigie - Nominee of the Regional Minister  
Kym Davis - Community Representative  
Lino Iacomella - WAPC Appointee  
Leonard Kosova - Local Government Representative  
Marion Thompson - Professions Representative  
Ross Thornton - WAPC Appointee  
Leoni Wedge - Nominee of the Director General, Department of Planning, Lands and Heritage

Others present: Sam Boucher - Manager Commission Business  
David Brash - A/Planning Director, Regional South  
Christine Collins - A/Planning Manager, Schemes and Strategies  
Parker Cohen-Radosevich – A/Senior Commission Support Officer  
Aleisha D’Costa – Senior Planning Officer, Reform, Design and State Assessment  
Michael Daymond - Strategic Advisor, WAPC  
Cate Gustavsson – Executive Planning Director, Land Use Planning  
Mark Jendrzczak – Planning Manager, Regional South  
June Liaw - Senior Planning Officer, Regional South  
Rohan Miller - Planning Director, Schemes and Strategies  
Alyce Parker – A/Planning Manager, Schemes and Strategies  
Belinda Sleaf - Commission Support Officer  
Travis Wright - Senior Planning Officer, Schemes and Strategies

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### **1. Declaration of opening**

The Chairman declared the meeting open at 9:37am, 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**

Ms Lyhne previously advised that she will require a leave of absence for the period of 20 April to 11 May 2024 inclusive.

### **4. Disclosure of interests**

Mr Kosova declared an Actual Impartiality Interest and a Perceived Indirect Pecuniary Interest on Item 8.1 - Parkridge Estate Structure Plan Amendment No.1. Mr Kosova advised that his consultancy, LK Advisory, was previously engaged by Parkridge Group to provide advice in relation to this matter. Mr Kosova also advised that his consultancy, LK Advisory, provides consulting services to the Shires of Dardanup and Harvey, and other private developers adjoining Parkridge Group's landholdings in relation to Joint Town Planning Scheme No. 1, within which the subject land falls. Members agreed that Mr Kosova should not be present during the discussion and/or decision-making procedure on the item.

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

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

#### **5.1 Questions from members and responses from DPLH Staff provided prior to the meeting.**

### **6. Minutes**

#### **6.1 Confirmation of minutes - Meeting No. 7719 on Tuesday, 16 April 2024**

*That the minutes of the Statutory Planning Committee meeting held on Tuesday, 26 March 2024, be confirmed as a true and correct record of the proceedings.*

**Moved by** Mr Iacomella  
**Seconded by** Mr Kosova

**The motion was put and carried**

### **7. Deputations and presentations**

#### **7.1 City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey (SPN/2180M-1) (Item 8.2)**

**Presenter: Dan Pearce - Hatch**

Mr Pearce made a deputation to the Committee in support of the recommendation of the Department of Planning, Lands and Heritage (the Department) regarding the City of Busselton – Abbey South

Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey.

Mr Pearce advised members that he is in support of the Department's recommended modification to futureproof a future road connection between Abbey South and Vasse North. Mr Pearce advised that the Vasse Joint Venture aims to lodge its Scheme Amendment and Structure Plan for the adjacent Vasse North land by 3 May 2024. Members were advised that the Vasse North Structure Plan similarly futureproofs the connection by depicting it as an Emergency Access Way in an easement and that a physical road connection is not required to enable the Vasse North development to proceed, but that facilitating the option of future connection is a sound planning principle.

Members queried if the Vasse Joint Venture group have factored in providing a north south road across the proposed easement. Mr Pearce advised that the group have taken this into account and recognise that it is necessary to facilitate the proposed development. However, Mr Pearce also advised that it is not their intention to undertake the construction itself. Members queried who would be responsible for the construction and were advised that it would in his opinion, be done by the City of Busselton.

**7.2 City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey (SPN/2180M-1) (Item 8.2)**

**Presenter: Oliver Basson – Planning Solutions**

Mr Basson made a deputation to the Committee in support of the recommendation of the Department of Planning, Lands and Heritage (the Department) regarding the City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey.

Mr Basson advised that he is acting on behalf of the landowners of Lot 402 Caves Road, Abbey South as well as Monaghan's Corner Local Centre. Mr Basson advised members that his client is strongly supportive of the Department's recommendations, specifically regarding Modification 3.3 to rezone the local centre at R80 for residential development; Modification 4.1 to Close northern portion of Skiff Way; Modification 4.2 to consolidate Skiff Way and the internal road and provide left in left out access to Bussell Highway; Modification 11.1 to remove "Shop/retail uses (PLUC 5) within the Local Centre zone are restricted to not more than 300m<sup>2</sup> of gross floor area in aggregate unless supported by a Retail Sustainability Assessment prepared in accordance with SPP 4.2"; Modification 11.2 to add "Net lettable area is to be substantiated through relevant assessments at scheme amendment or development stages"; and Modification 12 to add the following additional "A" uses over Lot 402, Caves Road Abbey WA: Residential aged care facility and Independent living complex.

Mr Basson advised that in regard to Modification 4.1 above, to ensure suitable access is maintained to Lot 402 Caves Road, the northern portion of Skiff Way should only be closed to Caves Road after such time as the eastern connection to Caves Road is implemented. Mr Basson requested these modifications be made to the Structure Plan and it then be resubmitted for final approval.

**7.3 City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey (SPN/2180M-1) (Item 8.2)**

**Presenters: Cameron Leckey – Rise Urban and Ms Venetia Bennett - Landowner**

Mr Leckey made a presentation to the Committee regarding the City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey and advised that he is presenting on behalf of the landowners of Lot 4.

Mr Leckey discussed the history of the Structure Plan (SP) and the changes that have occurred to the percentage of land required to be ceded as Public Open Space (POS) by the current landowners. Mr Leckey advised that the current SP recommends the landowners cede 30% of their total land but that there are no site-specific requirements or constraints to warrant this.

Mr Leckey discussed the Southeastern portion of the site which is now being requested to be ceded as POS and advised that the site is appropriate for development. Mr Leckey suggested that if a greater rural landscape corridor is required between the Abbey and Vasse areas, that the 300 metre wide floodway corridor to the South should be widened instead, as that land is low lying and flood prone.

Members queried if there is a pathway that would allow the current landowners to stay on the lot in the homestead by leasing the land until their passing. Mr Leckey advised that this has not yet been considered.

Members mentioned that there has been some discussion regarding moving the house into a different residential area and queried if this is a possibility. Mr Leckey advised that from a structural perspective, this could be accomplished, however, it is not merely the house that has value to the owners, but also the land on which it sits.

The Chairman discussed the bushfire threat to battle axe lots and queried what impacts bushfires would have on this and the surrounding lots. Mr Leckey advised that the contour of the battle axe will be increased but that this should not impact the bushfire threat. Mr Leckey suggested that the City of Busselton (the City) could incorporate features such as a 4 metre wide trafficable path along the Southern boundary for use by both pedestrians and emergency vehicles which

would also reduce the Bushfire Attack Level (BAL) impact which has already been recommended as a modification by the Department.

Members queried the rationale behind the proponent seeking an R10 zoning instead of an R2 zoning for the homestead land. Mr Leckey advised that the proponents suggested R10 zoning as this would provide a 1000 square metre block which the homestead would fit into, and the surrounding areas would be zoned as R2. Members were advised that the City then decided to zone it as R2.5 which the landowners agreed to. The Chairman queried if the landowners would be willing to accept an R2.5 Zoning which was confirmed.

Members requested clarification regarding the access road into the homestead lot coming from the East on the current SP as the original SP had the road connection from the North. Mr Leckey advised that it was originally connecting from the North as that is where the current access is located. Mr Leckey advised that the Eastern access would be quicker but confirmed that there is no preference between the two.

#### **7.4 Shire of Peppermint Grove Local Planning Scheme No. 4 – Amendment No. 2 – Final Determination (TPS/3057) (Item 9.1)**

**Presenter: Joel Gajic - Shire of Peppermint Grove**

Mr Gajic made a presentation to the Committee in opposition to the recommendation of the Department of Planning, Lands and Heritage (the Department) regarding the Shire of Peppermint Grove (the Shire) Local Planning Scheme No. 4 – Amendment No. 2 – Final Determination.

Mr Gajic discussed the Local Planning Scheme (LPS) being part of a broader initiative and advised that the Shire does not support the recommendation of the Department for R80 zoning. Members were advised that the Shire has been creating a Joint Precinct Structure Plan with the Town of Cottesloe which will also inform the density of the peripheral areas of the Shire. Mr Gajic advised that the logical transition to facilitate group dwellings with different densities in the surrounding areas would be to have them zoned as R40.

Mr Gajic advised that supporting a zoning of R40 is critical as it will inform the future plans of the Shire as well as the Joint Precinct Structure Plan with the Town of Cottesloe.

The Chairman queried if the Shire and the owner of the other proposed R80 zoned lot are working together on a package to re-sell their land. Mr Gajic confirmed that they are working together on a package and advised that the landowner has expressed interest in purchasing the Shire owned which the Shire has approved. Mr Gajic advised that the other landowner has no intention of demolishing the single house on their lot but will rather retain the existing home and build multiple smaller homes across both blocks.

Members queried the types of dwellings being proposed by developers approaching the Shire. Mr Gajic advised that developers have been looking at ageing highway sites but that there has generally been limited interest in developments due to the current restrictions on building heights in the Shire and the land being held in multiple ownership. Members were advised that one aspect of the Shire's future plan is to include developments similar to those in the Town of Claremont with buildings up to eight stories.

**7.5 Parkridge Estate Structure Plan Amendment No.1 (SPN/2180M-1) (Item 8.1)**

**Written Deputation:**

**Presenter: Thurston Saulsman - Parkridge Group PTY LTD**

Members noted the written submission on item 8.1 Parkridge Estate Structure Plan Amendment No.1 (SPN/2180M-1).

**7.6 City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey (SPN/2180M-1) (Item 8.2)**

**Written Deputation:**

**Presenters: Venetia Bennett and Michael Steward – Landowners**

Members noted the written submission on item 8.2 City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey (SPN/2356).

**ITEMS FOR DECISION**

**8.1 Parkridge Estate Structure Plan Amendment No.1 (SPN/2180M-1)**

**Mr Kosova declared an Actual Impartiality Interest and a Perceived Indirect Pecuniary Interest on this item and left the meeting at 10:19am.**

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

**Moved by Ms Davis**

**Seconded by Mr Thornton**

*That the Statutory Planning Committee, pursuant to Schedule 2, Part 4, cl 22(c) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:*

- 1. Determine the submissions in accordance with the attached schedule of submissions set out at Attachment 5; and*

2. *Refuse Amendment 1 to the Parkridge Estate Structure Plan for the following reasons:*

- a. *It is inconsistent with Liveable Neighbourhoods 2009 and WAPC Development Control Policy 2.3 Public Open Space in Residential Areas and the broader planning framework because:*
  - i. *It would not provide for a network of well distributed and suitable recreation areas within walkable catchments to cater for the anticipated local recreation and social needs of the future structure plan area population,*
  - ii. *It would lead to a shortfall in the provision of local recreation spaces within the structure plan area, below the WAPC's minimum 10% of the gross subdivisible area required to be ceded for public open space in new residential areas.*
- b. *It is inconsistent with State Planning Policy 2.0 Environment and Natural Resources Policy because:*
  - i. *It would result in the loss of a stand of mature vegetation with foraging and potential habitat value for protected species.*
  - ii. *The retention of mature vegetation in the structure plan area is desirable for its social value in this locality.*
- c. *It is inconsistent with the Greater Bunbury Region Scheme and WAPC Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space as it proposes development, including stormwater infrastructure, on the Regional Open Space reserve that is inconsistent with the reserve purposes.*
- d. *Approval of Amendment 1 to the Parkridge Estate Structure Plan would be inconsistent with the principles of orderly and proper planning and set an undesirable precedent for inadequate provision of POS in other urban areas.*

**The motion was put and carried**

**Mr Kosova returned to the meeting at 10:21am.**

## **8.2 City of Busselton – Abbey South Structure Plan – Lots 4 and 12 Caves Road and Lots 14, 15 and 402 Bussell Highway, Abbey (SPN/2356)**

Members were advised that regarding the bushfire risk and the proposed extension of the Public Open Space (POS) area between the North/South spine and the East/West sector, in terms of the Bushfire Attack Level (BAL) impact, the recommendation would not change regardless of the lot configuration as the landscaping would be cleared for parkland so there would be no undergrowth, thus reducing the BAL impact. It was mentioned that there is a recommendation to incorporate an emergency accessway along the Southern flank of the property.

Members were advised that the Department of Planning, Lands and Heritage (the Department) has had discussions with the Department of Water and Environmental Regulation (DWER) regarding the direction of the water flow in the area. DWER advised that while the Western portion of the lot has a floodway, the Eastern portion has a flood fringe that will need to be developed. Members were advised that DWER recommended extending the POS East and South to provide a greater buffer to the risk of high water levels elsewhere on this and the future Vasse site. The members were also advised that some of the water flow in the area is subterranean and so while it may not appear that the ground is damp, there is a water regime which flows East to West from Dunsborough to Busselton, meaning there would not be as much water absorption as needed during a flood.

The Chairman queried if the Department would be satisfied with an additional 23 metre wide separation in the form of POS at the Southern border of the site from the Western POS to the Eastern boundary of Lot 4. The Department advised that 30 metres would be preferable as it could then include an emergency accessway.

Members queried if the Department had considered zoning the Southern portion of Lot 8 from the Western boundary of the POS to the Eastern boundary of Lot 4 as R10 which would allow space along the boundaries of the lots for sand pads to be placed to assist with potential drainage issues. The Department advised that zoning this land as R10 had been suggested by the City but had not been supported. However, the Department then advised that they would be supportive of this zone change considering the sand pads and potential drainage assistance.

The Chairman discussed that if Lot 4 were rezoned as R2.5 with the access road connecting to the North- South road, the land could remain the property of the current owners and the proponent could modify the configuration of the lot as required. Members were advised that this was a suitable alternative.

Members discussed amending the Schedule of Modifications and associated plan (Attachments 7 and 7a) to provide for:



- 1) Retention of the existing homestead on a 4000m<sup>2</sup> (R2.5) lot with frontage/access to the northern internal road, with detailed lot configuration to be determined at subdivision stage.

With the reasons being “To consolidate POS provision in the South Western extent of the Structure Plan area and to enable long term retention of existing house in situ by current land owners.”

- 2) A 23 metre wide area of Public Open Space from the Western Public Open Space/Vasse North future connection, through to the eastern boundary of Lot 4, with a row of Residential R10 abutting to the north.

With the reason being “Consideration against strategic planning framework, requirements of LPS 21, agency and public submissions, and adjoining Conservation zoned land to east and west confirms a contiguous east-west POS link of an appropriate width is required in this location.”

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage subject to the amendments to the Schedule of Modifications and associated plan as outlined above.

**Moved by** Mr Kosova  
**Seconded by** Ms Davis

*That the Statutory Planning Committee resolves, in accordance with Schedule 2, Part 4, cl22(1)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, to:*

- 1. determine the submissions in accordance with the attached schedule of submissions (Attachment 5); and*
- 2. require the proposed structure plan to be modified in accordance with the attached schedule of modifications (Attachment 7) and associated plans (Attachment 7a, 9a and 9b) and resubmitted for final approval.*

**The motion was put and carried**

**9.1 Shire of Peppermint Grove Local Planning Scheme No. 4 – Amendment No. 2 – Final Determination (TPS/3057)**

**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, 28 May 2024.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 11:10am.

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CHAIRMAN

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DATE