

Statutory Planning Committee

Minutes
of ordinary meeting 7459
held on Tuesday 22 May 2012

Attendance

Members

Mr Gary Prattley
Ms Sue Burrows

Mr Henty Farrar
Mr Ian Holloway
Ms Elizabeth Taylor

WAPC Chairman (Presiding Member)
Nominee of the Director General, Department of
Planning
Regional Minister's nominee
Professional representative
Community representative

Officers

Ms Kylie Beach
Ms Natalie Cox
Mr Stephen Petersen

Department of Planning

Senior Planning Officer, Independent Planning Reviewer
Senior Planning Officer, Independent Planning Reviewer
Planning Manager, Regional Planning And Strategy

Observers

Mr Noel Bridge

BAC Village Pty Ltd

Presenters

Mr Paul Cunningham

Greg Rowe & Associates

Committee Support

Mr Luke Downes

Committee Support Officer - Department of Planning

7459.1 Declaration of Opening

The Presiding Member declared the meeting open at 10.04 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7459.2 Apologies

Nil.

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7459.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7459.4 Disclosure of Interests

Nil.

7459.5 Declaration of Due Consideration

No declarations were made.

Moved to item 7.

7459.6 Deputations and Presentations

7459.6.1 Subdivision to Create 49 Lots for Seasonal Staff/Workers Accommodation/Residential Purpose - Coral Bay

Presenter Mr Paul Cunningham, Greg Rowe & Associates

Mr Cunningham made a presentation to members on the subdivision to create 49 lots for seasonal staff/workers accommodation/residential purpose at Coral Bay.

Moved to item 10.2

7459.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7459.8 Confirmation of Minutes

7459.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 8 May 2012

Resolved

Moved by Mr Farrar, seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday 8 May 2012, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

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Moved to item 6.

7459.9 Reports

7459.9.1

Shire of Denmark: Local Planning Strategy: Final Endorsement

File DP/09/011 34/1
Report Number SPC/179
Agenda Part D
Reporting Officer Planning Manager, Great Southern

Resolved

Moved by Ms Burrows, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the attached Schedule of Submissions;*
- 2. endorse the Local Planning Strategy subject to the attached Schedule of Modifications being carried out;*
- 3. advise the Shire that future variations to State Policy in regard to rural living proposals could be applied for via an amendment to the local planning strategy. Please liaise with the Department of Planning to discuss evidence-based approach to such variation.*

The motion was put and carried.

7459.9.2

Application to Create 3 Survey Strata Lots with Common Property Access Leg at Lot 12, (No. 12) Doust Street, Cannington

File 785-11
Report Number SPC/180
Agenda Part G
Reporting Officer A/Planning Manager - Metropolitan Central

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

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That the Western Australian Planning Commission resolves to:

- 1. exercise its discretion, under Section 138 3 (a) of the Planning and Development Act 2005, and approve the survey strata application (WAPC ref. 785-11) at Lot 12 Doust Street, Cannington, contrary to of the requirements of the City of Canning Town Planning Scheme No 40, Clause 5.4.1.5 (b), which requires a minimum lot frontage of 25m, in accordance with the plans dates stamped 31 August 2011 subject to condition(s) and advice:*

CONDITION(S):

- 1 The land being graded and stabilised. (Local Government)*
- 2 The land being filled and/or drained. (Local Government)*
- 3. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted to the satisfaction of the Local Authority. (Local Government)*
- 4. The applicant complying with the terms and conditions of the City of Canning Guided Development Town Planning Scheme No. 17A inclusive of the Public Open Space Contribution in accordance with Subclause 3.3.3 of the Scheme. (Local Government)*
- 5. A 2.0m x 2.0m x 2.83m truncation is to be provided at the junction of the access way and the rear lot. (Local Government)*
- 6. A 2.0m x 2.0m x 2.83m truncation is to be provided at the junction of the accessway and the road reserve. (Local Government)*
- 7. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the*

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specification of Western Power, for the provision of an underground electricity supply service to the survey-/vacant strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power)

8. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*
9. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)*
10. *Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)*

ADVICE:

1. *The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.*
- 2 *With regard to Condition 1, for further information please contact Council's Lands Administration Officer on 9231 0759*

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3. *The applicant is advised that the Department of Environment has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust management Plans for Development Sites. Further information on the guidelines can be obtained from the Department of Environment.*
4. *With regard to Condition 7, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
5. *If an existing electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*
6. *With regard to Conditions 8, 9 and 10 Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.*
7. *Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision*

ADVICE TO CITY OF CANNING:

1. *The Western Australian Planning Commission resolves to:*
 - a) *Grant approval to similar survey strata/subdivision applications in*

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the City of Canning where the proposal does not meet the requirements of Clause 5.4.1.5 (b), in terms of minimum lot frontage of 25m, in order to facilitate residential development at a higher density,

- b) *Advice the City of Canning that it is recommended that it should review to initiate a Scheme Amendment which enables the City to meet the targets set in Directions 2031, as Clause 5.4.1.5 of the Scheme restricts the ability of landowners to deliver medium density outcomes.*

The motion was put and carried.

7459.9.3

Request for Endorsement of Deposited Plan 73088, Butler, City of Wanneroo

File 142158
Report Number SPC/181
Agenda Part G
Reporting Officer Senior Planning Officer - Metropolitan North West

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

1. *support the creation of the thirteen (13) lots fronting Doncaster Grange and Glenkeen Street, Butler, below the minimum 160m² requirement of the R60 code;*
2. *advise the applicant that the creation of undersized lots has been supported in this instance, on the basis of cost implications associated with relocating servicing infrastructure which may impact on the ability to deliver affordable land and housing options in the Butler area. However, future deposited plans and construction of lots are to be undertaken*

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*in accordance with the WAPC approved
plan of subdivision.*

The motion was put and carried.

The votes were recorded as follows:-

For: Mr Prattley, Ms Burrows, Mr Holloway, Ms Taylor

Against: Mr Farrar

7459.9.4

Development Application for the Extension of the Homelink Clinic - QEII Medical Centre

File	08-597-26		
Report Number	SPC/182		
Agenda Part	G		
Reporting Officer	A/Manager	Planning,	Metropolitan
	Central		

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

That the Western Australian Planning Commission resolves to approve the development application in accordance with the plans date stamped 6 December 2011 subject to the following condition(s) and advice:

Condition(s):

- 1. The proponent to prepare and implement a construction management plan in liaison with the City of Nedlands and to the satisfaction of the Western Australian Planning Commission.*
- 2. All stormwater from building and paving areas being contained on-site to the specification of the City of Nedlands and the satisfaction of the Western Australian Planning Commission.*

Advice:

- 1. The proposed development is to comply with all relevant Acts and Regulations.*
- 2. With regard to Condition 1, the Construction Management Plan is to detail how proposed site works will be*

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managed to minimise environmental impacts. It should address/include but not be limited to:

- (i) staging plans for the entire works;*
- (ii) applicable timeframes and assigned responsibilities for tasks;*
- (iii) on-site storage of materials and equipment;*
- (iv) parking for contractors;*
- (v) waste management;*
- (vi) management of noise in accordance with the control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition sites, as described in the Environmental Protection (Noise) Regulations 1997;*
- (vii) preparation of a Traffic Management Plan to the specification of the City of Nedlands;*
- (viii) management of vibrations; and*
- (ix) complaints and incidents.*

With regard to part (vii) above, the Traffic Management Plan is to outline the route of construction vehicles access to, within and from the site, the location of the stacking of heavy vehicles, the hours of work and risk management, and temporary signage, where required. Please liaise direct with the City of Nedlands in the above regard.

3. *With regard to Condition 2, stormwater is to be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm*

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event. The capacity of the soak wells shall be a minimum of 1 cubic metre for every 80 square metres of paved or roofed surface on the property.

4. The City of Nedlands advises the applicant that noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.
5. Any additional development which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval.
6. An Acid Sulfate Soils Self-Assessment Form and, if required as a result of the self-assessment, an Acid Sulfate Soils Report and an Acid Sulfate Soils Management Plan shall be submitted to and approved by the Department of Environment and Conservation before the development is commenced. Where an Acid Sulfate Soils Management Plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.

The "Acid Sulfate Soils Self-Assessment Form" can be downloaded from the Western Australian Planning Commission's website at:
www.wapc.wa.gov.au/Applications/Subdivision+and+application/default.aspx

The "Acid Sulfate Soils Self-Assessment Form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulfate Soils" guideline. This guideline can be downloaded from the Department of Environment and Conservation's website

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at: www.dec.wa.gov.au/management-and-protection/acid-sulfate-soils/guidelines.html

The motion was put and carried.

7459.9.5

Lot 800 Morrissey Road, Bullsbrook. Subdivision to Create Two Lots for Rural Purposes

File 144562
Report Number SPC/183
Agenda Part G
Reporting Officer Planning Manager - Metropolitan
Planning North East

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the request for reconsideration for the subdivision of Lot 800 Morrissey Road, Bullsbrook as shown on the plan date stamped 8 November 2011. This decision is valid for three years subject to the following conditions and advice:

- 1. The plan of subdivision dated stamped by the Department of Planning on 13 July 2011 being modified to depict two lots of 34 hectares and 34.55 hectares with frontage to Morrissey Road in accordance with the attached plan dated stamped 8 November 2011. (Local Government).*
- 2. Arrangements being made with the local government for the upgrading and/or construction of Morrissey Road. (Local Government).*
- 3. Prior to commencement of site works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government. (Local Government).*
- 4. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and*

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Emergency Services Authority. (Local Government).

5. *A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows:*

"No development or clearing of any vegetation on the land is to take place outside the defined building envelopes except where in accordance with an approved Fire Management Plan, Fire Break Notice or otherwise approved by the Local Government." (Local Government).

6. *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that:*

"This lot is affected by a Fire Management Plan. This Plan requires all buildings to be within the specified building areas of the lot in accordance with the Fire Management Plan. This plan is available from the City of Swan." (Local Government).

7. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power).*

ADVICE

1. *The approval to subdivide issued by the WAPC should not be construed as an*

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approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.

2. *With regard to Condition 3, the City of Swan advises that the Building Envelopes Plan is to be in prepared in accordance with the City of Swan's Building Envelopes Policy (POL-C- 080).*
3. *With regard to Condition 4, the City of Swan advises the applicant that all fire management clearing of fire breaks, driveways and hazard separation zones are required to be included in the developer's responsibilities, with maintenance of this infrastructure and implementation/maintenance of building protection zones to be outlined as the property owner's responsibility.*
4. *With regard to Condition 7, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.*
5. *If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.*

The motion was put and carried.

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7459.10 Confidential Items

7459.10.1 City of Stirling - Local Planning Scheme No.3 Amendment No.12 - for Final Approval

File TPS/0812
Report Number SPC/184
Agenda Part B
Reporting Officer A/Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

Moved to item 10.3.

7459.10.2 Subdivision to Create 49 Lots for Seasonal Staff/Workers Accommodation/Residential Purpose - Coral Bay

File 144810
Report Number SPC/185
Agenda Part C
Reporting Officer Senior Planning Officer, Central
Regions

THIS ITEM IS CONFIDENTIAL

Moved to item 9.1.

7459.10.3 Subdivision of Lot 176 Warren Road, Bullsbrook to Create Two Lots

File 145229
Report Number SPC/186
Agenda Part C
Reporting Officer Planning Manager,
Metropolitan Planning North East, Perth
and Peel Planning

THIS ITEM IS CONFIDENTIAL

7459.10.4 City of Kalgoorlie-Boulder Local Planning Scheme 2 - Resolution to Prepare a Scheme

File TPS/0852/1
Report Number SPC/187
Agenda Part E
Reporting Officer Executive Director
Regional Planning and Strategy

THIS ITEM IS CONFIDENTIAL

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7459.10.5

City of Rockingham - Local Planning Scheme No.2 Amendment No.99 - Reconsideration of Previous Recommendation

File	TPS/0338/1			
Report Number	SPC/188			
Agenda Part	E			
Reporting Officer	Planning Appeals	Director-	Schemes	and

THIS ITEM IS CONFIDENTIAL

7459.11 General Business

Nil.

7459.12 Items for Consideration at a Future Meeting

Nil.

7459.13 Closure

The next ordinary meeting is scheduled for 10.00 am on 12 June 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 10.45 am.

PRESIDING MEMBER _____

DATE _____