

Statutory Planning Committee

Minutes
of ordinary meeting 7471
held on Tuesday 13 November 2012

Attendance

Members

Mayor Carol Adams	Local Government representative
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Henty Farrar	Regional Minister's nominee
Mr Ian Holloway	Professions representative
Mr Eric Lumsden	Director General, Department of Planning
Ms Elizabeth Taylor	Community representative

Officers

Alice Brown	Department of Planning Senior Planning Officer, Office of Director General (item 10.1)
Mario Carbone	Senior Planning Officer, Perth & Peel Planning (item 9.1)
Sarah Cosstick	Planning Manager, Perth & Peel Planning (item 9.1)
Cath Meaghan	A/Executive Director, Regional Planning & Strategy (items 10.3 and 10.5)
Vivienne Panizza	Planning Manager, Strategy, Policy & Projects (item 10.2)
Kym Petani	Director Metropolitan Planning North West Perth & Peel Planning (item 10.2)
Top Seangson	Senior Planning Officer, Perth & Peel Planning (item 9.2)
Craig Shepherd	Planning Manager Perth & Peel (item 9.2)
Rochelle Van Santen	Senior Planning Officer, Regional Planning & Strategy (item 10.3)

Presenters

Ms Linda Johnson	Convenor of Friends of Moore River Estuary (item 6.1 – refer item 10.3)
Diana Papenfus	Friends of Moore River Estuary (item 6.1 – refer item 10.3)
Peter Webb	Webplan (item 6.2 – refer item 10.5)
Brian Woolcock	On behalf of land owner (item 6.2 – refer item 10.5)

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Ms Johnson tabled notes by a local consultant, Mr Rory O'Brien, as well as an excerpt by Professor George Seddon, Harvard Dean of the Faculty of Architecture and Planning, regarding the architectural value of the Moore River. She referred to a number of maps which highlighted the concerns of the Friends of Moore River Estuary and requested that the development area be moved away from the sensitive land onto nearby degraded land.

Ms Papenfus read from the notes provided by Mr O'Brien.

A copy of these notes has been placed on file.

Moved to item 7471.7.

7471.6.2 **Shire of York Local Planning Scheme No.2 Amendment No.31 – for final approval (refers Item 10.5)**

Presenter Mr Peter Webb
Mr Brian Woolcock

Mr Webb gave a power point presentation addressing the reasons behind the decision to refuse final approval with especial focus on the issue of lack of drinking water supply.

Mr Webb was advised that the WAPC will not give automatic approval to tank water usage due to the drying climate and intermediate rainfall. The Committee also advised Mr Webb that the Shire of York LPS No.2 Amendment No.31 – For Final Approval Report (Item 7471.10.5) will be deferred until further direct discussion between the DoP and Mr Webb; and that the WAPC will not recommend approval if the Department of Water does not support this issue.

It was noted that Mainroads will be able to report on the Bypass by end of 2012, and that deferral will enable Mainroads to contribute to discussions.

Mr Lumsden requested a meeting with staff (chaired by Mr Lumsden) and Mr Webb to discuss this matter further.

A copy of the power point presentation has been placed on file.

Moved to item 7471.10.5.

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7471.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7471.8 Confirmation of Minutes

7471.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 23 October 2012

Members requested the wording of the resolution in Item 7470.10.2 with regard to the high agriculture areas be made more specific to include the high cereal yield.

Resolved

Moved by Mr Farrar, seconded by Ms Taylor

To amend the wording of the resolution for item 7470.10.2 in the minutes to:

'That the Western Australian Planning Commission, subject to amendment to Modification 8 of the Schedule of Modifications (Attachment 5) to include reference to the relationship to high agriculture areas (which relate to high cereal yielding landscapes) following advice from DAFWA, resolves to recommend that the Minister:

- 1. determines the submissions in accordance with the attached schedule of submissions (Attachment 3)*
- 2. requires the modifications contained in the attached schedule to be carried out (Attachment 5) before final approval is given.'*

That the minutes of the Statutory Planning Committee meeting held on Tuesday 23 October 2012, as amended, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7471.9 Reports

7471.9.1 Subdivision to Create 105 Survey Strata Lots and One Common Property Lot: Lot 500 Coothallie Road, Chidlow

File 656-12
Report Number SPC/278
Agenda Part C

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the Western Australian Planning Commission.
(Local Government)

3. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government)
4. No residential survey strata lots being less than 1000m² in area. (Local Government)
5. A Management Statement being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:
 - (a) Management of common property;
 - (b) Provision of affordable housing;
 - (c) Insurance;
 - (d) Safety and security;
 - (e) Business operations;
 - (f) Keeping of pets;
 - (g) Maintenance of infrastructure and services;
 - (h) Guarantee for provision and maintenance of minimum 100kW solar photovoltaic panels for electrical energy production;
 - (i) Conflict and dispute resolution processes;
 - (j) Development and/or redevelopment on the residential strata lots, non-residential and common property land is to comply with a development approval issued by the local government and is to incorporate as required:
 - (i) Effluent disposal;
 - (ii) Power;
 - (iii) Residential Design Guidelines;
 - (iv) Traffic movements and regulations;
 - (v) Fencing;
 - (vi) Recycling and waste management.

Amendment to or repeal of the above provisions cannot be effected without the WAPC's agreement.
(Local Government)

6. The 6.0ha village centre site being depicted as a common

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- property lot on the Survey Strata Plan and retained in the ownership of the Strata Management Body to the satisfaction of the Western Australian Planning Commission. (Local Government)
7. Satisfactory arrangements being made with the Shire of Mundaring for the provision of a minimum of ten (10) residential strata lots for the purpose of affordable housing to the satisfaction of the Western Australian Planning Commission. (Local Government)
 8. An endorsement in accordance with Section 6 of the Strata Titles Act 1985 is to be placed on the strata plan, delineating the lots proposed for the purposes of affordable housing, restricting the use of the lots to affordable housing only in accordance with Clause 5.1.1 of the Local Subdivision and Infrastructure Plan. (Local Government)
 9. Prior to the commencement of subdivision works an environmental management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Department of Environment and Conservation)
 10. Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of Ash Road and provision of a roundabout at the intersection of Ash Road and Progress Drive and the main entry access road, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing. (Local Government)
 11. Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of the Railway Heritage Trail / KEP track where it is affected by the subdivision works, to the satisfaction of the Western Australian Planning Commission. (Local Government)
 12. Satisfactory arrangements being made with the Shire of Mundaring for the provision of all internal access arrangements generally in accordance with the Local Subdivision and Infrastructure Plan, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing.

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(Local Government)

13. Satisfactory arrangements being made with the Shire of Mundaring for the provision of internal directional signage for the residential clusters, village centre, visitor car parking, emergency access ways and rural activities, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
14. Residential Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing housing density, cluster common areas, building setbacks, dwelling design and materials, rainwater tanks, minimum 1kW solar photovoltaic panel, open space and access/car parking (including disability access requirements). (Local Government)
15. Village Centre and Ancillary Development Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing building setbacks and location, external service and storage areas, fencing, car parking and access, water supply and hydrological efficiency, built form and character, materials, finishes and colour, and signage. (Local Government)
16. The provision of non-potable water supply via onsite sub-surface and surface harvesting, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. In the event that sufficient water cannot be sourced on site, each residential lot and the village centre site must be connected to a reticulated water supply. (Local Government)
17. 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 residential lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be obliged to provide, as part of development of dwellings on the lots, a minimum 60,000 litres of domestic water storage capacity for potable water in one or more water storage tanks, and subsequent owners will be obliged to maintain and replace, if necessary, the tanks. (Local Government)
18. The provision of a water storage tank or reservoir with a total capacity of 250,000 litres, located at the highest point in the application area and connected to each proposed residential strata lot, at the subdivider's cost, to the

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satisfaction of the Western Australian Planning Commission. (Local Government)

19. The provision of designated combined grey-water collection and disposal systems for each residential cluster located on common property and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
20. A Grey-Water Buffer Landscaping Plan for each residential cluster to be prepared for approval of the Shire of Mundaring prior to clearance of trees, detailing the location, types and number of species to be planted. The plan shall be implemented in stages as residential development is completed and thereafter all plantings must be maintained to the satisfaction of the Western Australian Planning Commission. (Local Government)
21. The provision of a solar photovoltaic panel array for electrical energy production with an initial minimum capacity of 25kW and connected to each residential strata lot and the village centre site via a 240V AC supply, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The solar array must be located no closer than 50 metres from the centreline of the water course. (Local Government).
22. A restrictive covenant, to the benefit of the local government pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

'No development of a dwelling or occupation of dwellings on the lot shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 1 kW either on the lot or by the owner/s of the lot on the common solar panel array, such that the minimum 1 kW capacity of the panel can be realised without obstruction from shade producing structures or vegetation.' (Local Government)
23. The provision of a liquified petroleum gas bulk storage tank in an existing cleared area and connected to all

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- residential strata lots and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The location of the tank must be approved by the Shire of Mundaring prior to commencement of works. (Local Government)
24. The provision of telecommunications connection to each residential strata lot and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
25. The provision of a centralised composting facility within the common property area, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
26. The provision of a waste collection facility for solid waste materials located within the common property area adjacent to but visually screened from the 150 visitor bay car park, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
27. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority. (Local Government)
28. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'The lot is subject to a fire management plan.'
(Local Government)
29. Implementation of the Environmental Management Plan required by Condition 9 above, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
30. Preparation and implementation of an Integrated Water Management Plan consistent with the Liveable Neighbourhoods Policy 2006 and Stormwater Management Manual of WA 2004 to the satisfaction of the Western Australian Planning Commission. (Department of Water)
31. A fence restricting the access of humans and livestock into the adjoining State Forest reserve is to be erected

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and maintained along the entire length of the common boundary. (Department of Environment and Conservation)

32. A biophysical assessment is to be undertaken to determine if a vegetated buffer is required adjacent to the watercourse. If a vegetated buffer is required, this is to be provided and maintained. (Department of Water)
33. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)
34. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A network electricity supply is not available to the lot/s.'
(Western Power)

ADVICE:

1. Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
2. The subject proposal has the potential to significantly impact upon a matter of national environmental significance under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act), namely the forest red-tail cockatoo and Carnaby's cockatoo. It is recommended that the applicant/owner seek advice from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities to determine if there is a requirement for the action to be referred to the Department for assessment under the EPBC Act.
3. No drainage/stormwater infrastructure is to be placed within State Forest or the regional park, nor is there to be any direct discharge of drainage/stormwater into the State Forest or the regional park.

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4. No vegetation, earth spoil or debris of any kind is to be stored or disposed of within the boundary of the State Forest or the regional park.
5. Flora species known to be invasive or environmentally damaging shall not be used in any landscaping where they may spread into the adjacent State Forest or the regional park. The proponent should take steps to minimise the risk of the introduction and spread of weeds and dieback by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the subject site; and ensuring no weed or dieback affected soil or fill is brought onto the subject site.

Advice to Western Power

Western Power is advised that the endorsed Local Subdivision and Infrastructure Plan 357 allows the subject site to be serviced with renewable energy in the form of an on-site solar collection station and photovoltaic (PV) panels on buildings. This arrangement is also consistent with the previous survey strata approval on the site (1157-07) which did not require the connection to power.

Advice to Department of Health

The Department of Health is advised that it is not considered necessary to require the dry composting systems to be located within common property as this is not required in the endorsed Local Subdivision and Infrastructure Plan (LSIP) or required under the previous subdivision approval. However, in accordance with the endorsed LSIP and previous subdivision approval, a condition is imposed requiring the grey water collection and disposal systems be located within common property.

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves:

1. *to approve the application for subdivision of Lot 500 Coothallie Road, Chidlow into 105 Survey Strata lots including one common property lot as shown on the plan date-stamped 31 July 2012 subject to the following*

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conditions and advice:

CONDITIONS:

1. *Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:*
 - a) *lots can accommodate their intended use; and*
 - b) *finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.*
(Local Government)
2. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.*
(Local Government)
3. *Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005.*
(Local Government)
4. *No residential survey strata lots being less than 1000m² in area.* (Local Government)

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5. *A Management Statement being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:*
- (a) Management of common property;*
 - (b) Provision of affordable housing;*
 - (c) Insurance;*
 - (d) Safety and security;*
 - (e) Business operations;*
 - (f) Keeping of pets;*
 - (g) Maintenance of infrastructure and services;*
 - (h) Guarantee for provision and maintenance of minimum 100kW solar photovoltaic panels for electrical energy production;*
 - (i) Conflict and dispute resolution processes;*
 - (j) Development and/or redevelopment on the residential strata lots, non-residential and common property land is to comply with a development approval issued by the local government and is to incorporate as required:*
 - (i) Effluent disposal;*
 - (ii) Power;*
 - (iii) Residential Design Guidelines;*
 - (iv) Traffic movements and regulations;*
 - (v) Fencing;*
 - (vi) Recycling and waste management.*

Amendment to or repeal of the above provisions cannot be effected without the WAPC's agreement. (Local Government)

6. *The 6.0ha village centre site being depicted as a common property lot on the Survey Strata Plan and retained in the ownership of the Strata Management Body to the satisfaction of the Western Australian Planning Commission. (Local Government)*
7. *Satisfactory arrangements being made with the Shire of Mundaring for the provision of a minimum of ten (10) residential strata lots for the purpose of affordable housing to the satisfaction of the Western Australian Planning*

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Commission. (Local Government)

8. *An endorsement in accordance with Section 6 of the Strata Titles Act 1985 is to be placed on the strata plan, delineating the lots proposed for the purposes of affordable housing, restricting the use of the lots to affordable housing only in accordance with Clause 5.1.1 of the Local Subdivision and Infrastructure Plan. (Local Government)*
9. *Prior to the commencement of subdivision works an environmental management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Department of Environment and Conservation)*
10. *Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of Ash Road and provision of a roundabout at the intersection of Ash Road and Progress Drive and the main entry access road, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing. (Local Government)*
11. *Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of the Railway Heritage Trail / KEP track where it is affected by the subdivision works, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
12. *Satisfactory arrangements being made with the Shire of Mundaring for the provision of all internal access arrangements generally in accordance with the Local Subdivision and Infrastructure Plan, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing. (Local Government)*

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13. *Satisfactory arrangements being made with the Shire of Mundaring for the provision of internal directional signage for the residential clusters, village centre, visitor car parking, emergency access ways and rural activities, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
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15. *Village Centre and Ancillary Development Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing building setbacks and location, external service and storage areas, fencing, car parking and access, water supply and hydrological efficiency, built form and character, materials, finishes and colour, and signage. (Local Government)*
16. *The provision of non-potable water supply via onsite sub-surface and surface harvesting, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. In the event that sufficient water cannot be sourced on site, each residential lot and the village centre site must be connected to a reticulated water supply. (Local Government)*
17. *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 residential lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be obliged to provide, as part of development of dwellings on the lots, a minimum 60,000 litres of domestic water storage capacity for potable water in one or*

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more water storage tanks, and subsequent owners will be obliged to maintain and replace, if necessary, the tanks. (Local Government)

18. *The provision of a water storage tank or reservoir with a total capacity of 250,000 litres, located at the highest point in the application area and connected to each proposed residential strata lot, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

19. *The provision of designated combined grey-water collection and disposal systems for each residential cluster located on common property and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

20. *A Grey-Water Buffer Landscaping Plan for each residential cluster to be prepared for approval of the Shire of Mundaring prior to clearance of tiles, detailing the location, types and number of species to be planted. The plan shall be implemented in stages as residential development is completed and thereafter all plantings must be maintained to the satisfaction of the Western Australian Planning Commission. (Local Government)*

21. *The provision of a solar photovoltaic panel array for electrical energy production with an initial minimum capacity of 25kW and connected to each residential strata lot and the village centre site via a 240V AC supply, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The solar array must be located no closer than 50 metres from the centreline of the water course. (Local Government).*

22. *A restrictive covenant, to the benefit of the local government pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive*

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covenant is to state as follows:

'No development of a dwelling or occupation of dwellings on the lot shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 1 kW either on the lot or by the owner/s of the lot on the common solar panel array, such that the minimum 1 kW capacity of the panel can be realised without obstruction from shade producing structures or vegetation.'

(Local Government)

23. *The provision of a liquified petroleum gas bulk storage tank in an existing cleared area and connected to all residential strata lots and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The location of the tank must be approved by the Shire of Mundaring prior to commencement of works.*

(Local Government)

24. *The provision of telecommunications connection to each residential strata lot and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

25. *The provision of a centralised composting facility within the common property area, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

26. *The provision of a waste collection facility for solid waste materials located within the common property area adjacent to but visually screened from the 150 visitor bay car park, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

27. *A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority. (Local Government)*

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28. *A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'The lot is subject to a fire management plan.'
(Local Government)

29. *Implementation of the Environmental Management Plan required by Condition 9 above, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

30. *Preparation and implementation of an Integrated Water Management Plan consistent with the Liveable Neighbourhoods Policy 2006 and Stormwater Management Manual of WA 2004 to the satisfaction of the Western Australian Planning Commission. (Department of Water)*

31. *A fence restricting the access of humans and livestock into the adjoining State Forest reserve is to be erected and maintained along the entire length of the common boundary. (Department of Environment and Conservation)*

32. *A biophysical assessment is to be undertaken to determine if a vegetated buffer is required adjacent to the watercourse. If a vegetated buffer is required, this is to be provided and maintained. (Department of Water)*

33. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)*

34. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on*

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the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A network electricity supply is not available to the lot/s.' (Western Power)

ADVICE:

1. *Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.*
2. *The subject proposal has the potential to significantly impact upon a matter of national environmental significance under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act), namely the forest red-tail cockatoo and Carnaby's cockatoo. It is recommended that the applicant/owner seek advice from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities to determine if there is a requirement for the action to be referred to the Department for assessment under the EPBC Act.*
3. *No drainage/stormwater infrastructure is to be placed within State Forest or the regional park, nor is there to be any direct discharge of drainage/stormwater into the State Forest or the regional park.*
4. *No vegetation, earth spoil or debris of any kind is to be stored or disposed of within the boundary of the State Forest or the regional park.*
5. *Flora species known to be invasive or environmentally damaging shall not be used in*

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any landscaping where they may spread into the adjacent State Forest or the regional park. The proponent should take steps to minimise the risk of the introduction and spread of weeds and dieback by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the subject site; and ensuring no weed or dieback affected soil or fill is brought onto the subject site.

Advice to Western Power

Western Power is advised that the endorsed Local Subdivision and Infrastructure Plan 357 allows the subject site to be serviced with renewable energy in the form of an on-site solar collection station and photovoltaic (PV) panels on buildings. This arrangement is also consistent with the previous survey strata approval on the site (1157-07) which did not require the connection to power.

Advice to Department of Health

The Department of Health is advised that it is not considered necessary to require the dry composting systems to be located within common property as this is not required in the endorsed Local Subdivision and Infrastructure Plan (LSIP) or required under the previous subdivision approval. However, in accordance with the endorsed LSIP and previous subdivision approval, a condition is imposed requiring the grey water collection and disposal systems be located within common property.

- 2. that authority be granted to the Director of North East Metropolitan Planning Office to modify or delete wording in CONDITION 34 following discussion with the Applicant and Western Power.*

The motion was put and carried.

The votes were recorded as follows:-

**For: Mayor Adams, Ms Bartle, Ms Burrows,
Mr Holloway, Mr Lumsden, Ms Taylor**

Against: Mr Farrar

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7471.9.2 Amalgamation and re-subdivision of 21 lots to create 18 lots for Lifestyle Village, Service Station, Homestead and Rural Purposes – Shire of Serpentine-Jarradale

File 146089
Report Number SPC/279
Agenda Part C
Reporting Officer Planning Manager, Metropolitan
Planning South East, Perth and Peel
Planning

Mr Farrar requested his objection be recorded due to the lack of consistency in the application of Development Control Policy 3.4.

Members discussed the intent of policy behind this decision, having regard to the various arguments put forward in the Report and requested a more detailed Summary in the Report to give guidance to the other landowners as to why the reasons differed.

Encumbrances CONDITION(21-e) Fire Services Access Routes - amend wording from '... should be maintained' to ...'shall be maintained'.

Mayor Adams also requested her objection be recorded.

Resolved

Moved by Ms Burrows, seconded by Mr Holloway

The votes were recorded as follows:-

***For: Ms Bartle, Ms Burrows, Mr Holloway,
Mr Lumsden, Ms Taylor***

Against: Mayor Adams, Mr Farrar

That the Western Australian Planning Commission resolves to approve the application for subdivision of the subject land (various lots on Falls Road and Hart Road, Serpentine), as shown on the amended plan date stamped 6 September 2012. This decision is valid for four years subject to the following conditions and advice:

CONDITIONS:

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Plan Modifications

1. *The proposed lots (with exception of proposed Lot 12) shall have a minimum area of 2 hectares. (Local Government)*

Road and Movement Network

2. *Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.*

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

3. *Arrangements being made with the local government for the construction and/or upgrading of Chatfield Road where it abuts the application area. (Local Government)*
4. *The proposed access ways being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)*
5. *The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways. (Local Government)*
6. *The proposed Strategic Fire Access routes being constructed to a minimum standard in accordance with an approved Fire*

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Management Plan and the associated access easements to the benefits of the local government. (Local Government)

7. *Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto South Western Highway being lodged on the certificates of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of the local government, in accordance with the plan dated 6 September 2012 (attached) and the covenant is to specify:*

*“No vehicular access is permitted from the subject land onto South Western Highway.”
(Local Government)*

Drainage

8. *Drainage systems required to service the subdivision shall be designed and constructed in accordance with the Stormwater Management Manual for Western Australia. (Department of Water)*
9. *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)*

Subdivisional Works

10. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.
(Local Government)*

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11. *Prior to the commencement of subdivisional works, the landowner/ applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and*

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government)

Servicing

12. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots which are located within the Water Corporation's water reticulation scheme. (Water Corporation)*
13. *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 to the lots shown on the approved plan of subdivision. (Western Power)*
14. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)*
15. *The transfer of land for the purpose of electricity supply infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost*

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*and without payment of compensation.
(Western Power)*

Foreshore Reserve

16. *A foreshore reserve measured from the high water mark of the Serpentine River to the edge of existing riparian vegetation, as established by survey, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
(Local Government)*

Bush Forever Site

17. *No vegetation within Bush Forever Site No. 371 is to be removed or disturbed during subdivisional works, including any secondary impacts from works to provide service infrastructure and drainage, to implement the approved plan of subdivision.
(Local Government)*
18. *A fence restricting vehicle, pedestrian and stock access is to be constructed at these locations to protect native vegetation:*
- (i) the boundaries of the foreshore reserve and Lots 1, 2 and 3 to restrict stock access into Bush Forever Site No. 371; and*
 - (ii) the boundaries of proposed Lots 5 and 6 abutting the Serpentine National Park.
(Local Government)*

Miscellaneous

19. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.
(Local Government)*
20. *A fire management plan being prepared, approved and relevant provisions implemented*

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during subdivisational works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Fire and Emergency Services Authority. (Local Government)

Encumbrances

21. *Arrangements being made to the satisfaction of the Western Australian Planning Commission to advise the prospective purchasers of the following:*

- (a) Proposed Lots 14, 15, 16, 17 and 18 are not within the Water Corporation reticulation area, therefore, any future dwelling on these lots will need to be provided with an alternative supply of potable water;*
- (b) A reticulated sewerage service will not be made available and the proposed lots should be provided with an alternative wastewater treatment system or Aerobic Treatment Units of a type approved by the Department of Health;*
- (d) All habitable buildings should be constructed in accordance with Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas or standards which supersede it;*
- (e) Fire Service Access Routes, Battleaxe Access Legs and Emergency Accessways shall be maintained by the landowners;*
- (f) Proposed Lots 5 and 6 adjoins the Serpentine National Park and that some or all of the following activities may occur from time to time:*
 - prescribed burning for conservation and/or fire hazard reduction purposes; and*
 - the application of chemicals for weed and plant disease control.*

Land owners and prospective purchasers should contact the local office of the Department of Environment and Conservation for advice about activities that may occur in the

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National Park. (Local Government)

ADVICE:

1. *The Fire Management Plan shall be prepared in accordance with the "Planning for Bush Fire Protection (edition 2)" document, prepared by the Western Australian Planning Commission and the Fire and Emergency Services Authority of Western Australia. Due to the proximity of the land to the Serpentine National Park, the applicant/owner should liaise with the Department of Environment and Conservation prior to finalising the Fire Management Plan.*
2. *Main Roads WA advises that the proposed access onto South Western Highway via the proposed "Reciprocal Rights of Access" along the southern boundary of Lot 13 shall be restricted as an emergency access only and not to be used as legal access or thoroughfare. No additional crossovers shall be permitted from the proposed lots onto South Western Highway.*
3. *The Department of Environment and Conservation advises that:*
 - (i) *With the exception of proposed Lot 1, the land is covered by, or has portions of the lot identified within the Threatened Ecological Community Buffer for the "Eucalyptus calophylla - Eucalyptus marginata woodlands on sandy clay soils of the southern Swan Coastal Plan;*
 - (ii) *The northern boundary of proposed Lots 1, 2 and 3 adjacent to the Serpentine River foreshore falls within Bush Forever Site 371. This area is also within the Geomorphic multiple use wetlands under "Multiple Use" category;*
 - (iii) *Clearing of native vegetation is prohibited, unless clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation, or is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations); and*

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- (iv) *All flora species known to be invasive or environmentally damaging (i.e. weeds) are not to be used in any landscaping or revegetation.*
4. *With regard to Condition 12, Western Power provides only one point of electricity supply per freehold (green title) lot and requires any existing overhead consumer service 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.*
6. *With regard to Condition 13, the specific location and area of land required is to be to the satisfaction of the Western Australian Planning Commission on the advice of the local government and Western Power.*

The motion was put and carried.

Moved to item 7471.6.2.

7471.9.3 Layout Plan Amendments – Mapping Data Conversion

File	DP/11/00058/1
Report Number	SPC/280
Agenda Part	D
Reporting Officer	Planning Matters – Aboriginal Communities

Resolved

Moved by Ms Burrows, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to endorse the Amendments to Layout Plans listed in Attachment 1.

The motion was put and carried.

7471.9.4 Subdivision to create 2 lots: Lot 9 Great Eastern Highway, Glen Forrest, Mundaring Shire

File	146519
Report Number	SPC/281
Agenda Part	G

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5. *The proposed battleaxe access way being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)*
6. *Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government).*
7. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)*
8. *Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Great Eastern Highway being lodged on the certificates of title of proposed Lot 50 at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads Western Australia, in accordance with the plan date stamped 2nd August 2012 (attached) and the covenant is to specify:

"No vehicular access is permitted from Great Eastern Highway."
(Main Roads Western Australia)*
9. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
10. *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 to the lot(s) shown on the approved plan of subdivision. (Western Power)*

ADVICE:

1. *In regard to Condition 7, the Western Australian Planning Commission will accept*

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building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.

2. *In regard to Condition 9, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
3. *Where required, the subdivider shall provide service connections, make financial arrangements, set aside land, grant easements, apply notices or other requirements, to protect existing and proposed Water Corporation assets to the satisfaction of the Water Corporation.*
4. *In relation to Conditions 4 and 8, access is restricted to a shared crossover associated with the battleaxe access leg of proposed Lot 51.*
5. *In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.*
6. *Main Roads Western Australia advises the landowner/application with regard to the Great Eastern Highway:*
 - a) *No earthworks are to encroach onto the road reserve;*
 - b) *No stormwater drainage is to be discharged onto the road reserve;*
 - c) *The landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve;*
 - d) *The driveway and accesses to the residences shall be designed to have an internal turn around facility or area that enables vehicles to turn around and exit*

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- the driveway in a forward movement; and*
- e) *As Great Eastern Highway carries a high volume of vehicles, consideration should be given to noise attenuation measures in the design and construction of any proposed residence.*

The motion was put and carried.

7471.10 Confidential Items

7471.10.1 Shire of Wyndham-East Kimberley Draft Local Planning Scheme No. 8 – Consent to Advertise

File 853/7/5/10PV
Report Number SPC/282
Agenda Part B
Reporting Officer A/ Manager Planning, Kimberley

THIS ITEM IS CONFIDENTIAL

7471.10.2 Coastal Setback, Lots 14 And 206 Shearwater Avenue, North Two Rocks - Local Structure Plan

File 801/2/30/24P30
Report Number SPC/283
Agenda Part C
Reporting Officer Director Planning, Metropolitan North West
Senior Planning Officer, Strategy Policy and Projects

THIS ITEM IS CONFIDENTIAL

7471.10.3 Moore River South Outline Development Plan – For Endorsement

File SPN/0063
Report Number SPC/284
Agenda Part C
Reporting Officer A/Executive Director, Regional Planning and Strategy

THIS ITEM IS CONFIDENTIAL

7471.10.4 Indian Ocean Drive Planning Framework - Initiation of New Study

File DP/12/00980

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Report Number SPC/285
Agenda Part D
Reporting Officer A/Director, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

Moved to Item 7471.11

7471.10.5 Shire of York Local Planning Scheme No. 2 Amendment No. 31 – For Final Approval

File 853/4/34/2P31V
Report Number SPC/287
Agenda Part E
Reporting Officer Principal Planner, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

Moved to item 7471.9.3

7471.11 General Business

Nil.

7471.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7469.12.1	Residential Design Codes	DoP presentation on how R codes relate to greenfields/brownfields	TBC

7471.13 Closure

The next ordinary meeting is scheduled for 9 am on 27 November 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 12.22

PRESIDING MEMBER _____

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DATE _____

UNCONFIRMED