



Statutory Planning Committee

Minutes

Meeting No. 7561

Tuesday, 28 February, 2017

- Members:**
- Mr Eric Lumsden - Chairperson, WAPC
 - Ms Megan Adair - WAPC Appointee
 - Ms Sue Burrows - WAPC appointee
 - Mr Steve Hiller - WAPC Appointee
 - Mr Ian Holloway - Professions representative
 - Ms Gail McGowan - Director General, Department of Planning
 - Ms Elizabeth Taylor - Local government representative
 - Mr Ross Thornton - Nominee of the Minister for Regional Development
- Apologies:**
- Mr Ray Glickman - WAPC Appointee
- Officers:**
- Ms Lindsay Baxter - Director Metro South
 - Ms Kerrine Blenkinsop - WAPC Secretary
 - Ms Emily Burton - Graduate Planner
 - Ms Sam Fagan - Commission Support Manager
 - Ms Sally Grebe - Manager Planning Appeals
 - Mr Robert Hodges - Manager Metro North East
 - Ms Irene Obales - Commission Support Officer
 - Mr Alex Petrovski - Senior Planning Officer, Schemes and Amendments
 - Ms Lisa Powell - Senior Planning Officer, Metro South East
 - Ms Jacquie Stone - Director Metro Central
 - Mr Mike Schramm - Director South West Regions
 - Mr Emille van Heyningen - Manager Metro North

1. Declaration of opening

The Chairman declared the meeting open at 9:30 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

2. Apologies

Nil.

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

Mr Ray Glickman - 15 February to 14 March 2017

Ms Adair submitted an application for a leave of absence for the Statutory Planning Committee meeting scheduled for 14 March 2017.

Moved by Ms Taylor
Seconded by Mr Holloway

That approval for a leave of absence be granted for Ms Adair for the Statutory Planning Committee meeting to be held on Tuesday 14 March 2017.

The motion was put and carried

4. Disclosure of interests

Mr Thornton declared impartiality interests on Item 9.7 Subdivision Application, Lot 9005 Rock Cliff Circle, Nullaki and Item 11.1 SAT Reconsideration of Refusal - 2 Lot Rural Conservation Subdivision - Lots 235 and 9005 Eden Road, Nullaki. The reason being, that the applicant has in the past contracted Thornton Building Co. to carry out building works and the applicant's Planner acts for Mr Thornton's brother. Mr Thornton will not participate in discussion and will not vote for both items.

5. Declaration of due consideration

All members indicated that they had received and considered the agenda items before the SPC meeting.

6. Announcements by the Chairperson without discussion

The Chairman announced a number of stakeholders meetings for 2017 and a list of meetings for the first quarter has been distributed to the members.

7. Minutes

7.1 Confirmation of minutes – Meeting No. 7560 on 14 February 2017

Moved by Mr Holloway
Seconded by Mr Hiller

That the minutes of the Statutory Planning Committee meeting held on Tuesday 14 February 2017, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

8. Deputations and Presentations

8.1 Structure Plan Amendment Lots 1 and 2 Flynn Drive Carramar (Item 9.5)

Presenters: Mr Eric Denholm, Roberts Day; Mr Rob Sippe, Man O War Resources Pty Ltd; Mr Bill Harris, Fireplan and Mr Graham Meredith, Man O War Resources Pty Ltd.

Messrs Sippe, Denholm and Harris made a presentation to the Committee in support of the Structure Plan Amendment and answered questions from members.

A copy has been placed on file.

Mr Thornton left the meeting at 9:57 am.

8.2 Subdivision Application, Lot 9005 Rock Cliff Circle, Nullaki (Item 9.7)

Presenters: Mr Sam Williams, Sam Williams Town Planning and Project Management and Mr Graeme Robertson, Landowner

Messrs Williams and Robertson made a presentation to the Committee against the proposed refusal of the subdivision application.

A copy has been placed on file.

8.3 SAT Reconsideration of Refusal - 2 lot Rural Conservation Subd - Lots 235 and 9005 Eden Road, Nullaki (Item 11.1)

Presenters: Mr Sam Williams, Sam Williams Town Planning and Project Management and Mr Graeme Robertson, Landowner

Messrs Williams and Robertson made a presentation to the Committee on the SAT Reconsideration of Refusal.

A copy has been placed on file.

Mr Thornton returned to the meeting at 10:15 am.

8.4 City of Stirling Local Planning Scheme No. 3, Amendment No. 65 – for Final Determination (Item 11.4)

Presenters: Mr Daniel Heymans, City of Stirling; Mr Fraser Henderson, City of Stirling and Mr Blake Dickson, City of Stirling

Messrs Heymans and Henderson made a presentation to the Committee on the City of Stirling Local Planning Scheme No 3, Amendment No. 65.

A copy has been placed on file.

9. Statutory Items for Decision

9.1 Additional Buildings and External Works at Shenton College, Lots 13072 & 13703 Stubbs Terrace, Shenton Park

Members discussed the item and agreed to endorse the Officer's recommendation subject to Recommendation 4 being amended.

**Moved by Ms Burrows
Seconded by Ms Adair**

That the Statutory Planning Committee resolves to approve the application for additions and external works to Shenton College at Lots 13072 and 13073 Stubbs Terrace, Shenton Park subject to the following conditions:

- 1. The development is to be carried out in accordance with the plans date stamped 12 and 13 October 2016 by the Department of Planning on behalf of the Western Australian Planning Commission subject to any modifications as required by the conditions of approval.*
- 2. A Construction Management Plan shall be submitted and approved to the specification of the local government and the satisfaction of the Western Australian Planning Commission, prior to the commencement of site works. Once approved, the Construction Management Plan is to be implemented in its entirety.*
- 3. A Landscape Plan for the development site shall be submitted and approved to the specification of the local government and the satisfaction of the Western Australian Planning Commission. All such approved landscape works shall be undertaken prior to occupation of the approved Learning Hub building, and maintained thereafter by the owner(s)/occupier(s).*
- 4. The bushfire management plan (dated 20 January 2017) prepared by Bushfire Prone Planning (incorporating any approved modifications), being implemented in its entirety to the satisfaction*

of the Department of Fire and Emergency Services and the satisfaction of the WAPC.

5. *All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
6. *All works are to be contained within Lot 13072 and Lot 13073 and are not permitted to encroach into adjoining Bush Forever site 218.*
7. *The car parking bays and access ways on the subject land shall be constructed, sealed, kerbed, line marked and rained, and thereafter maintained, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
8. *Prior to commencement of works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. If required, remediation, including validation of remediation, of any contamination identified shall be completed to the specification of the Department of Environment Regulation and the satisfaction of the Western Australian Planning Commission.*
9. *The existing on road cycle lanes, and any other markings and associated redundant cycle infrastructure at the Stubbs Terrace intersection being removed prior to occupation of the Learning Hub building, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
10. *A dedicated left turn slip lane being provided for access into Lot 13073 (227) Stubbs Terrace, prior to occupation of the Learning Hub building, to the specification of the local government and the satisfaction of the Western Australian Planning Commission.*
11. *This decision constitutes planning approval only and is valid for a period of two years from the date of this approval. If the subject development is not substantially commenced within this two year period, the approval shall lapse and be of no further effect.*

ADVICE TO APPLICANT

1. *In relation to condition 2, the Construction Management Plan should address, but not be limited to, the following:*
 - i. *The staging plan for the entire works;*
 - ii. *The applicable timeframes and assigned responsibilities for tasks;*
 - iii. *The on-site storage of materials and equipment;*
 - iv. *Parking for contractors;*

- v. *Waste management;*
 - vi. *Dust management;*
 - vii. *The management of noise in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997;*
 - viii. *The management of vibrations; and*
 - ix. *Complaints and incident procedures.*
2. *In relation to condition 3, the Landscape Plan should address, but not be limited to, the following:*
- i. *The species types, location and quantities of any proposed plants;*
 - ii. *The location of all proposed and remaining landscaped areas in relation to the remaining and proposed buildings, car parking areas, cycle routes and power poles;*
 - iii. *Appropriate measures being put in place prior to and during construction to protect the existing landscaping, in particular the Aleppo Pine Tree;*
 - iv. *The landscaping of the area in front of the Lemnos Hospital Administration Building shall reference the curve of the original alignment as apparent in the historical photographic evidence; and*
 - v. *An appropriate interface between the proposed development area and the adjacent Bush Forever site 218 to prevent degradation of the Bush Forever area. This may include the provision of a hard edge, such as a footpath.*
3. *In relation to Condition 8, investigations and remediation are to be carried out in accordance with the Contaminated Sites Act 2003 and current Department of Environment Regulation Contaminated Sites Guidelines.*
4. *The State Heritage Office recommends that the original alignment of the driveway and outline of the northwest garden wing be interpreted in a distinctive material that references the original width and finish, and be distinguishable from the new brick footpath elements.*
5. *Subsequent to the transfer of land from the Department of Health to the Department of Education being completed, it is recommended that the landowner initiate an amendment to the Metropolitan Region Scheme to change the reservation of the additional land from 'Public Purposes - Hospital' to 'Public Purposes - High School'.*
6. *The City of Nedlands advises that any construction phase sumps, ponds or other water bodies are to be maintained by the landowner such that mosquitoes are prevented from breeding.*
7. *No vegetation can be cleared from any lots other than No. 227 (Lots 13072 and 13073) Stubbs Terrace, Shenton Park, in order for the*

proposed development to comply with State Planning Policy 3.7 and the Western Australian Planning Commission's Bushfire Protection Guidelines.

8. *Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM. Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 and 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements. Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.*
9. *ATCO Gas Australia has High Pressure gas mains within the area of application. ATCO Gas must be notified of any works within 15 metres of High Pressure gas infrastructure before those works begin. Construction, excavation and other activities may be restricted in this zone. No pavements (including crossovers) are to be constructed over the pipeline without consent from ATCO Gas Australia. Various pipeline safety tests may apply. The applicant is advised to contact ATCO on 9499 5272 in this regard. Anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.*
10. *Any development which is not in accordance with the original application or conditions of approval will require further approval from the Western Australian Planning Commission.*

The motion was put and carried

9.2 WITHDRAWN - Application to Subdivide Lot 18 (21) Deane Street, Cottesloe Into Two Freehold Lots

9.3 Briggs Park Brickwood Reserve Management Plan for Endorsement

Members discussed the item and agreed to endorse the Officer's recommendation.

**Moved by Ms McGowan
Seconded by Mr Hiller**

That the Statutory Planning Committee resolves to endorse the Briggs Park/Brickwood Reserve Management Plan (2016-2026) date stamped 7 November 2016 subject to:

1. *(a) the inclusion of the Recreation Road road reserve within the Management Area, and*

(b) the inclusion of a statement outlining that the endorsement of the Management Plan does not negate the need to seek relevant approvals from the Department of Environment Regulation to clear native vegetation.
2. *The Shire of Serpentine Jarrahdale being advised that the WAPC provides in-principle support for the clearing of the land west of the recreation centre to enable its expansion, notwithstanding that a separate development approval and clearing permit from the Department of Environment and Regulation will be required to facilitate these works. Any development application for works set out in the management plan will still be required to address State Planning Policy 3.7: Planning in Bushfire Prone Areas.*

The motion was put and carried

9.4 Proposed Five Lot Freehold Subdivision, Lot 3001 (50) Central Avenue, Hazelmere

Members discussed the item and agreed to endorse the Officer's recommendation.

Moved by Ms Taylor
Seconded by Mr Hiller

That the Statutory Planning Committee resolves to approve the application to subdivide Lot 3001 Central Avenue. Hazelmere subject to the following conditions and advice:

CONDITION(S):

Road and Movement Network

1. *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)

2. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's DC 4.1 Industrial Subdivision. (Local Government)*
3. *Satisfactory arrangements being made with the local government for the upgrading of Central Avenue to an industrial standard. (Local Government)*

Drainage

4. *Prior to the commencement of subdivisional works, a Urban Water Management Plan (UWMP) is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy. (Local Government)*
5. *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)*

Subdivisional Works

6. *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)**
7. *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)

Services

8. *The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)*
9. *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 reticulated sewerage service is not available to this lot. A suitable on-site effluent disposal system complying with the specifications of the Department of Health designed for long term use will be required to service development." (Local Government)

ADVICE:

1. *In regard to Condition/s 8, 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 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*
2. *The landowner/applicant is advised that in the event that animal carcasses and/or asbestos-impacted soils are identified during excavation works, excavation should cease within the affected area. The impacted area should be fenced off to minimise disturbance and further investigations undertaken to determine the nature and extent of contamination. Any investigations should be carried out in accordance with DER's 'Contaminated Sites Guidelines' (2014), the National Environment Protection (Assessment of Site Contamination) Measure 1999 and Department of Health's 'Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia' (May 2009).*
3. *The landowner/applicant is advised that if groundwater is being, or is proposed to be abstracted, analytical testing should be carried*

out to determine whether the groundwater is suitable for its intended use.

4. *The landowner/applicant is advised that the Department of Environment and Regulation has prepared dust control guidelines for development sites, which outline the procedures for the preparation of dust management plans. The dust management plans are generally approved and their implementation overseen, by Local Government. Further information on the guidelines can be obtained from the Department of Environment and Regulation's website: www.der.wa.gov.au under air quality publications.*

The motion was put and carried

9.5 Structure Plan Amendment Lots 1 and 2 Flynn Drive Carramar

Members discussed the deputation that had been made and agreed to defer the item to allow SPC members to conduct a site visit.

Moved by Ms Taylor
Seconded by Mr Thornton

That the item relating to Structure Plan Amendment Lots 1 and 2 Flynn Drive Carramar be deferred to enable for the SPC members to conduct a site visit.

The motion was put and carried

9.6 Local Structure Plan - Lot 115 Wildwood Road, Yallingup

Members discussed the item and agreed to endorse the officer's recommendation.

Dissent: Mr Hiller

Moved by Ms Taylor
Seconded by Ms Adair

That the Statutory Planning Committee:

1. *Require the applicant to modify the Local Structure Plan for Lot 115 Wildwood Road (dated 11/09/2015 Rev. A) in accordance with the attached schedule of modifications, appended as Attachment 5 and be resubmitted to the Western Australian Planning Commission for approval.*
2. *Subject to the above modifications being satisfactorily undertaken, approve the Local Structure Plan for Lot 115 Wildwood Road (dated*

11/09/2015 Rev. A) under regulation 22(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.

3. *Authorise Department of Planning officers to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly.*

The motion was put and carried

9.7 Subdivision Application, Lot 9005 Rock Cliff Circle, Nullaki

Mr Thornton declared an impartiality interest on the item and left the meeting at 10:45 am.

Members discussed the deputation that had been made and agreed to endorse the officer's recommendation.

The votes were recorded as follows:

For: Mr Lumsden, Ms McGowan, Ms Burrows, Ms Taylor

Against: Ms Adair, Mr Holloway, Mr Hiller

Moved by Ms Burrows

Seconded by Ms Taylor

That the Statutory Planning Committee resolves to refuse the subdivision application, WAPC 152952, Lot 9005, Rock Cliff Circle, Nullaki, for the following reasons:

1. *The Commission is not satisfied that bushfire management issues can be satisfactorily addressed by the proposed subdivision, in accordance with the objectives and intent of State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas, as the proposal:*
 - *is in a remote locality with an extreme bushfire hazard level (BHL) assessment;*
 - *has restricted access and egress;*
 - *intensifies development in an area of risk and has not proven that acceptable reduction of the hazard can be practically implemented and maintained for the life of the land use;*
 - *will place life and property at an unacceptable level of risk; and*
 - *is not supported by the State authority responsible for emergency services.*

2. *The proposed subdivision is inconsistent with objectives and actions of the City of Albany Local Planning Strategy which seek to avoid development in areas of extreme bushfire risk.*

The motion was put and carried

10. Policy Items for Discussion / Decision

11. Confidential Items

- 11.1 **SAT Reconsideration of Refusal - 2 lot Rural Conservation Subd - Lots 235 and 9005 Eden Road, Nullaki**

THIS ITEM IS CONFIDENTIAL

Mr Thornton returned to the meeting at 10:56 am.

- 11.2 **Section 31 (SAT Act 2004) Reconsideration of refused grouped dwelling proposal at Lot 10 West Swan Road, West Swan (City of Swan)**

THIS ITEM IS CONFIDENTIAL

- 11.3 **State Administrative Tribunal applications**

THIS ITEM IS CONFIDENTIAL

- 11.4 **City of Stirling Local Planning Scheme No. 3, Amendment No. 65 – for Final Determination**

THIS ITEM IS CONFIDENTIAL

- 11.5 **Shire of Harvey - Local Planning Scheme Amendment No. 113**

THIS ITEM IS CONFIDENTIAL

12. Corporate Matters – Publications, Briefings and Updates

Nil.

13. Stakeholder engagement and site visits

Nil.

14. Urgent or other business

Nil.

15. Items for Consideration at a Future Meeting

Nil.

16. Meeting Closure

The next ordinary meeting is scheduled for 9:30 am on Tuesday 14 March 2017.

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 11:27 am.



CHAIRMAN