



**Statutory Planning Committee  
Minutes**

Meeting No. 7599  
Tuesday, 9 October, 2018

Members: David Caddy – Chairman WAPC  
Megan Adair – WAPC Appointee  
Steve Hiller – WAPC Appointee  
Ian Holloway – Professions representative  
Elizabeth Taylor – Local government representative  
Ross Thornton – Nominee of the Minister for Regional Development

Apologies: Sue Burrows – Nominee of the Director General, Department of  
Planning, Lands and Heritage  
Ray Glickman – WAPC Appointee

Others Present Victoria Brown – Planning Manager, Metro Planning North East  
Mario Carbone – Senior Planning Officer, Metro Planning North East  
Belinda Chami – Administrative Officer, Commission Support  
Michael Daymond – Planning Director, Metro Planning Central  
Rebecca Egan – Commission Support Officer  
Sam Fagan - Manager, Commission Business  
Cale Luxton – Senior Planning Officer, Peel Planning  
Damien Martin – Planning Director, Infrastructure and Land User  
Coordination  
Kirstan Muir – Senior Solicitor  
David Sands – Senior Planning Officer, Central Regions  
Ryan Shaw – Senior Planning Officer, Wheatbelt Planning

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**1. Declaration of opening**

The Chairman declared the meeting open at 9.31am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

**2. Apologies**

Mr Ray Glickman – WAPC Appointee

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

Ms Sue Burrows is on an approved leave of absence from 31 August 2018 to 15 October 2018 inclusive.

Mr Steve Hiller made an application for a leave of absence from the Statutory Planning Committee meeting on 6 November 2018.

**4. Disclosure of interests**

Mr Ross Thornton noted that he is a friend of Mr Paul Bashall, the consultant for the Shire of Merredin, as relating to Item 10.1 - Amendment No.6 to Shire of Merredin Local Planning Scheme No. 6 - Final Approval. Members agreed that this did not present any real or perceived conflicts of interest.

**5. Declaration of due consideration**

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

**6. Minutes**

**6.1 Confirmation of minutes - Meeting No. 7598 on Tuesday, 18 September 2018**

**Moved by Ms Taylor  
Seconded by Mr Holloway**

*That the minutes of the Statutory Planning Committee meeting held on 18 September 2018, be confirmed as a true and correct record of the proceedings.*

**The motion was put and carried**

**7. Deputations and presentations**

**7.1 Planning Reform Update**

**THIS ITEM IS CONFIDENTIAL**

**7.2 North Subiaco Structure Plan - Final Approval**

Presenters: Mr Alexander Petrovski, Mr Anthony Denholm, and Ms Chantel Weerasekera - City of Subiaco

Mr Petrovski provided a presentation to the Statutory Planning Committee in support of the recommendation of the Department of Planning, Lands and Heritage. He articulated the importance of the Structure Plan in promoting a transition between established residential areas to new developed areas.

Mr Petrovski explained that the Structure Plan has been workshopped in close consultation with the community, with the intention to provide a framework to build upon when visioning for the Subiaco Town Centre. He expressed that the main focus of the Structure Plan and incoming Town Centre planning is support from community and good design.

Members queried whether Amendment 32 to the City of Subiaco Local Planning Scheme No. 5 will be translated appropriately, to which Mr Petrovski advised that revisions will be made based on what is gazetted following the Minister for Planning's determination.

### **7.3 Proposed Youth Bail House, Lot 102 Brackley Road, Armadale**

Presenters: Ms Bev Kreibich and Ms Kirsty Gibb - Hope Community Services

Ms Kreibich and Ms Gibb provided a presentation to the SPC. Ms Kreibich provided a background to the requirements, applications and stages of approval undertaken by HOPE Community Services for approval at the site.

Ms Gibb explained the operations and merits of the HOPE Community Services model, referencing the training of staff, induction process for clients, good relationships with neighbours and track record of successful outcomes.

Members raised questions relating to the operations of the facility, including the maximum number of clients at any one time, visitation rules and regulations, and confidentiality of the program. Ms Kreibich and Ms Gibb confirmed the value and high operational standards of the facility.

A copy of the presentation has been placed on file.

### **7.4 Amendment No.6 to Shire of Merredin Local Planning Scheme No. 6 - Final Approval**

Presenter: Mr Paul Bashall - Planwest

Mr Bashall, as the consultant representing the Shire of Merredin, made a presentation to the Statutory Planning Committee against the recommendation of the Department of Planning, Lands and Heritage.

The amendment seeks to amend Schedule 2 — Additional Uses by adding a new additional use to allow 'Motel Accommodation' on the subject site with conditions, and adding a new interpretation for motel accommodation.

Mr Bashall expressed that the recommendation to allow for 'Tourist Development' land uses was not accepted by the Shire due to concern about "commercial creep" into the predominantly residential Hay Street.

Members queried what the maximum number of motel units would be and whether the subject site should be redeveloped, to which Mr Bashall advised that the only requirement being building codes.

Members noted the Green Paper strategic recommendations for state-wide planning, specifically referencing the report on inconsistency and excessive land use definitions across local governments. Members queried if there were any other standardised land use definitions the Shire would consider to be consistent with the Green Paper recommendations.

Mr Bashall suggested that no other standard land use definition would be appropriate as the proposal represents a local issue, not a strategic issue of regional significance.

A copy of the presentation has been placed on file.

**7.5 Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, Amendment No. 195**

Presenter: Ms Lara Iozzi - MALF Group

Ms Iozzi provided a presentation to the Statutory Planning Committee in support of Amendment 195 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. She referred to the Shire's support and Council's recommendation to support the resolution.

Ms Iozzi expressed the intention of the amendment to simplify the land use permissibilities and rezoning of the subject site. She noted that recent amendments to the Bushfire Management Plan have been supported by the Department of Fire and Emergency Services and endorsed by the Shire.

Ms Iozzi requested that the setback requirement to effluent land uses be within 30 metres to 100 metres as detailed in the draft Government Sewerage Policy.

**7.6 Lot B38 Lakes Road, North Dandalup – Application for Endorsement of Deposited Plan**

Presenters: Mr Darren Evans - Proven and Mr Robert Casella - Niroda Holdings

Mr Evans and Mr Casella provided a presentation to the Statutory Planning Committee against the recommendation of the Department of Planning, Lands and Heritage.

Mr Evans provided a comprehensive overview of the stages of application, conditional approval, actioning and development of subdivision at the subject. Mr Evans explained the challenges faced by the proponent regarding liaison with and gaining direction from the Dampier Bunbury Pipeline (DBP) operator, and subsequent issues with gaining subdivision clearance.

Mr Evans explained the extent of information and cooperation provided by DBP throughout the referral and subdivision clearance stage. Specific reference was made to the addition of "societal risk" to DBP's correspondence and requirements after the WAPC had issued conditional subdivision approval.

Mr Evans also referred to Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region for specifications on setback requirements to residential land uses.

Mr Evans noted the report prepared by LogiCamms, an independent expert selected by the WAPC, which advised that suitable mitigation methods could be employed to allow for the subdivision development and pipeline to coexist.

A copy of the presentation has been placed on file.

**7.7 Lot B38 Lakes Road, North Dandalup – Application for Endorsement of Deposited Plan**

Presenters: Mr Ryan Watts, Mr Neil Parry - DBP and Mr Tawake Rakai - Transmission Asset

Mr Watts, Mr Parry and Mr Rakai provided a presentation to the Statutory Planning Committee.

Mr Watts clarified that DBP have an established track record in ensuring safety, with contractual and legislation obligations that mean they are not willing or able to compromise on safety.

Mr Watts outlined the numerous factors that dictate required safety procedures and infrastructure for the continual operation and risk mitigation of the pipeline. Different measures can be required based on numerous factors including land being rural or urban, road usage, population density, longevity of measures, future drilling (for example, NBN), and changing demand for pipeline infrastructure.

Members queried why DBP had not accurately outlined the obligations in the referral process of the subdivision application. Mr Watts advised that a road crossing risk management assessment was not required as part of a subdivision assessment and that the controls cannot be known until the road is assessed. He also clarified that endorsing the subdivision did not equate to endorsing the pipeline crossover.

Members queried the degree to which compliance had been achieved with Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region. Mr Watts explained that Planning Bulletin 87 still requires that consultation and confirmation is required from the pipeline operator. Mr Rakai added that the 100 metre setback as specified in Planning Bulletin 87 is in addition to the greater Australian Standard blast zone setback.

A copy of the presentation has been placed on file. Please note that on Slide 3 "8.72" should be removed from Table 1 A1 "Area Wall Thickness".

**The Chairman adjourned the meeting at 11.05 am.**

**The meeting resumed at 11.12 am with all members present.**

**ITEMS FOR DECISION**

**8.6 City of Greater Geraldton Local Planning Strategy Amendment No.1 - Certification Prior to Advertising**

**Moved by Ms Taylor**

**Seconded by Mr Holloway**

*That the Statutory Planning Committee resolves to:*

1. *advise the City of Greater Geraldton that the draft revised Part 2 of the local planning strategy received on 17 August 2018 is to be modified as per Attachment 3;*

2. *subject to the above modifications being satisfactorily undertaken, certify that the draft City of Greater Geraldton Local Planning Strategy revised Part 2 is consistent with Regulation 11(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 and provide a copy of the certification to the local government for purpose of proceeding to advertise the documents for not less than 21 days; and*
3. *authorise Department of Planning Officers to sign off on the draft revised Part 2 of the local planning strategy prior to advertising once the modifications are undertaken.*

**The motion was put and carried**

### **10.3 City of Stirling Local Planning Scheme No.3 - Amendment No.92**

**THIS ITEM IS CONFIDENTIAL**

#### **8.1 Lot B38 Lakes Road, North Dandalup - Application for Endorsement of Deposited Plan**

Members discussed the drafting flaws in Condition 11 of the subdivision approval, as well as draft Development Control Policy 4.3 Planning for High-Pressure Gas Pipelines. It was identified that the proponents are not the only developers with this issue, however Dampier Bunbury Pipeline is within its right to determine what is safe and required.

Members noted that the WAPC is not required to protect the economic viability of applications and/or conditional approvals and that the ownership of land does not provide the right for an affordable subdivision.

The officers from the Department of Planning, Lands and Heritage outlined that an audit of similar land holdings with relevant proximity to the pipeline is being undertaken so that the state has direction in preparing and implementing draft Policy 4.3. Members expressed that research should include the operations of other state and territory infrastructure management.

**Moved by Mr Hiller**

**Seconded by Ms Taylor**

*That the Statutory Planning Committee resolves to refuse the Form 1C applications for endorsement of approval upon a Diagram or Plan of Survey (specifically being Plans No. 411970 and No. 411971) for the proposed subdivision (WAPC Ref: 151107) at Lot B38 Lakes Road, North Dandalup; for the following reasons:*

1. *Conditions 2, 11 and 25 of the subdivision approval have not been satisfied;*
2. *In particular, with regard to Condition 11:*
  - a. *DBNGP (WA) Nominees Pty. Ltd., the clearing agency, has advised that Condition 11 has not been complied with;*
  - b. *insufficient information has been provided to justify clearance of the condition contrary to the clearing agency's advice; and*

- c. *clearing of the condition would be inconsistent with the requirements of Planning Bulletin 87 in relation to endorsement of the Pipeline Risk Management Plan.*

**The motion was put and carried**

## **8.2 Proposed Structure Plan - Portion of Lot 524 Look Road, Waroona**

Members discussed the operations and land use at the site, with particular consideration to recent extensions that are not depicted on the Structure Plan documentation.

Members agreed that the Structure Plan area needed to be reduced to adequately contain the operations at the site.

Members resolved to defer the item until such time that the proponent addresses the necessary modifications outlined in Attachment 5 - Schedule of Modifications.

### **Motion to defer**

**Moved by Mr Caddy**

**Seconded by Ms Taylor**

*That the item relating to Proposed Structure Plan - Lot 524 Look Road, Waroona as detailed in the report dated 9 October 2018 be deferred until such time that the proponent undertakes the modifications outlined in Attachment 5 - Schedule of Modifications dated 9 October 2018.*

**The motion to defer was put and carried**

## **8.3 Bullsbrook Central Local Structure Plan**

Members discussed the proposal and agreed that a greater degree of certainty regarding the Rural and Urban Deferred zoned land was required.

Members agreed to endorse an amended recommendation that specifically addresses the Rural and Urban Deferred zoned land in recommendation 2.

**Moved by Mr Hiller**

**Seconded by Mr Holloway**

*That the Statutory Planning Committee resolves to:*

- 1. Require the applicant to modify the Bullsbrook Central Local Structure Plan in accordance with the attached schedule of modifications appended as Attachment 12 and be resubmitted to the WAPC for approval; and*
- 2. Note that the LSP does not apply to any Rural or Urban Deferred zoned land and that the remainder of the plan is to be shown indicative and subject to further consideration.*

**The motion was put and carried**

## **8.4 North Subiaco Structure Plan - Final Approval**

Members discussed the deputation that was made by the City of Subiaco.

Members discussed the need for consistency of determination in line with local scheme amendment approvals by the Minister for Planning.

Members agreed to defer the item until such time that the Minister for Planning has determined Amendment 32 to the City of Subiaco Town Planning Scheme No. 4.

**Motion to defer**

**Moved by Mr Hiller**

**Seconded by Mr Holloway**

*That the Statutory Planning Committee resolves to defer consideration of the North Subiaco Structure Plan, as modified and submitted to the Western Australian Planning Commission on 30 August 2018 (Attachment 3), until such time that draft Amendment No.32 to the City of Subiaco Town Planning Scheme No.4 is determined by the Minister for Planning.*

**The motion to defer was put and carried**

**8.5 Proposed 2 lot subdivision - Lot 2 (No.32) Fortescue Street, East Fremantle**

Members discussed the heritage value of the established garden at the subject site in addition to the existing street trees. Members considered the potential for a condition of approval to provide for protection of significant trees and the existing garden on the site, however noted that such a condition may be too onerous for garden maintenance.

Members agreed to amend Advice Note 6 to reference the vegetation within the subject site.

**Moved by Ms Taylor**

**Seconded by Mr Hiller**

*That the Statutory Planning Committee resolves to approve the application for the subdivision of Lot 2 Fortescue Street, East Fremantle as shown on the plan date-stamped 29 June 2018 subject to the following conditions and advice:*

1. *The owners entering into an agreement with the local government to ensure the identification, protection and conservation of the heritage-listed property to be retained on proposed Lot A. (Local Government)*
2. *All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series / Building Code of Australia (as amended). (Local Government)*
3. *All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration*

- from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)*
4. *The land being filled, stabilised, drained and/or graded as required to ensure that:*
    - a) *lots can accommodate their intended development; 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; and*
    - c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)*
  5. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on Lot B at the time of subdivision approval being demolished and materials removed from the lots. (Local Government)*
  6. *The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)*
  7. *Suitable arrangements being made with the local government for the provision/upgrading of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*
  8. *An easement, in accordance with Section 136C of the Transfer of Land Act 1893, for the benefit of proposed Lot A, is to be placed on the certificate of title of proposed Lot B specifying access rights. Notice of this easement is to be included on the diagram or plan of survey (deposited plan). The easement is to show the area of the lot which has a right of carriageway, and which lot this right of carriageway benefits. (Local Government)*
  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 with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
  11. *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 notes*

1. *With regard to Condition 1, the Town of East Fremantle may require a Heritage Agreement and/or a Conservation Management Plan to be prepared and approved to ensure the identification, protection and conservation of the heritage-listed property, with arrangements being made for the implementation of the approved plan.*
2. *With regard to Condition 2, the Western Australian Planning Commission will accept 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.*
3. *With regard to Condition 4, the Town of East Fremantle advises that all storm water draining from roofs, driveways and other impermeable surfaces shall be contained within each of the respective lots to the satisfaction of the local government.*
4. *With regard to Condition 5, a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
5. *With regard to Condition 6, the applicant should liaise with the local government in relation to measures required for the existing dwelling to comply with the Residential Design Codes.*
6. *The Town of East Fremantle advises the applicant to liaise with the Town prior to commencement of site works regarding the retention and protection of any significant vegetation on site, specifically in respect to the existing heritage dwelling on proposed Lot A. It advises that, if any verge trees are to be removed, they are to be replaced at the applicant/owner's expense to the Town's specifications.*
7. *With regard to Conditions 9 and 10 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.*
8. *With regard to Condition 11, Western Power provides only one underground point of electricity supply per freehold lot.*

**The motion was put and carried**

**8.7 Proposed Youth Bail House, Lot 102 Brackley Road, Armadale**

Members discussed the deputation that was made by HOPE Community Services and agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by Ms Adair**

**Seconded by Mr Thornton**

*That the Statutory Planning Committee resolves to approve the application for a change of use from a dwelling to a community purpose, to facilitate use of*

*the existing dwelling on Lot 102 Brackley Road, Armadale as a metro bail house, subject to the following conditions and advice:*

*Conditions:*

- 1. This approval relates to the following drawings received by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission date stamped 16 May 2018.*
- 2. The fence at the rear of Lot 102 adjoining Lot 2 (No. 16A) be increased 0.5metres in height to protect the privacy of respective residents.*

**The motion was put and carried**

**9. Policy items for discussion / decision**

**ITEMS FOR DECISION**

**10.1 Amendment No.6 to Shire of Merredin Local Planning Scheme No. 6 - Final Approval**

**THIS ITEM IS CONFIDENTIAL**

**10.2 Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, Amendment No. 195**

**THIS ITEM IS CONFIDENTIAL**

**11. Reports for noting**

Nil.

**12. Stakeholder engagement and site visits**

Nil.

**13. Urgent or other business**

Nil.

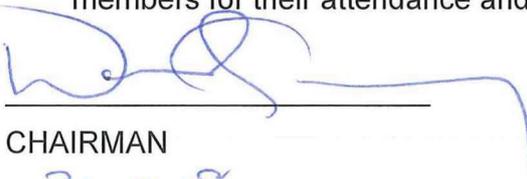
**14. Items for consideration at a future meeting**

Nil.

**15. Meeting closure**

The next ordinary meeting is scheduled for 9.30am on Tuesday, 23 October 2018.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 12.20pm.

  
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CHAIRMAN

31.10.18

DATE