



Statutory Planning Committee

Minutes

Meeting No. 7611
Tuesday, 9 April, 2019

- Members: David Caddy - Chairman WAPC
Sue Burrows - Nominee of the Director General, Department of Planning, Lands and Heritage
Paddi Creevey - Nominee of the Regional Minister
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Leonard Kosova - Local Government Representative
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee
- Apologies: Megan Adair - WAPC Appointee
- Others Present Catherine Beamish – Senior Planning Officer, Metro Central
Cameron Bulstrode – Director Metro South
Belinda Chami – Administrative Officer, Commission Support
Greg Davey – Senior Planning Officer, Metro South and Peel
Katie Dowling – Commission Support Officer
Sam Fagan – Manager, Commission Business
Glen Finn – Director METRONET Taskforce
Neil Fraser – Planning Manager, Regional South West
Sally Grebe – Director Planning Appeals
Martin Hughes – Planning Officer, Regional South West
Preeti Kumari – Planning Officer, Metro South and Peel
Timothy Leishman – Senior Planning Officer, Regional South
Cale Luxton – Senior Planning Officer, Metro South and Peel
Rohan Miller – Planning Manager, Schemes and Amendments
Delia Neglie – Planning Manager, Metro Central
John Pride – Principal Planning Officer, Metro South West
Rebecca Risteski – Senior Planning Officer, Schemes and Amendments
Brent Savage – Senior Policy Officer, Strategy and Engagement
Loretta Van Gasselt – Planning Manager, Strategy and Engagement

1. Declaration of opening

The Chairman declared the meeting open at 9.44am, acknowledged the Whadjuk people of the Noongar nation as 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

Ms Megan Adair

4. Disclosure of interests

Mr Kosova declared an Impartiality Interest on item 8.2 Subdivision to Create 226 Residential Lots - Lot 105 Stock Road, Lakelands due to the director of 'Urban Capital' (the proponent) being a friend of his brother. Members agreed there was no real or perceived conflict and Mr Kosova could participate in discussion and decision-making procedure on the item.

Mr Kosova declared an Indirect Pecuniary Interest on Item 9.3 Section 31 SAT Act Reconsideration of Refusal to Subdivide Lots 9002, 9003 and 9101 Wungong South Road, Darling Downs as the subdivision falls within the Shire of Serpentine-Jarrahdale, who is a current client of LK Advisory. Members agreed that Mr Kosova should not be present during the discussion and/or decision-making procedure on the item.

The Chairman declared an Indirect Pecuniary Interest on Item 8.3 Subdivision of Lots 635, 739 and 9000 Baldivis Road, Baldivis as his Son-In-Law is the Project Manager for the applicant. Members agreed that the Chairman should not be present during the discussion and/or decision-making procedure on the item.

Due to the Chairman's disclosure of interest on Item 8.3 and in accordance with Clause 1.18 of the Standing Orders 2017, a member was chosen to preside over the meeting when the Chairman leaves the room during discussion of the Item.

Moved by Ms Creevey
Seconded by Mr Kosova

That Mr Thornton presides over the meeting in the absence of the Chairman during discussion of Item 8.3.

5. Declaration of due consideration

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

5.1 Questions from members and responses from DPLH provided prior to the meeting

6. Minutes

6.1 Confirmation of minutes - Meeting No. 7610 on Tuesday, 26 March 2019

Moved by Mr Iacomella
Seconded by Mr Kosova

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 26 March 2019, be confirmed as a true and correct record of the proceedings.

ITEMS FOR DECISION

9.3 Section 31 SAT Act Reconsideration of Refusal to Subdivide Lots 9002, 9003 and 9101 Wungong South Road, Darling Downs

THIS ITEM IS CONFIDENTIAL

7. Deputations and presentations

7.1 Application for Planning Approval under Peel Region Scheme Proposed Telecommunications Tower, Whitehill Road, Bouvard (Item 8.1)

Presenters: Joel Gajic and Chris Brayton - Aurecon

Mr Gajic and Mr Brayton made a presentation to the Statutory Planning Committee on behalf of Aurecon and thanked members for allowing them to make a deputation. They referred to the 'Viewshed Analysis' distributed which highlighted the areas in which the structure will be visible, Mr Gajic explained how it will be unlikely to be seen from ground level or any national park lookouts due to the tree canopy screening.

Mr Gajic informed members that a site scoping exercise was done on behalf of the National Broadband Network (NBN) and of all the sites, this one was found to be the most suitable. Other sites were either closer to more residential homes or were of cultural and community significance. They emphasised how the application stacks up on its merits and is also supported by DBCA, who are also the landowners. Land assessments were undertaken, and it is understood that due to the Aboriginal Heritage assessment the black cockatoo population is to not be affected. Flora and Fauna assessments were also undertaken and clearing of vegetation is to be limited, this site also being selected due to it not requiring as much clearing.

Members queried whether a satellite option was considered for the area, it was stated that as the area is not in an isolated rural area, so fixed wireless would be the best option for the community and delivers the best benefit for users. The issue of radiation was also raised by members, Mr Brayton highlighted that the standards they adhere to are set by the Australian Nuclear Radiation Authority which is a federation managed by the Department of Health. They informed that the radiation generated will equate to 0.08% of the exposure limit, where the limit is 100%. They highlighted that the safety standards are policed and have robust reporting.

Members queried whether the installation of a monopole will incur further development of carrier facilities from mobile networks. Mr Gajic did comment on how it is likely that Optus and Telstra may take advantage of the facilities this would provide, however they stated that mobile phone structures are not as tall as NBN facilities and the

elevation will not impact the area. They highlighted that this is something that will benefit the community in further mobile phone coverage and could also be used by police.

7.2 Subdivision to Create 226 Residential Lots – Lot 105 Stock Road, Lakelands (Item 8.2)

Presenters: Tamara Vreeken - Creative Design and Planning and Tom Kroyer and Adrian Bland - Urban Capital

Ms Vreeken, Mr Kroyer and Mr Bland thanked members for the opportunity to address the Statutory Planning Committee and stated how they wanted to address any queries they may have. They went on to discuss various conditions in the recommendation.

In addressing Condition 3, Ms Vreeken stated that the condition requires the plan to modify the school site to a size of two hectares, however, the site to the south has an area allocated of over two hectares to ensure the balance to meet the structure plan is met. She stated how the road network design to the north will be impacted if they amend this area.

Condition 8 was also addressed referencing an Urban Water Management Plan (UWMP), Ms Vreeken requested it be amended to adhere to a Local Water Management Strategy due to negotiations occurring with the Department of Water and Environmental Regulation; this would enable them more flexibility.

Ms Vreeken addressed Condition 16 relating to the Local Development Plan, specifically lots with a frontage of less than 12.5m, stating that this is not required as the codes through the City of Mandurah address this. They request this section be removed.

Finally, Ms Vreeken addressed Advice Note 2 regarding a deed of agreement to address the emergency fire easement. They request it be modified to remove reference to the 'kerbing and sealing' of the road as it is not deemed necessary. Members queried the current access to the land, it was confirmed that formally there is no access as the sealed road is through private land, and it is reliant on another application for this to progress. The easement being in place within the next 6 weeks will allow permanent access, and then connection will also be available through Peet Road once the other application progresses.

7.3 Reconsideration of Conditions of Subdivision – Lots 9139 and 9144 Maraboo Wharf, North Coogee (Item 8.4)

Presenters: Peter Wittkuhn - McLeods Barristers and Solicitors

Mr Wittkuhn presented to the Statutory Planning Committee as the legal representative for the City of Cockburn. He highlighted that this is a complex legal dispute that the City are having with the applicant, Megara. He highlighted that the Local Government should only take control of assets once they are structurally sound. It was noted that the

bridge is in freehold land which is owned by Megara who a few months ago were registered as the proprietors of the land.

Mr Wittkuhn stated that Megara rely on a document called the "Handover Deed", which was entered by their predecessor and the dispute continues as to whether the bridge is contained as an improvement and whether it is located within the marina. He highlighted that assets the City of Cockburn have control over are defined as being in the marina.

Members queried whether any of the lots have been created and it was confirmed that for lots to be created the bridge issue needs to be resolved and for the only access road to be dedicated.

7.4 Reconsideration of Conditions of Subdivision – Lots 9139 and 9144 Maraboo Wharf, North Coogee (Item 8.4)

Presenters: Trent Durward and Lucy King - Megara

Mr Durward presented to the Statutory Planning Committee and introduced Ms King as the in-house Lawyer for Megara. They stated that they request the removal of Condition 23 and referred to highlighted emails from the City of Cockburn dating back to 2012 showing they accepted the handover of the bridge. They stated that the City is creating an undesirable precedent if written confirmation that the condition is met cannot be used.

Members queried whether the emails they presented are for this current subdivision approval and it was confirmed that the emails are referring to a previous subdivision of the parent lot where the bridge was handed over.

Members also queried what has been occurring on the land during the past six years that Megara believe does not warrant the city assessing the conditions of the bridge, Ms King confirmed that their contention is the works have already been completed and since that time the City has had responsibility over the bridge. Members asked whether they have had clear instruction that further works are required, it was noted that they are uncertain, but the concern is that any works should become the City's responsibility following handover of the asset.

Members stated that it is common for local authorities to require that roads be upgraded if not built to a standard to accommodate for more traffic, and can form part of a standard condition in subdivision. Ms King stated that these works were undertaken in 2012 with the creation of the parent lot, and it has been since used for parking with traffic crossing the bridge daily.

7.5 Reconsideration of Conditions 6 and 8 of Survey Strata Subidivision – Lot 605 Roberts Street, Osborne Park (Item 8.5)

Presenters: Trent Hackett and Brooke Hackett - Owner of 79 Roberts Street, Osborne Park

Mr and Ms Hackett presented to the Statutory Planning Committee as the owners of 79 Roberts Street, Osborne Park and thanked members

for the opportunity to present. They stated that the conditions they are requesting to be removed relate to a 2x2 metre truncation and the ceding of 0.5 metres of land for a right-of-way on their neighbour's property. Ms Hackett stated that there is no need for the condition to be imposed, as no change is to occur with the neighbouring property. They referred to a PowerPoint presentation which shows developments on the right-of-way which do not appear to have ceded the land.

Ms Hackett stated that they believe this is a fair and reasonable request, particularly as a Development Application has been approved by the City of Stirling and include all necessary improvements to make this a sustainable development. They believe that the housing meets all requirements and is a contribution to infill development.

Mr Hackett advised the Committee that they have attempted to liaise with the neighbour who will not cede the land, they also negotiated buying this portion of land but were unsuccessful.

7.6 Amendment No. 49. Shire of Augusta Margaret River – Local Planning Scheme No. 1 (Item 9.2)

Presenters: Larry Guise - Across Planning and Mike Scott - Bushfire Prone Planning

Mr Guise and Mr Scott thanked members for the opportunity to present to the Statutory Planning Committee specifically to address bushfire concerns. Mr Guise gave an outline of the current land use and its locality, and how they would like to change a portion of the land to 'Rural Residential' for future development. He emphasised how the proposal fully complies with the adopted planning framework and recent subregional planning strategy, and is accepted by all agencies including the Department of Biodiversity, Conservation and Attractions (DBCA) who manage bushfires in national parks, however, the Department of Fire and Emergency Services (DFES) are in objection to the proposal. He outlined the Bushfire Management Plan which has been peer reviewed by Mr Scott includes but is not limited to all building envelopes and two access points, internal loop roads, fire service access reserves, a water tank reserve and other fire management initiatives.

Mr Scott introduced himself as a Level 3 Bushfire Practitioner, which is the highest level. He stated how the revised BMP demonstrates the proposed subdivision within State Planning Policy 3.7 and implements risk based planning and reduces the impact of bushfires on property. The Elements that require to be addressed are 1: Location, 2: Siting and design, 3: Vehicular access and 4: Water. These Elements have been addressed however the objection from DFES mainly relates to Element 1, Location. Mr Scott highlighted how to achieve an acceptable solution for this it is required that upon completion the relevant area is subject to BAL -29 or below and therefore BAL-40 or BAL-FZ construction is not required. It was noted how building envelopes are all contained within the BAL-29 setback line.

Members queried the road networks and how these have been designed to respond to a high bushfire risk. Mr Scott stated that the layout of the road network has been constructed to a 20-metre width, with 6 metres being the standard. The proposed design caters for absolute worst-case scenario, and all emergency access requirements will be in place. It was also noted that this land will be within a crown reserve, however this is something that will be determined at subdivision stage. Mr Guise also addressed member's concerns regarding the cul-de-sacs and whether an exit from these would be more difficult in the event of a fire, stating that the maximum length allowed is 600 metres, however the ones of this proposed design are 150 metres.

ITEMS FOR DECISION

9.1 Amendment No.101 to City of Stirling Local Planning Scheme No.3 - For Final Approval

THIS ITEM IS CONFIDENTIAL

9.4 Position Statement Container Deposit Scheme Infrastructure

THIS ITEM IS CONFIDENTIAL

9.5 Development of Fact Sheets

Moved by Mr Iacomella

Seconded by Ms Davis

THIS ITEM IS CONFIDENTIAL

8.1 Application for Planning Approval under Peel Region Scheme Proposed Telecommunications Tower, Whitehill Road, Bouvard

Members discussed the existing tower in the North on Site C and its capability to provide the services, it was noted that this was considered by the applicant however, the need for NBN would require the tower to be increased in height, improved capability and acceptability. It would have a much greater impact as there were more residencies in closer proximity. It was also noted that in construction of improvements it would cease transmission and cause issues for existing users.

Members addressed the submissions of residents in the area, particularly those who are concerned about the accumulation of radiation. It was noted that the radiation transmitted is very little and is at 0.08%, which is acceptable and policed and reported on by Department of Health agencies.

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

Moved by Ms Davis
Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to approve the application subject to the following conditions:

1. *No rubbish or other deleterious matter is to be deposited on the regional open space reservation during development and any residual construction materials and other deleterious matter within the curtilage of the development are to be removed upon completion.*

The motion was put and carried

The meeting was adjourned at 11.28 am.

The meeting was resumed at 11.34 am with all members present.

8.2 Subdivision to Create 226 Residential Lots - Lot 105 Stock Road, Lakelands

Members noted how the Sewer Pump Station and construction of the wastewater gravity feed will need to be constructed in the first stage of subdivision, due to the pipe going through the road reserve.

Members addressed the concerns that were highlighted during the deputation made by Ms Vreeken, Mr Kroyer and Mr Bland. Firstly, they noted the school site and Condition 3 referring to a 2-hectare contribution and agreed that unless the applicant can provide evidence of an oversupply in the subdivision occurring to the South, the condition will remain the same. With regards to Condition 8, it was discussed how this is a standard condition and their approach to an Urban Water Management Plan should be up to this standard of construction.

Members discussed Condition 16 (b) and the Local Development Plan referring to lots with a frontage of 12.5 metres or less. It was noted that this condition, rather than referring to the frontage size, should reflect the lot size in square metres. It was agreed this should then specify 'Lots less than 270sqm', this is due to the emergence of smaller lot sizes within the City of Mandurah and ensuring adequate plans are prepared for the smaller lots where they are not included in structure plans. It is noted that this was a condition which was presented to the City of Mandurah to which they had no objections.

Condition 16 (a) was also discussed and how Lots 204, 218 and 219 are to be affected by noise from Kwinana Freeway, however, this is not reflected in Condition 27 where a 70a Notification is to be applied for lots affected by transport noise. It was agreed this should be amended to state the specific lots.

Members discussed Condition 22 with regards to a pro-rata contribution towards the cost of the primary school site, however following further discussions with the Department of Education it was confirmed this condition is not required. Members agreed to amend the resolution to remove this.

Members queried how long the emergency access way stated in Advice Note 2 should be in place, it was noted that the landowner is currently in discussion about the use of neighbourhood connecting roads, particularly for services to use. Members agreed to remove the requirements of drainage and sealing.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with the modifications specified during discussion.

Moved by Ms Burrows
Seconded by Ms Creevey

That the Statutory Planning Committee resolves to approve the proposed subdivision of Lot 105 Stock Road, Lakelands subject to the following conditions and advice:

Conditions

- 1. A traffic modelling and assessment is to be prepared, at the proponent's cost, to determine the timing and funding arrangements of signalisation of the Mandjoogordap Drive/Lilydale Drive intersection. (Main Roads Western Australia)*
- 2. The applicant/owner is to prepare and enter into a Deed of Agreement regarding the emergency access way linking the subdivision area with Callabonna Esplanade. (Western Australian Planning Commission)*
- 3. The plan of subdivision being modified to increase the size of the primary school site to two hectares. (Western Australian Planning Commission)*
- 4. Stock Road is required to be upgraded to an urban standard, including but not limited to, road surface, kerbing, drainage, lighting, traffic calming measures to the specification of the Local Government on advice from Main Road Western Australia, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
- 5. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: "This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases." (Western Australian Planning Commission)*
- 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, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with any approved Local Water Management Strategy/ Drainage and Water Management Plan. (Local Government)*
- 8. 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)*
- 9. 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)*
- 10. Prior to the commencement of subdivisional works a fauna relocation 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. (Local Government)*
- 11. Prior to the commencement of subdivisional works a wetland management plan is to be prepared in consultation with the Department of Biodiversity, Conservation and Attractions 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. (Local Government)*
- 12. A compliance certificate/report for the BAL Contour Map relating to the approved subdivision shall be completed prior to the issuing of titles to the satisfaction of the Western Australian Planning Commission. (Local Government)*
- 13. Proposed Lots 1-12 and 208-220 are excluded from the approved plan of subdivision until such time as the temporary bushfire risk presented by the relevant adjacent 100 metres of land to the south*

is either permanently removed or it is demonstrated to the satisfaction of the Commission that a bushfire attack level rating (BAL) of BAL-29 or below can be achieved for the development of the lots. (Local Government)

14. Information is to be provided to demonstrate that the measures contained in the Bushfire Management Plan Version A February 2019 (as amended) that address the following:

- a) Emergency access way;*
- b) Management of balance lot in low fuel state where required;*
- c) construction of turn around area at temporary cul-de-sac heads; and have been implemented during subdivisional works. (Local Government)*

15. A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

‘This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land’ (Western Australian Planning Commission)

16. Local Development Plan(s) being prepared and approved for lots shown on the plan dated 31 July 2018 (attached) that address the following:

- a) Lots 204, 218 and 219 affected by noise from the Kwinana Freeway*
- b) Lots with an area under 270m²; and*
- c) Lots adjacent to a laneway*

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

17. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply. (Local Government)

18. The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) 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)

19. *The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve for conservation 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. (Western Australian Planning Commission)*
20. *Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government. (Local Government)*
21. *The land denoted as proposed primary school site on the approved plan of subdivision is to be set aside as a separate lot, pending the acquisition of the land by the Department of Education. (Department of Education)*
22. *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. (Local Government)*
23. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:*
- a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or*
 - b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or*
 - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or*
 - d) embayment parking is provided within the/abutting the proposed.*

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

24. *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, for the provision of shared paths through and connecting to the application area in accordance with the plan dated (attached); The approved shared paths are to be constructed by the landowner/applicant. (Local Government)*
25. *All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods (Local Government)*
26. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of proposed lots 204, 218 and 219. 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(s) is/are (delete as applicable) situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise." (Local Government)*
27. *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)*
28. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision dated 31 July 2018 (attached). (Western Power)*
29. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
30. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lot(s) shown on the approved plan of subdivision. (Water Corporation)*
31. *Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot(s) shown on the approved plan of subdivision. (Water Corporation)*

Advice

1. *With regard to Condition 1, the traffic modelling, assessment and recommendations are required to be prepared to the specification of Main Roads WA prior to the lodgement of a deposited plan for the 101st lot.*

2. *With regard to Condition 2, the Deed of Agreement shall address the creation of the easement in gross, design and construction , triggers for the removal of the emergency access way and requirement for the proponent to maintain, remove and make good the emergency access way, that all works associated with the emergency access way will be at the full cost of the applicant/owner and any other matters considered necessary by the Western Australian Planning Commission.*
3. *With regard to Condition 4, the use of Stock Road as the primary access road is temporary until such time as the connection to internal subdivisional roads is available as per the Lakelands North-East Structure Plan.*
4. *Condition 7 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).*
5. *With regard to Condition 18, the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.*
6. *The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*
7. *In regard to Condition 22, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*
8. *In regard to Condition 27, Western provides only one underground point of electricity supply per freehold lot.*
9. *In regard to Conditions 30 and 31, 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.*

The motion was put and carried

8.3 Subdivision of Lots 635, 739 & 9000 Baldivis Road, Baldivis

The Chairman declared a conflict of interest on this item and left the meeting at 11.57 am.

The nominated Chairperson, Mr Thornton, presided over the meeting in absence of the Chairman.

Members discussed how the culling of kangaroos is a serious issue for communities and the planning policy needs to understand what happens when wildlife are restricted into smaller areas. It was highlighted how impacts can be caused by road kill and the high environmental consequences that should be considered during planning processes. Members noted how the original proposal was to cull the kangaroo population and this current recommendation refers to the relocation, and in the previous approval the applicant had obtained a license to euthanize that is valid until October 2019.

It was discussed how DBCA are now working with the applicant and are involved in a relocation program to be developed to ensure that they can assist with this so there is not a detriment to the kangaroo population. Members discussed that although approval is issued through the Commission, that the advice from DBCA is considered, however, it was acknowledged that ultimately, they are in control of the issuing and implementation of licenses, and with helping to facilitate the relocation.

It was discussed how the condition has the clearing agency being the Local Government, it was noted that this was agreed to by both the City of Rockingham and DBCA. Members queried whether this should be a joint clearing agency due to the sensitive nature of the condition, and as DBCA have issued the advice they should be involved in the clearing process to ensure the work is completed appropriately.

It was also noted how Condition 31 regarding the school site will be amended upon advice from the Department of Education.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage subject to modifications as discussed.

Moved by Ms Thompson

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to:

- a) *Approve the application for subdivision of Lots 635, 739 and 9000 Baldivis Road, Baldivis subject to the conditions listed below and*
- b) *Advise the applicant and referral agencies accordingly.*

CONDITIONS OF APPROVAL

Modifications

1. *The Plan of Subdivision being modified in accordance with the attached plan dated 15 February 2019. (Western Australian*

Planning Commission)

2. *The proposed lots shown in blue on the attached plan dated 15 February 2019 are excluded from the approved plan of subdivision until such time as the temporary bush fire risk presented by the adjacent land is removed as per the endorsed Fire Management Plan Lots 635, 739, 740 Baldivis Road (September 2014) prepared by Strategen. (Local Government)*

Contributions

3. *The landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Rockingham Local Planning Scheme No. 2. (Local Government)*
4. *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)

5. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:*
 - a) *street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider;*
 - b) *roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly;*
 - c) *temporary turning areas are provided to those subdivisional roads that are subject to future extension; embayment parking is provided abutting the proposed Public Open Space*

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

6. *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, for the provision of shared paths through and connecting to the application area in accordance with the approved Lots 635, 739 and 740 Baldivis Road, Baldivis Local Structure Plan. The approved shared paths are to be constructed by the landowner/applicant. (Local Government)

- 7. Satisfactory arrangements being made with the local government for the cost of upgrading Baldivis Road to an urban standard adjacent the subject land. (Local Government)*
- 8. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy. (Local Government)*
- 9. All pedestrian access way(s) within the subdivision being constructed and drained at the landowner/applicant's cost and shown on the diagram or plan of survey (deposited plan) as such 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)*

Drainage/Siteworks

- 10. 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)**
- 11. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with the approved Local Water Management Strategy. (Local Government)*
- 12. 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 the approved Urban Water Management Plan for the site. (Local Government)*

- 13.
- a) *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*
 - b) *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).*
14. *Arrangements being made to the satisfaction of the Western Australian Planning Commission for the filling and/or capping of any bores and/or wells, or the identification of any bore and/or well to be retained on the land. (Local Government)*
15. *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)*
16. *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)*
17. *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)*
18. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision dated 22 November 2018 (attached). (Western Power)*
19. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*

Public Open Space

20. *The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for Public Open Space and Drainage 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)

- 21. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government. (Local Government) Environmental*
- 22. Prior to the commencement of subdivision works a Fauna Management Plan is to be prepared and approved to ensure the protection and management of the site's environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government and Department of Biodiversity, Conservation and Attractions)*
- 23. 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).*
- 24. The landowner is to prepare, have approved by the Local Government, and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (Local Government)*
- 25. Information is to be provided to demonstrate that the measures contained in the Fire Management Plan Lots 635,739 and 740 Baldivis Road, Baldivis (September 2014) have been implemented during subdivisional works. (Local Government)*
- 26. A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.*

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

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land'
(Western Australian Planning Commission)

Other

- 27. Local Development Plan(s) being prepared and approved for lots shown in orange on the plan dated 15 February 2019 (attached) that address the matters referenced in the endorsed Lots 635, 739 and 740 Baldivis Road, Baldivis Local Structure Plan to the satisfaction of the Western Australian Planning Commission. (Local Government)*
- 28. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply (Local Government).*
- 29. Uniform fencing being constructed along the boundaries of all of the proposed lots abutting Public Open Space. (Local Government)*
- 30. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the subject land at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*
- 31. Arrangements being made to the satisfaction of the Western Australian Planning Commission, for the transfer of land free of cost to the Department of Education for the provision of a primary school site(s) to serve the area, as identified within the approved plan of subdivision. (Department of Education)*
- 32. The landowner/applicant shall implement the recommendations of the pipeline risk management/protection plan prepared by Worley Parsons (Document No. 401012-01492-SR-REP-0001) to the specifications of the pipeline owner/operator and at the landowner/applicant's cost. (APA Group)*

ADVICE

- 1. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*
- 2. With regard to Condition 7, the landowner/applicant is advised that the upgrading of Baldivis Road is to include the construction of the roundabout intersection that links to the Neighbourhood Connector road in accordance with the endorsed Local Structure Plan as well as the construction of a*

dedicated southbound right turn pocket on Baldivis Road at the proposed intersection with Southern Access Road.

3. *Condition 11 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).*
4. *In regard to Conditions 15 and 16, 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.*
5. *In regard to Condition 17, Western Power provides only one underground point of electricity supply per freehold lot.*
6. *With regard to Condition 21, the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.*
7. *With regard to Condition 23, the City of Rockingham requires a Tree Protection Management Plan to be prepared and approved to ensure the protection and management of the sites environmental assets and trees identified for retention in the Public Open Space and road reservations. The applicant should liaise with the City regarding all requirements prior to the commencement of any siteworks.*
8. *In regard to condition 32, prior to the commencement of any works within the gas pipeline easement the proponent must enter a Third Party Works Authorisation with the pipeline operator.*

The motion was put and carried

The Chairman returned to the meeting at 12.13pm and presided over the meeting.

8.4 Reconsideration of Conditions of Subdivision - Lots 9139 and 9144 Maraboo Wharf, North Coogee

Members discussed and agreed that the item should be confidential, and any discussion will move to Item 9.6.

Moved by Ms Burrows

Seconded by Ms Creevey

That the Statutory Planning Committee resolves the item Reconsideration of Conditions of Subdivision – Lots 9139 and 9144 Maraboo Wharf, North Coogee should form part of the confidential items of the meeting.

The motion was put and carried

8.5 Reconsideration of Conditions 6 and 8 of Survey Strata Subdivision – Lot 605 Roberts Street, Osborne Park

Members discussed that the laneway appears to be fully constructed and queried why the city requires the land to be ceded, it was noted that the laneway forms part of City of Stirling strategy and all development along here will require the land to be ceded in the future.

Members noted that the other subdivisions along the laneway were constructed in 2005, when this condition was not required.

Members discussed how it is likely that future development will occur on the neighbouring lot due to the land being R40 and the development potential. It was noted that the condition and the future road widening will occur when this lot is to be subdivided or redeveloped. With regards to this application the development will not affect any of the land abutting the laneway therefore it is appropriate to remove the conditions as requested. It was discussed that the conflict with the scheme provisions were minor due to these reasons.

Members agreed to endorse an alternative resolution to remove Conditions 6 and 8.

**Moved by Ms Creevey
Seconded by Ms Lyhne**

The Statutory Planning Committee resolves to approve the application to delete conditions 6 and 8 of the subdivision approval dated 6 November 2018 at Lot 605 (No.'s 79 and 81) Roberts Street, Osborne Park (WAPC Ref. 838-18).

The Committee considered the issues and came to the conclusion that the right of way widening should not be applied to this application, as the strata lot being subdivided does not directly adjoin the right of way and will not take access from it. In addition, the strata lot which does adjoin the right of way is likely to be subdivided or redeveloped at some future point, given the land is coded R40 and has development potential, and therefore, the right of way can be reasonably widened at the future point in time when this lot is subdivided or redeveloped. The Committee concluded that conflict with the scheme provision requiring right of way widening was of a minor nature, for the above reasons. Section 138(c) of the PD Act 2005 states that the Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme, if in the opinion of the Commission, the conflict is of a minor nature.

The motion was put and carried

9.2 Amendment No. 49. Shire of Augusta Margaret River – Local Planning Scheme No. 1

THIS ITEM IS CONFIDENTIAL

9.6 Reconsideration of Conditions of Subdivision - Lots 9139 and 9144 Maraboo Wharf, North Coogee

THIS ITEM IS CONFIDENTIAL

10. Reports for noting

Nil.

11. Stakeholder engagement and site visits

Members discussed a future site visit to Rosehill Waters residential development.

12. Urgent or other business

Nil.

13. Items for consideration at a future meeting

Nil.

14. Meeting closure

The next ordinary meeting is scheduled for 9.30 am on Tuesday, 30 April.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 1.26 pm.

CHAIRMAN

DATE