



## **Statutory Planning Committee**

### **Minutes**

Meeting No. 7664  
Tuesday, 31 August, 2021

- Members:** David Caddy - Chairman WAPC  
Lynne Craigie - Nominee of the Regional Minister  
Vaughan Davies - Nominee of the Director General,  
Department of Planning, Lands and Heritage  
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:** Nil.
- Others Present:** Garreth Chivell - Planning Manager, Schemes and  
Amendments  
Michael Daymond - Manager Special Projects  
Sam Fagan - Manager Commission Business  
Cate Gustavsson - Planning Director, South West Regions  
Mark Jendrzeczak - Planning Manager, Great Southern  
Nicole Lucas-Smith - Planning Director, Metro South and Peel  
Rohan Miller - Planning Director, Schemes and Amendments  
and Administration  
Irene Obales - Commission Support Officer  
Rebecca Risteski - Senior Planning Officer, Schemes and  
Amendments  
David Saunders - Assistant Director General, Land Use  
Planning  
Arran Sutherland - Senior Planning Officer, Metro South East

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#### **1. Declaration of opening**

The Chairman declared the meeting open at 9:36 am, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place, welcomed members and acknowledged the majority of members were attending the meeting via Zoom video conference. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

**2. Apologies**

Nil.

**5. Declaration of due consideration**

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

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

Nil.

**4. Disclosure of interests**

Nil.

**6. Minutes**

**6.1 Confirmation of minutes - Meeting No. 7663 on Tuesday, 17 August 2021**

**Moved by Mr Iacomella  
Seconded by Ms Craigie**

*That the minutes of the Statutory Planning Committee meeting held on Tuesday, 17 August 2021, be confirmed as a true and correct record of the proceedings.*

**The motion was put and carried**

**7. Deputations and presentations**

**7.1 Proposed Subdivision – Lot 27 (No. 45) Beaufort Street, Yakamia (Item 8.2)**

**Presenters: Lindsay Bergsma - Harley Dykstra and Steve Richardson - representing landowners**

Mr Bergsma and Mr Richardson made a presentation to the Committee against the recommendation of the Department of Planning, Lands and Heritage.

Mr Bergsma requested that the Committee approve the subdivision application and stated that they are in support of Option 1 - temporary private pump station and pressure main as reflected on Attachment 4 of the Department of Planning, Lands and Heritage report. Mr Bergsma outlined four points to support the said option:

1. That the Water Corporation agreed to the proposal to include a private sewerage pump station at the start of the project and have now changed their decision after the landowner invested significant time and money into the project.
2. That the landowner had spoken to others in the locality and that no one is interested in subdividing/developing their land.
3. That the landowner is offering to provide the private pump station at considerable cost to themselves as a temporary solution for their property.
4. That a refusal will only result in a continued stalemate for the subject property as there is uncertainty to the timing of any reticulated sewerage for the locality.

Mr Bergsma and Mr Richardson answered questions from members in relation to the cost of the private sewerage pump station which is approximately \$85,000.

## **7.2 Shire of Murray Local Planning Scheme No. 4, Amendment No. 314 – for final determination (Item 9.1)**

**Presenter: Ryan Darby - Hatch Roberts Day and Evian Delfabbro - Tian An Australia/Landowner**

Mr Darby made a presentation to the Committee on behalf of the landowners on the Shire of Murray Local Planning Scheme No. 4 Amendment No. 314.

Mr Darby outlined the history of the development which has been identified for urban development and tourism uses over a considerable time with statutory planning approvals from the State and Commonwealth governments. Mr Darby stated that these approvals were granted in 2012 and 2014. Mr Darby explained that the approval timeframe has lapsed for the proposed marina development. Mr Darby expressed that a number of issues were raised by stakeholders and as a result of these concerns, the landowner has now withdrawn the marina as part of the development. Mr Darby highlighted two reasons for the withdrawal: 1) impact of the ecological health of the Peel-Harvey Estuary and 2) ongoing maintenance of the marina navigation channel.

Mr Darby discussed their concerns in relation to the request of the Shire of Murray to revoke the Point Grey Structure Plan and stated that they have been liaising with the bushfire policy team of the Department of Planning, Lands and Heritage and undertaking additional work with regard to building standards, community refuge and other requirements to address the concerns of the Shire of Murray.

Mr Darby answered questions from members.

## ITEMS FOR DECISION

### 8.1 Proposed Subdivision of Lot 9007 Southampton Drive, Piara Waters

Members were provided an overview of the proposed subdivision of Lot 9007 Southampton Drive, Piara Waters. Members were advised that the Joint Development Assessment Panel (JDAP) has approved the development application. Members noted that whilst the site remains under the General Rural zone under the local Town Planning Scheme No. 4 (TPS 4), amendments to include the subject land to an appropriate zoning are being progressed by the City of Armadale. Members also noted that there is a district development application being prepared for the whole site.

Members discussed that the development application for a Park Home Park (lifestyle village) for Lot 9007 was refused by the JDAP in 2015 and 2019 and that the subject land was identified to be under a rural protection zone.

Members discussed concerns that there may be gaps in the planning policies in relation to the type of development being approved by the JDAP, which is a lifestyle village. Members requested that the Department of Planning, Lands and Heritage review the planning policy setting in relation to Lifestyle Villages.

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

**Moved by Ms Lyhne**  
**Seconded by Ms Craigie**

*That the Statutory Planning Committee resolves to approve the application for subdivision of Lot 9007 Southampton Drive, Piara Waters as shown on the plan date-stamped 22 March 2021, subject to the following condition(s) and advice:*

#### CONDITION(S):

##### *Administrative*

- 1. Arrangements being made with the City of Armadale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure as established through Amendment 115 (when gazetted) to the City of Armadale Town Planning Scheme No. 4. (Local Government)*

##### *Building and use*

- 2. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code*

*Series/Building Code of Australia (as amended). (Local Government)*

3. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on Lot 2 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*

*Drainage and site works*

4. *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)**
5. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*

*Roads and transport*

6. *Warton Road being widened by 3.5 metres by the landowner transferring the land required to the Crown free of cost for the purpose of widening of Warton Road (Local Government).*
7. *Southampton Drive being widened to the specification of the City of Armadale by the landowner/ applicant transferring the land required to the Crown free of cost for the widening of Southampton Drive (Local Government).*
8. *Southampton Drive being widening to the specification of City of Armadale by the landowner/applicant transferred the land required for a future roundabout at the intersection of Southampton Drive and Pipeline Boulevard and transferred to the Crown free of cost for future intersection treatment purposes (Local Government).*

*Servicing*

9. *Arrangements being made with the Water Corporation for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation)*
10. *Arrangements being made with the Water Corporation for the provision of a sewerage service to each lot shown on the approved plan of subdivision. (Water Corporation)*

11. Arrangements being made with a licensed electricity network operator for the provision of an underground electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)

ADVICE:

1. Condition 1 is in acknowledgement of proposed Amendment No. 115 that is being progressed by the City of Armadale and proposes to include the subject land within the area of Development Contribution Plan 3; in addition to Condition 27 of the Metro Outer Joint Development Assessment Panel development approval dated 10 December 2020 (DAP/19/01575) which requires the landowner/applicant to enter into a legal agreement with the City of Armadale for the future payment of developer contributions once included within the City of Armadale Town Planning Scheme No.4.
2. In regard to Condition 2, a demolition permit may be required to be obtained from the local government prior to the commencement of demolition works.
3. In regard to Condition 4, the landowner/applicant is to liaise with the City of Armadale regarding site works as it also relates to the requirements of the Metro Outer Joint Development Assessment Panel development approval dated 10 December 2020 (DAP/19/01575).
4. In regard to Condition 6, the widening is required to accommodate a 3.5 metre wide slip lane entry to Metro Outer Joint Development Assessment Panel development approval dated 10 December 2020 (DAP/19/01575) on proposed Lot 2.
5. In regard to Conditions 7 and 8, the Western Australian Planning Commission acknowledges the intent of Condition 18 of the Metro Outer Joint Development Assessment Panel development approval dated 10 December 2020 (DAP/19/01575) which requires the landowner/applicant to enter into a legal agreement with the City of Armadale for the provision of land for future widening of Southampton Drive possible intersection treatment at its intersection with Pipeline Boulevard. The widening of Southampton Drive is to have regard to the location of the existing dwelling to be retained on Lot 1.
6. In 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.*

7. *In regard to Condition 1.1, Western Power provides only one underground point of electricity supply per freehold lot.*
8. *The landowner/applicant is advised that acid sulfate soils risk mapping indicates that the site is largely located within an area identified as representing a moderate to low risk of acid sulfate soils occurring within 3 metres of the natural soil surface and partially located in an area that represents a high to moderate risk of encountering acid sulfate soils within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.*

**The motion was put and carried**

## **8.2 Proposed Subdivision – Lot 27 (No. 45) Beaufort Street, Yakamia**

Members discussed the issues raised during the deputation regarding the proposed private pump station and pressure main for the proposed subdivision, which is not supported by the Water Corporation and local government.

Members noted that the proposed subdivision is not consistent with the State and local planning framework and that it reduces coordinated infill built form outcomes. Members were informed that the Water Corporation is currently investigating options for suitable reticulated sewerage for this part of Yakamia, however there is no financial commitment from Water Corporation to prefund the public pump station at this stage.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with an Advice Note to the applicant that the Committee will soon receive a feasibility report regarding the State Government leading district-level structure planning for northern Albany, to assist with coordination and timely provision of essential urban services inclusive of reticulated sewerage. Members noted that this is anticipated to incorporate the Yakamia-Lange locality, within which Lot 27 Beaufort Road is located.

**Moved by Mr Davies**  
**Seconded by Mr Thornton**

*That the Statutory Planning Committee resolves to refuse the subdivision of Lot 27 Beaufort Rd, Yakamia (WAPC 206-21) for the following reasons:*

1. *The proposal is not in accordance with cl.138 of the Planning and Development Act 2005 to not give an approval that conflicts with the local planning scheme. The proposal conflicts with the objectives of the Future Urban zone identified within the Albany Local Planning Scheme 1 (cl. 3.2.3(b) and cl.3.2.3(e)(i-iii)).*
2. *The proposal is not in accordance with Objective 1, or clauses 2.4.2 and 3.4.3 of the Yakamia/Lange Structure Plan 2016.*
3. *Approval would set an undesirable precedent for other lots within the Structure Plan area to be serviced by unsuitable and non-standard sewerage connections.*
4. *The proposal is not in accordance with WAPC Development Control Policy 1.1 objectives for orderly and proper planning; a coordinated approach to WAPC-endorsed urban expansion areas; consistency with WAPC policies, plans and the relevant local planning scheme; and securing utility services to each lot appropriate for the intended use of the lot.*
5. *The proposed method of reticulated sewerage connection (private pump station) is not in accordance with objectives of WAPC Development Control policy 2.2 objectives to establish a consistent and coordinated approach to the creation of residential lots; and to ensure each lot has a suitable level of amenity and services.*
6. *The proposal is not in accordance with State Planning Policy 3 Urban Growth and Settlement objectives to co-ordinate new development with the efficient, economic and timely provision of infrastructure and services, in that the servicing report required by the Yakamia/Lange Structure Plan has not been prepared to support the proposed non-standard servicing proposal; and approval will facilitate premature fragmentation of the site and undermine efficient, economic and timely sewerage provision in the Structure Plan area.*
7. *The proposed method of reticulated sewerage connection (private pump station) is not in accordance with Policy Objectives 4 and 5, or Policy Measures 5.1.1 (1-5) of the Government Sewerage Policy 2019.*

*Advice Note:*

*The applicant is advised that the Western Australian Planning Commission (WAPC) will soon receive a feasibility report regarding the State Government leading district-level structure planning for northern Albany, to assist with coordination and timely provision of essential urban services inclusive of reticulated sewerage. This is anticipated to incorporate the Yakamia-Lange locality, within which Lot 27 Beaufort Road is located.*

**The motion was put and carried**

**8.3 Shire of Augusta-Margaret River Local Planning Policy 22 – Witchcliffe Ecovillage Policy**

**Moved by Ms Davis**  
**Seconded by Mr Iacomella**

*That the Statutory Planning Committee resolves:*

- 1. Pursuant to Clause 7.3.2 of State Planning Policy 7.3 - Residential Design Codes, to approve the Shire of Augusta Margaret River Local Planning Policy 22 – Witchcliffe Ecovillage Policy.*
- 2. To advise the Shire of Augusta Margaret River accordingly.*

**The motion was put and carried**

**8.4 Town of East Fremantle Local Planning Strategy – Certification for advertising**

Members discussed the likelihood of the development of the Leeuwin Barracks site and were informed that this development is uncertain at this stage due to COVID-19. Members discussed the timeframe of achieving the infill targets which is 29 years.

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

**Moved by Ms Thompson**  
**Seconded by Mr Davies**

*That the Statutory Planning Committee:*

- 1. certifies that the revised local planning strategy (Attachment 4) is consistent with Regulation 11(2) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 2. the revised local planning strategy (Attachment 4) is to be advertised in accordance with Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015; and*
- 3. directs the local government to, and for the purposes of advertising the revised local planning strategy, directly notify the Department of Defence.*

**The motion was put and carried**

**9.1 Shire of Murray Local Planning Scheme No. 4, Amendment No. 314 – for final determination**

**THIS ITEM IS CONFIDENTIAL**

**10. Reports for noting**

Nil.

**11. Stakeholder engagement and site visits**

Nil.

**12. Urgent or other business**

Nil.

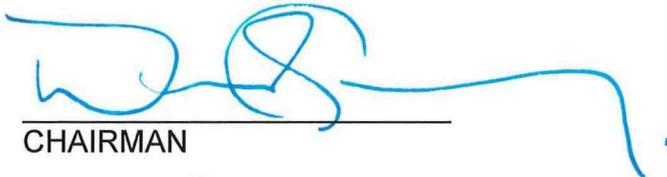
**13. Items for consideration at a future meeting**

Nil.

**14. Meeting closure**

The next ordinary meeting is scheduled for 9:30 am on Tuesday, 7 September 2021.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 10:33 am.



CHAIRMAN

28.09.21

DATE