



## **Statutory Planning Committee Minutes**

Meeting No. 7676  
Tuesday, 22 March, 2022

- 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:** Joseph Armanasco - Senior Planning Officer, Schemes and  
Amendments  
Justin Breeze - Planning Manager, Metro South East  
Garreth Chivell - Planning Manager, Schemes and  
Amendments  
Andrew Cook - Planning Manager, Metro North East  
Sam Fagan - Manager Commission Business  
Robert Hodges - Planning Director, Metro North  
Michelle King - Senior Commission Support Officer  
Jas Lapinski - Senior Planning Officer, Metro South East  
Charlotte Lavictoire - Senior Planning Officer, Metro North East  
Nicole Lucas-Smith - Planning Director, Metro South and Peel  
Rohan Miller - Planning Director, Schemes, Amendments and  
Administration  
Irene Obales - Commission Support Officer  
Dale Sanderson - Planning Director, Metro Central  
David Saunders - Assistant Director General, Land Use  
Planning  
Ryan Shaw - Principal Planning Officer, Planning Appeals

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

The Chairman declared the meeting open at 9:31 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.

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

Ms Davis advised that she will require a leave of absence for Tuesday, 3 May 2022.

**4. Disclosure of interests**

Mr Kosova declared an Impartiality Interest on Item 8.5 - Department of Communities/Peet Second Stage Brabham Local Structure Plan (SPN/2284). Mr Kosova stated that Peet Limited is a recent client of his consultancy, LK Advisory for an unrelated matter, not in the City of Swan. Mr Kosova further stated that he is currently not engaged by Peet Limited for any other matter. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared a Perceived Impartiality Interest on Item 9.1 - City of Kalamunda - Local Planning Scheme No. 3, Amendment No. 104 - For Final Approval (TPS/2648). Mr Kosova stated that through his consultancy, LK Advisory, he is representing a number of landowners with active planning proposals in the City of Kalamunda, albeit none are affected by proposed Scheme Amendment No. 104. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Kosova declared a Perceived Impartiality Interest on Item 9.2 - City of Wanneroo - District Planning Scheme No. 2, Amendment No. 195 - For Final Determination (TPS/2744). Mr Kosova stated that through his consultancy, LK Advisory, he is representing a number of landowners with active planning proposals in the City of Wanneroo, albeit none are affected by proposed Scheme Amendment No. 195. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova's conduct in relation to the matter.

Mr Caddy declared an Actual Impartiality Interest on Item 8.1 - City of Subiaco - Seddon Street Local Development Plan - Amendments to Acceptable Outcomes of Residential Design Codes Volume 2 (PLH2018P0439). Mr Caddy stated that at the request of the Minister, he has been mediating a dispute between the City of Subiaco and Sanur Pty Ltd regarding the validity of a Part 17 application lodged within the Local Development Plan area, noting that both parties are the owners of freehold land within the Local Development Plan area. Members agreed that Mr Caddy is permitted to be



present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Caddy's conduct in relation to the matter.

**5. Declaration of due consideration**

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

**6. Minutes**

**6.1 Confirmation of minutes - Meeting No. 7675 on Tuesday, 1 March 2022**

**Moved by Mr Iacomella**

**Seconded by Ms Thompson**

*That the minutes of the Statutory Planning Committee meeting held on Tuesday, 1 March 2022, be confirmed as a true and correct record of the proceedings.*

**The motion was put and carried**

**7. Deputations and presentations**

**7.1 City of Subiaco - Seddon Street Local Development Plan - Amendments to Acceptable Outcomes of Residential Design Codes Volume 2 (PLH2018P0439) (Item 8.1)**

**Presenters: Anthony Denhom - City of Subiaco and Jutta Kober - City of Subiaco**

Mr Denhom thanked the Committee for the opportunity to present and stated that the Local Development Plan builds a key outcome on Subiaco development providing new opportunities for the community. Mr Denhom informed Members that the City of Subiaco supports the recommendation of the Department of Planning, Lands and Heritage.

**7.2 Proposed Industrial Subdivision - Lot 1 Keane Road, Forrestdale (161547) (Item 8.2)**

**Presenters: Glenn Coffey - Hesperia; Andreas Biddiscombe - Emerge and Jarrod Ross - Taylor Burrell Barnett**

Mr Coffey made a presentation to the Committee and stated that they are excited at commencing their industrial development. Mr Coffey indicated that they have reviewed the Department of Planning, Lands and Heritage draft conditions and stated that they are well balanced and that they support those conditions. Mr Coffey explained that the proposed industrial site is development ready and that construction is set with delivery through to 2024. Mr Coffey informed members that they have received three contracts of sale and that they are actively

marketing the estate which will provide positive outcomes for the Forrestdale Business Park West area.

Mr Biddiscombe discussed the Bushfire Management Plan (BMP) for the proposed industrial subdivision and stated that the Department of Planning, Lands and Heritage conditions are consistent with the BMP findings. Mr Biddiscombe informed members that the BMP was prepared and signed off by a Level 3 Bushfire Planning and Design (BPAD) Accredited Bushfire Planning Practitioner. Mr Biddiscombe explained that the key element of the BMP is that the Allen Road access route is a temporary solution and will be replaced by an acceptable solution once the Allen Road extension is complete. Mr Biddiscombe stated that the BMP demonstrates that the temporary performance solution meets the intent of State Planning Policy 3.7 and State Planning Policy 3.7 Guidelines.

Mr Coffey answered a query from members regarding the estimated delivery timeframe of the proposed industrial subdivision and stated that the title is due to be produced by July or August 2022 with building occupancy expected 12 months after that. Mr Coffey indicated that the expected delivery is two years.

### **7.3 City of Wanneroo - District Planning Scheme No. 2, Amendment No. 195 - For Final Determination (TPS/2744) (Item 9.2)**

#### **Presenters: Pas Bracone - City of Wanneroo**

Mr Bracone made a presentation to the Committee as the Specialist Project Planner at the City of Wanneroo. Mr Bracone explained that the City has undertaken a long term review of its Mixed Use Zones as many were not being developed as intended. Mr Bracone stated that part of the review included holding a workshop with stakeholders, landowners and developers. Mr Bracone expressed that the intention of Mixed Use Zones is to provide employment opportunities that assist the City in meeting its employment sustainability targets.

Mr Bracone informed members that the City is also undergoing a review of District Planning Scheme No. 2 (DPS 2) Amendment No. 165 and that the City has adopted a draft local planning policy as part of the review to guide the delivery of desired built outcomes in the Mixed Use Zone.

Mr Bracone explained that Amendment No. 195 was initiated by the City of Wanneroo based on the advice received from the Department of Planning, Lands and Heritage.

Mr Bracone answered a query from members regarding engagement with business and residential communities about planning outcomes for the area. Mr Bracone explained that the City held workshops four years ago which were attended by developers and that the City had acknowledged that there was a problem with Mixed Use Zones.



Mr Bracone further explained that the amendment will not compromise the availability of residential land in the City of Wanneroo. Mr Bracone informed members that the City is in the process of preparing the local planning strategy and residential land availability will be considered through this process.

**7.4 City of Kalamunda - Local Planning Scheme No. 3, Amendment No. 104 -For Final Approval (TPS/2648) (Item 9.1)**

**Written Deputation:**

**Chris Lodge - Senior Planner, City of Kalamunda and Carli O'Brien - Environmental Planner, City of Kalamunda**

Members noted the written submission on Item 9.1 - City of Kalamunda - Local Planning Scheme No. 3, Amendment No. 104 - For Final Approval (TPS/2648).

**7.5 Department of Communities/Peet Second Stage Brabham Local Structure Plan (SPN/2284) (Item 8.5)**

**Written Deputation:**

**Steve Carter – CLE Town Planning + Design; Craig Raynor – Peet Ltd and Jason Hick – Emerge Associates**

Members noted the written submission on Item 8.5 - Department of Communities/Peet Second Stage Brabham Local Structure Plan (SPN/2284).

**7.6 Section 31 (SAT Act) Reconsideration of Refusal of Freehold Subdivision to create 4 Rural Residential lots - Lot 40 Wisteria Drive, Quindalup (WAPC 159362/ DR151/2021) (Item 10.1)**

**Written Deputation:**

**Paul McQueen - Lavan and Alex McGlue - Lavan**

Members noted the written submission on Item 10.1 - Section 31 (SAT Act) Reconsideration of Refusal of Freehold Subdivision to create 4 Rural Residential Lots - Lot 40 Wisteria Drive, Quindalup (WAPC 159362/DR151/2021).

**ITEMS FOR DECISION**

**8.1 City of Subiaco - Seddon Street Local Development Plan - Amendments to Acceptable Outcomes of Residential Design Codes Volume 2 (PLH2018P0439)**

**Moved by Ms Davis  
Seconded by Mr Thornton**

*That in relation to the draft Seddon Street Local Development Plan, the Statutory Planning Committee resolves:*

- 1. to approve the proposed replacement of the Acceptable Outcome relating to R-Codes Element 3.2.3 overshadowing, and*
- 2. to approve the proposed amended Acceptable Outcomes relating to R-Codes Element 3.9.5 and 3.9.10 relating to car and bicycle parking.*

**The motion was put and carried**

**8.2 Proposed Industrial Subdivision - Lot 1 Keane Road, Forrestdale (161547)**

**Moved by Ms Davis**

**Seconded by Mr Thornton**

*That the Statutory Planning Committee resolves to approve the application for subdivision of Lot 1 Keane Rd, Forrestdale as shown on the plan date-stamped 26 October 2021. This decision is valid for three years subject to the following condition(s) and advice:*

**CONDITIONS:**

**Administrative**

- 1. The landowner/applicant contributing towards development infrastructure provisions pursuant to the Armadale Redevelopment Scheme 2 (DevelopmentWA)*

**Drainage and Site Works**

- 2. 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)**
- 3. 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)*

- 4. 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)*
- 5. Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government)*
- 6. 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)*

#### Access and Transport

- 7. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specifications of the local government. (Local Government)*

#### Environmental

- 8. Prior to the commencement of subdivisional works, measures being undertaken to identify any vegetation on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure such vegetation is not impacted by subdivisional works. (Local Government).*

#### Bushfire

- 9. 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 may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land". (Western Australian Planning Commission)*

- 10. Information is to be provided to demonstrate that the measures contained in Section 6; Table 5 of the Bushfire Management Plan Lot 1 Keane Road, Forrestdale January 2022 have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*

#### *Utility Services*

- 11. Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation)*
- 12. 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)*
- 13. 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)*
- 14. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*



ADVICE:

1. *With regard to Condition 1, a Development Contribution Plan (DCP) is being administered by DevelopmentWA on behalf of the Authority for the Forrestdale Business Park West Precinct. The DCP provides for community and/or common infrastructure works to be undertaken by the Authority on behalf of all landowners. Should the applicant/landowner wish to undertake works included in the DCP, they must enter into a legal agreement with the Authority. The applicant/landowner is advised to contact DevelopmentWA for further information on 9482 7499.*
2. *Main Roads Western Australia advises the landowner/applicant with regard to Tonkin Highway and Armadale Road that:*
  - a. *no earthworks are to encroach onto the road reserves;*
  - b. *no stormwater drainage is to be discharged onto the road reserves;*
  - c. *the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserves.*
3. *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.*
4. *In regard to Condition 8, The vegetation survey is intended to identify vegetation worthy of retention without affecting the development potential of the site as identified in the Forrestdale Business Park West Structure Plan Area.*
5. *In regard to Conditions 11 and 12 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.*
6. *In regard to Condition 13, Western Power provides only one underground point of electricity supply per freehold lot.*

**The motion was put and carried**

**8.3 Reconsideration of Subdivision Conditions - Lot 12 Kargotich Road and Lot 14 Scott Road, Mundijong (159480)**

**Moved by Ms Davis**  
**Seconded by Mr Thornton**

*That the Statutory Planning Committee resolves to reconsider conditions 20 and 21 of subdivision approval WAPC Ref 159480 for Lot 12 Kargotich Road and Lot 14 Scott Road, Mundijong granted 21 September 2021 and modify the conditions as follows:*

- a. Condition 20 being modified to remove sub-section b):*

*"Detailing the arrangements required with the Water Corporation, including costings, for the long-term provision of water and sewerage to the proposed lots. (Water Corporation)."*

*to read as follows:*

*"Prior to the commencement of subdivisional works, a utility services plan being prepared and approved demonstrating that the design of subdivisional roads and lot levels allows for the future provision of reticulated sewerage and water infrastructure to the proposed lots, in consultation with the Water Corporation (Local Government);"*

- b. Advice Note 3 being modified to remove reference to Condition 20.*

- c. Advice note 4 being modified to read as follows:*

*"Conditions 20 and 21 should not be construed as requiring connection to the reticulated water and sewerage network for this stage of subdivision. The utility services plan should illustrate that each lot can accommodate future building pads with levels that respond to the local water management strategy detail, and that provide for future gravity sewer grading to future planned pump stations."*

**The motion was put and carried**

**8.4 WITHDRAWN - Shire of Capel - Capel Structure Plan - Lot 1 Capel Drive, Capel - For Refusal (SPN/2286)**

**8.5 Department of Communities/Peet Second Stage Brabham Local Structure Plan (SPN/2284)**

Members were provided an overview of the proposed Department of Communities/Peet Second Stage Brabham Local Structure Plan and discussed the written deputation that had been received. Members were informed that the Pipeline Risk Management Plan was not



advertised and was not reviewed by relevant agencies. Members were advised that Modification 6, relating to the requirement to submit a Risk Pipeline Assessment, should be retained.

Members noted the comment in the written deputation in relation to Modification 16 and were advised that this modification should also be retained.

Members discussed the refusal decision by the City of Swan and raised concerns on the reasons of refusal and Members suggested that the Chairman WAPC raise these concerns with the City of Swan.

Members discussed the wetland buffer required and the proposed 30m buffer zone. Members were advised that the Department of Biodiversity, Conservation and Attractions (DBCA) has objected to the proposed 30m buffer and recommended a 50m vegetated buffer. Members were advised that the applicant presented a compromise that reflects a similar outcome that was found acceptable for the Structure Plan. Members were advised that the applicant has proposed a 30m vegetated buffer and 20m landscaped for passive recreation, roads and fire management zones.

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

**Moved by Ms Davis**  
**Seconded by Mr Thornton**

*That Statutory Planning Committee resolves to:*

- 1. require the applicant to modify the Second Stage Brabham Local Structure Plan in accordance with the Schedule of Modifications, appended as Attachment 10 and be resubmitted to the Commission for approval; and*
- 2. advise the City of Swan of its decision.*

**The motion was put and carried**

**8.6 City of Bayswater - Local Planning Scheme No. 24, Amendment No. 96 - Consent to Advertise (TPS/2798)**

Members discussed that the City of Bayswater - Local Planning Scheme No. 24, Amendment No. 96 has inconsistencies with *State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)*. Members were advised that the Department of Planning, Lands and Heritage does not have the authority to grant consent to advertise an amendment that is inconsistent with State Planning Policy.

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

**Moved by Mr Davies**  
**Seconded by Mr Iacomella**

*The Statutory Planning Committee:*

a. *considers that the amendment is suitable for advertising, and is to be advertised in accordance with regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015; and*

b. *advises the City of Bayswater of the following:*

- *As a result of the proposed expansion of the existing Neighbourhood Centre and additional use sites adjoining public open space (POS), a retail needs assessment (RNA) is required in accordance with State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2). The RNA should consider the existing provision of shop-retail in nearby activity centres (including within the City of Stirling) and identify any shortfall in provision, in accordance with SPP 4.2.*

*If the proposed rezoning exceeds this identified need, then the area proposed for rezoning may need to be reduced in order to avoid impacting / undermining nearby activity centres.*

- *An R160 residential density code is recommended for the proposed Mixed Use zone in lieu of the RAC-0 code, to achieve the same building heights recommended by the Bedford North Urban Design Study, while providing greater transparency and certainty regarding built form outcomes.*
- *In light of the R160 residential density code, the City is encouraged to reconsider the necessity of the proposed local development plan (LDP) requirement, taking into account the ability of State Planning Policy 7.3 - Residential Design Codes and State Planning Policy 7.0 - Design of the Built Environment (specifically the 10 design principles) to address matters such as landscaping, built form and setbacks.*
- *It is noted the primary purpose of Special Control Area 17 (SCA 17) is to require an LDP and ensure development accommodates mixed uses on the street level with a residential component on the upper levels. If the LDP requirement is removed, it may be practical for the City to also remove SCA 17 from the proposed Mixed Use lots*



*and instead include the additional uses under the Additional Use Schedule contained in the Scheme.*

*To maintain the intent of SCA 17 to facilitate a mix of compatible land uses, the City may wish to consider updating the Mixed Use zone objectives to the model.*

- *Additional Use sites must be reflected in the Scheme Maps.*
- *Amendment No. 87 (Meltham Station Precinct area), encountered capacity issues in relation to service infrastructure, requiring review and alteration of proposed densities. The City is encouraged to refer Amendment No. 96 to relevant servicing authorities through the advertising process.*

**The motion was put and carried**

**9.1 City of Kalamunda - Local Planning Scheme No. 3, Amendment No. 104 -For Final Approval (TPS/2648)**

**THIS ITEM IS CONFIDENTIAL**

**9.2 City of Wanneroo - District Planning Scheme No. 2, Amendment No. 195 - For Final Determination (TPS/2744)**

**THIS ITEM IS CONFIDENTIAL**

**10.1 Section 31 (SAT Act) Reconsideration of Refusal of Freehold Subdivision to create 4 Rural Residential lots - Lot 40 Wisteria Drive, Quindalup (WAPC 159362/ DR151/2021)**

Members discussed the proposed 3 lot subdivision and agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by Mr Kosova**  
**Seconded by Ms Craigie**

*Pursuant to Section 31 of the State Administrative Tribunal Act 2004 the Statutory Planning Committee resolves to reconsider its refusal (WAPC 159362) (DR151/2021) dated 7 December 2021 and resolves to set aside its decision and approve the subdivision application in accordance with the plan date-stamped 7 February 2022, on Lot 40 on P 22674 Wisteria Drive, Quindalup, subject to the following conditions and advice:*

*Conditions:*

1. *The Deposited Plan being in accordance with the attached plan date-stamped 7 February 2022. (Western Australian Planning Commission)*
2. *The landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Busselton Local Planning Scheme No. 21. (Local Government)*
3. *Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government)*
4. *Prior to commencement of subdivisional works, a detailed plan identifying a building envelope on proposed Lot C on the approved plan of subdivision, the subject of Condition 1, is to be prepared in consultation with the local government to ensure the appropriate siting of development. (Local Government)*
5. *The 'Lot 40 Marrinup Drive, Quindalup Bushfire Management Plan' (version 1b, dated June 2020) being updated to reflect the approved plan of subdivision dated 7 February 2022 and to comply with the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas to the specifications of the Local Government and to the satisfaction of the Western Australian Planning Commission with satisfactory arrangements being made for the implementation of section 6 'Responsibilities for Implementation and Management of Bushfire Measures' (as amended) during subdivisional works. This includes identifying proposed building envelopes and the provision of a 50,000 litre static water supply for firefighting purposes. Information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*
6. *An area of land, in part the subject of Condition 5, in a position to be agreed by the Local Government and to the satisfaction of the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for "strategic water supply for fire fighting purposes", 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)*
7. *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 lots 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:

8. 'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land'. (Western Australian Planning Commission)
9. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
10. This lot is not connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot, and additional planning and building requirements may apply to development of this land" (Local Government)
11. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
12. A reticulated sewerage service is not available to the lot. Additional planning and building requirements may apply to development of this land.' (Local Government)
13. 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)
14. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)

Advice:

1. In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.
2. The landowner/applicant is advised that the subject land contains WA Peppermint Trees which provide key habitat for the "critically endangered" Western Ringtail Possum. The Western Ringtail Possum is protected under the Biodiversity Conservation Act 2016 and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. Prior to the commencement of subdivisional works, the

*landowner/application is advised to investigate whether or not a section 40 ministerial authorisation is required to take or disturb threatened fauna under the Biodiversity Conservation Act 2016. Further information can be obtained from the Department of Biodiversity, Conservation and Attractions website [www.dpaw.wa.gov.au](http://www.dpaw.wa.gov.au) under Western Ringtail Possum publications.*

**The motion was put and carried**

**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 9:30 am on Tuesday, 5 April 2022.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 10:36 am.

  
\_\_\_\_\_  
CHAIRMAN

06.04.22  
\_\_\_\_\_  
DATE